



# OFFICIAL REPORT

## (Hansard)

### Volume 6

(7 September 2000 to 27 October 2000)

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# **Volume 6**

(7 September 2000 to 27 October 2000)



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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)

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Agnew, Fraser (UUAP) (North Belfast)  
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Armstrong, Billy (UUP) (Mid Ulster)  
Attwood, Alex (SDLP) (West Belfast)  
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Bell, Billy (UUP) (Lagan Valley)  
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Carrick, Mervyn (DUP) (Upper Bann)  
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de Brún, Ms Bairbre (SF) (West Belfast)  
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Doherty, Pat (SF) (West Tyrone)  
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Hussey, Derek (UUP) (West Tyrone)  
Hutchinson, Billy (PUP) (North Belfast)  
Hutchinson, Roger (Independent Unionist) (East Antrim)  
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Kelly, John (SF) (Mid Ulster)  
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McCartney, Robert (UKUP) (North Down)  
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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)  
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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>	The 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>	Gregory Campbell
<i>Minister for Social Development</i>	Maurice Morrow

## 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>	Vacant
<i>Head of Information and Events</i>	Ms Gail McKibbin
<i>Principal Doorkeeper (Acting)</i>	Stephen Scott

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# NORTHERN IRELAND ASSEMBLY

Monday 11 September 2000

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

*Members observed two minutes' silence.*

## APPOINTMENT OF MINISTERS

**Mr Speaker:** I wish to inform the House that Mr Gregory Campbell has been appointed Minister for Regional Development on the resignation of Mr Peter Robinson MP, and that Mr Maurice Morrow has been appointed Minister for Social Development on the resignation of Mr Nigel Dodds. These appointments were made under the provisions of section 18 of the Northern Ireland Act 1998 and became effective on 27 July 2000.

## ASSEMBLY: COMMITTEE OF THE CENTRE (CHAIRMANSHIP)

**Mr Speaker:** I further inform the House that Mr Edwin Poots has been appointed Chairman of the Committee of the Centre.

## ROYAL IRISH REGIMENT: SIERRA LEONE HOSTAGES

**Rev Dr Ian Paisley:** As the House is aware, the headquarters of the Royal Irish Regiment is in the North Antrim constituency. I am sure that the residents not only there but in the whole of Northern Ireland will want to express their gratitude to Almighty God for an answer to their prayers and the deliverance of those who were held captive as hostages.

We also wish to pay tribute to the member of the British Army who lost his life while helping to save the lives of these young men. To their families and friends we wish to express our great relief that they are now

free. Getting the hostages out without further bloodshed is something of which the British Army can be proud.

## LEGISLATION PROGRAMME

**The First Minister (Mr Trimble):** With permission, Mr Speaker, the Deputy First Minister and I will make a statement about the legislative priorities of the Executive Committee for the Assembly session from September 2000 until July 2001. In making this statement we will have to be sketchy about the content of some of the measures, but we feel that it is desirable to give Members as much notice as possible about the subjects that are likely to come forward over the course of this session.

I should like to begin by updating the legislative proposals announced in the Assembly on 31 January. At that time we set out a programme of some 12 Bills to be introduced in the initial session, with a further six being brought forward later. Of the initial 12 items of primary legislation announced, three have been made. These Equality (Disability etc.) Order and an Appropriation Order, both of which were made by Order in Council at Westminster during the suspension of the Assembly, having been initiated here. The third was an Appropriation Bill which, as Members will know, was made by Assembly Bill before the summer recess and received Royal Assent on 25 July. A further four Bills were introduced to the Assembly in June, namely the Ground Rents Bill, a Weights and Measures Bill, a Dogs (Amendment) Bill and a Fisheries Bill. These are now at various stages of the Assembly process, and approval was given by the Assembly on 3 July to carry them forward into the new session.

Of the five remaining Bills announced in the initial programme, two represent parity measures, and their timing was dependent on the progress of corresponding Bills before Parliament at Westminster. These are a Child Support, Pensions and Social Security Bill and a Health and Personal Social Services Bill. The Great Britain legislation was completed on 28 July, after the Assembly recess, and both Northern Ireland Bills are now being finalised for introduction at the end of this month. A further two Bills — the Adoption (Intercountry Aspects) Bill and the Street Trading Bill — are at an advanced stage of drafting for introduction by October. The final Bill in this group — a Trustees Bill — was deferred pending further legislation at Westminster. It is now hoped that this will be introduced before Christmas.

I shall now move on to the Executive Committee's further legislative proposals for the current session.

In addition to the Bills I have already mentioned, the Executive has identified a further 21 proposals for legislation at this time.

I shall start with Appropriation Bills. Depending on the position with autumn supplementary requirements, an Appropriation Bill may be required in late October. Thereafter, two Appropriation Bills will be needed, one to deal with the spring Supplementary Estimates in February, while the second, setting the Main Estimates, will be introduced in May.

In addition, it is intended to bring forward four other Bills relating to Finance and Personnel matters in this session.

The first is a Resource Accounting and Budgeting Bill to implement resource accounting and budgeting in Northern Ireland from the new financial year.

The second is a Defective Premises (Landlords) Bill. This would implement reforms recommended by the Law Reform Advisory Committee in relation to a landlord's liability to repair defective premises that he owns. Under the current law, landlords have certain immunities from this liability.

The third Bill is a Family Law Bill, which would facilitate the acquisition of parental responsibility for unmarried fathers and modernise the law on scientific tests to determine parentage.

Finally, the Audit (Transfer of Staff) Bill is to enable the transfer of staff from the Health Service and local government audit to the employment of the Northern Ireland Audit Office. The purpose of this would be to enhance the independence of the audit function.

On agriculture matters a Foyle Fisheries Act 1952 (Amendment) Bill will be brought forward. The main purpose of this Bill will be to amend the Foyle Fisheries Act (Northern Ireland) 1952 to enhance the functions of the Foyle, Carlingford and Irish Lights Commission in line with the North/South Co-operation (Implementation Bodies) Order (Northern Ireland) 1999. These new functions would relate to the promotion and development of Lough Foyle and Carlingford Lough, and the development and licensing of aquaculture in the loughs. The Bill must proceed in parallel with corresponding legislation in the South. It was originally intended as a composite measure along with that dealing with the regulation of shellfish. However, owing to time constraints, it was decided to separate the two elements and take the latter forward in the Bill currently before the Assembly.

The Deputy First Minister will deal with the other Bills.

**The Deputy First Minister (Mr Mallon):** A number of Bills are proposed in relation to Department of the Environment matters.

A Local Government (Best Values) Bill will remove existing statutory provision for the compulsory competitive tendering of specified council services and replace it with a new duty on councils to achieve best value in the delivery of all of their services.

A Local Government (Finance) Bill will introduce a new methodology for the distribution of the resources element of General Exchequer grant to district councils. The new methodology will address the complex nature of the current formula and also provide for regular payments to facilitate good financial planning by district councils. It will also incorporate factors into the calculation that will take account of relative socio-economic disadvantage between districts in accordance with New TSN principles.

A Game (Amendment) Bill will be brought forward to amend the partridge-shooting season. There will also be a Dangerous Wild Animals Bill to regulate dangerous wild animals kept in private collections in Northern Ireland to ensure the safety of the public through a licensing scheme and the facilitating of processes of appraisal, appeal, inspection and seizure.

There is a need for planning legislation, which will include proposals to clarify and strengthen development control and enforcement powers; give primacy to development plans in the determination of planning applications; and amend the working practices of the Planning Appeals Commission.

A number of Bills are also planned to do with Department of Health, Social Services and Public Safety matters.

First, a Protection of Children and Vulnerable Adults Bill will place the current Pre-Employment Consultancy Service (PECS) on a statutory basis and widen its remit to include vulnerable adults in certain settings. Placing the existing scheme on a statutory basis will allow it to become part of a UK-wide scheme to provide safeguards for children and ensure that details of those deemed unsuitable to work with children can be exchanged between jurisdictions.

A Carers and Disabled Children Bill will provide legislation to facilitate trusts in the provision of carer assessments, including extending to the carer choice in the sourcing of care provision following assessment.

A Children Leaving Care Bill will help to improve the life chances of young people aged 16 and over who have been looked after by health and social services trusts as they move from care to independent living. It will change the financial regime for supporting these young people and involve changes to the social security benefits system.

Also, a further Health and Personal Social Services Bill is planned to put in place a framework for the

setting of explicit standards and guidelines for health and personal social services.

From the Office of the First Minister and the Deputy First Minister an Electronic Communications Bill will be brought forward to enable Northern Ireland Departments to amend legislation to facilitate the use of electronic signatures and electronic data as described in the UK-wide Electronic Communications Act 2000.

The Minister for Social Development has plans to bring forward a Housing Bill, which will include new arrangements for housing regulation.

The Minister for Regional Development is considering three pieces of legislation dealing with transport matters, including possible travel concessions, the development of public/private partnership to improve bus and rail services, road user charging, workplace car park levies and a new legislative framework to support modern and safe rail travel.

Before any legislation is brought to the Assembly, Executive Committee approval of the policy and draft Bill is required. The policy issues associated with the legislative proposals from the Ministers for Regional and Social Development will have to be carefully considered by the Executive Committee. Unfortunately, if those Ministers continue to absent themselves from the Executive Committee meetings, the full exploration of the policy issues becomes more difficult.

Our priority, however, is to provide good government for all people in Northern Ireland, and these Bills will be incorporated into the legislative programme if the Executive Committee is content with the detail of what is proposed.

Finally, this programme represents the legislative needs identified by the Executive Committee at this stage; it is not an exhaustive list. During the year, Ministers may, and probably will, wish to bring forward other policy initiatives, particularly those associated with the Programme for Government that require legislative authority. In the coming months, consultation documents will be issued and views taken on a number of further initiatives. The legislative programme, as set out, constitutes the current priorities, but it is possible that one or more pieces of legislation may not come forward. It is also possible that additional legislative proposals could be brought forward to the Assembly in the current session. For example, in this latter category the Minister of Enterprise, Trade and Investment has reported the possible need for legislation arising from the current review of industrial development agencies.

10.45 am

**Mr Leslie:** I welcome the statement from the First and Deputy First Ministers on their legislative programme, which contains a number of measures that I

think will be of benefit. However, I am concerned that the Game (Amendment) Bill will be brought forward to amend the partridge-shooting season. This matter was brought to the attention of the Environment Committee in July. A consultation paper has been issued, and I believe that responses are due by 20 September. I have responded to the consultation paper to the effect that I am not persuaded of the need for this change. Therefore I am very concerned, as the consultation period has not yet ended, that this statement says that a Bill will be brought forward. I trust that whether a Bill is brought forward, and what it might contain, will be decided upon in the light of the outcome of the consultation process.

On transport matters, I welcome the idea that a Bill may be brought forward to develop public and private partnerships to improve bus and rail services. Can the First and Deputy First Ministers reassure the House that no decisions will be made on the closure of railway lines until every avenue has been explored for financing and improving the services? It is essential that the opportunity to mobilise private finance be made available before any such decision is taken.

**Mr Speaker:** Members have returned from the recess, and I urge them to return to the good habit of ensuring that questions are actually questions rather than statements — although, inevitably, some expressions of view will form part of them.

**The First Minister:** Mr Speaker, you have referred to the ingenuity of the hon Member in drawing attention to the possibility of financing railways through public private partnerships, and no doubt that will be considered. I am not in a position to comment on the Member's question with regard to a Railways Bill. All we are saying at this stage is that we have received a request from the appropriate Department to include provision for legislation on those transport matters. We are not in a position to comment on what policy matters might be contained within that or the particular policy choices to which the Member refers. Obviously, these will have to be discussed, and my Colleague the Deputy First Minister has drawn attention to the difficulties we have in discussing them given the non-participation of the relevant Minister.

With regard to the Game (Amendment) Bill, I would like to reassure the Member about the language that was used. From a timetable point of view — and it is necessary to attempt some timetabling of the legislation — we have looked at where legislation on game matters might come in.

Where it might come in terms of timetable is not intended in any way to preclude the consideration that will occur in Committee. It is perfectly open for the Committee, and the Department in consultation with the Committee, to look at the proposals and to change them



or, indeed, to decide to withdraw the legislation. We did give a general warning at the end of the statement that this timetable was not set in stone, and the particular matters to which the hon Member has referred are part of the reason for that.

**Ms Lewsley:** I welcome the Protection of Children and Vulnerable Adults Bill. I do not have to remind the Assembly of the unfortunate history we have in Northern Ireland of the abuse of children and vulnerable adults. Will the Deputy First Minister explain some of the steps in this Bill, and will he also give some consideration to the scheme so that we can work with the Republic of Ireland to ensure that abuse of children and vulnerable adults does not happen there?

**The Deputy First Minister:** The aim of the Bill, in broad terms, is to provide safeguards for children and vulnerable adults by putting systems in place for checking the suitability of persons seeking to work with them. They will be operated by the Department of Health, Social Services and Public Safety on the basis of the information provided by those seeking to work with children and adults with a learning disability.

Checks will be carried out, including checks against criminal records, records held on those banned from working in schools and the PECS register. The register is compiled from information provided by statutory and voluntary organisations in relation to workers who have been dismissed or transferred in circumstances in which it is considered that they do pose a threat to children or vulnerable adults with a learning disability. The decision to place the name on the register is made by the Department in consultation with the Social Services Inspectorate.

The system is in advance of that in any other part of the United Kingdom but has no statutory basis. Placing the existing system on a statutory basis would allow it to become part of a wide scheme to improve safeguards for children and ensure that details of those deemed unsuitable to work with children could be exchanged between jurisdictions. That would apply also to the Republic of Ireland. On an island such as this it is absolutely essential that that information be available to both Governments.

**Rev Dr Ian Paisley:** In a previous statement the First and Deputy First Ministers told us that the Executive agree that we need to do more for the long-suffering agriculture industry. What is in this programme to benefit agriculture? We have one Bill that is tied in with the South of Ireland. Do the Ministers realise the perilous state of the agriculture industry at the present time? I call their attention to an extract from the statement. It says

“There is need for planning legislation which would include proposals to clarify and strengthen development control and enforcement powers”.

Are they going to take a realistic view and relax planning control on farm land so that farmers can gain something from their property? I draw their attention to the Agriculture Committee’s recommendation. Is the Department of the Environment going to take steps to do something with regard to that?

With regard to Ministers not attending the Executive, the Ministers of the DUP are doing exactly what the First Minister said he would do. He said that if there was no decommissioning he would not be sitting down with IRA/Sinn Féin. They are keeping their word to the electorate, and in a few days’ time the electorate of South Antrim will have an opportunity to decide on this issue.

**The First Minister:** The first two points made by the Member related to agricultural matters, although one was disguised — it is a planning matter. The Member is aware that the bulk of policy and other matters relating to agriculture are determined by Europe. This is a European matter. The scope for local initiatives is limited. Nonetheless, as the Member knows, the Department of Agriculture and Rural Development is engaged in developing a vision for the future of agriculture in Northern Ireland. It is aware of the challenges and is trying, within the limited scope there is for local discretion, to develop a view for the future of agriculture. We are aware of the extent of the crisis facing agriculture at the moment, and need to work out a clear future for it — something which goes beyond a “quick fix” or simply injects a little bit money on a one-off basis into some farms, but not into others. We need to establish a vision for the future.

All the changes that are taking place, both inside and outside the European Community, affect this industry. The planning matters referred to are obviously important in themselves. The Member will agree that there is a clear need to review the planning service so that it becomes more effective and takes decisions more speedily. These measures may achieve that aim. The relevant Minister will go into greater detail on this.

Finally, I noticed that the hon Member said that his party was sticking to its pledges by refusing to sit down with Sinn Féin. I also noticed comments in the media today about publicity in Committees. I hope that it will be possible, through the greater publicity that is to be given to Committee meetings, for the people of Northern Ireland to see that the Member in question is sitting down with Sinn Féin each day but coming to this Chamber and pretending otherwise.

**Mr Speaker:** Order. We need to proceed with questions on the statement.

**Rev Dr Ian Paisley:** On a point of order. Is it right for the fudged First Minister to mislead this House deliberately? *[Interruption]*

**Mr Speaker:** Order.

**Rev Dr Ian Paisley:** I said that we were not sitting on the Executive. He can take that grin off his face because he knows that he is going to get his come-uppances very shortly.

**Mr Speaker:** I must ask the Member to resume his seat. It has become practice to ask if it is in order for others to mislead the House, and that is rarely a point of order.

**Mr McLaughlin:** Thank you, a Cheann Comhairle. When working with our DUP colleagues on the Standing Orders and the Statutory Committees, we find that they do not behave in this way. Normally it is fairly businesslike.

I thank the First and the Deputy First Ministers for their statement. I am drawn to the section which deals with the semi-detached Ministers for Regional and Social Development. I hope that in their consideration of how this affects the legislative process there will be an examination of how they fulfil the Pledge of Office. Even in the context of the current crisis in the Department for Regional Development, the Minister concerned is not prepared to meet with members of my party.

**Mr Speaker:** Order. I have been reasonably generous in trying to identify at which point a Member's oration relates to the statement by the First and the Deputy First Ministers. As yet I have not quite identified that point in this oration. I ask the Member to address himself to that.

**Mr McLaughlin:** I am dealing with the final page of the statement, which refers to those Ministers who continue to absent themselves. I hope that we will get specific proposals from the First and the Deputy First Ministers about how this will be dealt with.

My primary point — and I would like an answer to this from the First Minister — is that the statement continually refers to the parallel legislation being developed at Westminster which has consequences here.

11.00 am

In the final section of his statement the First Minister indicated that this is not an exhaustive list and that Ministers may wish to bring forward other policy initiatives. Can he provide an assurance at this stage that the local government elections, which are scheduled for May of next year, will proceed at that time, and that we will not have a late ministerial initiative on that issue.

**The Deputy First Minister:** I thank the hon Member for a question which is not entirely related to the legislative programme. As I understand it, the hon Member is seeking an opinion on something which does not appear on the legislative programme, and the reason it does not appear on the legislative programme

is that it is not within the competency of this Administration to put it there. Although I would love to be in a position to answer the question, I would be foolhardy even to attempt to make a guess at what might be included in any arrangements for a hypothetical case such as this, if it ever ceased to be hypothetical.

In terms of the hon Member's previous point it is quite true. I make this appeal and put it on record again: having an Administration of our own in Northern Ireland is something worth nurturing. To have it on the basis of a four-part coalition is very difficult indeed. It is made more difficult when we do not have the opportunity to develop the corporate responsibility that we owe to the people of Northern Ireland and that collectivism which will eventually make it a very fine Administration. The sooner we are all in a position to concentrate our efforts in a collective way, the better this Administration will be.

**Mr Close:** My first comment is to express a degree of disappointment that the majority of the Bills being brought before us today appear to be rather slavishly following legislation from another place. I hope that we will soon reach the day when our own stamp of individuality can be placed on the legislative programme. The people will cherish the Northern Ireland Assembly when they see that it is doing things to their advantage. That has been lacking so far. I seek an assurance from the First Minister and the Deputy First Minister, particularly in relation to the Appropriation Bills and the Estimates for the financial cycle, that we will have a proper amount of time and information to enable, for example, the Finance and Personnel Committee to fulfil its scrutiny role. The honeymoon period — if I may put it that way — should be seen to be over.

On the question of local government Bills — and again this mirrors to a degree Mr Mallon's comments — it strikes me that we are continuing to tinker with local government. The First Minister and the Deputy First Minister agree that a more radical overhaul of local government is required. I do not believe that with a Northern Ireland Assembly with legislative powers we can continue to justify 26 local authorities and, in particular, the Local Government Finance Bill, which is looking at the resource element of the General Exchequer grant. Do the First Minister and the Deputy First Ministers agree that this is effectively trying to make councils which are non-viable, viable at the expense of the rates? That is not the proper way to go about it. Do they also agree that the question of the new duty on councils to achieve best value — the move from compulsory competitive tendering to best value — is nothing but another layer of bureaucracy for hard-pressed council officials to cope with? It has been demonstrated clearly over the years that local government does operate efficiently in Northern Ireland. Up until now, the question mark would have to be

placed on the Department. One has only to look at the measure of efficiency being demonstrated by the rate of increases in district rates and compare that with the rate of increase in regional rates to see where efficiency and best value are coming from.

I welcome the comments of the First and Deputy First Ministers on that aspect.

To be slightly frivolous, I note that the Game (Amendment) Bill is to extend the shooting season. I find it rather ironic that we are attempting to extend shooting seasons when we are all trying to bring about the completion of decommissioning in order to eliminate any shooting here. Am I not also correct that the grey partridge in Northern Ireland is extinct? Is the extra month of shooting to give the shooters a possibility of finding this poor extinct bird rather than for any other reason, such as an increase in finance?

The proposed amendments in planning —

**Mr Speaker:** Order. There is a limit of one hour for questions. We not only have to share power; we also have to share time to ensure that Members get an opportunity to put questions and that Ministers get an opportunity to respond. I call now on the First Minister to respond.

**The First Minister:** First, I will deal with the Member's fifth and sixth questions. He referred to them as "frivolous". I do not agree that trying to persuade people to use firearms only for entirely legal purposes is frivolous. That purpose is a very serious one. One must not confuse the legal use of firearms, as in this context, with the illegal use of firearms that we want to see ended completely.

With regard to the Member's question about the grey partridge, I have to confess that I have no knowledge of that at all. It is a closed book to me, and I shall refer that to the Minister responsible. I cannot answer the question.

On the first point that the Member made about his being disappointed about the measures that are being brought forward, he himself does appreciate that until we reach the point of evolving a programme for government and the Administration starts to sort out its collective priorities and policies, there will not be any exciting new measures. At first sight these might appear to be mundane matters. Policies cannot really be made independently on a departmental basis. There are many ramifications, and many policies involve a range of Departments. I said that at first sight the business may not look very exciting. However, there are important things here. What we are doing in some of these matters is repairing the neglect that stemmed from direct rule.

To illustrate that neglect, I will take the measure that the Member referred to: the Dangerous Wild Animals Bill. It may not be a huge problem, but it is a serious

problem that has been raised in this Chamber before. The legislation coming forward mirrors GB legislation, enacted in 1976. Because of the neglect that we encountered under direct rule, that legislation, which deals with an important matter, does not apply here.

One could have gone exhaustively through the statute book and found scores of matters that have been enacted in England and Wales or for Great Britain generally which have not been paralleled here. As a result of that, our statute book is in a bit of a mess. And much of that is a result of accumulated neglect over quite a time. It is not all due to direct rule, but most of it is. One of the things that devolution enables us to do is start to tackle that problem. It may not be terribly spectacular, but it is important.

I agree in general terms with the comments about appropriation, the Finance and Personnel Committee and procedures. However, they are subject to the unique problems of a particular timetable that has to be met, and we are still running to try to catch up. We have a very tight timetable to meet for the initial stages of the Programme for Government, and that has to tie in with the budgetary exercise, which also has timetables to meet. I know that the honeymoon period cannot run indefinitely, and we do appreciate the tolerance, good sense and co-operation that the Finance and Personnel Committee has shown in dealing with the problems that arise.

The hon Member then referred to local government generally. He raised a number of points about the viability of councils. There are major issues which we hope to tackle, to a certain extent, through a review of public administration. We hope to bring forward some proposals about the structure and range of that review soon. The hon Member's comments were based on an assumption of what the outcome of that review might be. It is not appropriate for me to follow on from that. He was doubting the viability of some councils and was critical of how we operate. He was also critical of any changes in local government functions. Those are valid points, but not ones that I can address in these circumstances.

In Northern Ireland a consultation exercise on best value was initiated in December 1997. I am told that it revealed cross-council support for the introduction of best value in Northern Ireland. Consequently a decision was taken to implement the new policy on a voluntary basis, working in partnership with district councils in advance of primary legislation. New primary legislation is now needed to make provision for the repeal of compulsory competitive tendering (CCT) as further deferral is not a viable option. The measure is intended to help councils, not to add an extra layer of bureaucracy.



**Ms Morrice:** We welcome the recognition of the need for amendment to the planning legislation, including proposals to clarify and strengthen development control and enforcement powers. This would give primacy to development plans in the determination of planning applications. I also understand what Dr Paisley said about the need to relax planning controls on farmland. Will this amendment strengthen planning controls in urban areas? I am sure that the First and Deputy First Ministers recognise that there is serious concern in certain areas about unfettered development. Does this planning legislation intend to strengthen control in urban areas and put a stop to unfettered development?

**The Deputy First Minister:** I agree with Ms Morrice, but I cannot, by definition, put it in context. I also agree with Dr Paisley's point on rural planning and how it applies, especially, to the farming community. I agree that planning can be part of the environmental blight in urban areas, just as much as a lack of planning is in other areas. At this stage it is not possible to say exactly what the Bill is going to do and what it is going to deal with.

Two key elements have been touched upon. One is to try to facilitate those who live off the land, to enable them to live on the land. That is very important. As someone who has represented rural areas for a long time, I have seen young people raised on a farm, working on it and then having to move to a Housing Executive house in a town five or 10 miles away. That is not good from a social point of view or from a planning point of view.

With regard to urban planning, spacial deprivation in parts of Belfast, and in almost all the bigger towns in the North of Ireland, must be looked at. That is a matter not just for the planners but also for us, as public representatives, and for other Departments. One can look at the linkage between violence, especially recently, and that type of spacial deprivation and see that certain questions have to be answered.

To refer to a point made by Assemblyman Close, there should be a review of planning in Northern Ireland, and planning priorities should be established. What was good enough for Milton Keynes for 30-odd years is not good enough for a Northern Ireland that has its own Administration, talents, creativity and a unique knowledge of its place and the people who live in it. If we proceeded to bring a new creativity into that, we could produce something that would be recognisable as being more in tune with life of North of Ireland than some of the regulations that we administer.

11.15 am

**Mr Beggs:** As the Assembly Member who highlighted the lack of legislation governing dangerous wild

animals in Northern Ireland I welcome the Bill to deal with this matter.

Under the paragraph dealing with a Local Government (Finance) Bill the statement mentions New TSN principles. I was dissatisfied with the proposed New TSN criteria governing economic development and higher and further education, training and employment. I am on the Committee for Higher and Further Education, Training and Employment, and the Committee and I made representations on that to the New TSN unit. Can the First Minister or the Deputy First Minister tell us when the new criteria for New TSN will be made public and when the consultation period will be over so that we can be satisfied that our concerns have been addressed?

**The First Minister:** There is a reference in the Local Government (Finance) legislation to New TSN. New TSN is called "new" because it is intended to be better than the "old". One of the ways to make it better is to refine the criteria more precisely for identifying the areas concerned and for dealing in the best way with the spatial deprivation that has been mentioned. It is also important to ensure that the criteria are always objective and relevant, and we hope they will be.

These matters relate to the particular responsibilities of the Office of the First Minister and the Deputy First Minister, and we intend to proceed with them, in the public arena, as quickly as possible.

**Dr Hendron:** I welcome the statement from the First Minister and the Deputy First Minister. I particularly welcome the Adoption (Intercountry Aspects) Bill. The present legislation is in a mess, and any proposal that may help families to adopt a child whether from Romania or elsewhere is to be welcomed. However, in saying that, I am concerned about child trafficking, and I seek an assurance that the Bill will address that point.

With regard to the Health and Personal Social Services Bill, I would like to see social workers being able to secure qualifications which are necessary for standards.

I welcome the proposed repeal of the law on GP fundholding, but I, like many other people throughout Northern Ireland, am concerned about what will take its place in primary health care. I would like an assurance from the First Minister and the Deputy First Minister that there will be full and proper consultation on the future of primary care in Northern Ireland — on every aspect of primary care, from mental health, to the elderly, to children's services.

**The Deputy First Minister:** There are three parts to the Assemblyman's questions. I am aware of the interest that Dr Hendron has in the matter of adoption, and I know how sensitive and difficult an area it is, but I know of nobody who is better equipped to give us information on this matter than he himself.

This Bill will make provision to give effect in Northern Ireland to the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29 May 1993, and make further provision in relation to adoptions with an international element.

It will make it an offence for anyone other than an adoption agency to assess the suitability of prospective adopters of children from overseas. Secondly, it will be an offence to bring a child into Northern Ireland for the purposes of adoption without satisfying certain conditions that will be prescribed in regulations.

This is an opportunity to pay tribute to those people who work in this ultra-sensitive area, and those who have had the courage to adopt — many of them late in life. Many people's lives in this country and beyond have been changed by their great generosity.

In relation to the point about changes in primary care, and in the Health Service as a whole, reference was made to our lack of legislation that goes to the heart of many of the problems here. That is what we want to rectify in terms of health care. However, it can only be done after a remarkable amount of consultation. That consultation must take place. Much of it is statutory, and will take place with the relevant professionals. Much of it has to be done in the Assembly Committees as well. However, I agree that the sooner the Assembly gets its own substantive primary legislation on the table for health care, education, agriculture and planning, the sooner we will know that we are creating a new way of life for everyone here. That stems from a vibrant political process.

The sooner we get that primary legislation, the better for all of us — the better for the end results and the better for the political process.

**Mr Dodds:** I welcome the proposal for the Social Development Department to bring forward a Housing Bill. This will be extremely important for the people of Northern Ireland, and I look forward to that legislation. I note that the First Minister has begun, as he has continued over the summer, by attacking DUP Ministers while praising Sinn Féin/IRA Ministers for their work. Will the First Minister take it from me that the DUP will continue to act in accordance with its electoral mandate and its electoral pledges? We, unlike — I was going to say “the party” — the half a party that he now leads, will not be breaking our election pledges.

He may do that, but does he not realise that his support for a policy of IRA/Sinn Féin's inclusion in the Government is the primary reason for him now being in a minority position in Unionism — overwhelmingly in this Assembly, as illustrated by the last vote here? I would like to hear his comments on that.

**Mr Speaker:** Order. I must encourage Members and Ministers not only to be as concise and relevant as

possible but also to stick to questions on the statement itself. There is a danger of its being widened.

**Mr Dodds:** I simply commented on the fact that the First Minister had once again attacked DUP Ministers, while continuing to praise the performance of IRA/Sinn Féin Ministers. Does the First Minister accept that the reason he is in a minority is that he continues to break his pledges and that the Unionist people of Northern Ireland do not accept that IRA/Sinn Féin should be in the Government? That is why this statement today —

**Mr Speaker:** Order. The Member is very aware of what is in the statement and what is not in the statement. Making comments on other matters is not addressing the statement on the legislative programme. The Member may take the view that what he is addressing should be in the statement, but it is not in the statement. If it is not in the statement, it is not a subject for a question.

**Mr Dodds:** The First Minister, along with the Deputy First Minister, without whom he does not make any statement or take any action in his capacity as First Minister, has decided to criticise the performance of DUP Ministers. Does he not realise that the reason he is in a minority on the Unionist benches is that he continues to break his pledges on the issue of decommissioning? If he wants to criticise DUP Ministers, as he has done in this statement today, why does he not have the courage to put a motion before the Assembly to vote them out of office? Let him stop huffing and puffing. Let him put up or shut up.

**The First Minister:** The Member's only reference to my statement was a passing one at the outset to the housing proposal that has come forward from the Department for Social Development. As we said in the statement, until the Executive has had the opportunity of familiarising itself with the policy issues, it will be difficult for us to include the proposal in the programme. We had that difficulty because, while the Minister concerned, or the former Minister, is prepared to come along to this Chamber and make a lot of noise, generating a lot more heat than light, he is not prepared to shed any light on his proposals in the Executive, where it counts.

**Mr Maskey:** Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom cupla ceist a chur.

I have two questions to put to the First and Deputy First Ministers. The first one relates to the issue which has just been debated. I find the statement ambiguous with regard to the policies and draft Bills coming from the DUP Ministers. What arrangements, if any, are in place for the scrutiny of such Bills in the Executive before they come before the Assembly?

I would like to put the second question to the First Minister in particular. The Deputy First Minister responded to Mitchel McLaughlin's point about

possible legislation to defer local government elections. I know that that is not within the remit of the Executive, but nevertheless the First Minister touched on the matter. He mentioned the desirability of holding discussions about a review of the administration of the Six Counties. Are such discussions taking place, and, if so, who is involved in them? The suggestion of a review of administration, including local government and whether local government elections now need to be postponed, affects all of us.

**The Deputy First Minister:** I thank the Assemblyman for his questions. He made reference to the previous question. I am not sure in which context. I repeat that until we have collectivity within the Executive we shall not be as able as possible to get the cohesion which is needed for major legislation.

Any piece of primary legislation has various stages. It has to be taken through the House and the Committee. It is a fairly arduous task. That point has to be reached, and I want to see this Administration at its strongest when it reaches that point. The policy memorandum that comes to the Executive with any proposed legislation is, by nature, a very short analysis of the policy upon which the legislation will be based. That is required by our regulations. Surely it is much better for a Minister to come to the Executive and say "Here is what my Department wants to do. Here are the objectives." It is that type of approach that surely goes to the heart of it all.

Finally, I will deal with the question, which is legitimate given the airing that it has been given, though I am not sure that it is relevant to the statement about the review of public services, including local government.

11.30 am

That is something that we all agreed prior to the setting up of the Administration. We should all remember the interminable meetings that took place. It was agreed that public services as a whole needed to be reviewed, including local government. It cannot be done quickly or on a scanty basis. There will have to be independent input, there will have to be an enormous range of consultation, and in my view there will have to be a deep consensus for it to work properly.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker.

**Mr Speaker:** I will not take the point of order until the Minister has finished speaking. *[Interruption]*

Order. There were many questions raised and even answers given.

**Mr P Robinson:** You ruled them out of order.

**Mr Speaker:** I will take the point of order when the Minister has finished.

**The Deputy First Minister:** I believe that it will have to be dealt with by the political process in general. There is no quick fix. If it is going to be done, let it be done well.

**Mr Speaker:** Now the point of order from Dr Paisley.

**Rev Dr Ian Paisley:** I thought that this statement today was about how the Government were going to bring in their legislation. Now the Minister is digressing and going on about something that he thinks should be done and should be done well. Well, he is certainly not doing well today with this —

**Mr Speaker:** Order. That is an expression of the Member's views and not a point of order.

**Mr Hussey:** I welcome this statement, but I seek clarification on the Foyle Fisheries Act 1952 (Amendment) Bill. The statement refers to the promotion and development of Loughs Foyle and Carlingford and the licensing of aquaculture in the loughs. Does that mean Lough Foyle or the Foyle system?

Mention has been made of a possible relaxation of planning requirements for housing in rural areas. I urge that any such amendments be not at odds with any efforts that are being made to encourage rural diversification. Planning regulations should not hinder such diversification as may be necessary.

On the penultimate page, reference is made to transport and possible travel concessions. Current investigations are tending to look at the contribution that local government could make to this. There needs to be some uniformity. We should have a uniform state of affairs throughout Northern Ireland and not be dependent on how individual local authorities are prepared to support such a system.

Finally, there is talk of a new legislative framework to support modern and safe rail travel. I support that, but I would give it much greater support if it simply referred to modern and safe travel throughout Northern Ireland. It is all very well to introduce legislative frameworks, but if there is insufficient financial backing, it could become a burden on those who have responsibility for delivering particular services. I hope that the legislative framework has financial backup.

**The First Minister:** The Member touched on four matters. First, with regard to Foyle fisheries, the existing legislation enacted in 1952 does not refer to Lough Foyle itself. My understanding is that the proposed legislation is intended to enhance the powers and functions of the Commission so that it can cover the Lough as well as the existing drainage base which feeds into the lough. Part of the reason for doing this is to enhance opportunities to develop aquaculture in Lough Foyle, which would be generally welcomed.



On the question of planning the legislation, it is hoped that when the Bill comes forward, it will strengthen the existing enforcement powers and streamline and clarify existing development control powers. That relates to the procedural aspect, rather than, as the Member said, to the policy that is then going to be dealt with. I hope that streamlining and clarifying control powers will also mean speedy decision making, which is clearly needed in this matter.

Reference was also made to a Railway Safety Bill, and a number of pertinent points were made by the Member about travel generally and the financing of it. As I understand it, we have very little information at the moment on the Railway Safety Bill, part of the object of which will be to update legislation which has remained unchanged in Northern Ireland for many decades. In recent decades, quite a bit of new legislation has come forward in Great Britain which has not been replicated here. While we do not yet have much information from the Department on the content of this proposed Bill, we are told that part of the objective is to update legislation and to introduce here measures that were introduced decades ago across the water.

Finally, the Member referred to travel concessions. He made a very pertinent point on the need for uniformity across Northern Ireland in matters of this nature. There is clearly a need for consistency, there is a need for coherence and there are policy issues behind such a proposal which have to be determined. Those policy issues have not yet been addressed, as far as I am aware, in the Executive, in Committee or in this Chamber, so it is not possible at this stage to make any comment about such legislation. The policy issues have not yet been addressed in a coherent and consistent manner as the Member would like.

**Mr Byrne:** I welcome the legislative programme. I want to home in on the public transport area and to pick up on the issue of free travel for pensioners. Pensioners want to see action from this Assembly. I know there is confusion about who would pay for this. There has been a pilot scheme involving Castlereagh and Newry councils in recent times. Pensioners want action. I urge the First Minister and the Deputy First Minister to make sure that there is a bilateral discussion with the Department for Regional Development to bring this about.

**The Deputy First Minister:** I thank the Assembly Member for his comments. I can assure him that pensioners have an abiding interest in this matter. It will be a developing interest as it progresses. The purpose of the Bill will be to introduce free public transport schemes for older people — men and women of 65 or over — and to enable district councils to contribute to the cost of these schemes. This is a Bill that I favour personally for many reasons, but mostly because of the rural nature of Ulster. Most people realise that it is a

day's work for people in rural areas, especially elderly people, to get to the nearest town because of the absence of the type of transport that there is in other places. It will be all the more welcome if this is developed in a way that allows elderly people to expand their interests and their lives. I understand that the Bill will enable councils to enter into agreements with the Department over contributions from the district rate to enable free travel schemes for older people to be administered. It will also enable district councils to enter into separate arrangements with transport operators to enable travel concessions for older people to be given. I welcome it and I think we all hope it proceeds quickly.

This is the type of good news that always comes out of an Administration at some point. We should value these good news stories because they apply to all of us, the entire political process. What we should not do with them is be even tempted to use them for party political reasons.

**Mr S Wilson:** I welcome the inclusion of the Housing Bill in the legislative programme, and especially the fact that it will introduce regulatory functions for housing associations. We have been concerned that housing associations have fallen between two stools, with neither the housing associations branch nor the Housing Executive regulating them. There is some concern about the effectiveness of the services, which have been delivered by some of them in some places. I welcome clarification on the content of the Housing Bill.

I also note the attack that the Deputy First Minister made on the Ministers for Regional Development and Social Development in the penultimate paragraph of his statement. I thank him for his remarks because he has again demonstrated to the Assembly the First Minister's inability to deal with facts. Can he reaffirm that DUP Ministers are not sitting in Government with Sinn Féin, as we pledged in our manifesto? Does he also agree that there are a number of Bills from both DUP Ministers in the legislative programme and that there is very firm evidence that they are doing their jobs in delivering services to people in Northern Ireland? Does he also agree that it is a bit rich that the Deputy First Minister to lecture anyone about abstention, given the record of his party over the last 30 years? It abstained from Stormont, periodically from councils, the Prior Assembly and the Police Authority, and, of course, the Deputy First Minister himself resigned about a year ago in a fit of pique. Is this another example of the hypocrisy of the SDLP, or, during the holidays, has the Deputy First Minister been down the road to Damascus on the question of abstention.

**The First Minister:** I welcome the Member's comments about our being in a new beginning that is different from what happened in the past. I hope that he and his

party will play a full part in that new beginning, rather than simply replicating past behaviour.

I heard a sedentary comment from a Member about things that happened in the past, which he disapproved of. Clearly, as far as other parties are concerned, those things are not happening now. That underlines the new beginning that we are representing.

On his substantive question, I was very interested in his reference to housing associations. Having been a member of a housing association, I am aware of the tremendous, positive contribution they have made to the provision of social housing and how important they might be in the future. I listened with interest to the Member's indications that there would be measures relating to housing associations in the Bill. I cannot confirm whether that is the case. The limited briefing from the Department says that the Bill will provide, among other things, new arrangements for housing regulation, powers to provide serviced sites for travellers, discretionary grant schemes for private rented renewal and measures to deal with antisocial behaviour. The reference to the provision of new arrangements for housing regulation may well involve some reference to housing associations, but I cannot say if that is the case. The Member will have to pursue the matter elsewhere.

I went into detail on that matter because the claim that DUP Ministers are doing their jobs is slightly undermined by the fact that we are not being fully briefed on the content of this legislation. I am quoting from the material available to me. That is pertinent. I would be delighted to hear more about the legislation and that will happen if DUP Ministers do their jobs. Let us be clear about what is and what is not happening. Although DUP Ministers fail to attend Executive meetings, which are important, they go into their offices, sit behind their desks and are therefore part of the Government. They sit down in the Government with other people who are in the Administration, even if they continue to draw the entirely spurious distinction about who or who is not in the same room.

11.45 am

I wonder whether the DUP members who last Friday were sitting down in the Long Gallery with Sinn Féin recognised their presence there.

**Mr Speaker:** Order. It is perfectly clear that this is not point of order but a toing and froing about this political matter.

**Mr Dodds:** Is it in order for the First Minister continually to attack DUP Ministers while keeping silent on the abuses of Sinn Féin/IRA?

**Mr Speaker:** Order. The Member knows perfectly well that he has repeatedly used the term "attack". The Ministers have been responding to questions that have

been raised. There is time for only one further question, and that will be from Carmel Hanna.

**Ms Hanna:** I welcome the proposed planning legislation. We need it urgently. I seek an assurance that we will have clear planning policies, not notes or vision statements, which will ensure sustainable development and give due weight to the views of the public and elected representatives and to the need for legislation to be enforced especially against unapproved development.

**The Deputy First Minister:** Unapproved development is something which has blighted Northern Ireland for a considerable time. You built and then you threw down a challenge to the planning service to enforce its legislation. And how often did it do that? That is almost the ethic that exists in the North of Ireland: build it and you will get away with it, because sooner or later the planning service will give in. This must be looked at very carefully. I welcome what Ms Hanna has said about planning, but I am not convinced that there is an adequate planning policy.

Planning policies are needed, because I am not sure that one policy can be properly applied throughout the North of Ireland and at the same time be adequate for the type of diversity that we have in employment terms, in environmental terms, and indeed in social terms. I make one last observation, which is crucial: the social element of planning has to be very carefully looked at, because it is that which is causing many problems for people who live in urban areas. They are becoming more obvious, and it is not enough just to import bright ideas for physical planning without applying them to the social needs of the area to which they are to relate. If we get that type of approach into planning, it will be less of an exercise and more of a construction between the community and the political process.

**ASSEMBLY:  
AD HOC COMMITTEE ON  
FLAGS ORDER 2000**

**Ms Armitage:** On a point of order, Mr Speaker. Can you explain to the House why it is necessary to appoint a consultative Ad Hoc Committee to deal with the flying of the Union flag? I understood —

**Mr Speaker:** Order. It would be inappropriate for the Speaker to explain the reasons for a motion. It is for the Member who moves the motion to explain the reasons for his so doing. I cannot accept the point of order.

**Ms Armitage:** Well, may I finish what I was going to say so that you can understand it?

**Mr Speaker:** No. The situation is quite clear. Motions are moved on the proposal of a Member and the decision of the Business Committee. It is not for the Speaker to intervene.

**Ms Armitage:** Thank you.

**Mr Speaker:** This is a business motion about the establishment of a Committee, and I will not permit debate on the content of the issue that is involved. Only debate on the formation of the Committee may take place. There is an amendment on the Marshalled List.

**Dr McDonnell:** I beg to move

That this Assembly appoints an Ad Hoc Committee to consider the draft Regulations laid by the Secretary of State under the Flags (Northern Ireland) Order 2000 and to submit a report to the Assembly by 16 October 2000.

Composition:	UUP	2
	SDLP	2
	DUP	2
	SF	2
	Other parties	3

Quorum: The quorum shall be five.

Procedure: The procedures of the Committee shall be such as the Committee shall determine.

This is a technical procedure. Members will already have received a copy of the Flags (Northern Ireland) 2000 from the Secretary of State. We need to deal with this as quickly and as efficiently as possible. There are a number of major issues concerning accommodation for and servicing of the Committee, and we need to have the work completed quickly.

Some Members who will serve on this Committee will also serve in other places and may have to try to be in two or three places at once. For that reason — and I know that a counter-proposal has been made that the Committee should have 20 members — this Committee should have 11 members, in accordance with the motion.

**Mr Dodds:** I beg to move the following amendment standing in my name and that of Mr Ford: Delete from “Composition” to “five.” and add

“Composition:	UUP	4
	SDLP	4
	DUP	3
	SF	3
	Alliance	1
	NIUP	1
	UUAP	1
	NIWC	1
	PUP	1

Quorum: The quorum shall be eight.”

The first point that we wish to make relates to the regulations under the Order. They are extremely important for the work of this Assembly and are, of course, extremely contentious. Many of us believe that it is a tragedy that we should have to debate the issue of the national flag’s flying over Government buildings in part of the United Kingdom. The reason we are having to debate this is that, in breach of the election manifestos of the First Minister’s party, Sinn Féin/IRA Ministers have been put into positions in the Government, with full executive responsibility. That is clearly where the blame lies for our having to have this debate.

So far as this Committee is concerned it is important that these issues be given the fullest possible consideration. In terms of its make-up, the amendment is based upon the previous make-up of the Ad Hoc Committee that was set up to deal with the future of the port of Belfast. We have a precedent for the make-up of an Ad Hoc Committee, and we should abide by that precedent.

Finally, there are practical considerations to be taken into account. On an issue such as this it will be extremely difficult to ask the smaller parties somehow to find three representatives to sit on the Committee.

This is clearly an issue in which each of the parties will have its particular interest and point of view. It would therefore be invidious, if not impossible, to come to an arrangement whereby one party gave up its place in favour of another. Since this issue is so controversial and of such importance, and because of the precedent already established, I hope the House will support the amendment.

**Mr C Murphy:** A Ceann Comhairle, it is somewhat surprising that such a motion must come before the Assembly, for we understood that the issue was to be dealt with by the Executive. I am not aware that the Executive has concluded its deliberations. Nonetheless, we are being sent regulations by the Secretary of State, and I am sure we can all speculate on the political nature of their timing.

We would have supported the initial proposal by the SDLP that there be a smaller Committee, mainly because of the pressure on Assembly Members, time, rooms and

staff, something outlined at recent meetings of the Business Committee. However, it would be somewhat akin to looking a gift horse in the mouth to refuse a proposal from Members from the DUP that our membership on such a Committee be increased. I therefore thank them for that kind offer.

I look forward to sitting down with them in the Committee to debate this issue. We shall approach it on the basis of what was quite clearly said about the new institutions' flags in the Good Friday Agreement, and not on what follows from the agreement or what others try to interpret from or append to it. We look forward to the debate. We are not opposed to the DUP amendment, the effect of which will be to increase our membership on the Committee, which must be welcomed. Go raibh maith agat.

**Mr Foster:** This is not something added on to the agreement. It is in breach of the agreement that the flag is not flying.

**Mr Speaker:** If the Member wishes to speak to the substance of the issue, but not to the substance of the Order itself, he may indicate his wish to be called. However, that is not a point of order. The Secretary of State has written to me asking the Assembly to express its views. The Business Committee has taken the matter forward.

**Mr C Wilson:** My party will not support the amendment or the initial proposal from the SDLP Member, Dr Alasdair McDonnell. The Northern Ireland Unionist Party will comprise a part neither of the Committee proposed by the SDLP nor of that proposed by Mr Dodds and Mr Ford. Our objection to participating in the Committees is based on the firm belief that sitting on a Committee, be it Executive, ad hoc or otherwise, is unacceptable now that this Assembly has moved from shadow to substance and includes two Ministers fronting a terrorist organisation, which continues to strike fear into the people of this Province. We shall not have any truck with Committees set up under the Belfast Agreement. My Colleague Ms Pauline Armitage is quite right.

At the time of the signing of the agreement, we were told by Mr David Trimble, the First Minister, and by Mr Ervine of the PUP that the issues of our constitutional position and the flying of flags had been resolved. I remember the PUP representative, who fronts a Protestant paramilitary organisation, leading a cavalcade of cars down the Shankill Road claiming victory for the people of Northern Ireland in their defence of the Union and saying the Union was now secure. It is a sad state of affairs that in Northern Ireland today we are talking about forming a Committee to discuss the flag of this nation and Northern Ireland's position in the United Kingdom, a Committee which would include two members of Sinn Féin, an

organisation still in armed conflict with this Province's forces of law and order and, indeed, with ordinary, decent citizens — both Catholic and Protestant. The Northern Ireland Unionist Party will not participate, and I respectfully ask that my party's name be removed.

**Mr Davis:** Can the Member confirm that his Colleague, Paddy Roche, sat on the Port of Belfast Committee?

**Mr C Wilson:** I am quite prepared to deal with that question. I had hoped the Member would understand when I said that the moment the policy changed for the Northern Ireland Unionist Party was when the Assembly moved from shadow to substance — it no longer simply a place to voice one's opinion. We now have in the Government, and in Committees, people who are armed and fully prepared to use violence.

12.00

**Mr P Robinson:** Will the Member give way?

**Mr C Wilson:** The Democratic Unionist Party's position is extremely hypocritical. It made the same pledge as Mr Trimble. *[Interruption]* Indeed, in Mr Robinson's own election literature he showed a photograph of Mr Trimble —

**Mr Speaker:** Order. It is clear that the Member who is on his feet does not wish to give way, and I would like to remind him to address his remarks through the Chair.

**Mr C Wilson:** I will finish by saying that if you throw a stone into a pack of dogs, the one that howls the hardest is the one that has been hit. Mr Robinson's election literature, like Mr Trimble's, showed a photograph of Mr Trimble and Mr Adams with the caption "Who will share power with Sinn Féin in the New Northern Ireland Assembly?" Who would have believed that it would be Mr Robinson and Mr Dodds? This rotation of Assembly Ministers' seats means absolutely nothing. *[Interruption]* They should do the honourable thing and resign. We will be opposing the formation of this Committee. The Union flag will fly in Northern Ireland —

**Mr Speaker:** Order. It is only fair that all Members who rise to speak be heard with reasonable decorum.

**Mr C Wilson:** Thank you, Mr Speaker.

The flag will fly in Northern Ireland, regardless of the House's determination today. Its decision will stand, whether it agrees on the terms of the original motion or the amendment, because people —

**Mr C Murphy:** On a point of order, Mr Chairman. As a result of your original ruling that this debate should not be on the flags issue but on the motion to set up a Committee, I had to temper my contribution. That ruling should apply to all Members.



**Mr Speaker:** I am taking it that the Member is explaining why, despite being proposed for membership of this Committee, he and his Colleagues are not prepared to sit on it, even if it is established. I am not entirely clear whether that means they will vote for or against. I trust, however, that he is bringing his remarks to a close.

**Mr C Wilson:** The important identity of any nation is its flag, and I will finish by saying that the Union flag, the flag of this nation, will fly in Northern Ireland —

**Mr Speaker:** Order. At that point the Member has moved entirely over to the content of the consultations and away from the question of the motion. I must rule that that is out of order.

**Mr C Wilson:** I finish by saying it will fly as long as people like William Frazer —

**Mr Speaker:** Order. The Member knows perfectly well that that is out of order.

**Ms Armitage:** I am also surprised that this motion is before the House. I understood that in the Belfast Agreement Nationalists and Republicans accepted that Northern Ireland was, and would remain, part of the United Kingdom. If so, why are we now discussing the flying of the Union flag in this part of the United Kingdom? Obviously this is another mishap in the Belfast Agreement.

**Rev Dr Ian Paisley:** I would like to put on record that my party voted against this in the House of Commons. A country does nothing for its sovereignty by having to pass a law which allows its flag to be flown on certain occasions. The national flag should be honoured on all occasions.

**Mr Speaker:** Order. I must again make it clear that this motion — and the Member referred to voting against this in another place — is not about the content or the piece of legislation. It is a purely business motion about the establishment of a Committee and the proportion of its members. This Committee, if it is established, will have to report to the Assembly, and Members will have the opportunity at that stage to debate the substance.

**Rev Dr Ian Paisley:** When vicious attacks are made on a party in this House, and we have heard one just now, surely I am entitled to defend my party's record on this issue. This piece of proposed legislation is disgraceful — totally and absolutely disgraceful.

**Mr Speaker:** Order. The Member knows that he is straying on to the substance of the matter to be debated. There will be a time for that in the Committee and when it returns to the House, if the Assembly decides to proceed in that way. I cannot permit debate on the substance itself. Even defending the record of his party or of his colleagues is to stray from the specific proposal put forward by his party Colleague, Mr Dodds.

**Rev Dr Ian Paisley:** I am trying to talk about why we should have a larger Committee. I am entitled to give reasons for that. This is what this debate is about. There is an amendment to the motion before the House, that was moved by my party and others who have associated with us, which would have the effect of making the Committee larger. I am surely allowed to give reasons for that.

This Committee should be larger because of the legislation it is going to discuss. This legislation is outrageous. Surely every Member in the House should have a say in this Committee. The Secretary of State —

**Mr Paisley Jnr:** Will the Member give way?

**Rev Dr Ian Paisley:** Yes.

**Mr Paisley Jnr:** Does the Member accept that a larger Committee will have more people of the Unionist persuasion on it and that that will reflect the balance of opinion in this country? It is to the benefit of Unionism to have a larger Committee.

**Rev Dr Ian Paisley:** Of course it is to the benefit of the Unionism, but the issue here is the Executive. We have been told by Sinn Féin, who sit on this Executive, which my party does not, that this was never dealt with. Why did they not deal with this matter? They did not deal with it because they knew perfectly well that they would not get agreement. Sinn Féin/IRA has already made decisions, which is why we are here today: Sinn Féin/IRA Ministers refuse to fly the flag, in keeping with law, on certain days.

We need a larger Committee — and I am coming back to this larger Committee, Sir, for I do not want you to pull your moustache off, Mr Speaker — because this Bill can get round the question that we are supposed to be dealing with, the flying of the Union flag. The Sinn Féin Ministers think that by declaring that there are no flagpoles on their buildings they can ensure that the Union flag cannot be flown. It is optional in this Bill, and this is a very serious matter. What is more —

**Mr P Robinson:** Just in case my hon Friend runs out of time — *[Interruption]*

**Mr Speaker:** Order. The Gallery will be cleared if there is not immediate silence. *[Interruption]*

Order. Remove these people from the Gallery.

*The sitting was suspended at 12.05 pm and resumed at 12.14 pm.*

**Mr Speaker:** Order. Members will resume their seats.

**Rev Dr Ian Paisley** rose.

**Mr P Robinson:** Will my hon Friend give way?

**Rev Dr Ian Paisley:** Yes.



**Mr P Robinson:** Does not my hon Friend find the intemperate language used by the so-called leader of the Northern Ireland Unionist Party remarkable, considering one of his colleagues, Mr Paddy Roche, sat with Sinn Féin/IRA on a Committee dealing with the port of Belfast? It is all the more peculiar that he seems to suggest that Sinn Féin/IRA only became bad boys after devolution occurred. I do not know where he was before that. Is it not all the more remarkable considering that Members who are now in the NIUP sat on the Procedures Committee which set up these very Committees? They never objected to the presence of Sinn Féin and never said that they would not be on the Committees, yet they voted for everybody else to be on the Committees. Is that not sheer hypocrisy?

12.15 pm

**Rev Dr Ian Paisley:** I leave it to the general public to make their own judgement on this matter. This issue is all-important. Already, because of the refusal of the Official Unionist Party to do its duty on the Executive, it has been brought to Mr Mandelson, brought to the House of Commons and brought here. This is another attempt to push Unionism down.

**The Minister of the Environment (Mr Foster):** The issue that Mr Paisley refers to was brought before the Executive Committee. I was one of the people who raised the matter. It is not any fault of the Ulster Unionist Party.

**Mr Speaker:** Order. Points of order have to be points of order. I assume that Members know what that means. Perhaps we are having difficulty getting back into things after the summer recess. If not, and if it becomes clear that Members press the point, I will be forced to ask Members to declare which Standing Order they are referring to. If Members wish to make political points, which is entirely justifiable, they should ask for the opportunity to speak.

**Rev Dr Ian Paisley:** If the Minister brought up a matter in the Executive, that shows that it was not before the Executive. The First Minister did not bring this to the Executive, and the issue was not voted on. We are here today because of the failure of the Unionist Party to do its duty in this so-called Executive. We are setting up a Committee that is not representative of the people of Northern Ireland. Surely this Committee, given the importance of the issue, should be as representative as the Committee that dealt with the ports issue. This is more important than ports.

This motion should never have been needed. It is needed because the power of Mr Trimble ended when the two IRA/Sinn Féin Ministers rebelled and refused to fly the flag that should have been flying. Because they refused to fly the flag, we are going to have to deal with this matter. My party is not running away from the IRA or anybody else, but we will not sit down in any

Executive to govern Northern Ireland with IRA/Sinn Féin. Our position is perfectly clear. Of course, we have sat on councils with IRA/Sinn Féin and fought them, and we have sat here and battled with them, and we will battle with them again.

This motion — I know that you do not want me to mention the contents, Mr Speaker — is a way for the two Sinn Féin Members to ensure that the Union flag will never fly on Government buildings. The head of state down below thinks that, without protocol, she can trip in and out of Northern Ireland. This motion will enable the tricolour to be flown on Government buildings. That is not an option, but the flag of this country is an option in this motion. Those are things we utterly detest. If people are interested, we should have the same type of Committee that we had for the ports.

**Mr Adams:** Ceist ghasta. Will you clarify whether the DUP is prepared to sit on a Committee, even a large one, with Sinn Féin to discuss the future of the Union flag?

**Mr Speaker:** Order.

**Rev Dr Ian Paisley:** We will be battling with them —

**Mr Speaker:** Order. I have been asked for clarification on a point of order. I can only take from the content of the amendment which has come forward in respect of composition that most, if not all, parties are able to be represented, although, as we have heard, not all may necessarily choose to be represented.

**Mr Adams:** The question was for the Member speaking.

**Mr Speaker:** Then it is not a point of order. Points of order may be raised only with myself. Of course, Dr Paisley may choose to respond as he brings his remarks to a close.

**Rev Dr Ian Paisley:** I have responded. Where Sinn Féin are, we will be battling with them. We will not take sides with them in their diabolical murder campaign in this Province.

Finally, why is this House, which is always boasting that we are all democrats, afraid of a Committee that represents the voters of Northern Ireland in a proper way? Why? Simply because the Official Unionists do not want united Unionist opposition to this disastrous and treacherous proposal.

**Ms McWilliams:** This is probably going to be one of the most difficult issues we face, and, Mr Speaker, your decision that we do not start the debate here but keep it for the Committee is appropriate. I stand in favour of the amendment because our party supports a more inclusive make-up of that Committee — the more inclusive the debate the better. We have already heard the diversity of opinion across the Chamber on this issue. It is useful, therefore, that if there are a number of parties who might have been left out of that debate the amendment allows for their inclusion.

This morning in the Long Gallery there was a very good launch of Women Together incorporating People Moving On. The title of the organisation suggests the kind of things that it wants this Assembly to address, and moving on is indeed what we must do. Difficult as this issue is, it is appropriate that the Secretary of State has referred it to the parties. They are the people who must ultimately decide this difficult issue.

The amendment does not refer to that part of the motion which states

“The procedures of the Committee shall be such as the Committee shall determine.”

Our party is in favour of that too.

**Rev Dr Ian Paisley:** Can you give an assurance, Mr Speaker, that, whatever this Committee reports, there will be a full debate on the Floor of the House and that adequate time will be provided for that debate? The Member mentioned something about having it in the Committee. This has to come back to the House, which must have a full and free debate. There are people who will not be on the Committee, and they must have their say on this issue.

**Mr Speaker:** I can confirm that in terms of the original motion, or indeed the motion as proposed to be amended, that the Assembly will have to receive a report by 16 October. It will be for the Business Committee to allocate time, and it would be out of order for me to determine matters which the Business Committee properly decides upon in advance of its making that decision.

**Mr McCartney:** It seems that this debate, whether on the original motion or the amendment, has generated a great deal of heat and discussion about something which in the end is really pretty valueless. It is quite clear that any recommendation made by this Committee or the Assembly may be totally ignored by the Secretary of State. He will make his decision in accordance with what he deems to be expedient for British policy in relation to Northern Ireland.

The role of this Committee and the Assembly is of the merest consultative kind and carries no weight of any substance. Therefore whether it is a smaller or a larger Committee is of no great moment.

However, let me point out that neither original motion nor the amendment would result in the inclusion of a representative from the United Kingdom Unionist Party, even though members of that party numbered five when elected by the people of Northern Ireland and before a rather bizarre process of bifurcation, after which Mr Wilson constituted himself the head of a party that many people believed to be a figment of his imagination.

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

**Mr Speaker:** Order. I must ask the Member, in making his point of order, to direct me to the paragraph in Standing Orders that it refers to.

**Mr C Wilson:** I suggest that Mr McCartney, UK Unionist Party, would like to take the seat that we refused to take. Is he supporting the DUP's position?

**Mr Speaker:** Order. A point of order was raised, and I trust the Member wants to hear my ruling on it. It would be entirely out of order if such an amendment were passed, for the amendment as it stands refers to the NIUP and not to the UKUP. In any case, it is not in the gift — *[Interruption]*

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

**Mr Speaker:** Perhaps the Member would wait until I have completed giving the ruling.

It would not be in the gift of the leader of the NIUP to appoint someone else to that Committee who was not a member of his party and who shows no indication of becoming a member of his party, even if he were minded to accept the generous offer. In fairness we should move on.

**Mr C Wilson:** You might consider it, Bob.

**Mr McCartney:** It is a matter of some anxiety to note the number of utterly bogus points of order that are made in the Assembly. I have sympathy for you, Mr Speaker, in dealing with them. A masterclass for slow learners with regard to what constitutes a point of order should have featured in the legislation for the Assembly. We have just had a demonstration of one of the more bogus points of order that have plagued us since the beginning.

My party may consist of only myself within this House, but it certainly consists of a significant number of people outside compared to the numbers in some other parties who are on the schedule for participation in the Committee. I do regard it as a compliment that I have not been included in the original motion or the amendment. There was no provision for my party to be represented on the Ad Hoc Committee for the Port of Belfast, and there is no such provision for a representative of the United Kingdom Unionist Party to sit on this Committee. That is both an overt and a tacit acknowledgement that the party I lead has been entirely consistent.

**Mr C Wilson:** On a point of order, Mr Speaker. It is important — it is a point of order.

**Mr Speaker:** I will take your reassurance, but only if you are prepared to identify, at the outset, which Standing Order it comes under.

**Mr C Wilson:** Mr Roche was appointed as a UK Unionist —

**Mr Speaker:** Order.

**Mr C Wilson:** On a point of order, Mr Speaker. I would like the record to show that he —

**Mr Speaker:** Order. The Member must understand that if he does not meet my requirements he will not be called to speak on a point of order or anything else.

12.30 pm

**Mr McCartney:** Not only was that another bogus point of order, the authority for which the learned Member was totally incapable of identifying, it was also evidence that he does not even have his historical facts correct. I am sure the leader of the Alliance Party will support me in this. Shortly after the appointment of Members to the Ad Hoc Committee on the Port of Belfast he told me that no representative of the United Kingdom Unionist Party had been appointed to that Committee. With regard to Mr Wilson's analysis of the points of order and his historical record, it seems that there is a want of either memory or consciousness on the part of my Friend.

Let me return to the principle. The reason there is a spat between some Members of the House over their virility in opposing any contact with Sinn Féin is that there has been, to some extent, a degree of inconsistency.

My opponents will appreciate that, whatever else can be said about my conduct in this House, at least it has been consistent on the principle of having no contact or association with those parties who are the political representatives of armed terrorists groups, whether they be orange, green, polka dotted or any other colour, real or imaginary, provisional or final. My party has made its position quite clear.

I wish it were otherwise and that I could have some social or other contact with many Members from those parties. However, on the fundamental principle that while they continue to represent terrorist groups in possession of arms, that is an absolute bar, as far as my party is concerned, to having any association with them.

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

**Mr McCartney:** No.

There are people here who wring their hands and make all sorts of pious statements about their associations and about what they would like to happen. However, they are only here because the godfathers of murderous terrorists operating in the Province sanctioned them to be here. They are only here as long as they abide by the directions of those godfathers.

As far as this Committee is concerned, I am proud that I have not been and will not be nominated to serve on the Committee as constituted either by the original motion or by the amendment. Until the House takes a fundamental stand on the principles of democracy that

is absolute and consistent, these difficulties and spats between parties will continue.

So I take no hurt from not being nominated for this Committee. I take it as a matter of pride that at least my opponents recognise, whether they agree with my position or are opposed to it, that at least it is consistent.

**Mr Weir:** With the exception of Mr McCartney, I am probably the person in the House least likely to be nominated to this Committee so I will not be given the opportunity to reject or accept a place. Like Mr McCartney I hope I can bring a degree of objectivity to the two questions before us. There will be an opportunity at a later stage to deal with the substance of the issue over flags.

The first question raised by the leader of the Northern Ireland Unionist Party, Cedric Wilson, was whether we should have a Committee at all. The second question, which is the subject of the amendment, is the nature of its composition.

With regard to the first question, I share the views of a lot of Members who say that it is a great shame that we must have a Committee because this is an issue which should have been sorted out before now.

It is a sorry state of affairs when there are restrictions placed on the flying of the Union flag. The Secretary of State will be making the final determination on the flags issue and, as Mr McCartney said, it is likely he will ignore what he is told by the Assembly and come to his own conclusion. However, it is vital that the Assembly gives its view on the issue.

While the Committee may well be consultative, it is important that it be established. If the Secretary of State reaches his own conclusions regardless of the Assembly's wishes, he will clearly be seen to be doing so against the will of the people of Northern Ireland as represented through the Members of the House. We will then be able to expose him on this issue. Therefore it is important that we have a Committee.

Regarding the composition of the Committee, we are constantly being lectured — particularly by the SDLP, who, I note, are taking a very contrary view to the amendment — that the Assembly is all about inclusiveness and inclusion. Those seem to be the sacred words of the New Northern Ireland Assembly and the supposed new dispensation. However, today we are being told that a number of smaller parties will be excluded from the Committee dealing with the vital issue of flags.

As happened before in respect of the Port of Belfast Committee, we ought to be looking for a Committee that reflects as widely as possible the views of the Assembly. There will be diverging views on the flag issue. The united Unionists will put forward one view,



and the Women's Coalition, I assume, will take a very different view. While we have Standing Committees, which reflect the balance of the Assembly, we have had the precedence of the Port of Belfast Committee, which indicated that the widest possible representation on a Committee is beneficial and will lead to the most divergent views being represented.

I take exception to some of the remarks made by Dr McDonnell in opposing the amendment. He said that a problem would arise due to the workload of Committee members, and that there would be a danger of Committee members being on two Committees at the one time. That would be serious if we were dealing with a Committee that was going to sit for the lifetime of the Assembly. However, we are dealing with a Committee that will be due to report to the Assembly in a month's time — a very short time. Under those circumstances it should not be beyond the ingenuity of Members to organise Committee meetings so that they do not clash, and in so doing we can ensure that we have a proper debate and an informed report on the flag issue.

Therefore I urge Members, in the spirit of inclusiveness, to support the amendment because it offers a better procedural way forward than the initial motion.

**Mr Ford:** I disagree with some of the remarks made by the proposer of the amendment. I am sure Mr Dodds would be disappointed if I did not disagree with some of his opening remarks about Sinn Féin. Nonetheless, I welcome the new commitment to inclusivity, which has been demonstrated this morning by the DUP. This came as a shock to some Members.

Those of us who are members of Antrim Borough Council saw this inclusivity demonstrated at the annual meeting in June. The Ulster Unionist Party made its traditional attempt to grab all the committee chairs despite the fact that it represented half of the council membership. However, by dint of an agreement between the DUP and those normally regarded as opposition, we were able to ensure some more balance and fairness. Perhaps this is a sign of DUP conversion to inclusivity, and I welcome it. I am delighted to support those parts of Dr McDonnell's speech.

However, I was surprised at the way in which he put forward this resolution in the first place. For 30 years the SDLP has talked a lot about equality, fairness and inclusivity. However, in the Business Committee the SDLP, by procedural means, railroaded through the motion in the form in which it first appeared. That did not cause any difficulty to the larger parties but it excluded some of the smaller parties. If we are talking about inclusivity, then that is not a very realistic or fair way to proceed. Dr McDonnell thinks that there would be difficulties for the larger parties in staffing a committee, yet it was raised in the Business Committee

that we could have a weighted voting system as, for example, the Business Committee and the Commission.

The SDLP would not be required to have four people sitting in the Committee at all times, and they could still cast their votes. Unfortunately inclusivity seems to have switched from the parties currently to my right to the parties currently to my left. I hope we can introduce the idea all round the Chamber.

Mr McCartney, who unfortunately is not here — and he tells us a lot about good manners — to listen to the winding-up speeches, said that today's procedure was valueless. It may or may not be valueless. We will know when we see the report and how the Secretary of State deals with it. Today's debate will be very valuable if it emphasises that this Chamber can start to agree on what inclusivity means. So far as I am concerned, we are here to work for a pluralist society, not the kind of dualist society which seems to be the preference of some sections of the SDLP. As long as they cobble together a deal with the Ulster Unionists, the rest of us can fall in with it. The only way we can work towards a pluralist society is if every party in the Chamber is properly represented on special Committees like this.

I do not have a problem, so far as my party is concerned, if there are only three seats for the parties other than the four largest and if we, as the largest section of that group, have one of them. As Mr Weir has said, there are difficulties with expecting people to represent others. I have managed to co-operate on certain practical issues with members of the other smaller parties, but I do think it would be fair to ask Mr Watson to represent me on the flying of the Union flag, unless his views have changed a lot recently.

If we are to be inclusive, if we are to get balance, fairness and openness, we must have a large and inclusive Committee. We already have the precedent in the Port of Belfast Committee. There is no excuse whatsoever for narrowing it down. That could only be seen as an attempt to diminish the rights of smaller parties in the Chamber. I urge Dr McDonnell to listen to the views which have come from this end of the Chamber, to accept the amendment and to let us see a bit of inclusivity all round after today's debate.

**Dr McDonnell:** I have always treated Mr Ford with respect, courtesy and kindness, but in view of his brutal attack on me and my views, I may have to reconsider that. However, I am happy to accept the amendment.

The SDLP was not going out slashing at people and trying to exclude and marginalise them. The motion was worded as it was quite simply in view of a number of the items that were brought to the Committee on Tuesday. There are considerable problems in the House at the moment in terms of staff, space and function. Our concern was driven merely by the fact that a bigger Committee

would be harder to work with, but in the interests of inclusivity I am very happy that it should be larger.

I could answer many things that have been said, but it would be superfluous. I regret that what was purely a piece of technical business here this morning has resulted in much ugly washing of dirty linen among some of the smaller Unionist parties and the DUP. If we in this House want to be taken seriously, we must get beyond the inconsistencies and take ourselves seriously on these issues on which we disagree.

There are a number of points, particularly one made by Mr Weir about what I said. The reality is that many Members have to double up and do some of the work that Mr Weir has opted out of. That is why some people have to serve on two or three Committees. I am quite happy to accept the amendment and allow it to become the substantive motion.

**Mr Speaker:** While the mover of the substantive motion has indicated that he is prepared to accept the amendment, it is in the possession of the House and we have to proceed a decision on it. If it is passed, it will become a part of the substantive motion.

12.45 pm

*Question* That the amendment be made *put and agreed to*.

*Main Question, as amended, put and agreed to.*

*Resolved:*

That this Assembly appoints an Ad Hoc Committee to consider the draft Regulations laid by the Secretary of State under the Flags (Northern Ireland) Order 2000 and to submit a report to the Assembly by 16 October 2000.

Composition:	UUP	4
	SDLP	4
	DUP	3
	SF	3
	Alliance	1
	NIUP	1
	UUAP	1
	NIWC	1
	PUP	1

Quorum: The quorum shall be eight

Procedure: The procedures of the Committee shall be such as the Committee shall determine.

(Madam Deputy Speaker [Ms Morrice] in the Chair)

## WATER SUPPLY: CRYPTOSPORIDIUM

**The Minister for Regional Development (Mr Campbell):** Mr Robert Martin, Chief Executive of the Water Service, provided a comprehensive statement last week on the cryptosporidiosis outbreak in Lisburn, Poleglass and surrounding areas. I welcome this further opportunity to place the issues in a wider context.

Information about cryptosporidium and its effects is in the public domain. However, I would like to explain briefly the nature of cryptosporidium, outline the history of the present outbreak and explain the way that the Department has been working with the Eastern Health and Social Services Board in responding to the outbreak. I also want to assure Members of the seriousness with which I and all involved regard this present problem and express my sympathy to all those affected.

Cryptosporidium is a parasitic organism which can be water-borne and is resistant to normal disinfection processes. Cryptosporidium can cause serious ill health, although normally in humans it is self-limiting and clears within two to three weeks. For those people whose immune systems are weakened or compromised, it can be much more serious. The first reported UK outbreak associated with public water supplies was in 1988. Following a further outbreak in 1989, the Government appointed a group of experts, who reported in 1990 and in 1995 on measures to mitigate the risk of cryptosporidium in the public water supply. Their recommendations were adopted by the Water Service.

The group further reported in 1998 and made over 50 revised recommendations, one of which was that water utilities carry out risk assessments on all their supplies. In early 1999 the Water Service assessed the risk of contamination at all 59 sources then in use in Northern Ireland. The methodology used was based on models used in England, Wales and Scotland and developed in consultation with the Northern Ireland drinking water inspector.

This assessment identified the Silent Valley as the only source with a risk factor that indicated the need for continuous sampling and analysis during the spring, which is the highest-risk period. A further 22 sources were identified as having lower risk factors, but at these sources it was considered prudent to undertake single 24-hour sampling of both raw and treated water in both spring and autumn of each year. Similar 24-hour samples of both raw and treated water are taken at the remaining sources each spring. I must emphasise that the risk assessments are based on the protocol used in Scotland and that the associated testing regimes are fully in line with those required by cryptosporidium

regulations in England and Wales and by direction in Scotland. These arrangements have been agreed by the drinking water inspector and the chief medical officer.

Having given Members the background information, I would like to turn now to the recently detected outbreak of cryptosporidiosis in the Lisburn and Poleglass areas.

During the week beginning 21 August 2000 the Eastern Health and Social Services Board became aware of a number of cases of cryptosporidiosis in the Poleglass area. By 25 August there were more than 20 confirmed cases, and an outbreak control team had been established. The outbreak control team is chaired by the consultant for communicable disease control (CCDC) and includes representatives of the Water Service. Investigation and control of the outbreak is the responsibility of the Eastern Health and Social Services Board. The Water Service role is to assist the CCDC in every possible way, taking steps to identify any possible contamination of the public water supply and measures to limit the impact on the community. In accordance with established procedures for dealing with major incidents, the Water Service set up control teams in eastern division and at head office.

The Water Service began sampling for cryptosporidium oocysts at Poleglass reservoir on 22 August. Although by 25 August there was no test evidence to link the outbreak to the public water supply, the CCDC decided to issue a precautionary notice advising the elderly and those suffering from serious medical conditions to boil their water before consumption. A press statement to this effect was issued on 25 August.

Continued sampling of water from the reservoir, in the period 25 to 29 August, revealed increasing levels of cryptosporidium in the water supply, and the outbreak control team, acting diligently and methodically in accordance with agreed protocols, decided on the evening of 30 August 2000 that a "boil water" notice should be issued to customers within the Poleglass reservoir supply zone. The CCDC, on the morning of 31 August 2000, issued a press statement to this effect and later that day Water Service staff hand delivered 17,500 "boil water" notices to affected households.

By 31 August the Water Service had established that a number of the confirmed cases lived in the supply zone served by the neighbouring Northern Service reservoir, and the decision was taken to issue "boil water" notices to all remaining customers supplied with water from the Forked Bridge treatment works through the Lagmore conduit. These were delivered the following day.

Approximately 28,500 "boil water" notices were delivered to households, schools and industrial and business premises in the Poleglass, North Lisburn, Twinbrook, Dunmurry and surrounding areas. An estimated 90,000 people were affected by the notice. Water Service and

Eastern Board customer help-lines have been in place since the start of the outbreak to provide information to members of the public who have concerns about the "boil water" notices or any other matters. The Water Service has provided bottled water, on request, to nursing and residential homes. Bottled water has also been provided to schools by the education and library boards.

Water Service investigations of possible sources of contamination concentrated on the Lagmore conduit — a brick conduit approximately seven miles long. This conduit, which is 110 years old, carries water from the Forked Bridge treatment works to the service reservoirs. Detailed investigations of the conduit, including using CCTV in a section pinpointed by bacteriological sampling, confirmed that there had been ingress and contamination of the treated water. Further investigation revealed that the conduit had been damaged when an outfall was being laid from a private septic tank attached to a property built in the last few years. This damage has been repaired and the conduit sealed at this point. However, investigations will continue until the Water Service is satisfied that there are no other sources of contamination.

Consistent with the need to maintain the water supply at all times, an intensive programme of cleansing the service reservoirs is underway. This is a huge task — for example, the Poleglass service reservoir holds almost 10 million gallons. It is 16 ft deep and the size of one and a half football pitches.

As part of the ongoing programme to replace and upgrade ageing infrastructure, work commenced in April this year on a £2.5 million contract to replace the entire brick conduit with a modern ductile iron pipeline. The new pipeline was programmed to be brought in to service in November, but it has been decided to utilise a section of it to provide a bypass of the suspect area of the existing conduit. This bypass should be completed by the end of this week.

I now move to the removal of "boil water" notices. It will be for the outbreak control team to decide when the notice may be lifted. This decision will be informed by test sample results and geographical analysis of clinical evidence from the affected areas.

I am fully satisfied that all involved in controlling this outbreak and investigating its cause have acted correctly, swiftly and in accordance with agreed protocols. In less than a week from the initial indication that the water supply was implicated, the entire system had been thoroughly investigated, a source of contamination had been detected, the conduit had been repaired and sealed, reservoirs are being cleaned, and works are ongoing to link the old conduit to the newly constructed pipeline.



I pay tribute to the hard work and dedication of staff in the Water Service, other Departments and agencies and, in particular, the consultant for communicable disease control, the Chief Medical Officer and the members of the outbreak control team. The way they have handled the enormous workload arising from this incident has demonstrated their great commitment and service to the community.

My officials will continue to consistently work with the other members of the team to take every possible step to enable the “boil water” notices to be lifted and normal water supply to be restored to our customers at the earliest possible date.

I described earlier how the Silent Valley had been identified as the source which was at highest risk of contamination by cryptosporidium when the risk assessment was undertaken last year. The Silent Valley reservoir serves approximately 250,000 people.

To protect the quality of water entering the public supply from this source the Water Service, earlier this year, temporarily excluded sheep from its land, which includes the catchment area, as spring is recognised as being the period of greatest risk. The temporary exclusion period was subsequently extended.

A further review of the management of the Silent Valley catchment has shown the need to continue to exclude the sheep, and I therefore had no alternative but to announce last week that the exclusion must continue. I understand fully the difficulties this will cause for local farmers, and I sympathise with their position. My officials have been liaising and will continue to liaise with officials from the Department of Agriculture and Rural Development to establish what measures can be taken to assist those farmers. I regret having to take this decision, but it is unavoidable owing to the interest in public health. Who in this House would do otherwise?

On completion of the new £35 million water-treatment works for the Silent Valley, the position regarding future grazing will be reviewed. This is scheduled for completion in the financial year 2003. That investment, coupled with the ongoing £32 million replacement of the Mourne conduit, which carries the water from the Silent Valley, demonstrates the Department's commitment to continue the delivery of wholesome drinking water to our customers.

Finally, the provision of adequate water and sewerage services is important to everyone in Northern Ireland, whether a domestic consumer, a commercial or industrial user, a farmer, a fisherman, an environmentalist or someone concerned with public health issues. The Water Service has suffered significant underfunding over the last 20 years. On the basis of assessments derived from an asset management plan completed in 1993, the Water Service needs to invest approximately

£3 billion over the next 20 years to replace out-of-date infrastructure, meet the needs of new development that satisfies public health requirements, and comply with European directives on drinking water and waste water.

Recent events, including the flooding in Belfast, have confirmed just how essential it is to raise the funding of the Water Service to levels which will enable the provision of a service that meets the requirements and needs of all our customers in the twenty-first century.

1.00 pm

**Madam Deputy Speaker:** Quite a number of Members have indicated that they would like to question the Minister on this subject. We have set aside one hour for the debate, which will bring us up until 1.45 pm. I must ask Members to be as succinct as possible in their questioning.

**Mr McFarland:** The Regional Development Committee and the Health Committee had detailed briefings from the Water Service and —

**Mr O'Neill:** On a point of order, Madam Deputy Speaker. Should you not call the Chair of the Committee first?

**Madam Deputy Speaker:** Yes, that is certainly appropriate, and I ask the Member if he will give way to the Chairman, Mr Alban Maginness.

**The Chairperson of the Regional Development Committee (Mr A Maginness):** I welcome the Minister's thorough and detailed statement in relation to this very serious problem that has affected the people of Lisburn, Poleglass and Lagmore, and I want to thank him for the detailed and frank way in which he has dealt with this issue. At my request he willingly arranged for an official to attend a Committee meeting and present a very thorough and detailed report. I am sure that all Members are very mindful of the suffering, distress and worry caused to those affected by this outbreak, and the House should extend its sympathy to all of them. It is particularly worrying for parents of small children and for those with elderly relatives, and I am sure all Members would agree that we feel deeply for them.

The report from Mr Robert Martin was very detailed.

**Mr R Hutchinson:** On a point of order, Madam Deputy Speaker. Loath as I am on this occasion to rise against the Chairman of my Committee, I must draw attention to your reference to the limited time scale for this matter. Many of us wish to ask questions. Can Members be directed to ask questions rather than make statements?

**Madam Deputy Speaker:** Thank you for that point. Yes, it would be preferable if questions were put to the Minister.

**Mr A Maginness:** In relation to the overall problem, can the Minister assure the House that he believes that

the Department's officials acted as promptly as they could, given the circumstances of this outbreak?

From reading the press and listening to local reaction, I know that members of the public felt that officials could perhaps have acted earlier. I would like the Minister to reassure the House that they acted as promptly as they could, given all the circumstances.

Can the Minister confirm if the contamination source is human? Is he satisfied that the septic tank referred to in the report is the source of contamination, and the only source of contamination? Is he satisfied that all possible remedial work has been carried out in order to provide a safe water source for the people living in the Lagmore, Poleglass and north Lisburn areas? Finally, as regards funding for the Water Service, what measures, in relation to the Executive, has the Minister taken to rectify this historic underfunding so that the people of Northern Ireland will have an up-to-date water service adequate to meet their needs?

**Mr Campbell:** There was a range of questions, and I will endeavor to deal with each of them. Mr Maginness, the Chairman of the Committee for Regional Development, offered his sympathy to the people affected. I have already done that, and I repeat my sympathies to them.

The first question referred to satisfaction with the way officials acted and the speed with which they acted. Given the complex nature of this problem and the length of time it took to establish that there was a possibility that the public water supply was the cause of the problem, my officials acted very speedily. As I said in my statement, it was on 31 August that the outbreak control team directed that a "boiled water" notice should be issued, and within hours of that notice being issued copies were being hand delivered to 17,500 homes.

The other issue concerns how I and my Department are dealing with funding to ensure that we have a sufficient water supply that can deal with the problems that Northern Ireland is faced with in the twenty-first century. I referred to that towards the conclusion of my statement, and the bids that we have made, and are making, will reflect that. We hope that we can address those problems.

**Mr A Maginness:** Has the source of contamination been identified as human or animal?

**Mr Campbell:** A possible source has been confirmed as being human. At this stage it is not possible to be absolute, to be positive beyond any doubt, about the only source. However, we have established that there is a human source.

**Mr McFarland:** From what we know about the source, a developer, or someone, breached the outer skin of a Victorian pipe carrying this water and removed bricks to provide a better angle for an outflow from a

sewerage system. I understand that the pipe is marked with ventilation shafts, so there is a degree of surface visibility.

The question is whether the developer was aware of what he had come across and what he was digging into. Or did he know what he was doing and proceed anyway?

Should there be a better system for marking the pipeline by including some sort of warning notice? Given the likely end cost of this in human terms, in medical terms — and I am talking about the cost of hospital services — and in terms of Water Service costs, can the Minister give any indication of how much this will cost and whether anyone will be held accountable?

**Mr Campbell:** Mr McFarland's question is a difficult one, in that there are many legal issues involved, particularly in relation to the developer to whom he referred. The Water Service is anxious that no inference should be drawn as to any individual and that no household or dwelling should be identified as being in some way responsible for the problem. There is no evidence that this was anything other than an accidental ingress.

The hon Member also talked about identifying the route of the conduit. For precisely those reasons — and clearly I will have to go into this in some detail with my officials — I believe that the Water Service would not be of a mind to do that. It could add to the possibility, for example, of some type of terrorist attack or some type of deliberate, malicious or malevolent intent to interfere with the public water supply. While I understand the rationale behind the hon Member's thinking, I hope that he will understand the complex issues surrounding this matter. My officials are looking at ways and means of ensuring that nothing like this ever happens again.

**Mr Poots:** As a public representative for the Lagan Valley and Lisburn Borough Council areas, where most of the contamination occurred, I have had to deal with angry constituents — elderly people as well as those with young children — who have been infected by cryptosporidium. The extent of the community's anger at the fact that their water system could be contaminated in this way should not be underestimated.

The Minister has now given us the relevant facts, and it appears that this problem was imposed on the Water Service in that it was caused by an ingress into its water system by an outside party. What parts have the building control division of Lisburn Borough Council and the Department of the Environment Planning Service played in relation to this problem? Also, is there any connection between this outbreak and the cryptosporidium outbreak in May, which came about as a result of contamination by sheep in the Silent Valley?

**Mr Campbell:** I am conscious of the nature of Mr Poots's concern and want to assure him and his constituents that at the conclusion of this major incident my officials, in conjunction with health officials and, where relevant,



Department of the Environment officials, will be looking at all aspects of it to see what changes, if any, can be introduced to prevent recurrence.

Let me give some idea of the scale of this problem.

At the time of identifying the Lagmore conduit, my officials initially walked the entire line of the seven-mile conduit, examining the air wells along it and taking bacteriological samples. They identified samples where there was bacteriological contamination and used this information to identify a specific stretch of conduit, which was then examined by closed-circuit television. There followed a series of consequential actions.

1.15 pm

At the close of this outbreak, my Department will liaise with every departmental official necessary to try to ensure that this does not recur. If there is a possibility that public health officials at Lisburn Borough Council could be of assistance, they will liaise directly with them.

**Ms Ramsey:** Go raibh maith agat. Like other Members, I welcome the Minister's statement and the chance to put one or two questions to him. Is it not true that, but for the diligence of a local GP and the actions of the consultant for communicable disease control, the outbreak of cryptosporidium would not have been discovered, given that, as late as 25 August, the Water Service still refused to accept that it was at fault? Can the Minister outline what steps will be taken to ensure the future monitoring of the water supply, since, according to a number of reports he mentioned, Lagmore was at lower risk than Silent Valley, in spite of the fact that there were outbreaks in both? The Minister assures Members of the seriousness with which he takes this issue. However, comments in the weekend press belie this. I ask the Minister to reassure my constituents, as he did those of Mr Poots, by confirming that he will meet with Sinn Féin representatives from that area to discuss this issue.

**Mr Campbell:** I should like to outline once more the response in the specific time period referred to. In the week beginning 21 August the Eastern Health and Social Services Board became aware of a number of cases of cryptosporidiosis in the Poleglass area. On 25 August there were more than 20 confirmed cases, and at that stage an outbreak control team had been established. That control team is chaired by the consultant for communicable disease control, which is not the responsibility of my Department.

Conducting an investigation into the outbreak is the responsibility of the Eastern Health and Social Services Board. My role and that of the Water Service is to assist the outbreak control team in every possible way. It was only on 31 August that a "boil water" notice was issued on the direction of the outbreak control team. On that day my officials were hand delivering the request to

17,500 homes. I hope that gives some indication of the sequence of events and the speed with which the officials dealt with the matter.

Last week, on an approach from the First Minister and the Deputy First Minister, I requested that my senior Water Service official, Mr Robert Martin, go to the Executive Committee to give a comprehensive briefing on this issue. The First Minister and the Deputy First Minister must have been aware that my election manifesto commitment meant that I would not be at that meeting myself. It is impossible for them to have been unaware that that was the case.

I am prepared to come before the House to make statements and answer questions. In addition, I have offered myself to the Regional Development Committee for further presentations, as the situation develops, and to respond to further questions. In the minds of most people I am offering full, frank and co-operative consultation with all Members of this House. However, I will not respond to or engage in party politicking on this issue.

**Ms Ramsey:** Madam Deputy Speaker, will you ask the Minister to answer my second question?

**Madam Deputy Speaker:** Supplementary questions can be put to the Minister. Will you repeat the question that you believe was not answered?

**Ms Ramsey:** It concerned the future monitoring of the water supply.

**Mr Campbell:** Currently, very rigorous monitoring of the public water supply is in place, and this will continue. At the conclusion of this outbreak there will be a review of that monitoring process to see if it has been sufficient. I will report subsequent to that review.

**Mr Close:** I thank the Minister for his statement, particularly the penultimate paragraph. The name of the bug may be cryptosporidium, but the cause of this parasite getting into our water supply can only be put down to a mixture of carelessness, negligence and complacency on the part of the Department. I welcome the fact that the Minister has recognised that, to a degree, in his penultimate paragraph, where he refers to the underfunding of the Department over the past 20 years and the fact that the infrastructure is out of date. Only a complacent, careless or negligent Department would permit a 110-year-old conduit to continue to exist.

Under the Water and Sewerage Services (Amendment) (Northern Ireland) Order 1993, there is a duty on the Department to supply water that is wholesome at the time of supply and also to keep itself informed about the wholesomeness of the water supply. At this juncture the Department has failed in that respect.

As one who lives in the area I am expressing the view of a number of people who are extremely concerned. They are concerned at the length of time —

**Mr R Hutchinson:** On a point of order, Madam Deputy Speaker. Will you instruct the speaker to ask his question and stop making a statement?

**Madam Deputy Speaker:** I ask the speaker to question the Minister. That is the purpose of the statement.

**Mr Close:** I will pass those comments to the Speaker on the appropriate occasion.

The questions I have put — and I will re-emphasise them — are to seek an assurance from the Minister that the Department has failed and was negligent or complacent in the fulfilment of its duty under the Water and Sewerage Services (Amendment) (Northern Ireland) Order 1993 by not supplying a wholesome supply of water to my constituents.

The other point on which I want to seek assurance from the Minister is that there was a degree of what verged on a cover-up in the length of time it took for information to be passed to our constituents. It has been known since early this year that there was a potential problem. Sheep and the poor farmer, rather than the bug, were being blamed.

**Madam Deputy Speaker:** I do not understand the gist of the question. Please get to the point of the question you are putting to the Minister.

**Mr Close:** To be direct, why were people who became ill with the bug cryptosporidium directed to take a water-only diet when it was the very water that was causing their illness? Patients in a particular home became very seriously ill as a result. I put it to the Minister that if the information had been presented earlier the outbreak would have been prevented.

Finally, does the Minister agree that the extra expense incurred by my constituents in Lagan Valley through having to boil water, or acquire bottled water — and where the amount of bottled water being consumed is 180 times the normal amount — should be rebated through the rates? Does the Minister agree that water and sewerage account for approximately 30% of the regional rate and that as the regional rate constitutes two thirds of the overall rate, there is a perfectly logical argument that my constituents should receive a rebate?

**Mr Campbell:** I refute the accusations of carelessness and negligence. There was a wholesome supply of water. The problem in relation to Lagmore conduit was as I have outlined. My officials have done everything possible; they continue to do everything possible; and they will in the future do everything possible to ensure that there is wholesome drinking water for the public.

Mr Close referred to the rates element. Any rate rebate — and I have seen that referred to previously in the public domain — is not a matter for the Department for Regional Development. Rating issues are the direct responsibility of the Department of Finance and Personnel and, therefore, ought to be directed to them.

The problems faced by Mr Close's constituents in the Lisburn area are ones that all of us identify with. The issue has to be speedily resolved, and we are currently doing that. Later this week, I hope to be in a position to announce the tie-up of the new connection to the Lagmore conduit to ensure that the bug is eradicated from the system. The new conduit, which is currently being laid, will be linked up within the affected area to ensure that wholesome supply of public water in the Lisburn area.

**Mr O'Neill:** I welcome the good work done by the Department in getting to the source as quickly as it did. However, I have immediate and local concerns about the latter part of the Minister's statement concerning a ban on grazing in the Silent Valley catchment area.

Can he tell the House what is the acceptable level of cryptosporidium in the water supply? Will he specifically tell us how many instances there were in the survey — and in the ongoing surveys — where the level was exceeded in the Silent Valley catchment area? Can he also tell us by how much the level was exceeded? Will he tell us whether those samples — and I am talking about the Silent Valley again, not the most recent outbreak that my Colleague asked about — contained infection from a human or an animal source?

Will he also tell us whether these samples identified — and I refer here to the Silent Valley — contain infection from a human or an animal source, and if the actual source of this contamination can be identified? Will he also tell us why, since he has decided to ban grazing in this area, he and his Department are not prepared to pay compensation to those farmers who are already in straitened circumstances — perilous as Dr Paisley described it earlier — because of the state of the industry and who will, as a result, lose their winter fodder through no fault of their own? Did he consult with the Minister of Agriculture and Rural Development on the impact of such a decision and on the implications of the timing of the decision on the farming community in the Mourne?

Finally, why will he not do the responsible thing and sit down with his Executive Colleagues in health and agriculture and work out a sensible solution to all of the aspects of this crisis and not give the impression that this decision was nothing more than a political decoy, taken to save the DUP's face and shift the blame to someone else in order to cover up the incompetence of the policy of rotating ministerial posts?

1.30 pm

**Mr Campbell:** There are a number of issues here with which I will attempt to deal.

With regard to compensation to the farmers in the Mourne, the legal advice to the Department is very clear. Grazing rights on these lands, which are owned by the Department for Regional Development, have traditionally been reviewed on an annual basis. The

contract confers rights to grazing only and not possession of the grazing land itself. The legal advice is that we can discontinue the practice of granting grazing rights, regardless of how many years this practice has been in existence. I know and fully understand that this will come as a great disappointment to the farmers, but I must have regard for the legal position.

I have asked my officials — and I hope this will answer the other question about agriculture and rural development liaison — to continue their liaison with Department of Agriculture and Rural Development officials to establish what measures, if any, can be taken to assist those farmers affected.

Mr O'Neill also asked about the acceptable levels of cryptosporidium in the water. I will provide him with written specific details of the acceptable level, the level beyond which a "boil water" notice is issued. However, may I say to him that if there had been a breach of that level, which is accepted throughout the United Kingdom and is enforced in Northern Ireland, in the Silent Valley, a "boil water" notice would have been issued. It would not have been the responsibility of my Department to issue such a notice, as I have made clear in my response to previous questions.

I am disappointed with the Member's last question. I have endeavoured at all times through these problems and dilemmas — as I have with others — to deal with the subject matter efficiently and as effectively and impartially as possible. I have not and will not take party political advantage over such an issue as this. In this respect I find the question —

**Rev Dr Ian Paisley:** Before sitting down will the Minister give way?

**A Member:** He cannot give way when answering questions.

**Mr Campbell:** I find it an unfortunate intervention that relates to participation in the Executive Committee when the Member knows that I stood on an election manifesto commitment which precluded my participation in an Executive in which there were members of an organisation linked to a paramilitary group. That continues to be my position.

**Mr Davis:** I would like to thank the Minister for his statement and also for his reply to me last week. I may be breaking into the ambit of the Health Minister, but perhaps Members will bear with me.

In relation to the timing of the outbreak, it has been brought to my attention that on 25 August the public water supply was highly suspect, but the Water Service refused to acknowledge this. One of the doctors told the Health Minister when she visited Dunmurry last week that it would be foolish to underestimate the seriousness of the outbreak. However, only a few months before this

a spokesman for the Eastern Health Board said that there was no reason to be unduly worried. Can the Minister confirm that there were sheep or cattle in the Silent Valley reservoir in May? Can he tell us — or find out — whether, in the various strains of this bug where people have been confirmed as infected, slurry has been confirmed as the problem? This has been identified as the cause in one case in Lisburn. Finally, does the Minister agree that it is extremely important to review the procedure so that information can be circulated to the general public more quickly?

**Mr Campbell:** Mr Davis has raised a number of issues. In relation to timing — and I thank him for that information, which we will follow up — the clear indication was, as I mentioned in my statement, that a risk assessment was done for Northern Ireland's water supply. The conduit, within which a breach has occurred, was not identified as high risk. I am satisfied that the risk assessment, which was undertaken by the Water Service, has been diligently carried out in accordance with the national standards. However, it would help to improve public confidence in the water supply if there were an independent review of these risk assessments. One possible approach might be a review undertaken by the Northern Ireland drinking water inspector. I have briefly mentioned this to the Minister of the Environment but need to speak to him further on this issue. The public can be reassured that every possible step will be taken to protect the public water supply.

Mr Davis referred to the possibility of sheep in the reservoir. Since the notice was issued to remove sheep from the lands surrounding the reservoir a small number of sheep have re-entered the reservoir. Steps have been taken to have them removed. I am not aware of any further information in addition to that. I have no information regarding the slurry. My officials will pursue this and will respond in writing to Mr Davis.

**Mr P Robinson:** I congratulate the officials at the Department for Regional Development, and those working in and under the authority of the Department of Health, Social Services and Public Safety, for their response to this crisis. The Minister will want to make it clear publicly how scandalous, inane and scurrilous the comments by the deputy leader of the Alliance Party and by the Member for South Down from the SDLP were. To suggest that he denies his — *[Interruption]*. The Member will get plenty of questions.

**Madam Deputy Speaker:** We have only five minutes left for this subject. For the remaining four questions will Members please be very succinct in both questions and answers.

**Mr Hussey:** On a further point of order, Madam Deputy Speaker. Is it not common practice that the debate and questions last for an hour after the Minister has finished making a statement? The Minister finished at one o'clock. You declared that this debate would finish at quarter to



two, and I notice also that the clock has not been set for the one-hour period.

**Madam Deputy Speaker:** Thank you for that point of order. It was agreed by the Business Committee that there would be one hour for this debate. I am just checking Standing Orders to see if it is one hour following the ministerial statement. It is up to the Speaker to determine. The Business Committee has said one hour. That said, while we may try and go a little over the time allocated, I would prefer it if everyone could be succinct.

**Mr P Robinson:** I can assure you that I will not take longer than Mr Close did to ask his question.

Does the Minister agree that it was scurrilous to suggest that he, his officials or the Water Service were responsible for a third party reaching the water system? Is Mr Close suggesting that there should be some monitoring so that the moment a cryptosporidium enters the water system, the Water Service should be aware of it? To help Members understand how absurd that suggestion is, perhaps the Minister will confirm that a cryptosporidium oocysts is one two-hundredth of a millimetre long. The length of water pipes and conduits in Northern Ireland is about 15,000 miles — more than the distance from here to Australia. It is just conceivable that an oocysts could enter the water supply via a third party. Should the criticism not therefore be of the contractor, or of the Planning Service for allowing it to happen, or of building control for not supervising it properly, instead of attempting to blame those hard-working officials in the Department for Regional Development?

Does the Minister recognise that the crisis that we have seen over the last number of days is such that the people in Northern Ireland will want from him a clear indication that we can have full confidence in the public water supply? Will he ensure that proper steps are taken to change the enquiry forms that are sent to the various Departments and agencies by Planning Service so that this kind of issue is taken into account? Planning decisions should be taken so as to ensure that no houses are built close to or beside the main water supply, especially if they have septic tanks.

**Mr Campbell:** I take this opportunity to refute again the terms used by Mr Close. The terms “carelessness” and “negligence” were totally inappropriate. The only issue on which I concur with the Member — and I expect and hope for his support — is the continuous underfunding of the system for almost 30 years. If there is a semblance of an issue arising from Mr Close’s question with which I concur, it is that.

I thank Mr P Robinson and agree with him. It may be possible to address planning issues. I will consult with the Department of the Environment, and my officials will look at any possible measures that would preclude this from occurring again in close proximity to a dwelling.

**Madam Deputy Speaker:** There are five more Members who want to ask questions. I am aware of the time and also of the need to break for lunch. Therefore I ask those Members to put only one question each.

**Mr McNamee:** Go raibh maith agat. I thank the Minister for his statement. I want to ask a couple of brief questions. The first one concerns the report from the expert group on cryptosporidium —

1.45 pm

**Madam Deputy Speaker:** I have asked that only one question be put to the Minister.

**Mr McNamee:** It will be one, Madam Deputy Speaker.

The expert group on cryptosporidium appointed by the Government made a further report in 1998 with 50 revised recommendations. Has the Water Service adopted and implemented those 50 revised recommendations?

The other point of clarification concerns the test evidence. On 25 August the Water Service was reluctant to accept that the public water supply was the cause of the outbreak of cryptosporidiosis because there was no test evidence available. Can the Minister say if the results of the samples taken on 22 August were not available? Did the present test procedure fail, or was there no evidence of cryptosporidium in the samples? In the case of the latter, is the Minister satisfied that the present test procedure is adequate if it failed to detect cryptosporidium in the samples that subsequently proved to be infected?

**Mr Campbell:** I will deal with the issue of the recommendations arising from the original report. All 51 recommendations have been adopted, and implementation is ongoing.

I will return to the dates lest there be any doubt regarding the sequence of events. On 21 August — and only on 21 August — the Eastern Health Board became aware of a number of cases of cryptosporidiosis in the Poleglass area. There was no indication on 21 August that that could be traceable to the public water supply. By 25 August there were 20 confirmed cases, and an outbreak control team had been established.

Continuous sampling took place between 25 August and 29 August, and on the evening of 30 August the control team agreed to issue a “boil water” notice. That was issued on the morning of 31 August, by which time my officials were in the process of hand delivering 17,500 “boil water” notices. I hope that clarifies the speed, nature and chronological sequence of events that took place from 21 August to 31 August.

**Mr Hussey:** I thank the Minister for his statement, and we join in his praise for the Department for Regional Development officials on their actions, given

the logistics that they presently operate under. However, I trust that a review of this particular incident will lead to more efficient methods of dealing with incidents of this nature in the future.

In his presentation, the Minister stated that 22 sources have been identified as having lower risk factors. Indeed, the incident occurred on one of these sources as a result, admittedly, of an external incursion into the system.

Will the Minister undertake to identify the other 21 sources and give the House an assurance that there will be an upgrading of risk assessment methodology? I would not expect that to be done today, but perhaps in writing at some later stage to the House.

**Mr Campbell:** I thank the Member for the succinct nature of his question; I will endeavour to be equally as succinct.

I want — and I am sure the Member will agree — to ensure that nothing is said that will lead to an increase in fear and suspicion among the public regarding the public water supply. While I take his point that the ingress occurred on one of the 22 sources identified as being lower risk, I would not want to publicly identify the other 21. I will undertake to write to the hon Member indicating measures that we can take in relation to the assessment of risk once this issue has been dealt with and is over.

**Mr R Hutchinson:** I thank the Minister for his frank and honest statement. I too join in the thanks to Mr Martin and his colleagues for their very swift and professional reaction to the present outbreak. Is the Minister content with the communications between his Department and the Department of Agriculture and Rural Development?

**Mr Campbell:** Yes, there has been comprehensive liaison. It has been instructive and very helpful in dealing with the problems. I am perfectly content with the relationship and hope that we can learn from this and build on it for the future.

**Mr M Murphy:** Go raibh maith agat, a Chathaoirligh. As the Silent Valley has been identified as the source with the highest risk of contamination, does the Minister agree that the 2003 timescale is totally inadequate? It is putting at risk the health of 250,000 people as well as placing a financial burden on sheep farmers. Does the Minister agree that, while an investment of £32 million to replace the conduit is welcome, to wait until 2003 for completion will put a terrible strain on the 250,000 people who expect to receive pure water? Given that funding should take priority over other matters, does the Minister agree that in the interim, compensation should be given to farmers? There is talk of farmers receiving some compensation for this year, but there is no mention of 2002 and 2003.

**Madam Deputy Speaker:** Thank you, Mr Murphy.

**Mr M Murphy:** There is another part to the question.

**Madam Deputy Speaker:** Mr Murphy, I asked that Members put only one question.

**Mr M Murphy:** It is very unfair. Like everyone else, I am entitled to ask this question, and I want it answered.

With regard to the outbreak in the Lisburn and Poleglass areas, what financial assistance will be given to those who have suffered from the financial strain, especially those in receipt of benefits who have had to buy bottled water, incurred higher electricity bills, and so on?

**Mr Campbell:** With regard to compensation I have already said that legal advice is of a particular nature and therefore precludes me from making any assurance on those grounds.

With regard to the Silent Valley, there is a proven risk of contamination to the public water supply from livestock grazing in reservoir catchment areas. There was an outbreak of cryptosporidiosis in the Manchester area last year, and it was linked to sheep grazing around a reservoir.

The risk assessments carried out on the Water Service reservoirs have shown that the Silent Valley is particularly at risk due to the lack of a satisfactory level of treatment. The system to provide that level of treatment is in place, but it cannot be completed before the 2003 financial year. That is why sheep have been excluded from the area surrounding the Silent Valley. Any other measures taken by the Water Service to protect the wholesome water supply derived from there will be taken. However, a more categorical assurance can be given with regard to the completion of the treatment works in the reservoir area. They cannot be completed until the 2003 financial year.

**Mr Bradley:** My Colleague Mr O'Neill adequately covered most of the problems pertaining to South Down. According to my notes he asked eight questions, but I picked up on only two answers. I will have to wait until I receive Hansard tomorrow to see all the answers.

I am disappointed that the Minister did not attend the Executive meeting on this specific issue. I am disappointed that he put party before people. It was his one chance to meet with the Executive and not have to make any excuses for doing so.

My question refers to compensation. Some farmers have to sell stock due to the lack and loss of grazing. When the funds from such sales are put into the bank they are not put into deposit accounts — the bank will keep the money. Meanwhile, three or four years of inflation will occur. Will the Minister introduce a subsidy scheme, or some form of financial assistance, to help farmers restock in three or four years time, bearing

inflation in mind? The money farmers would receive by selling stock now will not be enough to purchase stock in three or four years' time. Will the Minister put in place a scheme that would adequately fund a restocking scheme in three or four years' time? Let us be hopeful that the farmer will get back to grazing the land.

**Mr Campbell:** I am sure Mr Bradley will appreciate that his latter point would be more appropriately made to his Colleague the Minister of Agriculture and Rural Development. I await that Department's response to those comments. The Member would not expect me to comment on them.

Mr Bradley raised the issue of my non-attendance at the Executive Committee. This matter required immediate action — not prolonged discussion — and that is what I undertook.

**Mr Shannon:** Are there other similarly constructed water conduits in Northern Ireland, and can the Minister assure the House that, as a result of lessons learnt from the outbreaks of cryptosporidium in Lisburn and Poleglass, this type of outbreak will not happen elsewhere in the Province?

**Mr Campbell:** The problem in relation to Lagmore was not in the intrinsic nature of the conduit. There was a third-party breach of the conduit. It was therefore a difficulty caused more by others than by the fact that the conduit was 110 years old. Up until this ingress there had not been incidents of this nature.

*The sitting was suspended at 1.58 pm.*

*On resuming —*

## EDUCATION

### North/South Ministerial Council Sectoral Meeting

2.15 pm

**Madam Deputy Speaker:** I have received notice from the Minister of Education that he wishes to make a statement on the meeting of the North/South Ministerial Council held on 3 July 2000.

**The Minister of Education (Mr M McGuinness):**

With permission, A LeasCheann Comhairle, I will make a statement about the second sectoral meeting on education of the North/South Ministerial Council held in the Manor House at the Ulster Folk and Transport Museum, Cultra, on Monday 3 July.

Following nomination by the First Minister and the Deputy First Minister, Sir Reg Empey and I attended the sectoral meeting of the Council. The Irish Government was represented by Dr Michael Woods TD, Minister for Education and Science. This statement has been approved by Sir Reg Empey and is also made on his behalf.

The main objective of the meeting was to review the progress made by the working groups which we agreed to establish at the first meeting on 3 February in relation to educational underachievement, special education needs and teacher qualifications. These working groups will bring forward to the next council meeting in the autumn proposals on the priorities which they have identified, delivery measures which might be adopted and suggested timescales for addressing the range of issues involved.

We also noted that a contract had been agreed by my Department and the Department of Education and Science in Dublin with the Centre for Cross Border Studies in Armagh for the conduct of an evaluation of the range and effectiveness of current initiatives on school, teacher and youth exchanges. The study will also make recommendations to a steering committee, representative of both Administrations, on the possibilities for a coherent, integrated strategy for the future. The study is scheduled to be completed by 31 October this year.

The council also noted a range of recent co-operative ventures in the field of education since its last meeting. These included the very successful Doors project, which was a celebration of lifelong learning through performances involving over 1,700 young people at four locations on the island — Cork, Dublin, Belfast and Derry City — and the conference, Education — the Challenges to 2020, which was held at Stranmillis University College on 30 May. This was a very significant conference,



which was attended by Minister Woods, Minister Farren, the United States Secretary for Education, Richard Riley, and myself.

Finally, against the background of EU programmes, the council noted with satisfaction the significant co-operation between the two Administrations in the past and the opportunities for further collaboration under the new round of EU programmes, particularly through the Peace II operational programme. The council agreed a range of priority areas in both education and the youth sector that might be supported through that programme.

In addition, the council noted that 2001 has been designated as the European year of languages and agreed that a joint conference would be organised to address issues of common interest in the area of language learning. The next meeting of the council is planned for 24 November in the South.

The council agreed that text of a communiqué which was issued following the meeting. A copy of the communiqué has been placed in the Assembly Library.

**The Chairperson of the Education Committee (Mr Kennedy):** I am grateful for the opportunity to ask some questions. The Minister has sold the virtues, whatever they be, of North/South co-operation, yet he steadfastly refuses to co-operate in the investigation of the Omagh bombing and the apprehension of those responsible for it, in spite of knowledge undoubtedly in his possession. He would therefore have to accept that his efforts in North/South co-operation are meaningless.

When does the Minister intend to inform the Assembly Education Committee about the detail of the issues raised at the second sectoral meeting on education, particularly given our stated interest in underachievement?

What, if any, progress has been made by the steering groups? I find that both the statement made today and the communiqué lodged in the Assembly Library are very short in detail in all those matters. The remarks I made at the outset are crucial.

**Madam Deputy Speaker:** I remind Members that these are questions on the North/South Ministerial Council. The reference made by Mr Kennedy in his opening remarks does not need to be responded to by the Minister.

**Mr M McGuinness:** Thank you, a LeasCheann Comhairle, for pointing out that the first issue raised is not within the purview of the North/South Ministerial Council.

There have been a number of briefing sessions between my officials and the Education Committee to inform the Committee about these matters. My officials are quite within their rights to inform the Education Committee of the details of the conduct of the North/South Ministerial Council meetings. If there is dissatisfaction

about that level of contact, obviously it is my responsibility to investigate with my officials whether or not questions that have been asked about the conduct of the North/South Ministerial Council meetings have been adequately answered. I will ensure that they are, because I am very much in favour of a good working relationship between the Department and the Education Committee. I will endeavour to ensure that whatever information is required is made available at the earliest possible moment.

Quite a number of the working parties have been established. They are made up of civil servants from our Department and from the Department of Education and Science in Dublin. The information regarding that will be made available to the Committee at the earliest opportunity. I do not have the names before me, but I will endeavour to ensure that the names of all the civil servants, North and South, who make up the joint working groups will be sent to the Committee as a matter of urgency.

It is also important to point out that all the papers from the North/South Ministerial Council meetings on education went to the Executive, including the terms of reference of the steering groups, before the North/South Ministerial Council meeting. It is not a huge issue for me. People are entitled to information. I will ensure that the fullest information about the composition of these bodies is sent to the Committee.

As for the issue of special educational needs, this is a very important area of our work. My Department believes it is absolutely vital that we deal with the issue of educational underachievement. That is going to be a huge issue for us. The issues of attendance, literacy and numeracy, and child protection are also vital. They are key areas for us, and we are endeavouring to push forward work in all of them as a matter of urgency.

Regarding EU support, everyone will be aware that funding will be available under Peace II.

At this stage it is difficult to be precise. Officials have only recently received the European Commission's comments on the draft programme which was submitted earlier this year. These comments will be negotiated with the commission over the next few weeks. Once these are concluded and a programme is agreed, applications for funding will be invited. I would expect that funds will not begin to flow until early next year.

The new peace programme will be the last time that we have a special funding package from the EU. The programme will operate North and South. We have to use the funds available to the best advantage of our young people. That is for sure. We are particularly keen to support initiatives that address educational disadvantage and promote social inclusion. Measures which help and encourage young people to remain in education and

improve basic skills which will help them gain employment will be particularly important.

**Mr McMenamin:** I am delighted to see that 2001 has been designated the European year of languages. Will the Minister seek to appoint more Irish-language teachers and special language counsellors to assist young people seeking to learn Irish, and provide facilities and other supports to make Irish an attractive choice for students?

**Mr M McGuinness:** The European year of languages is an opportunity to actively promote the learning of other languages. There will be a range of activities taking place in each country and collaboration between countries. This presents a special opportunity for all of us on this island to celebrate the diversity of languages in Europe and to encourage the learning and use of other languages.

The themes for the conferences have not yet been developed, but I hope to give the Assembly some information after the next sectoral meeting. The European year of languages is intended to celebrate the diversity of languages in Europe and to encourage the learning of other languages. I encourage all young people to try to gain some knowledge and appreciation of other languages. I appreciate the importance of ensuring that there are enough fully qualified Irish-language teachers. That is vitally important.

The establishment over the summer of Comhairle na Réamhscolaíochta, which has now met as a fully-fledged educational body, will make a huge contribution to the development of the Irish language on the island of Ireland. It will give us all an opportunity to fulfil our very clear responsibilities to parents, pupils and educationalists who are responsible for teaching through the medium of Irish. In many parts of the island of Ireland, and specifically within the part of Ireland that is under our control, it is obvious that many communities are rediscovering the language. They value its importance in terms of culture and heritage. It is not confined to Nationalist and Republican areas. There is very broad appreciation in the Unionist community that this is something which enriches all of us. That is something that can be a tremendous unifying force if it is managed and conducted properly.

**Mr S Wilson:** I note that the statement starts with the Minister declaring that he is speaking on behalf of Sir Reg Empey. Is the Northern Ireland Executive now such a cosy arrangement that IRA/Sinn Féin can speak for the Ulster Unionist Party, or is this yet another example of the Minister stepping outside his responsibility and exceeding his authority?

There is a plethora of meetings, groups, contracts, conferences in this statement: sectoral meetings, working groups, contracts with other bodies to carry out studies, conferences on this, and conferences on that.

All of this is work which could be done within Northern Ireland itself. What is the approximate cost of all this “North/Southerly”? We seem to get the same kind of reports on every occasion, so what has actually come out of it?

Lastly, I notice that there is to be a conference on language learning. Will there be a session on doublespeak? On one hand, the Minister supports the Peace II programme, while, as Danny Kennedy has pointed out, he refuses to say — in fact, he defiantly proclaims he would not say — if he knows who was responsible for the Omagh bomb. Will the Minister —

2.30 pm

**Madam Deputy Speaker:** Order.

**Mr M McGuinness:** Sir Reg Empey agreed the content of the statement that I have made for both of us. If people listen to the contributions of other Ministers, it will become clear that representatives of the Ulster Unionist Party, the SDLP and Sinn Féin who make up the ministerial team at Executive meetings are working well together. They are very conscious of their responsibilities to the people, and work in such a fashion as can contribute greatly to the gaining of confidence. We can overcome our problems and our difficulties.

Regarding how much this has cost and who is going to pay for it, the areas that we have identified are areas that we would all be working on anyway, both North and South. We are enhancing that by sharing good practice and developing common approaches and common answers to shared problems. To that extent, we expect the work at this stage to be very largely cost-neutral. There may be some limited extra expenditure incurred on travel, and perhaps materials, but this will be found from within existing departmental budgets. Obviously there may be cost implications arising from proposals from the working groups, and I will consider these at the appropriate time. Should there be a conference on doublespeak, we will invite the Member to be there.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom fáilte a chur roimh an tuairisc seo. Is í an cheist atá agam ná: ar stad obair na Comhairle Aireachta Thuaidh/Theas ar an oideachas le linn do na hinstitiúidí polaitiúla bheith ar ceal?

I welcome this report. I welcome continuing close contacts between the Minister and the Education Committee, of which I am happy to say I was a member. Did the period of suspension of the political institutions disrupt the work of the North/South Ministerial Council with respect to education? Did it prevent or stall the very valuable work in the field of educational progress being carried out by the North/South Ministerial Council?

**Mr M McGuinness:** The suspension certainly did not stop it, but it did delay it. There is no question about



that. Without ministerial direction, there was never going to be the essential progress that needed to be made. Since the institutions have been re-established and the Ministers are back working again, it is clear from the last North/South Ministerial Council meeting that civil servants in the Department of Education and Science and ourselves here in the North are working speedily to make up the ground which was lost. I am confident that we will do that, that we will do it this year and that we can all move on happily to put in place the processes which we know are required to improve the educational standards of all the children on this island.

**Dr Birnie:** In his statement, the Minister mentioned both teaching qualifications and teacher exchanges between Northern Ireland and the Republic of Ireland. What progress has been made in facilitating the movement of qualified teachers from Northern Ireland to work in the Republic of Ireland? Hitherto there have been a number of obstacles or barriers to such movement of labour — notably the Irish language requirement, even in cases where the main occupation of the teacher is not actually teaching Irish itself, be it at the primary or secondary level.

**Mr M McGuinness:** We have already gone a long way towards mutual recognition of qualifications, in line with European Union directives. The South already accepts graduates from certain teacher training courses, and we are looking at the practicalities of extending that. The key issue concerns an assurance about the quality of training provided and the confidence of teachers to teach in our schools.

On the issue of the Irish language, we have set up the working group without prejudice as to what recommendations may emerge. The South has already gone a considerable way towards relaxing the Irish language requirement, and it will undoubtedly feature in future discussions.

**Ms Lewsley:** I welcome the Minister's statement on the working groups set up. I would particularly like to touch on special education needs. Will the Minister ensure that when that group is prioritising it will consider making sure that children with disabilities are given an automatic right to enter mainstream education and that appropriate funding is put in place?

**Mr M McGuinness:** We will certainly make that a priority. In our discussions with officials from the South it has been appreciated that this is a vitally important area. As head of the Department of Education, following a number of recent visits to special education schools, I have indicated to officials that I want this to be regarded as a priority. Many years ago special education establishments were effectively old hospitals under the remit of the Department of Health. They were then transferred to the Department of Education. Those are the ones I am particularly concerned about. Through visiting them it is

clear that the conditions under which pupils, parents and teachers have to operate are far from satisfactory. It is a huge issue, and I will be paying particular attention to it in future.

**Mr Gibson:** The Minister mentions a number of areas of concern — educational underachievement, special education and teacher qualifications. Which university or college in the South is dealing with underachievement? How are the issues apportioned? Who is funding the investigations, and when can we expect a report on the areas of concern? Can the Minister explain what is meant by “coherent, integrated strategy for the future”? Is it the harmonisation of programmes North and South? Is it upward or downward harmonisation? What will it mean for educational standards in Northern Ireland?

Having looked at those priorities in his statement he then talks about another range of priorities under Peace II. Is the money that is coming from Europe under Peace II additional to the educational budget? Can he assure us that that money will not be funding something that would already be part of our educational system?

The phrase “range of priorities” is bland. Having listed the medium priorities that are already under investigation, is anyone in the working group asking about solutions which might already exist in Europe or America, or in some of the Third-World countries where great strides are being made in education? In other words, could we end up spending Peace II money simply to spend money rather than ensure educational advancement?

My last question also concerns co-operation. Why does the South of Ireland refuse to pay the pension of a teacher or a lecturer in the North of Ireland? This has been much lobbied about by those who have spent part of a lifetime in the South of Ireland and wish to retire, particularly in the border areas. They may want to enjoy a higher standard of living, but they certainly cannot get paid from the South. That sort of co-operation happens freely elsewhere in Europe. I wonder why the South of Ireland is lagging so far behind.

**Mr M McGuinness:** There are a number of questions there, and if I miss any of them I will gladly give the Member a written answer.

I have made it very clear that the working groups that we have established will be presenting interim reports for the next North/South Ministerial Council. Harmonisation is not an issue. We are learning from each other. We are sharing best practice. The education system's curriculum and exams are very different, as Members know, but obviously we are trying to bring about a situation where we learn effectively from each other. Our remit is very carefully laid down, and nobody can be under any illusions about hidden agendas or anything else. At the same time, however, we think it

important to state that we do appreciate that as we develop our relationships on the island we must, to enable us to provide the best possible education for all of the children who live on this island, be open to ideas and suggestions.

If people come forward with innovative schemes, the sensible thing to do is to have all of that out in the open, and that is what the Assembly is for. That is why I must come here and report back. I am not going to be part of anything which attempts by sleight of hand to make people like Oliver Gibson or anybody else nervous about the work that we are involved in, and for that reason we need to be very measured about how we move forward on the issue.

With regard to the Peace II money, all the funding is additional money, and priorities and negotiations with the EU Commission will finalise those details. The Assembly will be advised of them later.

The matter of teachers and the pension situation obviously is a difficulty at the moment. A teacher who moves to take up a job in either the North or the South cannot add his previous service to his new employment for the purposes of calculating pension benefits. This is an obstacle to mobility, and its removal would benefit all teachers, North and South. It is vital that we look at the concerns of teachers and that we try to facilitate them. Teachers in the South may also have problems and difficulties.

**Mrs Nelis:** Go raibh maith agat, a LeasCheann Comhairle. I congratulate the council and the Ministers on the very successful Doors project, a celebration of lifelong learning, involving young people in Ireland. There has been excellent feedback from all who participated in it. I ask the Minister what measures the North/South Council is undertaking to provide adequate child protection throughout the island of Ireland. Is this matter under consideration by any of the three working groups, or is it one of the priority areas in education and the youth sector?

**Mr M McGuinness:** Last week I launched a CD-ROM at the Verbal Arts Centre in Derry.

That was a joint project between my Department and the Department of Education and Science in Dublin. It was hugely successful in bringing together storytellers from all over the island of Ireland. From this week, the CD-ROM is being issued to every school on the island. That is an example of the important and valuable work that can be done.

2.45 pm

The remit of the joint working group on child protection is to look at how we can put in place the necessary mechanisms, both North and South, to enable us to identify people throughout these islands who are

considered to be unsuitable to work with children — not just in education but in any setting, statutory or voluntary — and link those mechanisms in to similar ones in England, Wales and Scotland. In an age when the world is, in effect, getting smaller and there is much free travel in Europe, we cannot ignore the fact that we may need to extend those mechanisms on to the European mainland. We all know that there have been some disgraceful cases of child abuse in different European countries. People are travelling more than ever before, and we know that those who seek to take advantage of young children will go to any lengths. They do not necessarily reside in these islands, so it is important, in a European context, that we be prepared.

While it is education-led, this group also has representatives from the health sectors both North and South. The group has exchanged papers on current approaches to child protection and employment issues and is also examining the parameters of the task and the many sensitive and legal issues involved. The group has been briefed on the position in England, where much of the necessary underpinning legislation and procedures are already in place.

**Mrs E Bell:** I congratulate the Minister on the Doors project, which was mentioned in his statement. I attended the concert in the Waterfront Hall, and it was a memorable evening. I hope that there will be further similar projects.

In an answer to the Chairman of the Education Committee, the Minister made some comments about his relationship with the Education Committee. I am sure that he wishes to have as good a working relationship as possible with that Committee. However, I was concerned by some of his other comments about the working groups on educational underachievement. When he says that these are serious issues from his point of view, I take it that he means from the Department's point of view. Is the Minister aware that the Education Committee's future programme of work will include those issues? Will he consider putting in place a better mechanism than the placing of his statements and the minutes in the library? Because of the work that we are undertaking, I ask him to consider putting a mechanism in place by which we would be informed directly of the work being done, and of progress, so that we are not dependent on the measures that he has already mentioned.

I am concerned that there would be serious overlap and duplication between the work carried out by these groups and by our Committee and that this would lead to a lack of credibility and results. I approve of the statement but hope that, rather than waiting for such a statement to be made, the Education Committee could have some sight of the work that is being done in order to avoid overlap.

**Mr M McGuinness:** I have listened carefully to what the Chairman of the Education Committee and Mrs Bell

have said, and they have made an important point. I have no difficulty whatsoever about establishing a mechanism to ensure that the Committee is made aware of the outcome of these meetings before we issue what some would consider to be a bland statement about them.

**Ms McWilliams:** I commend the Minister for taking forward the issue of child protection so urgently and so quickly. It was raised at the time of the last North/South Ministerial Council statement in the Assembly. Was new legislation required in the Republic of Ireland as it was in Northern Ireland? I note that legislation now has to come through our Committee for the exchange of details across jurisdictions. If something similar is required in the Oireachtas, implementation will obviously be a lengthy process.

I congratulate Assembly Member Eileen Bell, who attended the Doors project. "Fantastic" is the only word to describe it. Seventeen hundred young people from all corners of this island came together, and the logistics of bringing them together and enabling them to make the presentations they did were extraordinary. It was also fantastic for us to witness the integration of business and education in launching that initiative.

No doubt those young people learned a great deal from their involvement — and that leads me to my next question. For some time now I have been slightly sceptical about exchanges between Northern Ireland and the Republic. They may have been extremely useful in breaking down the demonisation, the stereotypical images and myths and, indeed, the fear of crossing the border, be it on the part of those in the Republic who had never visited Northern Ireland in their lives, or those from schools in Northern Ireland who felt that strange people lived on the other side. It would be useful to see a coherent, integrated strategy produced to test the effectiveness of those visits. I ask this question because of my own experience as a parent. I have been involved as a parent —

**Madam Deputy Speaker:** The Member will move directly to the question she wishes to raise.

**Ms McWilliams:** The reason I ask this question is that, as a parent, I had it brought to my attention at a school meeting that schoolteachers were fearful of introducing state and maintained schools to each other before joint visits across the border under the education for mutual understanding programme. As a result, most education for mutual understanding visits were to Scotland and England.

I ask this question because even though we have a programme on education for mutual understanding, there is a great deal of fear about cross-border exchanges. Indeed, we have heard this from Members in this Chamber already — and particularly from a DUP Member, a former teacher, who probably would have nothing

whatsoever to do with exchange visits if they involved his schoolchildren.

Although the Minister says that a range of priority areas have been agreed for education and the youth sector under the Peace II programme, I am concerned that we have absolutely no detail whatsoever on these priorities, and I would like to see them attached to future statements.

**Mr M McGuinness:** There will very probably have to be legislation in Dublin. The second issue the Member raised is also important. In the course of my travels around different schools it has become clear that there is a tremendous willingness in both the state and maintained sectors to work together. I have seen an incredible number of joint projects taking place and have visited a number of schools in which teachers from both sectors are participating in prize-givings and education for mutual understanding. We are winning the battle in the North.

In the light of the work of Andy Pollak and his people at the Centre for Cross-Border Studies, it is important that people understand that for a number of years now, there has been a significant number of cross-border exchanges of teachers, pupils and young people.

We needed to get a better understanding of the range of exchanges involved and to evaluate their effectiveness. That is precisely what I think the Member is talking about. It is all very well improving the situation here in the North, but if we are not improving it to such an extent that people feel freed up to participate in these very important programmes, then we are going to have difficulties. Therefore evaluating the effectiveness of these at this time is vitally important. The research will look at issues such as the type of exchanges, their origins, their objectives, the management and financial arrangements and the curriculum areas involved. The research will also look at the scope for more effective management of exchanges to reduce duplication of effort and at how best practice might be mainstreamed and disseminated.

One key purpose of the research into exchanges is to look at the effectiveness of visits and to identify best practice in this area, not only for children, but also for teachers and the youth service, for which we have a responsibility.

With regard to the EU programmes, we are all very conscious that we must move forward in a sensible way. We want to encourage and support measures that are designed to help and support our most disadvantaged young people. It is very important that we build on the peace process and support projects that promote mutual understanding and reconciliation among young people.

The debate over the years has tended to focus and concentrate on relationships in the North, when we all know that relationships throughout the island are just as



important, especially in an age when people are moving back and forward more freely, and there is a greater oneness.

The Good Friday Agreement clearly indicated that a huge number of people want to work to end divisions on the island. Those people have children who are at school, so they are very keen for the Assembly and the Executive to give leadership. One way is through the proper use of finances accruing from the EU peace programme and proper direction in putting in place best practice so that we can add value to the work already done. The sooner we do that the better. There are going to be difficulties and problems, such as have been referred to, but our job and responsibility is to move forward to try to resolve them as a matter of urgency.

There is a huge responsibility for politicians from every party to give proper leadership at this time. We have come through a very difficult period recently. The situation on the Shankill Road was a tragedy and one we want to see resolved as a matter of urgency. When we get those difficulties out of the road we can then focus on politicians of all descriptions working in harmony. One example is Reg Empey's visit to the Irish language body on the Falls Road. He deserves tremendous credit for that. Also, a delegation of people from this Assembly went to the United States in an effort to seek work for our young people. This clearly shows that we have the ability to overcome our problems and difficulties.

That is the big picture. My responsibility is education. All we can do is try to get that right. As we continue to work with our counterparts in the South, there is no doubt that we can overcome all the difficulties mentioned.

**Madam Deputy Speaker:** I remind all Members that they should keep to the content of the North/South statement.

**Mr Dallat:** I am delighted that the council has noted that next year is the European Year of Languages. Does the Minister support the idea of a short, sharp survey in both parts of Ireland to establish the level of knowledge and interest in modern languages? Also, what can be done to ensure that all young people have the best possible opportunities to be multilingual in an ever more global environment?

3.00 pm

**Mr M McGuinness:** This is a hugely important area. It is vitally important that the European Year of Languages be intended to celebrate the diversity of languages in use in Europe and to encourage the learning of other languages. From our perspective in education, we believe it is vitally important that in a changing world, a world that is getting smaller for all of us, there are obvious economic prospects for our young people, not just those who work in Europe

but in other parts of the world as well, and it is absolutely essential that people have other languages.

We are told that in a few years Chinese will be a huge Internet language, and it is extremely important that we give due consideration to that. I have no doubt that officials in my Department are very keen to establish how interested young people are in the learning of languages, and the information that we have makes it clear that a sizeable percentage of school-going pupils are interested in learning languages. I agree with the sentiment that the Member expressed. We will ensure that, at our end, at least, as we are working with officials from the Department of Education in the South, we will give due consideration to that in the future.

**Mr McHugh:** A LeasCheann Comhairle, I welcome the Minister's work with the council on cross-border areas, in particular those of underachievement and child protection. I think there is a connection between those two issues. I would like to know if what they are working towards will achieve the objectives of life-long learning and youth issues in particular. One of the youth issues is that of life skills; the need for young people not only to achieve their educational needs but also to be able to deal with life issues when they leave education and face the wider world. That is a difficulty that I find people have now. Young people have great needs in that respect, and I wonder if the work that is being done will meet them.

When we have to face the educational challenges of the year 2020 in particular, we will find that these needs will become even more focused. Will the curriculum, on both sides of the border, be able to deal with whatever economic situation we will be facing in the years that lie ahead in terms of working towards an all-Ireland way of looking at things? I sometimes feel that the Celtic tiger has allowed people down South to become quite protective of what they have achieved, and they have difficulty in looking outside at people trying to come into this country.

**Mr M McGuinness:** Child protection is an important issue. At a previous question-and-answer session in the Assembly some people wondered whether it was suitably positioned in the area of educational underachievement, but we picked the issues of attendance, literacy and numeracy and child protection because we believe that these are key issues in tackling educational underachievement. In most of the schools where performance is lowest, attendance rates are also too low. Teachers cannot teach pupils who are not there. Literacy and numeracy are the basic skills which open the door to the rest of the curriculum and are the skills which employers complain are poor in too many school leavers. All of us have a fundamental duty in respect of child protection. Children cannot learn if they do not feel safe. These issues were identified because they are priorities, North and South. It is important that we get



this right and recognise the problems and difficulties that this presents for pupils and parents.

Both Departments are addressing the issues of life skills and the youth sector. Our own curriculum review is examining these issues very closely. Life skills will be a key element of the review and a key element of the revised curriculum.

## THE ENVIRONMENT

### North/South Ministerial Council Sectoral Meeting

**The Minister of the Environment (Mr Foster):** With permission, Madam Deputy Speaker, I will make a statement about the first North/South Ministerial Council sectoral meeting on the environment which was held in Interpoint, Belfast on Wednesday 28 June 2000. Following nomination by the First Minister and the Deputy First Minister, Ms Bairbre de Brún and I attended the meeting, which I chaired. The Irish Government were represented by Mr Noel Dempsey TD, Minister for the Environment and Local Government. This statement has been approved by Ms de Brún and is also made on her behalf.

The council recognised the important contributions already being made to the care of the environment by the Environment Departments and the agencies involved and by the various co-operative arrangements already in place. Both delegations looked forward to further significant progress arising from their co-operation in the council. The council considered and noted a situation report which reviewed the high level of existing co-operation between the two Departments on the seven environmental issues for enhanced co-operation which were mandated by the first plenary of the North/South Ministerial Council in Armagh on 13 December 1999. These issues include environmental research, environmental information, environmental protection, sustainable development, catchment-based water quality strategies, agriculture and the environment and waste management in a cross-border context. The paper also identified opportunities for a range of future and joint actions which will provide a work programme for this sector of the North/South Ministerial Council.

The council agreed that initial efforts should be concentrated on those areas where strong foundations for joint actions have already been laid and which have the greatest potential for early mutual benefits. Accordingly, it was agreed that environmental research and water quality management should be selected as the initial steps in a rolling programme of work.

In the interests of enhanced co-operation on environmental research, the council approved the establishment of a joint register of current research projects and agreed that officials should work together to identify new technologies for monitoring.

Delegates then noted the current levels of co-operation on matters relating to water quality which were detailed in the second paper tabled at the meeting. The council approved the establishment of a working group of

officials to consider matters relating to water quality strategies in relation to the Erne and Foyle catchments and implementation of the proposed EU water framework directive. The Council agreed that the second sectoral meeting on the environment would take place in October in the South.

Finally, the council considered and agreed to a text of a joint communiqué which was issued after the meeting. A copy of the communiqué has been placed in the Assembly Library.

*(Mr Deputy Speaker [Sir John Gorman] in the Chair)*

**The Chairperson of the Environment Committee (Rev Dr William McCrea):** I thank the Minister for his statement. However, it raises a number of issues that will no doubt interest the members of my Committee. I note from his statement that it has been agreed to establish a working group of officials to look after matters relating to water quality. Can the Minister tell the House how this will be funded? Will the Department's budget, which is already under severe pressure, be increased to facilitate this work? Vital work that the Department of the Environment ought to be taking forward in respect of the Planning Service and the Environment and Heritage Service has not been carried out because of a lack of funding. Surely the diversion of finances and funds to set up more working groups is totally unacceptable for an already highly underfunded Department. On 7 September the Committee was informed that some of our built heritage may be lost because of lack of funding.

A new working group partially financed by the Department cannot be justified. I note from the statement that there are already various co-operative arrangements in place. What are those? I am sure my Committee would like to know how those arrangements will operate. The Minister referred to a range of future actions which will provide a work programme for the environment sector. When does he plan to advise the Environment Committee of the details? On this day, our first day back after the summer recess, we have been inundated with cross-border, North/South Ministerial statements. I often wonder who governs this Province, and who has the final say.

**Mr Foster:** I note what the Member says about budgets and finances. We all worry about departmental finances. I am very aware, as is the Assembly, that my Department is under-funded in many aspects. These are issues, which we took under our wing, and which are currently under investigation. These are the initial stages. The issues were chosen to reflect areas where strong foundations for joint action had already been laid and which had the greatest potential for early regional benefits.

The funding issue has not been investigated in depth, but it is something we are aware of. We are looking for

cross-border benefits particularly where waterways, pollution and European directives are concerned. There will be many benefits. There will be shared information in areas of mutual interest. There will be less duplication of research with consequent financial benefits. There will be assistance in identifying areas of collaboration, thereby maximising the output from limited resources. There will be assistance in the formulation of joint initiatives which might qualify for European funding, which will be important — European funding will come into this and will be an area which we will be pursuing. There will be potential efficiencies and cost savings. There will be shared monitoring systems and information on matters of mutual interest. There will be consistent assessment on forecasting environmental trends in both parts of the island in relation to shared resources. There will be the facilitation of future environmental management initiatives.

Those are large, important issues, which have been running for many years. Although these issues are not new, I take the financial aspects into consideration. Where there is mutual benefit, I have no hesitation in working on joint border co-operation.

**Mrs Carson:** A North/South body has some advantages. At least we can scrutinise some of the problems and trouble we get from the South of Ireland and have the opportunity to do something about them. The issues discussed at the meeting of the North/South Ministerial sectoral meeting on 28 June included environmental research, information protection and catchment-based, water-quality strategies. I was interested to see that environmental research and water-quality strategies were chosen as initial steps in the proposed programme.

I asked the Minister if it was correct that the environmental service of the Republic of Ireland, by neglect and poor control of its own systems, allowed zebra mussels to spread from the Limerick area throughout the Shannon system. It is known that the passage of boats from the Shannon system has spread the scourge of zebra mussels into the Erne system. Will the Minister raise this problem with the Republic of Ireland's environment Department? At their next meeting, will the Minister ask what it intends to do about inspecting boats and vessels coming from the Shannon system in order to prevent problems spreading to the Erne system?

**Mr Foster:** The points made by the Member project the absolute need for co-operation on environmental issues. We are concerned when environmental co-operation is lacking. I cannot answer her question at this time. However, the question highlights what cross-border co-operation is about. As we are neighbours, the two jurisdictions need to work together to ensure that environmental issues are properly dealt with.

If we have to contend with them, we will. It is a very important question and one that I can take on board. I

want to emphasise the fact that it is important to have co-operation where you have cross-border water issues, and we will be seeking that in the joint Ministerial Council.

3.15 pm

**Mr A Doherty:** I thank the Minister for his statement. The council agreed that

“initial effort should be concentrated on those areas where strong foundations for joint action have already been laid and which have the greatest potential for early mutual benefits.”

That is very sensible. The choice of environmental research and water-quality management as initial steps may be timely, particularly in view of the current serious situation regarding water pollution. Does the Minister agree that waste management in a cross-border context is at least as urgent and clearly meets the criteria set down in his statement? As an illustration, I draw the Minister's attention to the very valuable work being done by, among others, the north-west region cross-border group, and I suggest that significant mutual benefit would come from early council action in that area.

**Mr Foster:** Waste management is a big issue. The Member referred to ongoing cross-border issues. The UK plan, which is currently under review, takes account of the need to encourage cross-border co-operation on waste management issues, and that is what we are trying to achieve. As regards the proposed changes, import and export of waste for disposal would be permitted where there are sound economic and environmental reasons for such activity and if such activity is included in a district council's waste management plan.

I am confident that these changes will provide sufficient flexibility to promote and encourage co-operation on waste management issues. Waste management is a very important issue. The Member has highlighted it; we will be highlighting it also. The issue will not go unnoticed.

**Mr McLaughlin:** A Cheann Comhairle, I welcome the Minister's statement. Waste management is an issue currently being discussed, and a consultation exercise is taking place across the island. District and county councils North and South are debating this very important issue. There has been much talk about the waste hierarchy under the generic term of waste management.

There are serious concerns, which public opinion is reflecting. Insufficient attention is being paid to waste reduction. Again, I welcome the joint studies and the reference in the Minister's statement to environmental research. Can the Minister — particularly given his response to my earlier question that he has no plans to order a moratorium on the construction of incinerator plants — assure us that this environmental research programme will give proper place to policies on waste reduction that would be enforced by the necessary legislation?

**Mr Foster:** The waste management strategy report has been out since March. Undoubtedly, it is a big issue in Northern Ireland. We are very much subject to EU regulations and requirements, and if we do not live up to those requirements infraction proceedings will take place.

I cannot give the Member the assurance he seeks on incinerators. I am not sure what aspect he was referring to. I assure him that the waste management strategy needs the help and the co-operation of everyone in the Province, whether householder or manufacturer. As well as waste disposal, there are the three Rs — reduce, reuse, and recycle. Currently, they are big issues in my Department, as, indeed, are landfill sites. I assure Members that they will not go unnoticed. They will be taken into consideration. However, it will take the co-operation, help and consideration of all in the community.

**Mr J Wilson:** I thank the Minister for his statement, and I congratulate him on its content.

In particular, I wish to congratulate him on setting the microscope firmly over the question of water quality. It is mentioned several times in his brief report, but I want to focus on the final page where it is stated that the council approved the establishment of a working group of officials to consider matters relating to water-quality strategies for the Erne and Foyle catchments and implementation of the European Union's water framework directive.

I am concerned about the large chunk of water right in the middle of the Province. It does not straddle the border, and perhaps it is right that for that reason it is not mentioned in this report. My Colleague, Joan Carson, is absolutely right that the scourge of zebra mussel in Lough Erne of which we are all aware and which is understood to have come up from the Shannon, Lough Derg and other places could easily be shifted from the Erne catchment to Lough Neagh. Craft can be lifted out of the water from the Shannon and Lough Erne and come to Lough Neagh, and zebra mussels could be attached to those crafts.

It is also my understanding that commercially caught eels from the Shannon and Lough Erne stop off on the shores of Lough Neagh to be collected by the transporters which ship them to the continent and that the water from the Erne and the Shannon systems is then deposited in Lough Neagh. One can easily see that what has happened is both a tragedy and a disaster.

I have been told that 300,000 zebra mussels can attach themselves to an area of one square metre. I have seen them myself. What would happen if that were to spread from the Shannon catchment area through Lough Erne and into Lough Neagh does not bear thinking about.

While I understand why Lough Neagh is not mentioned in this report, my question to the Minister is this: will the research and the work done on water quality in those other

places be put to good use and the lessons learned applied to other waters in the Province?

**Mr Foster:** We have addressed water-quality strategies for the Erne and Foyle catchments because of the cross-border aspect. I can assure the Member that through the water-strategy management, sizeable areas of water such as Lough Neagh and others will certainly be closely examined and guarded.

I am very aware of the mussel problem in Lough Erne. We do not want that to happen consistently — it has to be stopped; it is difficult for all concerned. There is a big problem in the Erne and right down into the lake at Garrison. I am watching that situation very closely. It will not go unnoticed. I can assure Mr Wilson that we will not forget Lough Neagh or any other waterways. Initially I mentioned the Erne and the Foyle because they are cross-border waterways.

**Mr Byrne:** I would like to welcome the Minister's statement and to pay tribute to him for his involvement over many years in trying to promote meaningful cross-border co-operation.

With regard to agriculture and the environment, I would like the Minister, at the next conference, to address a problem that is prevalent in the counties of Fermanagh, Tyrone, Monaghan and Cavan — mushroom compost waste. There is a large mushroom industry in those counties, but there is a problem with mushroom compost waste, and I would like it discussed in the future.

I welcome the fact that waste management is being considered in a cross-border dimension. Landfill sites are filling up, and a major problem is developing. I would like to encourage the Minister in that regard.

**Mr Foster:** Agricultural waste was not one of the topics chosen for immediate consideration, but it was identified as being one for possible future action. In the meantime, officials will continue to consult closely with the relevant authorities in the Republic of Ireland to ensure a consistent and complementary approach to this subject.

Landfill, which is a big issue, and waste management are incorporated under the umbrella of waste-management strategy. We will be taking whatever steps necessary and worthwhile to the Province to ensure that we can sort that out. It is a big issue — agriculture will certainly have to be looked at.

**Mr Hussey:** I thank the Minister for his statement, and I also welcome his responses to Mr Doherty's questions on waste management. I support the Minister in bringing that forward in the agenda given and in the methodology with regard to waste management that is being used by the north-west cross-border group, and, indeed, we have been joined in that group by other councils in Northern Ireland.

With regard to water quality, it is well known that for some time there has been considerable ingress of pollution to the Erne system from the Republic of Ireland. Anglers have been suffering as a result of deterioration in water quality in the Erne system. Will the Minister assure us that when problems are identified, it will be the responsibility of the respective jurisdictions to deal with those problems financially?

**Mr Foster:** We have been alerted to the problems of what may be floating from one jurisdiction into another, and we are concerned about it. Having lived in Fermanagh for a number of years, I have had personal experience of that. The important issue is that we work together in co-operation, under two different jurisdictions, but living as neighbours for each other's benefit. We will work on that aspect to ensure that water pollution does not occur on either side.

**Mr Poots:** Was there any discussion surrounding the major accident hazards directive? This is an EU directive which applies to all EU countries, but it has not been fulfilled by some, including the Irish Republic, which was supposed to fulfil it one year ago. We share the same waters and air space, so if there were a major accident in the Irish Republic, it could have a significant impact on the environment in Northern Ireland. Did the Minister raise this matter with the Irish Government, or will he raise it in future meetings with them?

**Mr Foster:** This again emphasises the necessity for good cross-border co-operation. It is all about living together in a neighbourly way, tackling our difficulties and issues of concern, and talking about them to ensure that they are completely eradicated. We will look into anything that is detrimental to Northern Ireland, and we will work in co-operation to ensure that situations like that do not occur.

**Mr Deputy Speaker:** The time is up.



## FOOD SAFETY AND HEALTH

### North/South Ministerial Council Sectoral Meeting

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** A LeasCheann Comhairle. Ba mhaith liom tuairisc a thabhairt don Tionól faoin Chomhairle Aireachta Thuaidh/Theas a tháinig le chéile mar chruinniú rannach i mBaile Átha Cliath Dé Máirt an 4 Iúil. Bhí gnóthaí a bhain le sábháilteacht bhia agus le comhoibriú i gcúrsaí sláinte faoi chaibidil ag an chruinniú.

I ndiaidh domh féin agus an tUasal Dermot Nesbitt bheith ainmnithe ag an Chéad-Aire agus an LeasChéad-Aire, d'fhreastail muid ar an chruinniú rannach den Chomhairle. Bhí an tUasal Mícheál Martin, an t-Aire a bhfuil cúram na Roinne Sláinte agus Leanaí air, agus a chomhghleacaí, an Dr Thomas Moffat, Aire Stáit, a bhfuil cúram Sábháilteacht Bia agus Daoine Scothaosta air sa Roinn, ag feidhmiú ar son Rialtas na hÉireann.

Tá an ráiteas seo, a cheadaigh an tUasal Dermot Nesbitt, á thabhairt ar a shon chomh maith.

Fuair an Chomhairle miontuairisc bhéil ón Dr Thomas Quigley, ón Bhord um Chur Chun Cinn Sábháilteacht Bia. Thug sé an t-eolas is déanaí do bhaill na Comhairle faoin struchtúr foirne atá molta don BCCCSB agus faoin obair atá ar siúl faoi láthair le plean corparáideach a sholáthar. Cheadaigh an Chomhairle, i bprionsabal, struchtúr bainistíochta, sracshocruithe foirne agus tús a chur le próiseas earcaíochta le bainisteoirí sinsearach a aimsiú. Aontaíodh fosta go seolfaí an BCCCSB go foirmiúil i Meán Fómhair 2000. Ach tarlóidh seo i ndiaidh an chéad chruinnithe eile den Chomhairle Aireachta Thuaidh/Theas atá le bheith ann i mí na Samhna 2000.

Phléigh an Chomhairle fosta an ról agus an déanamh a d'fhéadfadh bheith ann do Choiste Comhairleach an BCCCSB, a chuirfeadh comhairle eolaíoch agus theicniúil ar fáil don bhord.

Thug an Dr Quigley tuairisc ar an dul chun cinn a bhí déanta ag na grúpaí saineolaithe a bunaíodh le cúnamh speisialta a sholáthar i dtaobh sainfheidhmeanna an BCCCSB. Is é an ról atá ag na grúpaí saineolaithe seo ná comhairle a thabhairt don BCCCSB ar an dóigh le roinnt feidhmeanna de chuid an bhoird a chur i gcrích. Is é sin: cur chun cinn sábháilteacht bhia; taighde ar shábháilteacht bhia; rabhaidh bhia a scaipeadh; faireachán a dhéanamh ar ghalair i mbia; comhoibriú agus ceangal idir saotharlanna a chur chun cinn; agus saoráidí éifeachtacha ó thaobh costais a fhorbairt le haghaidh tástála i saotharlanna.

Fuair an Chomhairle tuairisc fosta ar an mhéid a bhí curtha i gcrích den chlár oibre a cheadaigh sí taobh istigh

de na réimsí sin a aimsíodh le haghaidh comhoibriú i gcúrsaí sláinte ag an chéad chruinniú. Ba iad sin: taighde ar aille, cur chun cinn sláinte, seirbhísí taisme agus éigeandála, pleanáil i gcomhair olléigeandálaí agus comhoibriú maidir le trealamh ardteicneolaíochta. Dhírigh an Chomhairle a haird go áirithe ar an dul chun cinn luachmhar a bhí déanta ar thaighde ar aille agus cur chun cinn sláinte. Aontaíodh go gcuirfí moltaí foirmiúla i roinnt de na réimsí seo faoi bhráid na Comhairle le go ndéanfaí cinneadh orthu ag an chéad chruinniú eile.

Chuir an Dr Jane Wilde, stiúrthóir na hInstitiúide Sláinte Poiblí, taispeántas i láthair na Comhairle ina ndearna sí cur síos gairid ar na príomhghníomhachtaí atá ar bun ag an institiúid. Mhol an Chomhairle an cuidiú tábhachtach a bhí an institiúid a thabhairt don earnáil sláinte poiblí ar an oileán.

D'aontaigh an Chomhairle ar théacs teachtaireachta a eisíodh i ndiaidh an chruinnithe. Cuireadh cóip den teachtaireacht i Leabharlann an Tionóil.

### 3.30 pm

I wish to report to the Assembly on the meeting of the North/South Ministerial Council held in sectoral format in Dublin on Tuesday 4 July. The meeting considered matters relating to food safety and co-operation on health issues.

Following nomination by the First Minister and the Deputy First Minister, Mr Dermot Nesbitt and I attended the sectoral meeting of the council. Mr Mícheál Martin, the Minister with responsibility for the Department of Health and Children, and his colleague, Dr Thomas Moffat, Minister of State with responsibility for food safety and older people at the Department, represented the Irish Government.

This statement has been approved by Mr Dermot Nesbitt and is also made on his behalf.

The council received a detailed oral report from Dr Thomas Quigley of the Food Safety Promotion Board (FSPB). Dr Quigley updated the council members on the proposed staffing structure of the FSPB and on the work currently underway to produce a corporate plan. The council approved, in principle, a management structure, outline staffing arrangements and the initiation of a recruitment process for the board's senior management. It was agreed that the Food Safety Promotion Board would formally be launched in September 2000. However, this will now take place following the next meeting of the North/South Ministerial Council, which is scheduled for November.

The council also discussed the possible role and composition of the FSPB's advisory committee that will provide scientific and technical advice to the body.

Dr Quigley provided a progress report on the work of expert groups set up to provide special assistance on the specific functions of the board.

The role of the expert groups is to advise the FSPD on the implementation of a number of functions of the board, including the promotion of food safety, research into food safety, the communication of food alerts, surveillance of food-borne diseases, the promotion of scientific co-operation and linkages between laboratories and development of cost-effective facilities for laboratory testing.

The council also received a report on the progress on implementing the programme of work it had approved at its first meeting in respect of those areas identified for co-operation in the area of health. These were cancer research, health promotion, accident and emergency services, planning for major emergencies and co-operation on high-technology equipment. The council focused particularly on valuable progress being made on cancer research and health promotion. It was agreed that formal proposals for decision in a number of these areas would be put to the council at its next meeting.

The council received an oral presentation from Dr Jane Wilde, director of the Institute of Public Health, in which she outlined key activities being taken forward by the institute. The council paid tribute to the important contribution being made to the public health sector on the island by the institute. The council agreed the text of the communiqué that was issued following the meeting. A copy of the communiqué has been placed in the Assembly Library.

**The Chairperson of the Health, Social Services and Public Safety Committee (Dr Hendron):** I am very pleased that the Minister along with her Colleague, Mr Nesbitt, were able to attend the North/South Ministerial Council meeting on 4 July, and I welcome her statement. The Minister indicated that the Food Safety Promotion Board would be launched following the next meeting of the North/South Ministerial Council, and I welcome that also.

With regard to this board, surveillance of food-borne disease is mentioned in the document. I am not being cynical about this, but recently on 'Good Morning, Ulster' reference was made to the increase in the number of rats in Dublin. The reason given was the tiger economy in the South, which has meant that many more restaurants have been opened. The BBC gave time to this, and I want to express concern for the public generally, not just for those in the Republic, but for the many thousands from here who travel there. I am not being facetious; they is a very important point.

With regard to the implementation of the programme of work and those areas identified for co-operation in the areas of health, the Minister mentioned cancer research,

health promotion and high technology. The subject of cancer research has come up a number of times, and while too many people in Northern Ireland are dying of cancer, sometimes before they even get to see an oncologist, I welcome the research that is being established between the Belfast City Hospital, Dublin and Washington.

I appreciate that some work has been done on health promotion, but does the Minister agree that while there are budgetary constraints on all of these matters, prevention is better than cure? Money has gone to the Health Promotion Board, and health action zones will be playing a major part in disease prevention. It is important that the Minister and the House look at health promotion by whatever bodies that choose to be associated with it.

With regard to high technology, I have made reference before in the Chamber to positron emission tomography (PET). People are familiar with CAT scans and MRI scans, and the next technological development is the positron emission tomography. As I understand it, the Republic on its own can ill-afford this, as it is highly expensive equipment, and I do not think that we here can afford it either. However, on an all-Ireland basis, I am sure that it could be afforded. I know the Minister is aware of that, and I am sure she will give it her attention.

My last point, and perhaps I am being totally facetious, is with regard to the public health aspect that was referred to. I have nothing but admiration for the director of the institute, Dr Jane Wilde. The little point that I want to make is that I, as the Chairman of the Health, Social Services and Public Safety Committee, have received invitations to seminars or functions to do with that aspect, but they have always arrived at least one to two weeks after the event has taken place. I do not expect the Minister to resolve that; I will work on it myself.

**Ms de Brún:** I was waiting for the questions.

**Mr Deputy Speaker:** I was very conscious of that myself, but the Member wondered if the Minister would agree — which, in a sense, is a question.

**Dr Hendron:** It is a question regarding health promotion.

**Ms de Brún:** I absolutely agree on the question of surveillance of food-borne disease. One of the reasons why we outlined that as a priority is that such diseases know no boundaries or borders, and co-operation on the matter is absolutely essential.

On health promotion, I note that Dr Hendron talked about the financial constraints. I would love to be able to reassure him that some of our actions in undertaking this work have been to overcome those constraints in different parts of the island.

On the question of health promotion, one major example is in the area of folic acid. We know that taking

folic acid prior to conception and during early pregnancy can significantly reduce the risk of difficulties. Throughout Ireland the rates of spina bifida and other neural tube defects are unacceptably high. One very early and practical step in this ongoing work in sharing information and resources will be the development of a campaign to promote the importance of folic acid when planning a pregnancy.

Materials already developed here by the Health Promotion Agency have been shared with the Department of Health and Children to facilitate the development of a public information campaign. In return for this assistance, the Department of Health and Children will meet the costs of running television advertising on UTV as well as on RTE. That will ensure that messages about the importance of folic acid reach target audiences across the island, and it will also address the concerns that the Member has expressed about costs and the best use of limited resources. That shows how this kind of co-operation can be used to overcome these problems.

On the work being undertaken by the Institute of Public Health, one area that will be looked at is the development of information that will lead to better cross-sectoral working. The Member mentioned the health action zones. We will be able to ensure that the kind of cross-sectoral working and the guidance that is needed will be in place for those.

He also mentioned high-technology equipment, and I know that that is an area that he is particularly concerned about. I am very pleased to be able to say that having worked with colleagues in Dublin, we have identified outline objectives for a procurement system, and these effectively will be the terms of reference for a project team. They will include sharing equipment and facilities, telemedicine, information and communications technology and sharing assessments in audit and policy development.

Positron emission tomography, mentioned by the Member, was identified as an area with scope for co-operation and collaboration. Others are the combining of equipment and other programmes to secure better bulk purchase discounts and to encourage keener pricing, building on existing networks, developing shared protocols in relation to medical physics and sharing information about planned capital projects.

There is a whole range.

3.45 pm

One of the benefits of mutual working is to ensure the best possible opportunities for the purchase of high-technology equipment and the best possible use of it.

**Mrs Carson:** I noted with great interest the paragraph in the Minister's statement which said that the council also discussed the possible role and composition of the

Food Safety Promotion Board's advisory committee — that it will provide scientific and technical advice to the body. It was discussed, and the composition was discussed. I ask the Minister if she will give the Assembly the assurance that any appointees from Northern Ireland will be representative of its population and make-up and well qualified. I also ask her not to proceed with these appointments without any consultation or consideration by the Assembly or the Health Committee as she did when she made the appointments to the hospitals acute review group.

**Ms de Brún:** The Food Safety Promotion Board's governing legislation provides for an advisory committee to include scientific experts and representatives of broader food safety interests. Ministers feel that the committee has an important role to play in clarifying scientific advice in the development of research strategy, and, therefore, membership of the committee should reflect a range of interests and disciplines relevant to the function of the Food Safety Promotion Board, such as public health, veterinary science, environmental health and nutrition. Because this is to be an expert committee, all of these people will be appointed because of their expertise and the contribution they can make towards providing advice, as I have said in my statement about the Food Safety Promotion Board.

I notice that the Member referred to the make-up of the membership of a review group which I recently announced. I hope that there was no suggestion that there is any question mark over the integrity, knowledge or expertise of any individual on that group. I am content that the membership I have chosen for the group will have the necessary knowledge and expertise and that they will be able to provide me with the objective expert advice that I need. I know that many, if not all of the group are actively engaged in one way or another in promoting and working across a broad range of interests. Certainly the local members are working in a capacity that allows them to work for the whole community. If the Member has any suggestion that there is a question mark over the integrity, knowledge or expertise of any individual, I hope she will bring that to me. I have not heard any such suggestion.

**Mrs Carson:** I do not think my question was fully answered, Mr Deputy Speaker. I was querying the fact that it was appointed without prior consultation and consideration. I hope that some group, other than the Minister, will be consulted in advance and have the opportunity to give consideration to this.

**Ms de Brún:** The Executive Committee here will approve the membership of the advisory committee.

**Mr Hay:** Is the Minister aware of the serious childcare situation that is developing in the western board area, especially in my constituency of Foyle?



Social workers are, at present, debating whether to go on strike as a result of a serious lack of resources.

**Mr Deputy Speaker:** Are you coming to something, Mr Hay?

**Mr Hay:** Yes, I am coming to something. It takes me a while building up to it, Mr Deputy Speaker, but I will come to it. I want to say bluntly to the Minister that this situation in respect of childcare, especially in my area, is causing deep concern. I will give one example —

**Mr Deputy Speaker:** This session is supposed to be about North/South matters. You seem to be concentrating on something else.

**Mr Hay:** I think I will be able to elaborate the question. A Member is on her feet, and I wish you would rule on that, Mr Deputy Speaker. This is the same person who was continually on her feet when someone else was responsible for health in Northern Ireland and was very critical of that particular Minister.

**Mr Deputy Speaker:** Get to the point.

**Mr Hay:** I will try to get to the point. Is the Minister aware of a particular home in Londonderry — in my own Foyle constituency — named Harvern House, where there are units of 20 beds, and children are sleeping on the floor? I want to ask her —

**Mr Deputy Speaker:** I am sorry, but I am going to have to rule against you.

**Mr Hay:** This is a health issue. I want to put a question directly to the Minister.

**Mr Deputy Speaker:** Please sit down. We have been running these questions and answers quite clearly, quite intelligently and quite usefully for two hours now. You have been invited three times to tell me — to tell all of us — what this has to do with the North/South Ministerial Council meeting in July of this year. You have not yet done so, and unless you can do so now, I will have to move to the next question.

**Mr Hay:** This is a health issue. Following that council meeting, what is the Minister prepared to do to look at the serious problem of childcare in my constituency where social workers are about to go on strike because of the lack of resources?

**Mr Deputy Speaker:** I cannot allow this to proceed.

**Mr J Kelly:** Go raibh maith agat, a LeasCheann Comhairle.

I see from the Minister's statement that the North/South Ministerial Council received a report from the Institute of Public Health in Ireland. Where does the work of the institute fit in to the North/South Ministerial Council and the public health strategy that the Executive listed as a key priority in its agenda for Government?

**Ms De Brún:** I dtús báire, cé nár bunaíodh an institiúid sláinte poiblí faoin Chomhairle Aireachta Thuaidh/Theas, is cinnte go bhfuil sé ceart agus cóir go rachadh obair na hinstitiúide ar aghaidh anois taobh istigh de réim na Comhairle Aireachta Thuaidh/Theas.

Although the institute was not established under the terms of the agreement or as part of the North/South Ministerial Council, it is wholly appropriate that its work programme will now be taken forward under the oversight of the North/South Ministerial Council. The institute is funded by the two Health Departments. The budget for this year is £425,000 sterling, of which my Department will contribute £140,000. It is quite appropriate that that work will now be taken forward under the oversight of the North/South Ministerial Council.

As to where it fits into the public health strategy, Members will be aware that the Executive is taking forward a new public health strategy. We have put advertisements in the local newspapers around the whole question of a new public health strategy and have invited members of the public to bring forward their views on key issues, problems and priorities that need to be addressed. I would like to take this opportunity to extend that invitation to Members.

The work of the institute is based around five main themes. These are themes that we have seen in the early days of putting together the public health strategy and the ministerial group on public health and some of the early consultation work which they have done. These are themes that are coming up again in that format. Tackling inequalities is, of course, a central theme. We are tackling inequalities in health and strengthening partnerships for health. This came up earlier when Dr Hendron asked how the work of the institute would lead to better cross-sectoral working in partnerships in improving the health of the population.

Developing international collaboration is another theme, as are public health information, surveillance and capacity building. These are the five themes in the institute's work and are major issues that have arisen in our early efforts to develop the public health strategy.

The report of the Institute of Public Health on the social determinants of health in Ireland will help to build a platform for the development of a future programme. That will be of great benefit to the Executive as we bring forward the public health strategy in a cross-departmental way.

The institute is holding a seminar on public health in Europe, aimed at establishing priorities for further work in the context of the developing European public health programme. It is also carrying out an evaluation of public health on both sides of the border as a preliminary step in a wider programme of North/South public health studies.



That will be of great benefit to us as we carry forward what the Executive has recognised and accepted as a priority area in the Programme for Government.

**Mr Beggs:** In her statement, the Minister says that the council also received a progress report on the implementation of the work programme approved at its first meeting. Among the areas listed were accident and emergency services and planning for major emergencies. I am very curious as to what was said about these issues at the council meeting. The Minister has said very little on these issues, and the Republic of Ireland is among six EU countries that the Commission is taking to the European Court of Justice for non-respect of obligations under the major accidents hazard directive. Why did the Minister not tell us that the Republic of Ireland has failed to meet its European obligations in those areas? Why has she not advised us of that, so that the accident and emergency situation for anyone in Northern Ireland who may be caught up in an accident in the border region could be improved?

**Ms de Brún:** Co-operation on emergency planning has been taking place for a number of years, principally between local hospitals, such as Altnagelvin, in Derry, and Letterkenny Hospital; Daisy Hill in Newry and Louth County Hospital in Dundalk and Erne Hospital in Enniskillen and Sligo Hospital. That should address the Member's concerns about anybody's being caught up in an accident or in a major emergency in the border area. At present, there is no question of any threat to our ability to co-operate in tackling major accidents or emergencies.

There is also co-operation on training. Accident and emergency consultants already operate cross-border courses. There is clear potential for further co-operation, but today I have noticed a tendency among some Members to use questions to try to point out that everything in the South of Ireland is wrong, and that there is nothing wrong here. I hope the Member's question is not posed from that perspective and that he is not trying to make a political point, rather than posing a reasoned question.

Co-operation is clearly to everyone's benefit. It is particularly suited to North/South linkages because of geographical proximity and the convenience of communication. As the Member said, we want to ensure that adjacent or specialist facilities can relieve the pressure on health services either side of the border by providing an initial response.

We intend to set up a small group representing all interests and to draw up clear protocols that can be brought into immediate effect when an emergency occurs. That will ensure the best and fastest response to those affected.

4.00 pm

**Mr McCarthy:** I very much welcome the coming together of both parts of the island to provide good health service. I certainly welcome the presence of Dr Thomas Moffat, Minister of State in the South with responsibility for food safety and older people. That is a very interesting title. Food safety is, of course, of vital importance, and I welcome the proposal to launch the Food Safety Promotion Board after the November North/South Ministerial Council meeting.

**Mr Deputy Speaker:** Are you coming to your question, Mr McCarthy?

**Mr McCarthy:** I have been sitting here all afternoon, and I have got to say that the length of questions and answers has bored me to tears, so I do beg your indulgence — [Interruption] Let me finish. I am deeply disappointed that nothing in the statement refers to the health of older people. I am sure the people in the North have exactly the same problems as the people in the South. [Interruption] At least older people in the South have free travel and free TV, which we have not, to our shame.

Can the Minister assure this House that the necessary investment for all aspects of cancer research will be made available both in the North and in the South? In relation to emergency services cross-border, what progress has been made with regard to the provision of an air ambulance for the whole island?

**Ms de Brún:** Research into the air ambulance question is one of the aspects on which officials are working.

In terms of cancer services, particularly in research, we ought to recognise that the existing co-operation, particularly the setting-up of the tripartite arrangements between ourselves, the whole island of Ireland and the United States has allowed us to work with the best in the field. That has brought us enormous benefits. The work that develops will very clearly bring the necessary improvements to our cancer services and ensure that the development of cancer research here is carried out in a way that makes best use, not only of the kind of scope that is allowed for in an all-island development, but also the particular benefits that working with the National Cancer Institute has brought.

**Mr McFarland:** The Minister will be aware of the lengthy and vigorous discussions in the area of cross-border co-operation during the negotiations. She will also be aware that there are — and she has listed many already — a number of areas that were in existence beforehand and are there for fully practical reasons. Did the Minister explain to the North/South Ministerial Council why she, in the references for the new task force looking at acute hospitals, has given Dr Maurice Hayes the remit to look specifically at increased cross-border co-operation in acute hospitals?

Is this perhaps not a matter for further negotiation to add to the comprehensive list here? Is it not a disrespect to the North/South Ministerial Council that she did not try to set this up officially, rather than through what appears to be a back door with Dr Maurice Hayes?

**Ms de Brún:** There are two separate points here. It was agreed during the negotiations that ongoing work on accident and emergency services would come specifically under the North/South Ministerial Council. That part would have been discussed at the council. Key officials and professionals on this have met and identified a range of potential North/South linkages of accident and emergency hospital services, and the Member will be glad to know that these areas should form the basis of an interdepartmental scoping study.

I expect that the scoping paper, which we will have in time for the next Ministerial Council meeting, will identify a number of areas in which co-operation in accident and emergency services can be strengthened — areas such as ambulance services, the sharing of emergency admissions, agreeing referral protocols, agreeing arrangements for transferring patients needing more specialised services, developing proposals for cost sharing and clarifying the legal frameworks for staff treating patients.

Apart from the work specifically mentioned and being done in the North/South Ministerial Council, there is other work that had already been set up or that continues naturally in the course of work between the two Departments. A great deal of work goes on as part of the general working together, for example, between the health boards, and ongoing work that is shared — not in accident and emergency, but in respect of other hospital services — has been, to date, on the basis of co-operation or buying-in between health boards. It was felt that if we were reviewing acute hospital services here, it would be useful for that group to be able to look at and build on that existing work. That is why this does not come specifically under the North/South Ministerial Council.

I can offer the assurance that there is no question of anything's being done by the back door. Any work arising from the deliberations of this review group will go to the Executive Committee and to the public for consultation, and any proposals brought forward by me will be for the benefit of the people.

I would also like to point out that one of the Members from Mr McFarland's party specifically lobbied me — I will not say who — but that Member specifically lobbied me. He suggested that in taking forward any work on the review of acute hospital services, we needed to look at the possibility of co-operation between a named hospital in his constituency and a named hospital on the other side of the border.

**Ms McWilliams:** My question relates to something that the Minister referred to as an interdepartmental

scoping study. I am interested in knowing to what extent these North/South Ministerial Council meetings lend themselves to multidisciplinary scoping studies. We heard earlier from the Minister of Education about the group set up to look at the underachievement of children. We know from previous research that this also has an impact upon what the Minister of the Environment might want to say about the background in which those children are being reared and what the Minister of Health, Social Services and Public Safety might have to say about existing inequalities. I would like the Minister to address the extent to which these council meetings enable that to happen.

Secondly, I would like to agree with what Mr McCarthy said about the health promotion needs of older people. Does the Minister not find it disappointing that on a North/South or a British-Irish basis, Northern Ireland is the only region to be without a centre for dementia. Given the extent of that problem in Northern Ireland, would it not be useful if, in the public health and health promotion areas of her work, the Minister were to pay some attention to setting up a centre that could link North and South and British and Irish?

**Ms de Brún:** With regard to older people I gave general responses about the kind of work that is being done. Because of time constraints I did not go into the detail about the age groups that the measures I am proposing would affect. I will look at the Member's specific proposal, although it would not have come in under the specific agenda items to date.

I welcome suggestions from Members and invite other Members to suggest topics for future North/South Ministerial Council meetings in sectoral format.

The Member will know, having been part, as Alan McFarland said, of the lengthy discussions on the format of the North/South Ministerial Council meetings, that there is scope for cross-sectoral meetings. In the last meeting I had, for example, where we discussed health promotion — and on which I now report — both Departments recognised the dangers of smoking to health and were concerned at trends showing increases in smoking, particularly among young girls. We therefore plan to share information on this issue with a view to developing a school-based campaign aimed at teenage girls. Obviously, I have spoken to my Colleague, Martin McGuinness, the Minister of Education, about this. The matter will be taken forward with other Departments, and there will be other examples.

**Mr Weir:** I refer the Minister to the last three pages of her statement and ask her how much public money has been wasted in translating and reproducing her statement in Irish. Given the fact that all Assembly Members speak English and that even her Colleague, the Minister of Education, felt it unnecessary to reproduce his statement in Irish, is this not a superfluous political exercise?

**Ms de Brún:** I note that Members present were part of a group that put together the Standing Orders of the Assembly. They agreed that Members could speak in the language of their choice. Why they agreed to that if they are going to object every time that a Member avails of the opportunity to use that right, I do not understand. There is no question of the provision of health and social services or the work of my Department or others as a concept's being expressed in one language alone. Health and social services are provided for a large community that is varied in terms of community background, social class, need and language. A modern Health Service must be able to cater for that.

I was invited to speak at a conference at the weekend at which an eminent international speaker pointed out that there may be far greater obligations upon us in relation to the use of Irish than we at present fulfil. It is not a waste of public money or time. However, given the fact that Members' parties agreed that I should have this right, the constant repetition of this question may, indeed, be wasteful.

**Ms Ramsey:** Go raibh maith agat. I welcome the statement made by the Minister on the last North/South Council Meeting. I also welcome the fact that cancer and cancer research are identified as areas for co-operation. I would like to point out, however, that coronary heart disease is another major killer of people in Ireland. Is there any scope for tackling this on an all-Ireland basis through the North/South Ministerial Council? Go raibh maith agat.

**Ms de Brún:** Bhí caibidil ann idir an dá Roinn faoi na tosaíochtaí ó thaobh cur cinn sláinte. Is cinnte go raibh an t-ábhar a luaigh an Teachta Tionóil — tinneas croí — ina tosaíocht. Is ábhar buartha go bhfuil minicíocht thinneas croí doghlactha ard sa dá chuid den oileán. Dá thairbhe sin, is cinnte go mbeadh sé ina tosaíocht mar ábhar comhoibrithe taobh istigh den Chomhairle Aireachta Thuaidh/Theas.

Discussion between the two Departments has led to the identification of shared priorities for health promotion. Ms Ramsey has made a point about heart disease, and it is very clear that this area will be a priority.

4.15 pm

Tackling the high rate of coronary heart disease across Ireland is a priority; it is unacceptably high in both parts of the island. Clearly that is an area that can and will be taken forward. We hope to support that work with joint public information initiatives in areas such as smoking and diet and exercise. I have dealt with Prof McWilliams' question on smoking and how we hope to take that forward.

On tobacco control, we are closely monitoring and discussing the proposals, both in Dublin and London, to tighten up issues such as smoking in public places,

tobacco advertising and sales of cigarettes to young people. I will be looking at that very carefully.

In tackling heart disease, we hope to embark on a longitudinal study of heart health that would inform both Departments on the effects of current lifestyles on heart disease and help us identify future trends. Members talked earlier about whether resources are being wasted. This is a clear example of how co-operation on health promotion makes sound sense. From a health perspective the common problems and priorities and the similarity in population profile mean there is a mutual benefit to be derived from collaboration. From a value-for-money perspective there are obvious economies of scale in joint public information campaigns, training sessions and research projects. Clearly, this is an issue to be tackled — one where we can, and will, work together.

Overall, the proposed work programme reflects existing health promotion priorities on both sides of the border and the potential benefit to be gained from tackling these together, rather than pursuing them in isolation.

**Mr Deputy Speaker:** The time is up.



## ENTERPRISE, TRADE AND INVESTMENT

### North/South Ministerial Council Sectoral Meeting

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** I wish to report on the second meeting of the North/South Ministerial Council in its trade and business development sectoral format, held on Friday 30 June.

Following a nomination by the First Minister and the Deputy First Minister, Dr Sean Farren and I attended the sectoral meeting of the council. Ms Mary Harney TD, Minister for Enterprise, Trade and Employment, represented the Irish Government. This report has been approved by Dr Farren and is also made on his behalf.

I wish to refer to two earlier interventions by Mr S Wilson and Rev Dr William McCrea, neither of whom is now in the Chamber. These reports are approved and made on behalf of both Ministers as part of the checks and balances of the system. It is a cornerstone of the arrangements and is absolutely vital.

Secondly, the reason that there are a number of these statements today is that we are under an obligation to report to this House at the first available opportunity after the meeting. I dare say there would be complaints if we did not do so.

*(Mr Speaker in the Chair)*

The council received a verbal report from Mr Liam Nellis, interim chief executive of the body, on the progress to date in taking forward the work of the body. He reported on progress in relation to studies on an equity investment fund, graduate placement programmes, testing and analytical services, standards certification and accreditation programmes. Mr Nellis also reported on arrangements to establish the body's headquarters in Newry.

The council approved a paper outlining the activities of the body for the year 2000 and the associated budget. The council approved codes of conduct for staff and board members of the body. The council noted progress to date on the recruitment of a chief executive for the body. The council agreed that its next meeting in this sectoral format would take place in Northern Ireland in October. The council agreed the text of a communiqué, which was issued following the meeting. A copy has been placed in the Assembly Library.

**The Chairperson of the Enterprise, Trade and Investment Committee (Mr P Doherty):** I welcome the statement from the Minister. Can the Minister elaborate on the details of the body's headquarters in Newry and outline the activities of the body for the year

2000, its budget the code of conduct for the staff, board and members of the body? I would like to see a bit more detail being given to the House today.

**Sir Reg Empey:** When the North/South bodies were agreed the location of the headquarters of the various bodies were an integral part of that agreement. In this case the decision was that the body's headquarters would be in Newry. I am pleased to say that progress has been made. I believe that a site has been identified at the gasworks in Newry, and progress is being made on preparing that for occupation, which I hope will take place shortly.

It was also an integral part of the agreement that all these organisations would have codes of conduct for their boards and staff. One of the duties of the North/South Ministerial Council is to approve both of those codes of conduct. That work was transacted at the North/South Ministerial Council at the end of June, and codes of conduct were approved. If they are not already available to the Member in the Assembly Library, I will undertake to ensure that they are provided.

The activities of the trade body are set out in the legislation — part of the agreement identified the agenda that it would work to. However, the agenda is much larger than the current work programme, because it is impossible to do everything at once. There are four key areas on which the body has to report soon. Those areas are a North/South equity investment fund; the development of graduate and other placement programmes; the carrying out of a range of testing services for industry; and the certification programmes — that is the implementation of standards development and certification on a North/South basis.

The business of the body when it meets next month will be to receive reports on those four areas, as they were time-limited in the agreement. I understand that work has been completed on all four, and Ms Harney, Dr Farren and I are expecting to receive a report on those areas when we meet in October. The meeting will take place in Northern Ireland, and we will be in a position to report to the Assembly immediately thereafter.

**Mr Neeson:** I welcome the statement by the Minister. I applaud the efforts of the Minister and Sean Farren to provide joined-up Government. Both have realised the linkages between their departmental responsibilities. That is very much outlined in the four key areas of study. Will the Minister update the Assembly as soon as possible after his October meeting on the progress that has been made in these areas?

In the communiqué, reference was made to an initiative on e-commerce. Can the Minister update us on what is happening and say whether or not the issue of tendering and public procurement is part of that initiative?



**Sir Reg Empey:** Yes. I can give the Member an undertaking that immediately the opportunity presents itself after the October meeting, we will be making a report here. I hope to be in a position to give the Member an indication of the contents of the reports on the four areas of activity and on our response. I have not yet had an opportunity to see them. I do not know whether we will be able to agree them or not, but we will be in a position to make a factual report as soon as we have seen the material and taken decisions on it.

With regard to e-commerce, the trade and business development body held a seminar in Fermanagh in June this year, which was its first major exercise. It attracted an audience of 60 key business people, 30 from each side of the border, and a number of American visitors were invited — people who had succeeded on the Internet as young companies who had started off in a variety of different areas of activity. They came to give their testimony, as it were, to the invited business people from both sides of the border.

I attended the seminar briefly for lunch and met the delegates. I understand that officials described the day as being highly successful, and those people whom I spoke to said that they had been immensely impressed by the information they received from people who had succeeded in taking a very simple idea and translating it on to the Internet. One particular person created tremendous wealth for himself and his company as a result. Others were at different stages of development. It proved to different companies what was achievable by pursuing this path, and that was one of the exercises undertaken by the body. It was its first major public move. There are others planned for later in the autumn, but I hope to elaborate more fully on that when we get to the next report.

As far as public procurement is concerned, trade and supply chains make up a key area of activity for this body. I have to say that this is one of the areas which, from the trade point of view, I am most anxious to pursue, because it will provide the quickest way of improving trade.

As the Member may be aware, we have clearly been making progress in the Republic of Ireland market in the last five or six years. It has grown very considerably. We are experiencing difficulties right now because of the currency differential which is running at about 29%, and this is causing problems. Nevertheless, the level of trade is still improving, albeit not at the rate that it was a couple of years ago.

Part of our objective in developing supply chains is to make companies aware of what may be available around the corner and to reduce the length of supply lines, thereby reducing the necessity to hold stock and subsequently improving the efficiency and the cost base of businesses.

European regulations have a major role to play in public procurement, because, as the House will know, major public procurements have to be advertised in the 'European Journal'. This does not take away from the fact that one of the things that has not been happening on a sufficient scale is the level of cross-border trade. While it has been growing in recent years, it is still a very small percentage of the total amount of trade in both jurisdictions. The degree to which it is able to make an impact in this area is something on which the success of this body will be measured.

**Dr McDonnell:** I very much welcome the statement by the Minister. I share many interests with him such as the enterprise, trade and investment agenda and the issues contained therein. Would it be possible to have the North/South Ministerial Council move forward more aggressively on the tourism agenda? We are told that our gross domestic product from tourism here is around 2% and that the aim is to increase this to 6% or 7% — perhaps 5% in the meantime. This is one of the benefits which could arise from a North/South agenda. Would it be possible to report on progress with the development of the special tourism company which was to be set up to work that agenda? Would it also be possible to have a statement at some stage in the not-too-distant future?

Furthermore, in the wider picture of inward investment I would like to know how much constructive co-operation is taking place between the IDB and the IDA in the South and how that co-operation might be developed in a way that specifically benefits inward investment in Northern Ireland.

4.30 pm

**Sir Reg Empey:** There is a variety of issues there, not all of which are the direct responsibility of the trade and business development body. The North/South Ministerial Council has not yet met to establish the tourism company, but that will, I hope, happen next month. I am meeting Dr McDaid tomorrow. The speed at which we can establish the company will depend on a number of issues being finalised tomorrow. I hope to be in a position to bring proposals to the Executive next month, and we are aiming to have the body established then.

Investment is not part of the remit of the trade and business development body, however co-operation clearly is. For the information of Members, the IDB and the IDA met in May this year, and a press release was issued on 15 May. They are investigating which areas could benefit from co-operation. Clearly they already co-operate with other inward investment organisations throughout the United Kingdom, and this ensures that they are not used and abused by potential inward investors who may try to create a Dutch auction between them, whereby people go around the various organisations trying to bid up their projects. This

mechanism is already in place. We have concordats with Scotland and Wales specifically to ensure that there is no exploitation of our position there, and there are similar informal arrangements with the IDA.

A working group was formed following the meeting in May to look, on a pilot basis, at marketing in the north-west area. The councils in Londonderry, Limavady and Strabane, as well as Donegal County Council, cover this area. Those four local authority areas are being looked at.

The group consists of executives from both the IDB and the IDA and works in consultation with the north-west cross-border group and Derry Investment Initiative. Objectives include the establishment of a joint marketing database and the co-ordinating of the handling of visits. These are elementary things that can be done. A similar grouping exists in the area of tourism, and they are looking at that as a pilot project.

An example of this type of co-operation in practice is a forthcoming visit, hosted by the IDB, by members of the Japanese Software Association. The group will spend a significant amount of time in Londonderry and will also visit Letterkenny. This pilot project is ongoing. The group has not yet produced a report – it met for the only time in May. I discussed the matter with the Londonderry Chamber of Commerce last week. They are interested in the project and obviously feel that the region as a whole may add up to more than the sum of its constituent parts, and they are very enthusiastic about pursuing these matters. I will report to the House when we know the outcome.

**Dr Birnie:** My question relates to the equity investment fund. The North/South trade and business development body is currently evaluating the necessity of having such a fund. There are already a number of private- and publicly-funded venture capital funds operating in Northern Ireland. Will the Minister confirm that the remit of the research to evaluate a possible future equity investment fund will seek to establish whether there is a necessity for a further source of venture capital funding on a North/South basis? Would further provision crowd out the existing provision?

**Sir Reg Empey:** The genesis of this item on the agenda dates back two years to the negotiations that went on to establish these bodies. The specific remit was that the body would bring forth proposals on the development of a North/South equity investment fund programme. This was to take account of the effectiveness of the existing range of equity and fund provision, North and South, for consideration and decision by the North/South Ministerial Council.

Since that agreement was reached, the market has changed. There are more people in the market; the nature of the venture capital market has changed, and

there is a somewhat greater range of products available. The study will establish whether there are gaps in the market and whether a niche market exists. It is one of the key areas that will be brought forward for decision in October. I have not seen the final report, but we will have to ensure that whatever is proposed is complementary to the existing range of products and will not simply replace it or run in parallel with it.

There are complaints, from time to time, that the venture capital industry is offering loans on far too great a scale and which are beyond some of the smaller companies. However, the market has improved, and there is a range of facilities. The biggest problem is not so much the lack of venture capital but the lack of projects for venture capital. There is a reluctance and resistance in our business community to participate and benefit from venture capital. There is a resistance to the idea of letting go of part of the company to venture capital investors. People think it is their own, and they want to hold on to it. The culture of venture capital has not got through to business here.

If one looks at what is happening in the United States of America and, to a growing extent, in the Republic, one will see that there is more enthusiasm for venture capital. That is how much of the small business sector in the United States has progressed — people have been prepared to take the view that half a loaf is better than no bread. That culture has not yet developed here. It is not so much the supply side that is the problem; it is the demand side.

I understand the point that the Member is making, and we would not be serving anybody well if we accepted a venture capital fund that merely duplicated what was already available in the commercial sector. I look forward to the report, and I hope that it is able to establish that there may be niche markets, and address, in particular, the tailoring of product, especially for the small- and medium-sized enterprises sector, that would fill a gap that already exists in the market. That remains to be determined, and I may be in a position next month to make further comments in that regard.

**Dr O'Hagan:** Any questions that I wanted to ask have already been covered.

**Mr Byrne:** The content of my question was referred to by Dr Birnie. However, I would like to pursue it with the Minister. I welcome the statement the Minister has made. The equity investment fund has potential, and I would like the North/South body to pursue it so that, in particular, graduates coming out of the universities who may have good research ideas on developing new products can be encouraged. I ask the Minister to ensure that the existing vested interests — investment bodies and big banks — do not curtail this investment fund.

**Sir Reg Empey:** I am surprised that the hon Member did not ask me if we were going to establish an equity investment fund specifically for West Tyrone. He protected me from that, but I know that that is what he really meant. *[Laughter]* The fact remains that there is an issue with regard to the development of graduate and other placement programmes. I know that Dr Farren has very strong views on this matter and is actively pursuing it from his own departmental point of view. I assure the Member that vested interests, whether in the banking sector or in others, will not be permitted to block or influence this. We are not interested in replacing what banks are doing. The problem is that many of us regard much of what the banks do in regard to development as lacking in imagination, particularly in relation to small-and medium-sized enterprises. Those of us who have been studying the American situation — and I include our experiences last month — were very impressed that banks in the United States of America are under an obligation to assist their communities. Indeed, they are key players in economic development at the sharp end of taking risks.

There is no point in lending to a sure bet; anybody can do that. There has to be a degree of imagination and risk. Some new thinking has to be introduced. There is no point in putting the umbrella out when the sun is shining and taking it away when the rain begins. Many small businesses, and particularly individuals, may not have a sufficiently strong credit rating due to the fact that they have not been able to get on to the ladder in the first place.

I am hoping that the report will point out some ways in which people in those circumstances can benefit. The aspire programme already deals with micro-lending, but we are talking about something a little further up the line where people who have ideas are not thwarted through lack of funding. I know that the problem may often be that the public sector grant-giving facilities, loan facilities and commercial banking facilities through the clearing banks leave out a significant sector of the potential market, and I hope that we will be able to find a way of filling that particular gap — even in west Tyrone — in order to avoid that's occurring.

**Mr McHugh:** Thank you, a Cheann Comhairle. I welcome the Minister's report. What sort of consultation and input will we have in relation to the South's economic development strategy, which will be coming out in a year's time, in terms of the joint strategies? Through that and other work to be done by the North/South Ministerial Council how can we target and tackle areas of underinvestment, particularly in rural areas in respect of rural development and agri-schemes? Can the Minister say something about the recruitment of the executive officer?

**Sir Reg Empey:** The Member is getting a number of points in here. The Republic may well be developing a new strategy, although, obviously, we will not have an input into that. However, the Member can have an input to the strategy that the trade and business development body comes up with, not only when reports come before the House and he has the opportunity to ask questions, but also at Committee level.

Members of the trade and business development body — or any other implementation body — can be invited to attend Committee meetings of this House. The policy and proposals of those bodies can be scrutinised by Assembly Committees, and individuals, including those from the trade and business development body, when invited, are required to attend and put across their positions.

There is also the possibility that whenever we are debating, on an annual basis, budgetary or other matters, the House as a whole will have the opportunity to contribute and make suggestions. I must point out to the hon Member that the Committee structure here affords a much greater opportunity to get into a great deal more detail than might be possible in a question-and-answer session such as this.

With regard to the appointment of the executive officer, the consultants Deloitte & Touche were appointed to assist the trade and business development body with the recruitment process. Advertisements have appeared, and a panel consisting of two directors of the company, together with an independent representative, will have been sitting and shortlisting. I am hoping that a recommendation may be available for us next month and that we would then be in a position to make an appointment. That is, of course, one of the functions of the North/South Ministerial Council. I will, of course, bring any outworkings of that to the House as soon as possible.

4.45 pm

**Mr O'Neill:** I also welcome the good work of the Minister and his Colleague and Minister, Seán Farren. Having listened to the statements, I have been struck by the good, positive message that we must be sending out to our community as we move towards the end of business today, particularly since this work is coupled with the work which has already begun on the Programme of Government. We should take great heart that the House and the Executive are getting down to business and beginning to provide what our community wants.

The verbal account from Liam Nellis reported progress on a number of things. I was particularly interested in the graduate placement programme. Will the Minister give us more information on that and tell us how it may assist in promoting the objectives of the trade and business development body?



**Sir Reg Empey:** The proceedings today have shown that a great deal of work is going on. No mention has been made, however, about the co-operation that goes on daily with Ministers from Whitehall and other places and through meetings of the joint Ministerial Council. This work and co-operation is going on constantly. There was criticism that the Assembly has met only on a certain number of days, but, of course, no mention was made of the fact that the Committees of the House have been meeting frequently. Some of them, including the Committee for Enterprise, Trade and Investment, met during the recess. Those hours of Committee work seem to have been conveniently forgotten. There are still some people out there who think that this is just a cut-down version of Parliament and that it works in exactly the same way as Westminster, but it does not. It is going to take a little time for this to filter through and for the general public to realise that work in the Chamber is only one part of what Members have to do.

Graduate and other placement programmes on a North/South basis are designed to perform the same function as the explorers programme for which my Department has responsibility. This is a programme which places graduates in work somewhere in North America or Europe to give them experience.

While I have not yet seen the report — and this may be an area in which Dr Farren has more expertise — it is, nevertheless, the objective to use best practice to exchange ideas, to network and to give people the experience of working outside their home environment. At times we have a very parochial attitude, and people sometimes will not work on the other side of the road. We even have difficulty getting people to move around in this city. In some cases, there is justification for that, but sometimes there is just too parochial an approach. Placement programmes are not new, but they need to be developed. For example, with regard to tourism and hotel management, we are running at only about one third of what our level of activity should be.

Consequently, by definition, people in the Republic who have an industry running at about 6% of GDP, or slightly greater, have a more sophisticated industry than ours, and lessons could be learned there. That is only one example. The general principle is to give people an opportunity to go into a different environment to gain knowledge and expertise and to bring that back to enrich our economic ability to do well. Our biggest economic asset is our people.

Therefore, the greater the skills, experience, expertise and knowledge that they have in their subject — be it in e-commerce or hotels — the greater the benefit to the economy of Northern Ireland. There are also things that we can teach in Northern Ireland — it would not be one-way traffic. The idea is to have a scheme akin to an exchange programme where people would experience

working in a different jurisdiction. We have companies that can teach others from outside. That is the general idea. It is a sensible one, and I can see only benefit from it. I hope to be in a better position next month to give a fuller and more detailed report. By that time I will have received a report from Mr Nellis on the progress of his work programme.

**Ms Morrice:** The Northern Ireland Women's Coalition welcomes the North/South co-operation in these areas. The Minister referred to forthcoming issues on the agenda. He mentioned job creation and job promotion in the areas of e-commerce, and so on. However, does the safeguarding of jobs come into that jurisdiction in the context of North/South co-operation. I have grave concerns about the future of Harland and Wolff. On a North/South basis there is speculation in the press about wind turbines being built for renewable energy in the South. This would be very valuable in terms of protecting and safeguarding tens of hundreds of jobs at Belfast shipyard. What does the Minister think can be done, whether in a North/South context or in a Northern Ireland context, to protect the jobs at Harland and Wolff?

**Sir Reg Empey:** I must compliment the Member on her ingenuity in working that subject into a question on this issue. My intention was to make a statement this afternoon about the situation at Harland and Wolff. However, in the absence of a determination on the arbitration and, therefore, the company's response to it, I have had to withdraw that application, because it would be premature.

We have to understand what the trade and business development body is doing. There is no need to work through it with regard to those things that the Member has been talking about — safeguarding jobs, and so on. If an issue of an economic nature comes up that Ms Harney and myself have a joint interest in, I would have no hesitation in contacting her, and I have done so in the past.

The subject of wind turbines is an energy issue. I had discussions with Mrs O'Rourke, the Minister for Public Enterprise, on Friday. We discussed a whole range of energy matters including renewables, but those things are some way down the track. A pilot project into the potential for wind energy on the west coast of the Republic of Ireland has been commissioned following a report by Kirk McClure Morton. There is a pilot scheme going on there, and the first licence is about to be issued. However, it will be some time before the outworking of that would have any meaningful application for Harland and Wolff.

As I said, this is not necessarily relevant to my statement, but the Member knows that I have spent a great deal of time dealing with this company. I also had the support of my Colleagues, Sean Farren and Mark Durkan — indeed, of the entire Executive — in



preparing responses in the event of the news that is widely canvassed and anticipated. However, I would prefer to wait until we know the outcome of the arbitration and the company's reaction to it before making public comment. Had that information been available to me today I would have made a statement, but I may have to report on the outcome later in the week by means of public comment. I will ensure that the Member receives a copy of that when it becomes available.

**Mr Fee:** I thank the Minister and my Colleague for their work in the Ministerial Council. It is very good news that the council's headquarters will shortly be established in Newry. Despite the national importance of the body—and I know the Minister might interpret that differently—my question is nonetheless very parochial. Can the Minister give any indication as to the estimated staff complement that will be based in Newry? Can he give any indication if the Ministerial Council, when it meets in sectoral format, will actually meet in its headquarters? If that were to be the case does he agree that we will need substantial investment in the infrastructure, roads and rail communications with Newry?

**Sir Reg Empey:** Well, the Member got everything in bar the kitchen sink. As I said, it was agreed in advance that the headquarters would be in Newry. I do not know whether the Member had anything to do with the lobbying for that. Undoubtedly, he tells people in Newry that it was all due to him, and I am not going to argue with him.

There are currently 14 people employed by the body, and most of these are seconded from the Northern Ireland Civil Service and that of the Republic. The number of core staff will eventually rise to 26, although the body has statutory provision to employ up to 42. The current plans are for the employment of 26 people, and they would be primarily based in Newry. At the moment, the temporary headquarters is in Londonderry House, Belfast. We have now got the former gasworks site in Newry for which terms have been agreed. It is hoped to relocate current staff to temporary premises in Newry within the next few weeks while the permanent premises are completed and fitted out. I cannot be absolutely precise about the timing of the move, but I will have a report next month from Mr Nellis on the actual timetabling.

With regard to the Member's comment about the infrastructure in the Newry area, I shall have to take his word for it. I have no doubt that improvements can be made. The words "trade" and "Newry" are almost synonymous. Whatever our constitutional views might be, Newry is a town at the crossroads; it is at the border, and it has enjoyed the reputation of being able to

accommodate folk from all sides. I understand that the shopkeepers do not turn away any currency.

I hope, therefore, that the establishment of the body in Newry will have a positive impact on the economy of the area. The next meeting of the council will in October in Northern Ireland, but I cannot confirm where it will be located. We used a hotel in the Newry area last time, and I suspect we may do so again.

## WEIGHTS AND MEASURES BILL

### Committee Stage: Extension

#### **The Chairperson of the Enterprise, Trade and Investment Committee (Mr P Doherty):** I beg to move

That the period referred to in Standing Order 31(4) be extended by 14 calendar days to 16 October 2000, in relation to the Committee Stage of the Weights and Measures (Amendment) Bill (NIA8/99).

A Cheann Conhairle, thank you for the opportunity of speaking today in support of the motion. I would like to give some background and reasons why we want the extra 14 days. The Bill received its second reading on 22 June. The Assembly went into recess on 4 July although, as the Minister pointed out, my Committee did not go into recess until mid-August. Some of us then went off to the States to continue the work. Nevertheless, during the recess period we did involve the process of public consultation by public advertisements.

Tomorrow, the Committee will be having its first chance to meet with the Minister and his officials to deal with further detail in the Bill. We are, therefore, requesting the extra time to take on board what responses may yet come from the public and the responses we expect from the Minister and his officials tomorrow. Running alongside the Committees dealing with the Bill has of course been the ongoing work of the Committee, which has been in public session for some time.

5.00 pm

We intend to stay in public session throughout September. Given all of those reasons it would not be an undue delay to seek an extra 14 calendar days to give our Committee time to consider the Bill, fulfil its requirements and report back to the Assembly.

*Question agreed to.*

*Resolved:*

That the period referred to in Standing Order 31(4) be extended by 14 calendar days to 16 October 2000, in relation to the Committee Stage of the Weights and Measures (Amendment) Bill (NIA8/99).

**ASSEMBLY:  
STATUTORY COMMITTEES**

*Resolved:*

That Mr Roy Beggs shall replace the Rt Hon John D Taylor on the Committee of the Centre; Mrs Joan Carson shall replace Rev Robert Coulter on the Higher and Further Education Committee; and Rev Robert Coulter shall replace Mrs Joan Carson on the Health, Social Services and Public Safety Committee. —  
[Mr J Wilson]

**ASSEMBLY:  
BUSINESS COMMITTEE**

*The following motion stood on the Order Paper in the name of Mr Hay:*

That Mr Nigel Dodds be appointed to the Business Committee.

**Mr Speaker:** I do not see Mr Hay in the Chamber.

**Mr Shannon:** Mr Hay is unable to be here. Is it in order for me to propose this motion?

**Mr Speaker:** I advise the Member and, indeed, the House that it is not possible for someone whose name is not down to propose the motion. The motion therefore falls. There is a maximum of two names for any motion. Either of those people may propose but not anyone else. The motion may, of course, be tabled for a subsequent sitting. If this becomes a problem, we may look at it again, but at this juncture we must let the motion fall.

**ASSEMBLY COMMISSION**

*The following motion stood on the Order Paper in the name of Mr Hay:*

That Mr Jim Wells be appointed to the Assembly Commission.

**Mr Speaker:** I regret that, having been given the maximum possible amount of time to make his appearance, Mr Hay has not done so. Therefore the same applies to this motion.

**ASSEMBLY:  
COMMITTEE ON STANDARDS  
AND PRIVILEGES**

*Resolved:*

That Mr Paul Berry shall replace Mr Edwin Poots on the Committee of Standards and Privileges. — [Mr Dodds]

**ROYAL ASSENT**

**Mr Speaker:** I wish to inform the House that Royal Assent to the Appropriation Act and to the Allowances to Members of the Assembly Act has been signified. These Acts became law on 25 July 2000.

*Adjourned at 5.04 pm.*

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# NORTHERN IRELAND ASSEMBLY

Monday 18 September 2000

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

*Members observed two minutes' silence.*

## FOYLE, CARLINGFORD AND IRISH LIGHTS COMMISSION

### North/South Ministerial Council Sectoral Meeting

**Mr Speaker:** I have received notice from the Minister of Agriculture and Rural Development that she wishes to make a statement on the North/South Ministerial Council meeting held on 5 July 2000 on the Foyle, Carlingford and Irish Lights Commission.

**The Minister of Agriculture and Rural Development (Ms Rodgers):** The second meeting of the North/South Ministerial Council on the Foyle, Carlingford and Irish Lights Commission (FCILC) sector took place on 5 July in Dublin. Following nomination by the First Minister and the Deputy First Minister, Mr Michael McGimpsey and I represented Northern Ireland. Mr Frank Fahey TD, Minister for the Marine and Natural Resources, represented the Irish Government. The Executive Committee noted the papers for the Council on 29 June. The meeting opened with a useful update from the chairman, Peter Savage, and the interim chief executive, Derick Anderson. They outlined the Loughs Agency's progress to date in taking forward the work of the agency and, in particular, the progress in relation to the agency's proposed work programme. The Council then considered and approved a number of papers put before it. These were the corporate plan for the years 2000-02; a code of conduct for board members of the FCILC; a code of conduct for the staff of the Loughs Agency; a draft equality scheme for the agency; and regulations for angling permits for the Rivers Foyle and Finn. The Council also gave its approval, subject to the final approval of both Finance Ministers, to the staffing proposals put forward by the Loughs Agency.

In addition, the Council was updated on the making of the legislation to enhance the functions of the Loughs Agency of the FCILC in line with the North/South

Co-operation (Implementation Bodies) (Northern Ireland) Order 1999, and in relation to the transfer of the functions of the Commissioners of Irish Lights to the body.

Finally, the Council agreed to meet again in September — although I understand that that has now been put back until early November — and approved the issue of a joint communiqué, a copy of which has been placed in the Library. I am making this report on behalf of myself and Mr McGimpsey.

**Dr Birnie:** I thank the Minister for her report. My questions relate to paragraph 7 of the report and, in particular, the reference to legislation transferring the functions of the Commissioners of Irish Lights to the North/South body. Does the Minister agree that the essential problem that the legislation will have to tackle is that historically Irish inshore lights in both Northern Ireland and the Republic have been subsidised out of the general lighthouse fund administered by the Department of Environment, Transport and the Regions? There is an issue of cross-subsidisation of the functions here from Great Britain. Does the Minister agree that in the light of that financial transfer, it would be sensible for the British-Irish Council to be involved in the Irish Lights function as well as the North/South Ministerial Council?

**Ms Rodgers:** Officials are working to achieve a transfer as quickly and effectively as possible. As the Member will appreciate, marine safety is a sensitive issue subject to international conventions. Transferring responsibility in a way which allows both the United Kingdom and Ireland to continue to meet their obligations is a complex issue. There are unique funding arrangements for the Commissioners of Irish Lights through the general lighthouse fund, and it is necessary to ensure proper accountability for that funding. Furthermore, a legislative vehicle must be identified to make the transfer of functions at Westminster. The Department of Environment, Transport and the Regions is concerned about the level of funding from the Irish Government, but that is a matter for the United Kingdom and Irish Governments.

**Mr McMenamin:** During the past few months anglers have had major difficulties pertaining to Ballyarton weir and the River Faughan. What is the current position with regard to the improvements there?

**Ms Rodgers:** I am aware from the Member's representations that there have been difficulties with the weir for a number of months. The difficulties that were delaying the improvements to ease the passage of fish over the weir have now been overcome. I hope that the work will be completed by the end of September. An interim solution has been put in place to ensure that the fish can pass freely if the water conditions become available.

**Mr Wells:** Does the Minister accept that there is concern about the degree of secrecy that surrounds this and so many other meetings? She refers in paragraph 5 of her statement to a corporate plan for the years 2000-02, a draft code of conduct for board members, and various other documents. I take a considerable interest in this because Carlingford Lough is in the constituency of South Down. I am not aware of any of these documents having been made available to Members. Can the Minister assure me that all the material published by this board will be brought forward for public debate?

**Ms Rodgers:** I am not aware that there has been any secrecy. Reports of all North/South Ministerial Council meetings that have dealt with the Foyle, Carlingford and Irish Lights Commission have been published, and we have made clear what has been happening. For instance, the equality scheme being prepared by the Council will go out for consultation in the near future, and the code of conduct is available on request. Information about the Council's work is also available.

**Mr Speaker:** I am advised that Members are finding it difficult to hear those speaking in the corners of the Chamber. This is an unusual phenomenon. Technical checks are being made, but in the meantime perhaps Members in that part of the Chamber will project their voices more.

**Mr Wells:** On a point of order, Mr Speaker. For the first time in my political career, someone has found it hard to hear me. I asked the Minister about the corporate plan. Will it be published and made available to Members?

**Mr Speaker:** I think it is fair enough for that question to be repeated.

**Ms Rodgers:** The acoustics in the Chamber must be the problem. I do not think that it is my hearing or the projection of the Member's voice. The corporate plan has been published, or will be published when it is ready.

**Mr McHugh:** Go raibh maith agat a Chathaoirleach. I welcome the Minister's statement. Everyone will agree that the transfer of functions to the all-Ireland North/South Ministerial Council and the implementation body will benefit cross-border activity and co-operation. According to the statement, the Council was updated about legislation to enhance the functions of the Loughs Agency of the Foyle, Carlingford and Irish Lights Commission, in line with the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999. What is the position on that?

**Ms Rodgers:** Work on aquaculture legislation and the transfer of functions from the Foyle Fisheries to the Loughs Agency, are proceeding at all levels. This includes the development and licensing of aquaculture on Lough Foyle. Policy matters have proved more

difficult and complex, but legislation is progressing in all areas and we hope to advance it as quickly as possible.

**Mr McCarthy:** We in this corner are finding it difficult to hear the Minister's responses. There may be a problem.

I welcome the Minister's statement. I have two questions. She said that the corporate plan had been published, and then added that it will be published. Can she clarify this? My second question concerns the regulations for angling permits for the Rivers Foyle and Finn. When will these permits be made available to anglers?

**Ms Rodgers:** The corporate plan has not yet been published, but it will be.

The Foyle and Finn angling permits have been published and will be available. The legislation is being amended to allow the Loughs Agency to take over these functions.

**Mr J Wilson:** The Minister said she was speaking on behalf of herself and Minister McGimpsey. We are all aware of the confusion arising from the involvement of two Departments in this matter. Is the Minister really aware of the confusion in the angling community over the administration of permits and licences by the Department of Culture, Arts and Leisure and the Foyle, Carlingford and Irish Lights Commission? Will she undertake to try to simplify this matter, especially with regard to paying twice for a licence for a day's angling, which could easily take place in both jurisdictions? This issue is important to local anglers, but it is more important for tourists. If local anglers are confused, tourists will be thoroughly confused. I hope that the Minister will undertake to look at this more closely.

10.45 am

**Ms Rodgers:** I recognise the Member's interest in angling matters. There is bound to be confusion during the process of change. I agree to undertake to see whether matters can be simplified. The Member is aware that people with a Fisheries Conservancy Board licence can have it endorsed at a lesser price to fish in the FCILC area.

**Mr Bradley:** I welcome the Minister's statement. Can she provide an update on progress in relation to the Loughs Agency's new headquarters and its proposal to open an office in the Carlingford Lough area?

**Ms Rodgers:** The new headquarters in Derry has now been opened, and suitable accommodation in the Carlingford area has been identified. Staff to provide services directly are currently being recruited, and they will be in place in the coming months. In the meantime services continue to be provided on an agency basis by the Fisheries Conservancy Board and the Eastern Regional Fisheries Board.



**Mrs Nelis:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement, and I endorse what Jim Wilson said about the confusion for anglers in relation to the issue of permits and licences. Is the Minister aware of the serious situation in Lough Foyle that is threatening the shellfish industry? I welcome the fact that there is to be a draft equality scheme for the agency and that regulations are going to be in force. However, is the Minister aware that by the time the various pieces of legislation are completed and the regulations are introduced, there may not be a shellfish industry left in Lough Foyle?

**Ms Rodgers:** I am aware that there are problems in the Lough Foyle area and that representations have been made by local people with an interest in shellfish and the aquaculture of the area. I know that they are keen to have a say in how the licensing scheme will operate. These matters will be addressed by legislation. It is because of the level of interest being shown by local people that the legislation has been made a matter of priority. The two Departments are working with interested parties to ensure that those with an interest in the area are not disadvantaged in any way by the delay. I am aware of the difficulties. Consultation is going on with Members in the area, and I am anxious that the legislation be processed as a matter of urgency.

**Mr Hussey:** There has been much talk of permits and legislation, but I am sure that the Minister is aware of the deep concern about illegal fishing and netting in the Foyle system. I am surprised that a body meeting to consider such matters would not be taking this issue on board. Is the Minister aware of the situation and will the Commission be taking the matter forward in future?

**Ms Rodgers:** I am aware of the problem with poaching and illegal fishing. Recently there has been an increase in poaching. That is due to the increase in fish stocks. The Foyle, Carlingford and Irish Lights Commission has been successful in seizing illegal nets and continues to be effective in preventing poaching. The Commission also acknowledges the efforts which have been made by many private river watchers in protecting fish stocks.

I appreciate the efforts of those who have to work for the Department in those areas because it is not always an easy task. This year, the rate of seizure of illegal nets has been consistent with the numbers for last year. However, there has been an increase in seizures of illegally caught salmon and sea trout. That is because there has been an increase in the fish stock in the rivers.

**Mr O'Neill:** I too welcome the Minister's statement. My question arises out of the considerable weight of evidence that the Culture, Arts and Leisure Committee has been collecting in public session — I repeat: in public session — relating to poaching in particular. The Minister's reply to Mr Hussey has adequately answered my question.

**Mr Leslie:** I welcome the Minister's statement and, in particular, her response to my Colleague Dr Birnie on the complications arising from meeting the costs of the Irish Lights Commission, which is currently subsidised by Her Majesty's Government. What action is the Minister proposing to take to obtain from the Government of the Republic of Ireland a contribution in proportion to the cost of Irish Lights in relation to the territorial waters of the Republic of Ireland?

**Ms Rodgers:** As I have already said, this is a matter for the UK and Irish Governments, and it is being dealt with at that level.

**Mr A Doherty:** Will the Minister expand on the consultation arrangements put in place by the Loughs Agency and inform the Assembly on the progress in staffing the Loughs Agency to the level agreed by the North/South Ministerial Council?

**Ms Rodgers:** The Loughs Agency is currently developing a formal procedure for consulting customers and other parties with an interest in the work of the Agency in the Foyle and Carlingford areas. As part of that process, the agency recently invited interested parties to suggest how it should establish consultation arrangements to ensure that interested parties are given the opportunity to provide input to agency decisions.

In relation to the progress made in staffing, the Loughs Agency is currently recruiting river watchers in the Carlingford area and administrative staff and biologists in the Foyle area. The agency is also arranging for the posts of resource officer and development officer to be filled on a temporary basis by secondment.

## FISHERIES (AMENDMENT) BILL

### Second Stage

#### **The Minister of Agriculture and Rural Development (Ms Rodgers):** I beg to move

That the Second Stage of the Fisheries (Amendment) Bill (NIA 9/99) be agreed.

This Bill proposes to amend the Fisheries (Northern Ireland) Act 1966 on behalf of the Department of Agriculture and Rural Development and the Department of Culture, Arts and Leisure. Both Departments have powers under that Act, following the split in fisheries functions after devolution.

Broadly speaking, the Department of Agriculture and Rural Development has retained responsibility for sea fisheries and the Department of Culture, Arts and Leisure is now responsible for inland fisheries. Since the amendments were proposed before devolution, it has been agreed that the Department of Agriculture and Rural Development will take the lead in bringing a single Bill to the Assembly on behalf of both Departments rather than each Department bringing separate Bills.

I will detail all of the proposed amendments in my opening speech. My Colleague Mr McGimpsey will make the closing speech.

Changes to the existing legislation are considered necessary to allow the Department of Agriculture and Rural Development to regulate the collection of wild shellfish, which are a natural resource, from the foreshore and to use fisheries regulatory powers to conserve and enhance the environment. Collection of wild shellfish from the foreshore of Strangford Lough for commercial purposes has been increasing in recent years. During 1999 one individual used a mechanical harvester towed by a tractor to extract quantities of shellfish for onward sale. It is estimated that for a four-week period, beginning in mid-August, about four tonnes per day was collected. That is a substantial operation.

Conservation bodies such as the Royal Society for the Protection of Birds and the National Trust have raised concerns with the Department about the potential ecological effects of ongoing extraction at this rate, particularly the impact on wildlife on the foreshore.

A number of bird species are dependent on a continuous rich supply of wild shellfish as food to maintain populations, particularly during winter months. It is too late to take action when the damage has been done and the bird population has been lost. The Department of Agriculture and Rural Development views the need to regulate the collection of wild shellfish as vital to ensuring the ecological balance is maintained in order to conserve wildlife on the foreshore. There is evidence to support this.

Similar mechanical harvesting took place in Scotland in the early 1990s. In 1994 the opportunity was taken to amend legislation there to allow the regulation of such collection. In addition, the Department of Agriculture and Rural Development is proposing to amend the Fisheries Act (Northern Ireland) 1966 to bring Northern Ireland into line with the wider powers now available under Great Britain legislation to allow regulation of fishing for environmental reasons.

Legislation in Great Britain was amended in 1995 to ensure that regulators there could protect the marine and aquatic environment to ensure compliance with the EC Habitats Directive. A parallel duty was imposed in Northern Ireland under conservation regulations made by the Department of Environment in 1994.

However, the Department of Agriculture and Rural Development does not have specific power to regulate sea fishing for environmental purposes. The proposed amendment would specifically empower the Department to do that. A parallel amendment to another section of the Fisheries Act (Northern Ireland) 1966, which I will describe later, will give the Fisheries Conservancy Board similar regulatory powers in relation to salmon. Further amendments to the Act are proposed which will make it an offence to contravene regulations made under the powers referred to above and will ensure that the necessary enforcement powers exist to enable authorised officers of the Department to enforce any such regulations. They may board and examine vehicles and equipment used in fishing and, when appropriate, seize and dispose of such vehicles or equipment.

In addition, the Department of Culture, Arts and Leisure wishes to take the following powers. It is proposed that restrictions which have the effect of prohibiting trade in salmon roe obtained from fish farms be lifted. Salmon roe is a viable product particularly in view of Northern Ireland's disease-free status. The amendment to the Act will allow trade in spawn produced at a fish farm for salmon production for human consumption or for stock enhancement. However, it will remain illegal to sell spawn obtained from wild salmon.

The Department of Culture, Arts and Leisure also proposes investing the Fisheries Conservancy Board with powers to control the removal of materials such as gravel from river beds. This is an important conservation measure designed to preserve spawning beds. It is considered necessary for the protection of increasingly threatened fish habitats. Gravel constitutes a key component of fishery habitats and is necessary for successful spawning. Removal of gravel from riverbeds has resulted in a significant deterioration in Northern Ireland's fisheries and the proposed amendment will afford protection to this habitat.

The Department of Culture, Arts and Leisure wishes to streamline the administrative process by dispensing with the requirement to obtain Department of Finance and Personnel agreement each time it varies charges for fishing permits for fishing the public angling estate. This approval is not required for other charges, and the Department of Finance and Personnel is content with the proposed change. The Department will publish its permit fees at the beginning of each season.

The Department also wishes to give powers to the Fisheries Conservancy Board (FCB) to issue licences at reduced rates to certain classes of person, such as the disabled. These powers will give the board scope to be flexible and sensitive to the needs of different groups in society.

11.00 am

The Department of Culture, Arts and Leisure proposes to amend section 26 of the Act in two respects. First, it wishes to enable the FCB to make by-laws in respect of anything relating to the management and protection of fisheries. This power will, in particular, allow the implementation of a salmon carcass tagging scheme, which is designed to improve the management and conservation of wild salmon and sea trout stocks. Parallel schemes are being introduced by the relevant fisheries conservation agencies throughout the island of Ireland. Other agencies already have appropriate powers for the introduction of tagging, and it only remains for the FCB to be invested with the enabling powers to allow it to do likewise. Secondly, the amending clause provides the FCB with powers to regulate salmon fishing for environmental purposes. This parallels the proposal being sought by the Department of Agriculture and Rural Development to regulate sea fisheries for environmental purposes.

The final amendment relates to powers available to the FCB following a pollution incident. The Department of Culture, Arts and Leisure wishes to strengthen the powers of the FCB to reinstate polluted waters and to recover the full cost of this from the polluter. Reinstatement will include restocking, restoration and enhancement of fish habitats to pre-pollution levels. FCB's powers are at present limited purely to restocking. The effects of pollution go beyond the loss of fish evident in a fish kill. While restocking could supplement fish stocks lost to pollution, reinstatement would take into account the other physical and biological effects necessary to restore a fishery as a biodiverse habitat, such as invertebrate and plant recovery and habitat restoration.

Members will note that the financial and explanatory memorandum has been amended. Originally when this Bill was drafted it was felt that the FCB would take on the additional work proposed in this legislation through reorganisation and internal efficiencies. It is now

unlikely that the board will be able to meet the cost from its own resources and, therefore, some additional funding may need to be found, but we believe that this will not, relatively speaking, be significant.

My Colleague, Mr McGimpsey, has also written to the Chairman of the Culture, Arts and Leisure Committee, Mr O'Neill, advising him of a review of the functions of the FCB in the light of the changes following devolution.

I ask the Assembly to support this Second Stage motion, which will allow the Bill to proceed to Committee Stage.

**The Chairperson of the Culture, Arts and Leisure Committee (Mr O'Neill):** I welcome this legislation. However small, it is at least a start. There are huge challenges facing both Ministers with regard to the health of fishing and angling in Northern Ireland. I often think that the health of rivers and lakes is a clear indication of the health of the environment in general. They are almost like the lungs in a body.

This year we have experienced some of the worst examples of pollution. They have occurred with such regularity that when the statistics are pulled together at the end of the year, I imagine they will show that it has been one of the worst years in the last 40 or 50. We have major challenges ahead.

There are references to the foreshore in clauses 1 and 2. Part of the existing problem in relation to the harvesting of shellfish is the exploitative way in which it has been carried out in Strangford Lough in the example quoted by the Minister. One thing that needs to be clarified — and I am not sure if it is clarified sufficiently in the Bill — is the definition of “foreshore”.

We should all welcome clause 5, which will allow the tagging scheme to come into effect in Northern Ireland. Some time ago an arrangement was made between the Department here and the fishing authorities in the South of Ireland for an all-Ireland tagging scheme to regulate and control the terrible poaching and misuse of our wild fish stocks. However, it was not possible to introduce this tagging scheme fully in Northern Ireland because of legislative arrangements. We should all welcome this clause, as it will introduce appropriate by-laws to facilitate the implementation of the salmon carcass tagging scheme. Having that throughout the island will be a considerable advance which will be welcomed greatly by those in angling and environmentally concerned bodies who wish to see changes.

Clause 7 concerns the reinstatement of polluted waters. As I have already outlined, there is great concern about this summer's events. It is to be welcomed that the word has been changed from “restocking” to “reinstatement”, for, as Minister Rodgers has pointed out, there is much more to do than simple restocking after a river has been polluted or poisoned to

the extent that all life has been destroyed. Restocking without providing the ecosystem on which the fish can survive is not sufficient.

I should like to ask whether the Department has given any thought to ensuring that native stock can be held for use in reinstating and reinvigorating particular stretches of polluted water. This is of great concern, for some restocking schemes have in the past used fish alien to the local area, a practice which was not very successful. When considering reinstatement we should be thinking of a much more comprehensive approach encompassing issues such as introducing native stock to a particular area or river network. It also begs the question of the collection, preservation and storage of sufficient amounts of such stock to be available whenever these unfortunate disasters occur.

We are all concerned about the sea fisheries. Although the remit of our Committee covers only inland areas, sea fishing clearly has a big impact on stocks of wild salmon and sea trout coming in and out of river systems. I should like to hear the Minister state clearly what the current position is on the regulation of sea fisheries for environmental purposes, and why it is considered necessary to regulate them. There is still much work for us in this area.

We have come under international pressure, particularly from countries such as Iceland, which has fished north Atlantic salmon stocks and would dearly love to do so again. It has not, however, because of the environmental impact it was having. It seems odd, therefore, that local countries will continue to fish those stocks. We need to address the emergent problem of fishing north Atlantic stocks.

I welcome this stage of the Bill and look forward to its next stage.

**Mr Savage:** I welcome the Minister's comments, but does she have the staff to police this?

It is a welcome boost for tourism and agri-tourism. There is a great opportunity for Northern Ireland if we can bring our waterways up to standard and protect them — especially for fishing — as we have a great shoreline. If we can get our part right, the quality and image that will be put forward across tourism will be admired. We have such a bad image. We have to improve the image of our fishing. The opportunities are tremendous but I am worried about whether the Minister has the staff to police this.

**Mr Shannon:** By and large, we endorse the amendments to the Bill. There are a couple of concerns, specifically about clause 1, which relates to the foreshore. Many people are concerned about the dredging taking place in Strangford Lough, which has had a detrimental effect. It has led to erosion. Many refer to it as the rape of Strangford Lough. We are all aware that Strangford

Lough is of international environmental importance. The fact that there are some changes in the Bill to ensure that the dredging and scraping of the foreshore to get the shellfish is discontinued is to be welcomed. At the same time, we have to get a balance between the environment and local fishing needs and interests. We look for assurance from the Minister that what we have today is the correct balance — that environmental interests do not override fishing interests.

I would also make the Minister aware that, along with mechanical dredging, we have people in the Ards and south Down areas who regard the harvesting of shellfish as a traditional job they have done over many years. Can the Minister assure those people that they will still be able to do that? In some cases, those people are in the low wage bracket and they supplement their income by taking some shellfish. This is fine, as long as the shellfish population is there to sustain it.

The Department has also issued a booklet entitled 'Intertidal Zone Shell-Fish Harvesting', which I understand has been withdrawn. Some fishing bodies are concerned that they have not been consulted on the matter. We want to find out about that today.

In clause 3 we have an example of changes that need to be made. The Culture, Arts and Leisure Committee recently asked for a change of wording. That change is important because "to sell, purchase or knowingly have in their possession" would be the new interpretation. If that were the case, it would prevent circumstances where people have found themselves in possession of the spawn or the fry through no fault of their own. Spawn are small and worm-like, and able to get into and out of fish farms.

11.15 am

I welcome the rewording of clause 7 to refer to reinstatement rather than restocking. That is very important. Restocking is a superficial way of addressing the wrong that has taken place. Just putting more fish in does not get us back to where we were. Reinstatement means that the habitat will be put back in order, so as to sustain the reintroduced fish. Reinstatement means the habitat, the banks, the water itself and the contributing waters as well. Those are all very important.

Pollution is one of our greatest problems. My own Committee is taking submissions at the moment, and each and every group that comes forward highlights pollution as one of its greatest concerns. We must also look at policing. It is not just a matter of having the words and having the legislation and having it all down on paper. We must have the manpower or the womanpower to enforce it. Who will police it? Will staff be made available to ensure that polluted waters are reinstated and those responsible are made amenable?



Clause 5 relates to the power of the board to make by-laws. That is a welcome introduction that will go some way to addressing what is a very dear issue to the people in North Antrim, and indeed to fishermen throughout the Province, and that is the stock of salmon. I hope that that will ensure that our stock of salmon will be enhanced and increased. That is important.

**The Deputy Chairperson of the Culture, Arts and Leisure Committee (Mrs Nelis):** Go raibh maith agat, a Cheann Comhairle. I welcome the Bill. I am certain that it will make some impact on the disastrous state of our inland waterways, loughs and seas. As Mr O'Neill said, the Committee is currently inquiring into the issue of fisheries. Most of those who have given evidence paint a dismal picture of the difficulties facing our anglers and those who are trying to maintain the environment and the purity of our water.

I welcome that part of the Bill that addresses the issue of polluted waters, but we need more and we need it urgently. Witnesses from various angling clubs have told us that the inland waterways are polluted almost beyond recovery. Pollution is threatening the entire marine life of the rivers. We hear every week of various pollution incidents, whether caused by farmers, gravel extractors, hydroelectric schemes or irresponsible people. Salmon stocks — fish stocks in general — have been so seriously depleted that one wonders whether legislation at this stage will be enough to address the very serious state of our rivers and inland waterways.

**Mr McCarthy:** On a point of order, Mr Speaker. It might be of benefit to Members if you were to explain why the Minister of Agriculture is making legislation for the Department of Culture, Arts and Leisure. I hope that it is not a question of one Department poaching from another.

**Mr Speaker:** On the issue of fishing, I suspect that the Departments will be particularly careful about the question of “poaching”. This Bill clearly has elements relating to the responsibilities of both the Department of Agriculture and Rural Development and the Department of Culture, Arts and Leisure. The Minister of Agriculture and Rural Development explained that she would be opening the Second Reading debate while the Minister of Culture, Arts and Leisure would make the winding-up speech. It would be particularly surprising, given the Member’s party, if he were to object to co-operation between the two Ministers.

**Mr Ford:** I am not sure how to follow that one. This is a serious problem, because these issues affect both Departments. It will not be easy for those of us on the Agriculture and Rural Development Committee to deal competently with further stages of this legislation when our Colleagues in Culture, Arts and Leisure have the expertise in certain aspects of it. Despite reservations, I

give a broad welcome to the principle of the Bill. It is clear that most of the proposed measures are overdue.

The Minister highlighted the fact that foreshore protection has been part of legislation in Great Britain for five years. However, Strangford Lough, which is supposedly protected to the highest UK and European standards, has been subjected to a kind of tractor trawling operation through a site of special scientific interest and a Ramsar site in the interests of dredging up shellfish. This must be stopped, and stopped speedily.

I have some sympathy with the view expressed by Mr Shannon about people who traditionally farmed for shellfish in that area. However, I do not see how driving a tractor and dredging up everything in sight can be described as a traditional fishing method. Clause 3, which refers to the protection of spawning beds, is clearly necessary, although Mr O'Neill has highlighted the problem of potentially alien species being introduced.

I wish to ask questions later, in relation to salmon roe, about what measures will be taken to prevent alien species being introduced to inappropriate places. That falls within the area of responsibility of both Departments. Clause 7 — which stresses reinstatement rather than restocking — is a laudable aspiration, although I wonder how it will be carried out. Considering all the micro-flora and micro-fauna required to fully restock a river, it seems that to merely insert a clause in a Bill saying that people — who may go bankrupt in the meantime — can be charged for the necessary cost of reinstatement, is a little naive. That will not solve the problems. To suggest that this can be done at minimal cost to the public purse is also somewhat naive.

Do the two Departments feel that the powers given to them under the proposed clause 7 will be adequate? In the light of it, how do they propose to go about the restocking and the full reinstatement? It is clear that the powers of the Fisheries Conservancy Board are limited. We welcome clause 5, which will increase those powers, but it impinges on the resources that I have mentioned. As the Minister mentioned, there is also the issue of how similar powers will be applied to the Foyle and Carlingford systems. We need to ensure that the whole of Northern Ireland — indeed, the whole island — is given protection at the same level. There are some detailed questions to be asked, but I welcome the Bill in principle.

**Mr Speaker:** The Member touched upon the question that was raised as a point of order by his Colleague. I remind the House that, under Standing Orders, if a Committee is dealing with a matter that is clearly also a matter of interest to another Committee, there is a requirement to consult. Precisely how to do that in the conduct of the Committee Stage of the Bill is not an easy matter. It is much more straightforward in terms of investigation. Nevertheless, the requirement for

consultation is there. I am sure that this will be undertaken by the Committee on which the Member sits.

**Mr J Wilson:** It may be advisable for me to declare an interest, as Members are looking at a piece of legislation where it could be argued by some that my views represent those of angling organisations and pressure groups. I welcome the Bill, and I see nothing in it that concerns me a great deal. However, there are two matters that I would like to refer to.

First, I refer to clause 3. This clause provides the Fisheries Conservancy Board with powers to control the removal of material from rivers by making it an offence to remove material from the bed of a river without their prior consent. Does this apply to Drainage Division, which over the years — and some might say that it is still happening — has canalised our rivers? This has left them with 45° banks that almost require anglers to have one long leg and one short one to fish them. It has removed riverside vegetation, flora and fauna, and left the rivers in a terrible state. If Drainage Division does not comply, will it be fined? That is a very interesting question.

Referring to clause 5, all the angling media forecast that salmon tagging would be introduced over a year ago when the Department and the Fisheries Conservancy Board looked at the issue. However, it was discovered that the Fisheries Conservancy Board did not have the funds to introduce salmon tagging. I believe that the Chairperson of the Culture, Arts and Leisure Committee will agree with me that through our work, and through the representations made to us, people are becoming increasingly aware that the Fisheries Conservancy Board is seriously underfunded.

How can the Fisheries Conservancy Board be expected to take on the administration of the tagging scheme — welcome though it is — without serious consideration being given to increasing its funding?

**Mr Bradley:** My Colleague, Mr O'Neill, sought clarification on the definition of foreshore boundaries. I would also welcome such clarification. Can the Minister advise the Assembly on the current position regarding the regulation of fishing on the foreshore? Are any changes anticipated that will remove local councils' custodial interest in the foreshores? Under the current legislation this gives the Minister of Environment an ongoing role. I am not trying to introduce yet another Minister to the fray.

**Mr Wells:** I strongly support the overall purpose of this Bill. Before coming to the Assembly I worked for the National Trust. That organisation campaigned vigorously for this legislation because the commercial exploitation of wild shellfish was having an extremely detrimental impact on the ecology of Strangford Lough.

Indeed, it had almost become an industrial activity. We can all draw a clear distinction between someone with a bucket and spade digging up a few shellfish on a Saturday afternoon to take them home to eat, and the harvesting of tonnes of molluscs as occurred on Strangford Lough.

What was going on was totally unsustainable, not only in terms of its detrimental impact on the wildlife but eventually on the fish stock, which would be exhausted. Therefore the individuals who were carrying out this activity were sowing the seeds of their own destruction. It must be remembered that Strangford Lough, as everyone in the Chamber knows, is an area of special scientific interest; a Ramsar site; an area of outstanding natural beauty; and a marine nature reserve. Large portions of it are national nature reserves. This area has one of the highest possible designations as far as wildlife conservation is concerned. An activity that was leading to the destruction of the mudflats could not be allowed to continue, because the mudflats are vital for the fish population. They are also vitally important feeding grounds for species such as Brent geese, wigeon, bartailed godwit and many other species for which Strangford Lough is either internationally or nationally important. I therefore strongly welcome the speed with which this Bill has been brought forward and the support that it has received.

The enactment will be vital. It must be done forcefully and very clearly. The regulations that are introduced after the passage of the Bill will have to be looked at very carefully. Officials from the Department must have clear authority to step in and prevent this destructive activity. Therefore we will be watching very carefully to see what happens.

*11.30 am*

I also ask the Department to look at some other activities in areas such as Strangford Lough and Lough Foyle which are having a very detrimental impact on the ecology. One issue is sand removal. Currently there seems to be no control whatsoever of the removal of sand from beaches in the Province.

Another issue is bait digging. Here you can have a situation where someone like the hon Member for South Antrim, Mr Jim Wilson, goes down once a year with a shovel and a plastic bucket to Larne Lough and digs a few worms to use for fishing. Apart from the animal welfare aspects of what happens to the worms, that activity in itself has no real impact on the environment. However, from my experience of Belfast Lough, bait digging seems to be happening on a very large scale. I suspect that some of that is commercial and that it is being sold on to other fishermen. We need to look at whether that should be controlled.

I also note that a large proportion of Whitepark Bay on the north Antrim coast is being carted away on the back of lorries as the sand is extracted and sold commercially. So there are other aspects of the marine environment that give cause for concern and need to be looked at as a matter of urgency.

Any sensible person would also strongly support the replacing in the Fisheries Act (Northern Ireland) 1966 of the word “restocking” with “reinstatement”. Time after time the angling bodies that have contacted me have made the point that the fines handed out by the courts for instances of pollution are totally inadequate.

The FCB is very diligent in tracing the people responsible, but when they are brought to court they are fined £200 or £400, even though they may have done tens of thousands of pounds’ worth of damage to the fisheries of that water. If they knew that they would not only have to restock the river or the lake but also to reinstate it to what it was before the incident occurred, that would act as a major deterrent to those carrying out that activity. We need to send out a clear message that if you pollute you are liable to pay a substantial amount of money and will be expected to bring that river back to the condition it was in before you allowed the silage, oil or pesticides into the water. That could only be good news.

Does the FCB have the staffing and resources to implement this legislation? I am not certain to which Minister I am putting my question — we are in one of those difficult situations. Anyway, I would like an assurance that the extra resources will be given to the FCB to police this legislation and to ensure reinstatement.

Much time and effort will have to be put into reinstatement as opposed to restocking. With restocking, if the perpetrator pays for a specified number of fish to be put back into the river he has carried out his obligations under the 1966 Act. Under this new legislation — and it is very welcome — the situation will have to be monitored by scientists to ensure that the river is returned to its original condition. That is a totally different situation — I was going to say “kettle of fish”, but maybe that is not appropriate.

We have all had very serious incidents of pollution in our constituencies. I can think of recent instances on the Upper Bann, the Moyola and the Lagan where, clearly, if this legislation had been enacted, a major scheme would have had to be carried out. Therefore can the Minister tell us what extra resources have been made available?

Apart from those few minor points, this legislation is extremely welcome.

**Mr McHugh:** A Cheann Comhairle, go raibh maith agat. I broadly welcome the Bill, and I hope that it will have a beneficial impact.

The controls that will be beneficial to habitat are welcome, as is the flexibility regarding disabled people — and maybe local people have often been left out regarding fishing in their own indigenous areas. Environmental protection of foreshores, habitat and wildlife is also a welcome benefit. I have some concerns about the shellfish and the salmon roe trading. That seems to be of benefit to a few — or is it of greater benefit?

The removal of vast amounts of sand from habitats in Lough Neagh and such places as Ballyronan by absentee landlords is another issue that has been mentioned to me. Local people are concerned about the effect that will have on the habitat of the eel population.

Clause 7 relates to pollution regulations extending to reinstatement. This is a good thing, because those who are destroying the local habitat — and it is going on at a phenomenal rate each year — deserve more than a fine. Government bodies and agencies have also been responsible for a sizeable amount of river pollution — especially of inland clear-water rivers — year after year, but they have Crown immunity. However, farmers are often cited as the only cause of pollution in most areas.

There is also the pollution caused by the attempts of vested interests to poison our drinking water through the addition of fluoride. That has been attempted in all council areas in the Six Counties but was turned down. I would not want to see that happening in the future. Fluoride is supposed to be more toxic than lead.

As regards reducing pollution, the inadequate sewerage systems in towns and over-developed areas also contribute to the pollution problem. Therefore the sewerage system is another issue that must be addressed. A holistic approach to the issue of pollution is required, taking in households, Government Departments and agriculture. It is not about laying blame at one sector; it is about going forward with anglers and local people so that they can have better waterways.

**Mr Molloy:** A Cheann Comhairle, I am addressing the same issue as my Colleague Mr McHugh — pollution as it relates to clause 7. One of the big problems in a lot of rural areas has been that Government agencies are not prosecuted for causing pollution. Does the Minister envisage that, particularly as regards the Department of Agriculture and Rural Department, there will be some change in attitude to this? It is a bad situation that various agencies and departments seek immunity instead of facing up to their responsibilities.

A farmer can be fined for polluting a river but the Department can pollute it. In Coalisland, there was a case in which the Water Service polluted a local river. The river had just been completely restocked and reinstated by Government grants, and then the



Department was responsible for polluting it. There needs to be a change of attitude. Owing to immunity, the Departments and their officials who are responsible for pollution are escaping prosecution. The legislation needs to be strengthened in relation to pollution and reinstatement.

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** I thank the Members for their interest in the debate. Clearly, the provisions represent important and necessary changes. There is great interest in this matter, as has been demonstrated by the number of questions and points raised. I will try to deal with all of them.

This Bill came through prior to devolution, which is why it cuts across two Departments — the Department of Agriculture and Rural Development and the Department of Culture, Arts and Leisure. I suspect that this will not be the last time Members will see two Ministers introducing a Bill.

Mr O'Neill referred to pollution, the tagging scheme, clause 7, and the provisions for reinstatement. I know he welcomed the tagging scheme. As for reinstatement, Members will be aware that under the 1966 Act, when there has been a fish kill the polluter, whoever that may be, is responsible for restocking. Under the new Bill the polluter will now be responsible for restocking the entire environment of the particular section of waterway affected with both flora and fauna. This is very important, because if you kill the ecosystem that the fish lives in, simply restocking fish is clearly not sufficient. This is an important power that the Fisheries Conservancy Board will have.

Some work is being done on retention of native fish stocks. For example, Queen's University is undertaking genetic mapping of native trout and salmon. One area where that is active is Lough Erne. Genetically pure Lough Erne brown trout are being bred in a hatchery at Marble Arch. That is the only example that I am currently aware of, although I will look at the issue and see if there are any more. It is difficult for any of us to say what "genetically pure" means, but genetic mapping is going on at the minute. The example from Marble Arch caves is the only one I am aware of.

As regards the regulation of sea fisheries for environmental purposes, we are committed to adopting the precautionary approach to salmon management. We have introduced a salmon management plan which takes account of the scientific status of the salmon stocks. Mr Savage asked whether the authorities have the funds to enforce the regulations. The Fisheries Conservancy Board — and a number of Members have mentioned this — does not have the funds to manage its current activities. These regulations will result in extra activities. I have bid for extra funding in the 2000 spending round. It is not a huge amount of money. This

is a Department where small amounts of money can produce big outputs. This is no exception. Currently the Fisheries Conservancy Board does not have the funds. We are taking on the powers for the board to enforce this, but there will be a revenue consequence.

The Bill does not in any way interfere with the public right to shellfish extraction that Mr Shannon referred to — the private, traditional right that has been exercised in Strangford Lough, for example, where people will go down with a bucket and spade and extract some cockles. We are looking to deal with mechanical extraction. As my Colleague said, we estimate that in 1998 about 4 tonnes of material per day was being extracted from Strangford Lough over a four-week period. That is a very substantial amount. That is the only occurrence that we are aware of at the moment, but we must regulate this because it has a knock-on effect. It knocks out the balance of the ecosystem. It is important that that is maintained and regulated. That is what this measure is designed to do.

In terms of enforcement, the Department of Agriculture is content that it has adequate resources to enforce the regulations in relation to the foreshore. The foreshore is the area between high tide and low tide marks. The Department of Agriculture is responsible for that. The Department of Culture, Arts and Leisure is responsible for fresh water. The Fisheries Conservancy Board has inadequate resources, but the Department of Agriculture is content that it has adequate resources.

Mr Shannon also asked whether there would be an opportunity to consider amendments later. Of course that will happen. Only the general principles of the Bill are under discussion here. The Member will have an opportunity to see further details in due course.

Mr Ford asked about the responsibilities of the two Departments and how the Agriculture Committee relates to the Culture, Arts and Leisure Committee. The Agriculture Committee will deal with agricultural responsibilities under the Bill. Committees may invite members of other Committees or have a joint meeting of Committees if necessary. That is an example of us learning to do what we have all talked about for many years. We are learning that this is a process of joined-up government.

Mr Ford also asked about the Fisheries Conservancy Board, restocking and reinstatement. I have already dealt with that.

*11.45 am*

Regarding steps being taken to introduce alien species, the Department is not doing that. A licence is required. For example, Members may note that the Department has allowed the introduction of carp to a lake outside Banbridge. That requires specific approval because carp is not a native fish. Alien fish do from time



to time get in, but it is not something that the Department would be looking to take forward officially.

Mr Jim Wilson asked whether the regulations would apply to the Drainage Division of the Department of Agriculture. As a Government agency it has Crown exemption, but we would expect it to observe the spirit of these proposals. I am waiting for a response from Drainage Division. There are two competing requirements here. One is to maintain the environment of the rivers, and the other is to ensure adequate drainage. Some rivers are designated as drainage rivers, and if Drainage Division does not carry out its work then areas of the countryside will be liable to flooding. Drainage Division has been responsible for seriously altering the natural state of the rivers. This has also seriously altered the ecology of the rivers and upset the environmental balance of the riverbanks and riverbeds.

Mr Wilson also referred to salmon tagging and whether the Fisheries Conservancy Board has sufficient resources. I have already referred to the Fisheries Conservancy Board. It does not have sufficient resources for salmon tagging, any more than it has sufficient resources for enforcing the pollution measures. I am aware of that. I am bidding for more resources. Currently we are empowering the Fisheries Conservancy Board. The revenue consequences will be dealt with, and that will allow these measures to be taken forward.

I think I have covered most of the points that have been raised. Members will forgive me if I have missed some of them. Mr McHugh and Mr Molloy made points about pollution. I am well aware of that problem. Agencies and Departments do pollute on occasion. The Water Service has a case to answer there in terms of the occasional ineffectiveness of the sewerage and drainage systems. However, it appears that at least 50% of pollution incidents have an agricultural source. For example, officials have told me that last year they took 91 dead sheep out of the river at the Bushmills fish station. Farmers had been throwing dead sheep into the water. That is an example of pollution that we are aware of. It is often difficult to discover who the polluters are. It can also be difficult to discover areas of pollution because one of the means of detection is dead fish floating on the surface of the river, and if the river is badly polluted it will not support fish. If pollution occurs, there are no fish to die and come to the surface to give the evidence.

I conclude by thanking Members for their contributions to the debate, and support the motion moved by the Minister of Agriculture and Rural Development.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Fisheries (Amendment) Bill (NIA 9/99) be agreed.

## **ASSEMBLY: COMMITTEE OF THE CENTRE**

*Resolved:*

That Mr Conor Murphy shall replace Mr Mitchel McLaughlin on the Committee of the Centre. — *[Mr Maskey]*

## **ASSEMBLY: REGIONAL DEVELOPMENT COMMITTEE**

*Resolved:*

That Mr Pat McNamee shall replace Mr Conor Murphy on the Committee for Regional Development. — *[Mr Maskey]*

## **ASSEMBLY: BUSINESS COMMITTEE**

*Resolved:*

That Mr Nigel Dodds be appointed to the Business Committee. — *[Mr Gibson]*

## **ASSEMBLY COMMISSION**

*Resolved:*

That Mr Jim Wells be appointed to the Assembly Commission. — *[Mr Dodds]*

## ASSEMBLY: POINTS OF ORDER

**Mr Leslie:** Relating to the questioning on the Minister's statement on the North/South Ministerial Council this morning, Mr Speaker, at an earlier sitting you ruled that it was not in order to take points of order during the questioning on Ministers' statements. I was ruled out of order on that matter. Since the House resumed in September I have noticed some recidivism by both yourself and your Deputy. I wonder if you could clarify your ruling on this matter.

**Mr Speaker:** You are absolutely right on both counts — that we said we did not want to take points of order, and that we are recidivists. We will, having returned from the summer recess, return to our former good ways, as, I trust, will the rest of the Members. There are occasions when it is in the interests of the House to take points of order, because it sometimes clarifies matters in a helpful way, though points of order in this House rarely tend to do that. We will try to keep alert to those which do.

## FUEL COSTS

**Mr Beggs:** I beg to move.

That this Assembly expresses its concern at the escalating price of fuel and calls on the Chancellor of the Exchequer to take measures to lessen the impact of high fuel costs on the economic well-being of Northern Ireland and its people, and to encourage other EU member states to bring their tax on fuel into line with that of neighbouring countries to allow fair competition and to discourage the illegal transportation of fuel across national boundaries.

I thank Nigel Dodds for agreeing to sponsor this motion along with me. I would also like to thank my Ulster Unionist Assembly Colleague Danny Kennedy, who worked with me on my original motion.

I first discussed the possibility of a debate two weeks ago. Since then the issue of high fuel taxes has been driven to the top of the United Kingdom's national political agenda. I am pleased that fuel distribution has resumed in Great Britain and that the protestors have ended their campaign, retaining the moral high ground and with public opinion on their side. The Labour Government appears to be in listening mode now. Neither the Labour Government nor Labour MPs have the same susceptibility to pressure here in Northern Ireland. Disruption to the economy was estimated to be costing £250 million per day and would eventually have brought the country to its knees. Given this and our own economic background, it would be neither appropriate nor effective to replicate such action in Northern Ireland.

I welcome the work of the fuel crisis group, which was hastily formed last week. I see some of its members in the Gallery today. The group represents a wide spectrum of Northern Ireland industry, including CBI Northern Ireland, the Northern Ireland Chamber of Commerce and Industry, the Federation of Small Businesses, the Petrol Retailers Association, the Oil Promotion Federation, the Road Haulage Association, the Freight Transport Association, the Ulster Farmers' Union, the Northern Ireland Fishermen's Federation and fish producers' organisations.

I hope that this debate, together with lobbying and the media event that I understand is being organised outside, will help focus our discontent about high fuel costs within Northern Ireland. I strongly support the view that there should be no traffic disruptions in Northern Ireland.

In the United Kingdom, petrol and diesel are supplied at competitive prices, before tax, compared to those in other European countries. Our Chancellor then applies the highest fuel taxes of any country in the European Union. We end up paying the highest fuel costs in the EU. Including VAT, tax accounts for some 75% of pump prices. Is it any wonder that the electorate does not

believe Mr Blair when he tries to blame others for the high cost of fuel?

Some Members have pointed out that fuel tax is a reserved matter, but this debate provides a democratic outlet for discussion within Northern Ireland. Furthermore, we might be able to contribute to the change that is starting to happen in the rest of the United Kingdom. This same motion could very easily be put before the Welsh Assembly or the Scottish Parliament. That would build pressure on Labour Back-Benchers. I have received cross-party support in the Assembly. Should the motion be passed, I intend to seek support from other devolved bodies. This would undoubtedly have some effect.

The Chief Whip of the Ulster Unionist Party in Westminster, Roy Beggs MP, has confirmed that he will seek support for an early-day motion on this issue. The campaign may build from the regional Assemblies, gather cross-party support at Westminster and put pressure on the Government. It is important that we continue to add to this pressure to reduce the high fuel tax that distorts trade in Northern Ireland and encourages smuggling in this part of the United Kingdom. The Department of Environment may have some role to play. I have spoken to the Minister, Mr Foster, and some members of the departmental Committee.

I have been working on this issue for over a year. I highlighted the fact that the Department of Environment, which licenses road hauliers in Northern Ireland, had never revoked a licence as a result of smuggling.

12.00 pm

We wish to ensure that there is fair competition in Northern Ireland, and I understand that the Department has the power to consider the standing and reputation of an operator when issuing a licence. It would be in order to reassess whether some operators who have been caught smuggling should be allowed to trade legitimately in Northern Ireland.

On a wider issue, linkage between the various Departments is necessary. At present, if a haulier is caught smuggling, no record is made of his company's involvement and nothing appears on his licence, provided that the fine is quickly paid, and often it is paid in cash. The Departments need to liaise with Customs and Excise, which should pass such information on. The Committee should also be dealing with this issue.

Driving around Northern Ireland, I occasionally notice signposts advertising diesel at exceptionally low prices, lower than our retailers can even buy it at. Is greater enforcement needed of the legislation on the licensing of retailers? There are safety and environmental issues involved as well as the problem of

the illegal trading of fuel smuggled into Northern Ireland.

As fuel becomes prohibitively expensive, we all avoid unnecessary journeys, but protecting the environment is a Europe-wide — indeed, a global — issue. If fuel pricing is to be used to protect the environment, such a policy must also be adopted by our neighbouring European states, and this point is reflected in the motion.

However, pricing differentials which encourage drivers to travel considerable distances needlessly to buy cheaper fuel is wasting the Earth's resources, unnecessarily damaging the environment and contributing to traffic congestion. Pricing differentials also encourage smugglers to transport fuel tanks outside our natural port hinterland, which wastes precious hydrocarbon fuel. It is very expensive to carry heavy goods any considerable distance by road, whether from Cork or from Dublin — other areas from which fuel is imported to Northern Ireland. It is a waste of resources for smugglers to use fuel to travel that extra distance. It is in the interests of the economy that fuel should be efficiently distributed from the port of Belfast to our natural hinterland.

Pricing differentials also encourage smuggling by unsafe home-made fuel transporters, which put both the public and the environment at risk. This was highlighted about a year ago when a container was found in the Banbridge area. It was a curtain-sided vehicle carrying a man-made steel tank which contained illegal fuel. The tank was badly constructed, the vehicle was overloaded, and the brakes went on fire.

I asked an environmentalist to examine the motion carefully, as it has the potential to be both environmentally neutral and beneficial. Pollution must be addressed evenly and at a European level; the burden must not simply be placed on British taxpayers here in Northern Ireland. There is no environmental benefit to be gained from the current situation in which vehicles on our roads are burning cheap diesel, sourced from other European countries, to the disadvantage of local hauliers.

The high cost of fuel, which is out of line with the cost to our European competitors, is having a detrimental effect on the Northern Ireland economy and the welfare of the citizens of this part of the United Kingdom. I will attempt to highlight some of the problems caused to our economy, to our manufacturers, retailers, hauliers, small businesses, farmers, rural communities and fishermen.

Over the past 10 years, the Chancellor of the Exchequer has increased duties on unleaded petrol by 150.5% from 19.49p per litre to 48.82p per litre. Diesel has been similarly affected.

However, in the Irish Republic — our immediate European neighbour — duty in March was only 29·45p per litre and 25·62p per litre respectively. High fuel costs add to distribution costs, which must be added to the price of products. This affects every business in Northern Ireland. Our products are becoming less competitive and jobs are being lost. As we are a peripheral part of the European Union and of the United Kingdom, the cost of haulage is more significant to the people of Northern Ireland than to those in many other parts of the European Union. We are doubly disadvantaged.

In Northern Ireland there is no real alternative to the road haulage industry. How else can a container be moved from the docks in Larne, Belfast, Warrenpoint or Londonderry to an industrial estate? Rail transport is more efficient for longer distances, but the relatively short distances from our ports make it impractical. Diesel accounts for 25% to 40% of hauliers' operating costs and so can determine profitability. High fuel costs in Northern Ireland only encourage drivers and hauliers to obtain cheaper fuel.

Vehicle excise duty also discriminates against hauliers here. A 40-tonne articulated lorry is currently charged £3,950 per year for road tax, while hauliers from the Republic of Ireland — with whom our drivers must compete and who can travel on our roads freely as part of the European Union — are paying only £1,250 to their Government. This differential is forcing Northern Ireland hauliers out of business and causing others to register in the Republic of Ireland. This has no environmental gain and simply exports Northern Ireland jobs and businesses.

The Petrol Retailers Association has highlighted the difficulties being faced by its members. Deliveries of forecourt supplies have dramatically reduced over the past six years, down 52·79% in petrol deliveries and 41·56% in diesel deliveries. To appreciate the scale of the problem it must be remembered that since 1994 there has been a 21% increase in the number of registered vehicles in Northern Ireland. Where is all the extra fuel coming from?

The decline is worsening. According to the latest figures published by the Institute of Petroleum, in the first quarter of this year there was a 45·7% decline in deliveries of diesel into Northern Ireland compared to the first quarter of 1999, and an overall 33·9% decline in oil deliveries. Huge tonnages of fuel must be winding across border roads. Potentially a quarter of a million tonnes of oil products during the first quarter of this year, when compared to last year, have come by other means. With the approximate halving of turnover by volume, it is not surprising that many petrol stations in Northern Ireland have been closing. This loss of turnover is estimated to be costing the British taxpayer

£310 million per annum as excise duty is not being paid to the British Exchequer.

*(Mr Deputy Speaker [Sir John Gorman] in the Chair)*

The rural community in Northern Ireland, along with farmers and fishermen, is already struggling with reductions in earnings. The additional fuel costs add to overheads and cause difficulties to the rural economy by adding further transportation costs.

What can the Government do? Following the increase in world oil prices, North Sea oil revenue has contributed billions of extra pounds to exchequer funds.

I recently received advice from a local member of the Federation of Small Businesses that economic research shows that a cut of up to 8p per litre would have no implication for the Exchequer because of the additional revenue.

I also draw attention to comments in paragraph 62 of the Northern Ireland Affairs Committee report published on 29 July 1999:

“There is no doubt that the differential in fuel prices, across the land border in the island of Ireland, has serious consequences for fuel supplies and road hauliers. It is a wide problem, in that, besides distorting trading patterns, it appears to have become a means of funding for paramilitaries and racketeers. It is therefore damaging the social fabric of Northern Ireland.”

This issue goes much further than our retailers and road hauliers. It is one which the Assembly will have to address through its Committees, and I encourage Members to apply pressure to the Secretary of State and the British Cabinet.

I advise the Assembly of a comment in paragraph 57 of the report, under the heading “Recommendations”:

“The Committee recommends that Government investigate further the experience of other EU members in dealing with the problems of price and duty differentials across national borders in relation to road fuels.”

That concept is contained in the motion. The same paragraph states

“It may be that at a European level a consensus might emerge on measures to mitigate the impact of road fuel duty and the price differentials between Member States which are both effective and consistent with the principles of the Single Market.”

We will be following the deliberations of the Northern Ireland Select Committee on this issue.

Our Department should also be examining operators' licences if they are found to be smuggling. That is something our Minister can do. I urge the Department to investigate suggestions made by the Select Committee that we should be examining the viability of a licensing system for all fuel retailers in Northern Ireland.

I have spoken to the Minister, Mr Foster, and to some Ulster Unionist Colleagues on the Environment



Committee, and I hope that they will pursue the matter. I intend to do so myself through questions.

The current high cost of fuel is out of line with those of our European competitors and is clearly affecting our economic well-being. I urge the Members to support the motion.

**Mr Dodds:** I thank Mr Beggs for the way in which he moved this important motion. We both tabled motions on the issue of high fuel taxes and duty, and I was happy on this occasion to co-operate with the Member.

I do not intend to go over all the issues ably raised by him but want to highlight a number of them. Many Members will want to speak on these issues. First, this is not an issue for which this Assembly or any Member has any responsibility. That has not stopped politicians from Northern Ireland raising such issues in the past, and I am sure that it will not stop us in the future. Although responsibility lies with the Chancellor of the Exchequer and the Government at Westminster, it is extremely important that we should be having this debate and have this proposal passed this afternoon to give an outlet to the grievance felt by many sectors in our community.

This issue has touched virtually everyone, and there has been a great deal of support for the motivation of those who have taken action to highlight this issue on the mainland.

12.15 pm

It is important that the Chancellor and the Prime Minister hear directly and clearly from the elected Members of this Assembly, on behalf of all the people in Northern Ireland, how strongly we feel about the situation regarding high duty and taxes on fuel and how that affects this part of the United Kingdom.

While, thankfully, we did not suffer from the protests that were held across the rest of the United Kingdom, that should not disguise the fact that in Northern Ireland we are worse off in terms of the impact of high fuel costs on our people and economy. As Mr Beggs mentioned, the fact that the Northern Ireland fuel crisis group has been set up quickly and has been very active indicates just how important this issue is for business, trade and other sectors of the economy in Northern Ireland. Representatives have been extensively lobbying the parties.

The situation is worse here because we have higher fuel prices than other parts of the United Kingdom. The United Kingdom as a whole has the highest fuel prices in the developed world. For petrol, it is 10p per litre more than in the next-highest country, which is France. We in Northern Ireland, as many of our newspapers have shown over the years, are in many cases paying

higher prices than the average in many other parts of the United Kingdom.

The Chancellor explained that oil prices had gone up to \$35 a barrel, and the blame was being put on the Organisation of Petroleum Exporting Countries (OPEC) and the oil producers. However, the real villain is the Chancellor. The real villain is the taxman. Three quarters of the price of a litre of fuel is being handed over to the Treasury.

Added to the fact that we have such a high rate of taxation in the UK, we have the scandal of double taxation. For each litre of fuel, 48.8p goes in excise duty. Value added tax (VAT) is added not only to the cost of the fuel but to the duty as well. VAT is being levied on the cost of the fuel and the excise duty. You do not have to be a mastermind to work out that that is adding between 7p and 8p per litre to the price of fuel. It is a tax on tax and it is something that I always understood was anathema as far as taxation policy is concerned. Clearly, the Chancellor should do something about that iniquity.

Perhaps I am a bit old-fashioned, but one problem is that for many of us, who are used to dealing in price per gallon, the price per litre actually disguises the real rise in price. We are almost at £4 per gallon. Some have said we are heading towards five pounds per gallon. When it is put in terms of price per litre it does not seem so bad — 2p on a litre of petrol. However, that translates into almost 10p per gallon. Every time prices go up, you see the real cost of fuel in Northern Ireland and the UK.

The other major problem already highlighted is that we have a land boundary with another member state of the European Union. Cheaper fuel is available in the Irish Republic because of lower tax and duty rates and also because of the differential in the currency valuations.

**Mr Hussey:** I welcome the fact that the Member is highlighting the particular difficulties faced by our petrol retailers. More than 60 petrol stations have already closed and many are facing closure. Does he agree that unless Her Majesty's Government address this issue properly they will be creating an exclusion zone for petrol stations within our own border?

**Mr Dodds:** The Member is absolutely right, and I am sure that this issue will be highlighted by other Members. I understand that the most recent figures show that petrol sales by Northern Ireland retailers are down 42% on last year. That is a staggering figure that illustrates the real problem for petrol retailers, particularly in border areas, where traders are finding it impossible to continue to trade.

The increases in duty and taxes over the last decade reinforce the point. Petrol duty in the Irish Republic increased by 6% over that period, whereas in Northern Ireland it rose by 150%. Between 1990 and 2000, diesel

increased by 15% in the Irish Republic, but in Northern Ireland it rose by 157%, so diesel now costs 83% more in Northern Ireland than it does in the Republic. The result of this is that business people are going southwards to obtain cheaper fuel, jobs are being lost and revenue is being lost to the exchequer. We also have the very serious problem of the smuggling that is lining the pockets of paramilitary groups, criminal groups and others.

While many of us feel that more could and should be done to tackle the problem in terms of Customs and Excise and police resources, clearly we will always have the problem while we have this massive cost differential. Therefore the solution lies with the Chancellor, who should take steps to do something about these tax differentials.

The University of Ulster report of February 2000, which I have looked at, indicates that 3,000 to 6,000 jobs have already been lost in Northern Ireland because of this problem, with revenue of up to £100 million having gone southward. While we have a differential of 23p per litre on petrol and 29p per litre on diesel, there is no doubt that the problem is going to get worse.

Mr Beggs mentioned that we are a peripheral part of the United Kingdom and of Europe. We are therefore highly dependent on road transport and face higher transport costs. The announcement that a new working party is being set up in the Irish Republic by the Irish Prime Minister to look at the rates of excise duty in the South will send alarm bells ringing in Northern Ireland, because the problem that is bad now has the potential to get even worse.

When the Chancellor of the Exchequer is looking at the question of tax he will have to bear in mind the impact his tax policy will have on the regions. He cannot simply ignore the fact that we in Northern Ireland face the problem of sharing a land boundary — a problem which does not arise in England, Scotland or Wales. As a result of these problems, as has already been mentioned, our haulage industry also faces problems. Thirty-five per cent of its operating costs goes on fuel duty; it faces vehicle excise duties; it contributes in terms of operator licence fees, VAT, income tax and corporation tax; and, sooner or later — if we are to have a viable road haulage industry in Northern Ireland — the Chancellor will have to act. The question is whether we will have an industry left. Or will it be permitted to go to the wall?

We have already mentioned the position of petrol retailers, who face severe problems in Northern Ireland, particularly in border areas. When we talk about border areas we must consider the fact that business people in Northern Ireland are becoming prepared to travel further and further to get cheaper fuel. This is a creeping problem. I know from talking to some petrol retailers who are suffering, and who are located many miles from

the border, that something has got to be done about that distortion of trade and competition issue.

**Mr Poots:** Is the Member aware that about three quarters of a billion litres of the fuel used here is bought outside the Province, with a loss to the economy of about £460 million? The high-taxation policy is detrimental to jobs and reduces the amount of revenue that is raised in the Province.

**Mr Dodds:** I think that all Members would agree, and I thank the Member for drawing those points to our attention.

I also wish to speak on behalf of the hard-pressed motorist. It is sometimes unfashionable to point out the difficulties that motorists face. The reality is that for many people in Northern Ireland — the disabled, the elderly and people in rural areas — there is no viable alternative to using their private cars. The fact that only 15% of the tax on petrol and fuel goes into public transport infrastructure in Northern Ireland and across the United Kingdom brings home a point about which many motorists and other people who buy fuel feel very strongly — namely, that they do not believe they are getting a proper return in the shape of money being invested in the public transport and transport infrastructure of the Province.

Points have been highlighted about agriculture and the rural economy. Our fishing industry is no different, having seen a 155% increase in the cost of fuel for the fleet. That means that 30% of a vessel's entire earnings are now taken up by fuel costs. There is another issue which we should not forget, that of the heating oil and kerosene used by home owners and tenants in Northern Ireland. Its price has escalated rapidly, on average going up 115% over the last two years, so that at the moment 900 litres costs £215. Only 5% of homes in the rest of the United Kingdom are centrally heated by oil, whereas here the figure is over 50%. Once again, one sees the massive impact in Northern Ireland.

What is to be done? It is essential that the Chancellor of the Exchequer act to bring down excise duty — and, by extension, VAT — on fuel. He says he needs money for health and schools and all the other major projects the Government have. We accept that there must be major investment in those areas as well as others. However, the reality is that he is reaping a windfall. The money he is getting now through excise duty and VAT is over and above that which he had already calculated and figured into his expenditure plans. He cannot therefore claim that cutting this tax will be detrimental to expenditure plans.

**Mr McCartney:** I am sure the hon Member is aware that, at the time the Chancellor made those provisions, the price of a barrel of oil was \$22. It is now \$35. I think the Member will agree that the fact that Britain is also a

net producer of oil, receiving additional revenue of between £4 billion and £8 billion, totally explodes the Chancellor's figures.

**Mr Dodds:** That is absolutely right, and it is essential that it be pointed out. Not only is this a taxation windfall, but there are booming revenues from North Sea oil production. We have seen a massive influx into Government coffers from the mobile phone licence competition, and it is clear that the Chancellor has the room to act. There is a moral imperative for him to do so, and I hope now that instead of sympathy and nice words from the Government, action will be taken. I fear that if that is not the case the disruption we have seen across the United Kingdom will have been a picnic compared to what is to come. It is vital that the Chancellor and the Prime Minister, Tony Blair, start to listen, rather than offer sympathetic, sugar-coated words. They must take action to reduce tax on fuel, and they must do it as soon as possible.

12.30 pm

**Mr McGrady:** It goes without saying that all parties in the Assembly welcome and support this motion. It has two basic parts, the first being to call upon the Chancellor of the Exchequer to reduce the burden of fuel duty. The second element is to encourage other EU member states to bring their taxes into line with those of neighbouring countries. I should like to deal with those two issues individually, for they are separate and distinct. We must be careful not to confuse one with the other.

The events of the last week have highlighted what was already known, but perhaps not realised — the enormous effect of higher fuel costs on our economy. By "economy" I mean all the strata of society in Northern Ireland — the hauliers, the manufacturers, the fishermen, the farmers, the home fuel distributors and the road users. We are only now beginning to realise just how enormous this tax is. However, it is not a new tax; it has been going on for a considerable time.

I observed with some amusement the hypocrisy of certain previous Government spokespersons who were castigating the current Government for their dereliction of duty in imposing additional taxes. The year-on-year, tax-on-tax approach of the previous Government increased this tax enormously. The irony is that it was the Conservative Party, when it was in power, which introduced the escalator tax, over and above the excise duty, thus adding to the cost of fuel. Indeed, the last budget was the first time in years that the escalator tax factor was not applied.

That does not in any way exonerate any Government of responsibility for the position we are in today. It is extraordinary how communities throughout Europe have spontaneously and suddenly realised the position

that they have been brought to as a result of oil production prices from the OPEC countries and the internally imposed problems of the revenues which successive Governments in many countries have imposed.

In Northern Ireland we suffer a double jeopardy — excise duty on fuel and a peripherality that adds to transport costs. We also suffer from the fact that we have a land border with a country that has a much lower rate of fuel tax, and that is exacerbated by the exchange rates between the punt and sterling and between the euro and sterling — two entirely different economic systems.

Many statistics have been well presented by the joint proposers of the motion. All of us can rehearse these in our subsequent contributions, but it is sufficient to emphasise them. No matter what industry you look at, you will clearly see the effect that fuel prices have had on transport, production costs, home fuels, motor cars and everything else that modern society depends on.

Much has been said about the question of the escalator tax. It was a green tax, designed to somehow assist environmental protection by taxing the motorist. It is a fraction of the excise duty and, like the old road tax which was referred to, is not even given over to environmental protection matters. It is simply another revenue-producing mechanism that increases the general taxation.

The most dramatic statistic I saw was that over the last 10 years, fuel duties increased in the Republic of Ireland by 6% and in the UK by 242% — an enormous differential. We must be careful how we address that issue. It is not just as simple as some of the suggestions that have been made. Perhaps Mr Beggs overemphasised the differential between the North of Ireland and the Republic of Ireland as the main, or a substantial, cause of our problem. That is not necessarily correct. By the way, I welcome, and cannot help referring to, the fact that he is totally opposed to traffic disruption. Long may that continue in all its aspects.

**Mr McCartney:** I thank the hon Member for permitting me to intervene.

Every citizen knows that the blockade will have an immediate and horrendous effect on our commercial base. But if nothing is done soon, those who are most grievously affected, who see their livelihoods and their businesses disappear, will come to the point where they have no alternative.

**Mr McGrady:** Was that a question?

**Mr McCartney:** It was not a question. The Member invited the intervention.

**Mr McGrady:** I prefer to hear what a person has to say rather than let him go unheard in a sedentary position, but that is par for the course for the Member.



The target that we must concentrate on, as Mr Dodds said, is the exchequer in London. The tax burden we suffer in Northern Ireland is the result of successive Chancellors adding to and imposing taxes. As Mr Beggs said, three-quarters — actually, 71% — of our fuel expenditure goes to the general exchequer. That situation cannot be allowed to continue. It is difficult for Northern Ireland, susceptible as it is to the additional difficulties of peripherality and proximity to a cheaper fuel regime, to take direct action that will not be detrimental to our own economy, as well as the greater economy, including tourism.

This is not a new situation. Northern Ireland has had this problem for a very long time. I first took the issue up with the Minister responsible, Mr Adam Ingram, in March 1999. He told me that the Government was concerned about the problem and taking firm action to address it. Eighteen months later, no action whatsoever has been taken, never mind firm action.

The differential causes exceptional difficulties for trade in Northern Ireland. The oil industry itself has been decimated by these events. Here are some statistics on petrol station closures. One company has closed all 28 of its sites, another has been reduced from 28 sites to nine, another is selling three, and others are considering pulling out altogether. That is allied to the great difficulties retailers have across large areas of Northern Ireland. It is not just a border issue any longer. The differential is so great that traffic can travel a long distance and still make it profitable.

I have met Patricia Hewitt, who is the Minister responsible, and the previous Ministers, Lord Dubs and Adam Ingram. The issue has been raised in the Northern Ireland Affairs Select Committee as an urgent matter affecting the economy of Northern Ireland. I have taken party delegations to the Chancellor of the Exchequer. The tragedy of it all is that nothing has moved them, for one very simple reason: in spite of the loss of revenue through smuggling, paramilitary and other criminal activities, and the additional costs incurred by Customs and Excise in increasing their staff from 23 to 35 and appointing specialist officers, it is not a significant loss to the Exchequer. The loss of revenue in Northern Ireland is not a significant loss, and therefore it does not attract their attention.

It is not an argument that we are going to win. As the proposal suggested, we have to harness our arguments with those of Welsh Assembly, the Scottish Parliament, and Members at Westminster to lobby the Government, on a nationwide basis, to reduce fuel duties and road taxes to a reasonable and acceptable level.

Only through a united, concentrated effort will an impact be made on the Chancellor, the Prime Minister and the Government — who will ultimately make this decision. This will not be a short-term campaign. It will

be a very difficult one. I hope that it is not a disruptive one, because by disruption we inflict wounds on ourselves that we cannot afford. This can be done without disruption, and without undue militancy, but it must be done on a consistent, cohesive and collective basis. My party supports the generality of the motion and we look forward to participating with other parties in the Assembly to form a joint presentation. I hope that it will be spearheaded by the appropriate departmental Ministers in the Assembly on a strong public and international basis. Given the experiences of the last 18 months, this is the only way to bring about change. The only effective change that we can make is to have an immediate reduction.

There has been talk of waiting for the autumn Budget. That may be possible if the autumn Budget is next month. However, if that does not make a substantial, meaningful contribution to our problem, then we will have to address it in a stronger and more virulent way.

The differential between fuel duties in both North and South has been exacerbated by the currency exchange. During the Finance Bill debate, in representations to the Chancellor and his Ministers of State I asked repeatedly for a special scheme for Northern Ireland to be implemented. A scheme has been implemented along the Dutch and German border, where differentials were considerable — though not nearly as considerable as the differentials we had. At that time there was a great reluctance among the Ministers at Westminster and the Ministers in Northern Ireland to alleviate the distress that had been caused — mostly in the border areas and affecting the smaller retailers, hauliers and transport companies.

The Dutch implemented a scheme. Part of the scheme was ruled out by the European Court, which is fair enough. However, part of that scheme is still in operation. There is no justification for the British Government not introducing that part, which was tolerated and allowed to continue by the European Commission, to the border areas of Northern Ireland. That is another practical avenue where a remedy can be achieved for the additional problem that we have. Even if the taxes are reduced, they will not be reduced sufficiently to address the problem of the differential between the two countries. We need a reduction in general taxation, combined with a scheme to alleviate the contrast in the border areas.

**Dr Birnie:** I agree with the Member's comments regarding the international and the Northern Ireland/Republic of Ireland differential. Does he agree that there is scope to use the North/South Ministerial Council to put pressure on the Dublin Government to increase some of their duties towards the UK level?



**Mr McGrady:** I am enthusiastic about the North/South Ministerial Council engaging on all problems affecting the whole of Ireland, North and South. I encourage it to take on as many of our problems as it can and to address them. However, to ask the Republic of Ireland Government to increase their taxes would be rather silly.

12.45 pm

Why should we ask other Governments to impose a burden on people when we are trying to reduce the same burden for ourselves? That is the reality of the situation. You do not make a bad situation worse by creating another bad situation for your neighbour. Harmonisation on a European scale must come about, otherwise this problem will continue, not just between the North of Ireland and the Republic but also between many other countries. As has been said, difficulties already exist between Holland and Germany and several other nations.

Returning to the original point — which I must emphasise — the real problem is the 71% excise duty imposed by the Chancellor of the Exchequer. That is our first target. We must not be diverted into long-term projects concerning the differentials between North and South. The lack of an exchange mechanism is an obvious long-term project to pursue, but that is of such import that we know we will have little impact if we ask the British Government to enter into the European monetary union. In the meantime, our target, which must be focused and consistent, must be reduced taxes at Westminster. My party will support the motion in all its aspects and in the terms which I have suggested to the Assembly. I look forward to a joint exercise with all the other parties in this Chamber to further the cause of duty reduction.

**Mr P Doherty:** A LeasCheann Comhairle, I welcome and support this motion. There is great concern about the escalating cost of fuel and even greater concern about the British exchequer's attitude — an attitude which reflects no consideration of the economic effects which partition and two tax regimes have created in our country. Indeed, the North of Ireland is only an afterthought when the British Government considers finances. I believe that both the proposers of this motion also recognise this in the second half of their motion, which I read as Unionist-speak for an all-Ireland fuel policy.

Owing to the underdevelopment of the rail network and the consequent over-dependence on roads, the price of fuel is crucial in Ireland. Fuel tax, unfortunately, is a reserved matter for the British Government, but as the Assembly evolves and develops, one option which could be examined is a mileage-based or gallon-based fuel rebate system. The administration of this could be minimised by allowing rebates to be deducted from VAT or other tax liabilities. However, as long as we have two tax systems on this island, we will always experience

difficulties. The uncertainty created by fuel pricing underlines again the Sinn Féin argument that what we need is an all-Ireland economy. Only then will the days of being held to ransom at the petrol pumps by the British exchequer be over.

To address these problems in the long term, the British Minister and his counterpart in Dublin should explore ways and means of harmonising tax and duty rates. While there has understandably been a focus on fuel prices at petrol pumps, we also need to recognise — and this point was brought up earlier — that high tax and duty rates also adversely affect the price of home heating oil, and perhaps that pain is felt more intensely than that felt by motorists and road hauliers.

We support and welcome this motion, and we would like to see a speedy resolution of the problem.

**Mr Close:** I applaud the initiative of Mr Beggs and Mr Dodds in bringing this very serious issue to the Floor of the House, where the elected representatives in Northern Ireland can add their voice to those demanding change. I also take the opportunity to publicly applaud the mature attitude that has been adopted by the Road Haulage Association, the Petrol Retailers Association, the Federation of Small Businesses, the Confederation of British Industry and the Ulster Farmers' Union, which have all been involved in the fuel crisis group, the many other trade and voluntary organisations throughout Northern Ireland and the great Northern Ireland public.

In spite of the fact that we in Northern Ireland suffer more because of escalating fuel prices than those in the South of Ireland, Scotland, Wales or England, there have not been any organised road blockades in Northern Ireland. That has got to be applauded. Northern Ireland has not been brought to a standstill.

Our people, particularly the various organisations to which I have referred, have used the democratic process in a determined fashion and with great dignity in an effort to get their message across. For that reason above all, we, as their elected representatives, must support them and demonstrate that somebody is listening to their plight. We must ensure that their message is transmitted with the maximum democratic clout to the Prime Minister, the Chancellor, the Treasury and all those who hold and control the purse strings.

In some respects it could be said that the democratic process itself is on trial over this issue. If it is not seen to deliver, to listen and to deal with such causes as are currently facing it, then there are serious questions to be answered.

The Prime Minister and the Chancellor are on record as saying that they cannot and will not give in to blackmail, threats or blockades. As a democrat, I have sympathy with that view, but equally I firmly believe that the Government have a duty to listen to the people

and to respond positively to a just cause that has the backing of the overwhelming majority of the people. This is such a cause. I challenge the Prime Minister to put our money where his mouth is and to recognise in a tangible fashion the mature attitude adopted by the people in Northern Ireland in the current crisis.

We live, as has already been said, in a peripheral society. Our fuel costs are higher than elsewhere in the United Kingdom. We share a land border with another EU country where fuel tax is considerably less; thus we suffer from unfair competition. Prime Minister, if you will not give in to blackmail, you will surely reward the long-suffering people of Northern Ireland whose voice and reason have been their only weapons. Cut our fuel taxes now, or give us in Northern Ireland some form of rebate.

I also urge the First Minister, the Deputy First Minister and the other Ministers to take this message to Downing Street as soon as possible. The people do not want just sympathy; they want action from their democratically elected leaders.

It must also be made clear that the oil companies are not to blame for the current crisis. Nor do I accept the line that is currently being peddled that a reduction in fuel taxes would inevitably have an adverse effect upon the Health Service, education, and so on.

Britain is unique among the other European countries in that it is a net exporter of oil. I have recently seen figures to suggest that in the first half of this year alone there was a surplus of £2.5 billion on the oil account.

Every time the price of crude oil rises there is a revenue bonus for the Chancellor. If he were a member of a caring Government he would have given some of this windfall back to the people and reduced the price of fuel. Why has this windfall been buried in a cloud of half-truths and presumably tucked away in some election war chest?

We have the highest petrol and diesel costs in Europe, if not the world, because we suffer from obscene taxation on fuel. As Mr Dodds pointed out, it is actually worse than that. We suffer from obscene double taxation on fuel. We are taxed on the tax that the Government levy on fuel. I was amazed to learn that the price of petrol in the United Kingdom is lower than in the USA. It is less than 18p per litre in the United Kingdom compared to over 19p in the USA, yet we pay almost £4 per gallon, whereas the price is less than £1 in the United States.

The difference is not in the profits of the oil companies or petrol retailers — they get about 1p per litre. The difference is in the tax taken by the Government — 70p to 75p. At least Dick Turpin had the decency to wear a mask. Gordon Brown and Tony Blair have the barefaced audacity to blame everybody

but themselves, and to date they have even refused to listen to those who have pointed out the error of their ways.

However, I must be fair. The attempts by William Hague and his political cronies to capitalise on Labour's difficulties is political opportunism at its worst. We all remember that it was the Tory Chancellor, Norman Lamont, who introduced the fuel duty escalator in 1993. This highway robbery was continued by Kenneth Clarke, resulting in fuel duty increasing by 5% more than inflation during the years 1993 to 1996. It was dressed up as a green tax, but I would prefer to call it a con tax.

However, the Labour Party, not to be outdone in exorbitant taxation, increased the escalator to 6% when it came to power, and the result was fuel duty going up by 10% in 1997, 10% in 1998 and another 10% in March 1999. While the Labour Government have dropped the fuel escalator, the damage has been done. I appeal for this highway robbery to stop. It is totally counter-productive, particularly in Northern Ireland, where it is killing businesses. It is killing the road haulage industry, and it is making all of us suffer unduly.

As duty is much less in the South of Ireland, there is a daily flow of vehicles travelling across the border to fill up with fuel, and, as has been mentioned, smuggling is rife. I understand that smugglers can gross as much as £35,000 per week through their illegal practices. How else can we explain that between 1994 and 1999 there was an increase of 124,694 in the number of vehicles registered in Northern Ireland, yet during the same period the amount of fuel delivered to Northern Ireland fell by 41.6%? The Treasury is losing money hand over fist through its blindness.

**Mr J Kelly:** Does the Member agree that the Assembly initially should have sought the ability to raise taxes at a local level?

**Mr Close:** As one who advocated throughout the entire talks process that we should have tax-varying powers I agree with the Member, but that is somewhat removed from the issue we are discussing. We are discussing the huge taxes being imposed on motorists and the fuel industry. Rather than seeking powers to further increase prices, we should be looking for a reduction in prices.

The Treasury is losing approximately £200 million because of the amount of fuel that could be sold here.

*1.00 pm*

It is economic madness caused by a blind and arrogant Government. I direct my final comments to the Prime Minister: open your eyes and see the damage that your exorbitant taxes on fuel are causing; open your

ears and listen to the hard-pressed people who are pleading for your help; open your mouth and tell us that you will act without further delay to deal with the crisis.

**Mr Roche:** The events of the past week have been the most momentous in the life of the Labour Administration. The characteristic response of the Prime Minister has been to misrepresent the nature of the protests and blame high fuel prices on OPEC and the oil companies. Government by spin and mendacity may have reached the end of the road. The electorate simply does not believe the Prime Minister. The Sunday Times/NOP poll of 17 September showed that 71% of the electorate blames the Government for high fuel prices and 77% does not accept the Government's claim that there is no scope for cutting tax on fuel.

The electorate is correct on both counts. First, there is scope for a reduction in fuel tax. The Institute of Directors and the Confederation of British Industry (CBI) have calculated that the Chancellor has scope to cut duty and VAT on unleaded petrol by up to 6p per litre because of the tax windfall from higher North Sea oil prices. That windfall is worth about £8 billion to the Treasury. Fuel taxes must be cut immediately. That would have the added advantage of constraining the Government in their waste of millions of pounds on stupid projects, such as Mr Mandelson's brainchild, the Millennium Dome. Secondly, the Government have been literally ripping off the vast majority of people in the United Kingdom for whom the purchase of fuel is an entirely unavoidable necessity. At least two thirds of the rise in the price of petrol since May 1997 has been due to higher tax.

The mechanism employed by the Chancellor has been a form of stealth taxation based on a fuel duty escalator introduced by Norman Lamont in March 1993. The ostensible reason for this tax was to contribute to the prevention of ozone depletion, but the real reason had nothing to do with the environment. The real reason for the introduction of the fuel duty escalator was to reduce a £46 billion budget deficit that had resulted from the boom-and-bust policies of Nigel Lawson in the late 1980s. Chancellor Brown has used this stealth tax to its very limit. The CBI calculates that only 15% of revenue raised through fuel taxes is reinvested in transport infrastructure and public transport.

The result of Labour policy is that while the United Kingdom is a net exporter of oil, it pays higher fuel prices than any other western European country. The result is a massive distortion of competitiveness affecting major sectors of United Kingdom industry. The situation is exacerbated in Northern Ireland due to the weakness of the euro against sterling. Fuel costs for farmers and fishermen in Northern Ireland have increased by 110% in the past 12 months. Derv prices

are 83% higher in Northern Ireland than in the Republic.

The combined result of tax differentials and exchange rate movements has put severe pressure on local business and caused a massive growth in criminality on the part of terrorist organisations left intact by the Belfast Agreement. CBI Northern Ireland calculates that individual fuel smugglers can gross up to £35,000 per week, thus undermining honest business.

High underlying fuel prices will continue. The western economies are currently facing historic oil shortages. At the same time, many OPEC members have little scope to pump out extra oil as they are already operating close to capacity. The crisis of unacceptably high fuel prices will not be resolved in the long term by a short-term manipulation of tax rates. The crisis is due to something deeper than an entirely legitimate concern about oil prices.

The crisis reflects a United Kingdom economy — indeed, an EU economy — that has reached the limit of taxable capacity. This is shown by the fact that 78% of the UK electorate supports the protests and blockages and 85% demands a cut in fuel taxation. This is very relevant to the dominant tax-raising mentality — which we have just heard about — in the Assembly. This mentality is out of touch with the requirement of economic success in a capitalist, competitive global economy. The current fuel tax crisis is indicative of the imperative to move towards a low-tax economy in the United Kingdom by a radical rolling-back of the frontiers of the state in the areas of social welfare, education and health and to substitute for state provision the development of private market-orientated provision in these areas. State provision in these areas is marked by inefficiencies that squander literally uncountable billions of taxpayers' money.

This political crisis provides politicians and business leaders in Northern Ireland with the opportunity to put themselves in the vanguard of a new progressive thinking aimed at the creation in the United Kingdom of a minimalist state which is required to lay the basis of a low tax economy. That is what is required for economic prosperity in the context of permanent global capitalism. The Government could then concentrate on its primary function of effectively protecting the lives and property of law-abiding citizens. The NIUP supports the motion and demands an immediate cut in fuel taxation before further irreparable damage is done to major sectors of business in Northern Ireland.

**Mr Douglas:** I support the motion. There are a number of issues in this debate. Foremost must be the rise in fuel costs attributable to the rise in the price of crude oil, and hence the rise imposed at the pumps by the oil companies. Second is the tax take of the Government through fuel duties and VAT. Thirdly, there



is a disparity in fuel prices throughout Europe and the civilised world.

First, and most importantly, we must consider the impact of the exorbitant price of fuel on our economy and on the public, given the poor public transport links available in the Province. The oil companies are making disproportionate profits at the expense of the travelling public and British industry. Over the past week the oil companies have tried to raise prices by 2p per litre, only to back down due to public, and perhaps Government, pressure. Industry sources say that the rise was not wholly needed to cover crude oil prices but was an exercise in profiteering on the companies' part. In fact, 1p would have covered the rise in the price of crude oil.

Secondly, we have the Government's double whammy in taking both duty and VAT on the same product. It is well known that 75% of the price of a litre of fuel is made up of tax. That is totally unacceptable and must be addressed immediately. The Government is wrong to say that all this tax is needed for public services. It is a fact that for every \$1 rise in oil prices, the Government gain £330 million per year.

Recent rises since the Government's comprehensive spending review in July totalled \$11 a barrel, so the Chancellor would bring in an extra £3.7 billion in tax revenue. Translating this into petrol duty would cut 7.5p a litre off the cost of fuel. I call on Gordon Brown to make these legitimate cuts immediately to allow our hard-pressed industrial base and the motoring public some breathing space.

It has also been suggested that we should have a VAT-lowering mechanism to be triggered when world oil prices rise above a certain level. I would welcome such a measure, as would the public, but I believe it should be set up so that the red tape would not outweigh the benefits, and that the cost would not be passed on to the public.

We must consider the disparity in fuel prices between here and the rest of Europe, our main trading partners. These disparities are belittled by the Government, and the public is fed untruths to keep the blame away from the national Government's door. I will list four lies that were highlighted in the press over the last week.

First, "Motorists are no worse off than their European counterparts as, in Europe, motorists must pay tolls, even though taxes are much less in Europe."

The fact is we pay higher fuel duties than anywhere in Europe. We pay more to buy our cars. Motor tax is greater here than almost anywhere in Europe and, although some Europeans have road tolls, the income from them is spent almost wholly on transport issues.

**Mr McCartney:** Is the Member aware that throughout France, which spends 80% of its tax revenue

from motor fuel on roads, one can travel on the *route nationale*, which is better than most of our motorways, and whether one travels on a toll road is entirely optional?

**Mr Douglas:** I was not aware of that.

The second point I would like to highlight, which was a mistruth on the part of the Government, is "Cuts in fuel tax will hit spending on health and education."

Since spending plans were revised in July, increased Government income would allow cuts in fuel duty of 8p a litre, with no resultant cuts in public services.

A third misleading statement was "Tax cannot be changed except during the March Budget".

The fact is that under the 1979 Excise Duties (Surcharges or Rebates) Act the Chancellor can raise and lower fuel duties by up to 10% at any time, without requiring legislation. This would allow petrol prices to be cut by 20p a gallon.

The fourth misleading point is "High fuel tax protects the environment by cutting pollution."

There is little evidence to support the assertion that raising fuel taxes cuts pollution. Even though the fuel tax has risen exorbitantly since 1993, the miles driven has also risen — by 12%. If the environment is so important to the Government, would it not make more sense for them to invest in clean technology and energy-efficient measures?

My final point, which is more important and nearer to home, is that more than any other part of the United Kingdom, Northern Ireland depends on oil for its energy. We have an agriculture industry, already crippled by bad prices, finding its fuel costs increased drastically throughout the last year. This adds to the costs of both farmers and agriculture contractors and, indirectly, as hauliers are affected, we find that input costs also rise. Our haulage businesses suffer, as they cannot pass on price rises to their customers and risk being replaced by hauliers from the South. Our rural areas depend on oil to carry out almost any function throughout the day, especially in the farming community. We are on the periphery of Europe, and, apart from oil, there is no type of fuel we can use.

1.15 pm

Much of the Province also depends on oil for home heating. Therefore any price rise impacts on the most needy in society — namely, the young, the unemployed and the elderly. We also have a land border with another EU state. That gives rise to smuggling on a grand scale, creating great losses to our public funds.

In supporting this motion, I call on the Chancellor to cut fuel duties immediately and to cut or abolish VAT above a specified world oil price threshold. I also call



on the Chancellor to cut the remaining VAT on home heating oil as this is not a luxury but a necessity. I support the motion.

**Mr McCartney:** At this stage of the debate it might be said that the field has not just been played upon but has been ploughed. Therefore I will endeavour to confine my remarks to some salient, and perhaps greener, parts of the pitch. There is no doubt that the situation threatening our agricultural and haulage base with extinction is caused by two main considerations: first, the absolutely punitive rates of excise duty and VAT on motor fuel; and secondly, but directly related to the first consideration, the softly, softly policy of the Government in relation to the commercial activities of paramilitaries.

Some of these figures lead to interesting conclusions. The number of vehicles in Northern Ireland has risen by 21% since 1995. There have been 125,000 additional vehicles registered in Northern Ireland in that period. The amount of legally imported fuel has dropped by over 50%, according to the figures of the Petrol Retailers Association. Even the Government say that it has dropped by 41%. If you have an increase in the number of users of motor fuel, and you have a fantastic reduction in the amount of fuel that is legally imported, then the only conclusion must be that a vast quantity of fuel is being illegally imported into Northern Ireland.

Of course, that is not the only reason. An increasing and significant number of owners of vehicles registered in Northern Ireland are going into the Republic to top up their tanks.

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

**Mr McCartney:** Not just at the moment.

For some hauliers, proximity to the border makes it viable for them to go into the Republic. They are filling up their vehicles in the Republic as much as they can. Many major haulage contractors have also registered their vehicles in the Republic because the vehicle licensing excise duty fee there is about a third of what they pay in Northern Ireland. The effect of Northern Ireland-registered vehicles filling up in the Republic is to pour millions into the coffers of its Treasury.

Many informed sources believe that up to 30% of all motor fuel used in Northern Ireland is unlawfully imported from the Republic. It is imported through the border areas of south Armagh and, to a degree, Fermanagh. It is imported through areas controlled by paramilitary groups which, if not actually running these unlawful operations, are undoubtedly extracting licensing fees. Huge amounts of money are providing a financial base for terrorism that will threaten our entire society, North and South. The political representatives of some of those people are in this Assembly. They have the approach of whited sepulchres, and they make speeches in the Chamber attacking the British Treasury.

There is no doubt that the Chancellor is good measure for a significant degree of criticism, as many Members have already indicated. However, Mr McGrady, for the SDLP, was strangely silent on his partners in the pan-Nationalist front, who are undoubtedly delighted that the British Treasury is rightly getting stick. They, and the groups that they represent, are contributing in no small part to the difficulties experienced by honest and decent lawful traders in Northern Ireland.

It was mentioned that some 60 petrol retailers have gone out of business in the last year. I have information about a petrol retailer who puts up a notice on his station stating "The only fuel here is legally obtained". He does this in a psychological endeavour to compete with a petrol station some one hundred yards away that is grossly undercutting him by selling fuel at a price at which the lawful trader cannot even purchase it, let alone sell it.

In my constituency I have had other people with small businesses — running newspaper and tobacconist shops — who buy their cigarette and tobacco stock from a lawful source and who cannot compete with those around them who are flogging contraband goods brought in by paramilitaries. I have to say that the paramilitaries concerned are not of the green variety, though my oft-stated view in this Assembly is that I have absolutely nothing but loathing for paramilitaries, whether they be orange, green or polka-dotted. However, I loathe the hypocrisy of those, such as the representatives of Sinn Féin and, to a lesser degree, Mr McGrady, who have attempted to soft-pedal the fact that the corruption that is spreading from paramilitary activity is beginning to invade every stratum of society.

Many of those who can afford to drive expensive, powerful cars and provide a four-wheel-drive vehicle for the missis to pick up the kiddies, and even those who are driving a business car or a company vehicle where they can write-off the increased duties to their tax and reclaim the VAT, are prepared to admit that for them the increases in petrol fuel are relatively unimportant. However, for the haulier, the farmer, the fisherman, the small businessman, the manual worker who needs his vehicle to get to work, the retired resident in a rural area on a fixed income, a car and such transport is not a luxury. It is a fundamental and basic necessity.

Society is being corrupted because, for the sake of maintaining what passes for peace in the form of a terrorist-controlled ceasefire, there has been a marked reluctance by this Government to provide a strategy for the Customs and Excise to deal with a problem that will lead to grave difficulties, not just for those on the margin, but, ultimately, for some of the larger players.

A major company operating in the fuel business — a major employer with assets of over £100 million — has

already indicated that such have been the cuts in its profit margins due to smuggling that withdrawal from the Province is increasingly becoming a viable consideration.

The Chancellor must act, and he must act soon. With everyone in the Assembly, and most law-abiding citizens, I endorse the view that at present we should be attempting to avoid blockades that would damage the foundations and base of our commercial and other businesses.

I sympathise with those industrialists and bigger players who feel that the blockade might do irreparable damage, but I issue this warning. A point will come when those who are against the wall will look after their interests and those of their families. It will be all very well for those at a higher level to say there must be no blockade. Some people will have no alternative. They are the small petrol retailers, who are going out of business, and the farmers.

Farmers have to pay for fertiliser, feed and stock to be hauled onto the farm and produce to be hauled out. They are faced with escalating transport charges and see profits from pork, beef or lamb production going down the Swanee.

*(Mr Speaker in the Chair)*

It is vitally important that we persuade the Chancellor to listen, for he has not listened. He has told us lies and he has fabricated untruths. He has designated what were largely peaceful blockades as peaceful — so peaceful that many Chief Constables could not arrest people because they were not committing any offence.

We saw macho-man Blair come on and say he was going to do X, Y and Z, and that everything would be rolling in 24 hours. In today's 'Daily Telegraph', Siôn Simon — a Labour apologist — described these people as terrorists. Mr Blair was going to do the most dreadful things to them. Yet we are faced with his sickening, absurd surrender to paramilitarism and terrorism that is destroying the whole base of society, not just on the Shankill but now in North Down. All strata of society must get together. If we do not look after the small petrol retailer, and the farmers who are mortgaged up to the hilt and who have never drawn a penny of public welfare in generations, it will only be a matter of time before this poison spreads to higher levels in society.

We should remember these words of John Donne:

"And therefore never send to know for whom the bell tolls".

No man is an island. No stratum of this society is an island, because if something is not done to help those most grievously at risk at the present time, then for sure the bell will toll for all of us.

**Mr Speaker:** A substantial number of Members wish to speak, reflecting the level of concern about this issue.

I propose to continue through the lunch period. We must break at 2.30 pm through to 4.00 pm for Ministerial questions, but we will then resume the debate and take it through to 6.00 pm. Even with that substantial period, I have to ask that Members do not go beyond their 10 minutes. If the Members listed take 10 minutes each I will have to bring speeches to a close. This is an attempt to make sure that all Members get a chance to express themselves.

*1.30 pm*

**Mr Kennedy:** I am grateful for the opportunity to participate in this important debate. I will restrict myself to the time you have mentioned, Mr Speaker. I am grateful to my Colleagues Mr Beggs and Mr Dodds. This is an extremely timely and important debate in the context of events outside this House, in other parts of the United Kingdom and in the Irish Republic.

I am also conscious that this is not a new crisis emerging only over recent days. It has existed for many months — since 1997 at least. It has already caused job losses and the closure of many small businesses, road haulage firms and petrol retailers and, in my constituency of Newry and Armagh all those businesses have been affected by the crisis.

I am also aware that the Assembly has no responsibility in this matter. It is a reserved matter. Nevertheless, I hope the Secretary of State will take the opportunity to listen to the views of this Assembly albeit via Hansard. It is crucial that the views of this House are reflected in the strongest possible terms to the Prime Minister, the Chancellor of the Exchequer and other members of the Cabinet.

I wish to concentrate on the plight of the petrol retailers, many of whom have made representations to me. It is very clear that successive Chancellors, irrespective of party, have used fuel excise duty as a way of generating Government money to put various schemes and policies in place.

The creation of the fuel escalator combined with the exchange rate difference, especially in relation to the Irish Republic, has created a lethal cocktail which many local operators have been unable to withstand. Approximately 90 legitimate retailers have gone out of business over recent months. Government statistics confirm that sales of legitimate fuel have effectively been halved since 1994. However, there has been a 20% increase in the number of vehicles on the roads in Northern Ireland.

It remains inexplicable how any Chancellor representing any Government can afford to lose in excess of £300 million in revenue. That is the conservative estimate available at this time. One wonders what this Assembly could achieve with that amount of money in spending priorities. Consequently,

many long-standing legitimate petrol retailers have gone out of business. They have gone out of business only to be replaced by spivs and highly questionable opportunists, many of whom have links to the paramilitaries.

I take this opportunity to register my concerns, and those of many in the fuel industry, about the flagrant and open abuse of the sale and illegal transportation of fuel in border areas, organised and controlled by paramilitaries that are mostly, but not exclusively, Republican. Government failure to adequately resource a proper Customs and Excise response to this problem makes me extremely suspicious that there may be political reasons for not dealing with this issue properly. I sincerely hope that is not the case. As I travel the roads of south Armagh I see tankers and lorries travelling on minor roads, some of them on approved roads, bringing their cargo. The illegal operation is quite alarming and must be addressed urgently.

Urgent action is required if this important sector of our economy is to be rescued. The cost to the local economy and the environment has already been too high. At last, public opinion on this matter has been mobilised by the clever tactics of the various sectors to highlight and expose the greedy Treasury.

I pay tribute to those in the rest of the United Kingdom, and in Northern Ireland, who have organised and mobilised people on this issue. They have caught the spin doctors on the hop and the Government have been shaken to their very foundations. The Prime Minister has now been given an opportunity to address the situation. The petrol retailers and the people of Northern Ireland demand that he and his Government take urgent steps to reduce excise duties and deal with the widespread problem of fuel smuggling in Northern Ireland.

**Mr Dallat:** It is essential that the Assembly present a united front on this very important issue.

It is with regret that I detect a further split in the United Kingdom Unionist Party, with Bob McCartney, the intellectual, now being voted out of the House.

We do not want to add to the hothouse gases; we want to present concrete proposals that will assist the haulage and farming industries and other elements of society that are suffering because of the high cost of fuel.

Mr McCartney's attack on my Colleague Eddie McGrady was disgraceful. For many years he has stood up and spoken out against all forms of violence. He would in no way condone the continuing activities of any paramilitary group. I am sorry that Mr McCartney has not remained to hear my response.

I reiterate Mr McGrady's very sensible suggestion that at least part of the answer to this problem can be found in the European Union. Through our involvement in the Assembly, we are constantly reminded that we cannot infringe European laws. This problem has a European dimension. As Mr McGrady has already pointed out, there are special arrangements in other parts of the European Union to take account of tax differentials which cause trading problems. I suggest that we take our case to Europe. Let us assume that our British friends will not stand in our way by saying that this is an internal, domestic problem. This is a serious crisis that is impacting on the lives of thousands of European citizens. The European Union has not only a right but a responsibility to be part of the solution to a problem that is caused directly by political land boundaries between member states.

The oil crisis did not start last week or last month. It has been developing since the 1970s because successive British Governments found it too easy to put tax on fuel as a convenient means of raising revenue. The difficulty with this particular fiscal policy is that it results in the highest rate of taxation on fuel in the developed world. This policy has already been described as a rip-off, and I agree with that. The term "Rip-off Britain" is commonly being applied to an economy where it is not just the cost of fuel that is crippling the lives of ordinary, decent people. There is a rip-off on many consumer goods as a direct result of unfair taxes. An internal report prepared for the Treasury shows that furniture and carpets are, on average, 56% more expensive than in other European countries. Sporting goods cost 31% more, while cars and motorbikes set the consumer back an extra 29%. Electrical goods are, on average, 22% more expensive.

Today's debate is focused on fuel and tax and, therefore, on road hauliers in particular. That other industries are also facing serious problems because of the differential between the cost of goods here and in other European countries cannot be ignored.

I am pleased that some Members made reference to the farming industry. We all know that that economy has been decimated by a number of factors including a poor market, but now it is being crucified by the escalating price of oil. Farmers are a critical part of the rural community, and Ministers in the Assembly have an important role to play in highlighting the impossible position that they find themselves in.

The car industry is facing serious difficulties due to the price differential with imports not only from the Republic but also from mainland Europe. Tax is part of the problem, but there are other issues which the Government have failed to act upon. We are a part of a rip-off economy which needs to be resolved, but the Government are doing nothing about it. Fuel, as we



have been told, is now twice as expensive as in the Republic and four times more expensive than in the United States of America. The high cost of fuel adds to the cost of all goods and services, and the people who suffer most are those on low incomes. While the Government might claim that taxation is needed to fund Government services, the people who are penalised most are those whom the Government would claim they are supporting, namely those in greatest need — and, again, I emphasise the farming and rural industries.

The question remains unanswered as to where taxation will come from to fund the Health Service and so on when oil runs out in 2030, or at best in 40 years' time. How much of the present tax is spent on developing alternative forms of energy? I suspect very little. The environmental issue is often used to justify the high cost of fuel but this policy, as we have been told many times today, has failed miserably. Those who can afford it will go on paying higher prices for fuel, and the people who are again penalised are those at the margins of society who either cannot afford private transport or have to pay high costs for public transport.

Our public transport has suffered from underinvestment and does not meet the needs of the travelling public. In the North the problems are compounded because of the land border, and there is no easy solution other than to pay an oil rebate, as has already been mentioned. That, however, will not stop the huge number of private cars that fill up on the other side of the border on a daily basis, and it most certainly will offer no comfort to the filling stations in the North which are still open and struggling to survive.

There has to be an end to the see-saw of differentials in duty that has occurred over the years, sometimes in favour of the North and sometimes in favour of the South. The only way to do that is to harmonise taxes on both sides of the border. To do otherwise is to create a paradise for smugglers who, by the way, do not have to be terrorists plotting to overthrow the Government.

**Mr Kennedy:** Does the Member accept that it is not harmonisation on this island that is required but, as he outlined in his earlier remarks, harmonisation of fuel prices throughout Europe?

**Mr Dallat:** Absolutely. Indeed, Mr Kennedy has pre-empted something I will say later.

Much of the diesel on offer is not smuggled but is “manufactured” in the North using mixtures which I should perhaps not advertise. In other cases it is laundered with the aid of chemicals. Either way it eventually leads to expensive repairs for the unsuspecting motorists who buy it.

Now I come to Mr Kennedy's well-made point. The only long-term solution is for taxes to be harmonised throughout Europe, but, in the short term, if Britain has

any interest in aiding the economic recovery of the North, then its Government should act as a Government should and address the issues while we still have an economic infrastructure. This Assembly in its fledgling days deserves the full support of the British Government to deliver, and, at present, they are not giving that support. Tax on oil is one issue, but we must remember that it is only part of the solution. The cost of road tax is also a serious issue. It is often the difference between viability and bankruptcy.

1.45 pm

As Eddie McGrady suggested at the beginning, this case must go to Europe. The Assembly must act — not next week or next month but today — to demonstrate that it has a useful function and is not simply a rubber stamp for implementing British policy, irrespective of the consequences. A series of suggestions has been made before the House. Let us include the European dimension, for it is here, I believe, that we will find not only a sympathetic ear, but a possible complete, or at least, partial solution to a very serious problem.

**Mr Berry:** The motion draws attention to three issues — taxation, competition, and smuggling. They have all been well covered already.

I shall deal first with taxation. We are not discussing a fuel crisis today, but a tax crisis. It was the extravagant vehicle excise duty which drove hauliers to re-register more than 3,500 lorries in the Irish Republic. It is the excessive taxation on fuel which encourages thousands of motorists to buy it across the border. Its impact is seen right across my constituency where, as has been pointed out already, scores of filling stations have closed because taxation has made it uneconomic to sell their fuel legally.

**Mr Hussey:** The point has already been made about the closure of filling stations, but it is exacerbated by the fact that for many of my constituents and, I am sure, for the Member's, their nearest petrol station is now across the border since so many have closed along it.

**Mr Berry:** I entirely agree with the Member. Indeed, motorists from my own town of Tandragee, which is 20 miles from the border, cross it to buy their fuel.

The cost of fuel is well known, and the question has been covered very well today. When petrol arrives at the filling station, it costs a mere 16p a litre. When the customer buys that petrol, the cost has risen dramatically to 80p or more a litre. The 60p increase goes directly to the Chancellor of the Exchequer. Some 72% of the cost of fuel is accounted for by pure taxation. In other words, even if the petrol companies gave petrol away for free, it would still cost us at least 60p a litre, a situation which is neither just nor fair. The basic cost of fuel is the same in the United Kingdom as anywhere else. Excessive taxation makes the difference.



The United Kingdom has the highest tax rate in the whole of Europe. The Republic of Ireland, Luxembourg, Spain, Greece and Portugal all charge a mere 55p at the pump. The price doubles because of tax. In France, Belgium, Germany and Italy, the price trebles after tax. Out on its own is the United Kingdom, where the price quadruples after tax. While the rest of Europe can buy fuel from 55p to 70p a litre, we must pay at least 80p to 85p a litre at the pump.

My second point concerns competition. Excessive taxation has had a negative impact on competition. It has allowed our competitors to begin with every advantage. The French haulier, for example, begins with a 17% advantage. When the Labour Government came to power in May 1997, the difference in fuel costs was 4p a litre. Today, that figure has soared to well over 20p. This hinders fair competition, and a civil Government is to blame. Instead of helping firms, it is driving them out of business in Northern Ireland. The excise rate in the Republic is about £1,200, while we in Northern Ireland pay about three times that figure — hardly a vote of encouragement for our hauliers or farmers. We must look at the tax on heavy goods vehicles. In the United Kingdom, it is £3,800, in the Irish Republic £1,200 and in Holland £750.

The last issue I wish to raise, which has been covered very well today, is that of smuggling. Recently four laundering plants have been closed down, but when one considers that each of those was capable of laundering 750,000 litres a year, one realises that the sums involved are vast. Who is losing out? Legal petrol stations are — and to such an extent that many are closing. The Exchequer is losing at least £40,000 per week. One customs officer recently stated that this has become a large-scale business. Reference was also made to organised criminal gangs which are exploiting the current situation. Smuggling has penalised law-abiding people and rewarded the racketeers. We are dealing with a problem that has reached epidemic proportions. The Northern Ireland Select Committee's report claimed that the Exchequer is losing out on at least £100 million per year.

In my constituency, and Mr Kennedy has already covered this, you can drive around the roads in south Armagh and see these lorries coming across the border. The police, the security forces and Customs and Excise have been working rigorously to track down these racketeers. It is difficult, but we do need more effort to try to track down these racketeers. They are mainly Republicans, especially in the area of south Armagh.

There is a clear focus to secure a reduction in fuel prices. If that is not done in Northern Ireland high fuel costs will equate to high haulage costs, resulting in high prices for consumer goods.

I support this motion and trust that action will be taken.

**Mr McHugh:** A Cheann Comhairle, I also support the motion and agree with most of what has been said today.

I would like to welcome the farmers and hauliers who have come to the Assembly to highlight their situation. They are at the coalface, and they incur the costs directly on their income every day in a big way. I welcome their having this opportunity to make their protest heard.

This is about taxation more so than fuel. I speak mostly about rural areas. Rural dwellers do not have a choice in getting from one place to another, unlike city dwellers. They have some form of public transport — we have no public transport west of the Bann. Therefore people do not have a choice — they have to have their own transport. This affects the local economy with regard to inward investment. Investors look at those areas as being on the periphery and far away from ports. They consider that a detriment and decide that they are better off basing their industries elsewhere, disadvantaging people who live in the west in the matter of equality of job opportunities.

The agriculture industry, which has had massive hikes in its fuel prices — they have more than doubled in the last year — is feeling the pinch very severely. It is quite noticeable at farm level. People are trying to pay bills from hire companies and contractors. These have to be dealt with every year, whether they can afford it or not. There is great anger in the rural communities. The elderly are facing heating-fuel bills of double the price this winter but have been given a measly 75p increase on their pensions by Tony Blair, payable next April. This shows a lack of commitment to all rural areas by the British Government in terms of their wish to see those areas survive economically.

How much of the road tax that the hauliers pay goes back into roads? The Department of the Environment has a budget of £150,000 per year to repair the roads in Fermanagh. A company such as the Sean Quinn Group probably pays several times that amount in tax on its lorries. Of course, that is questionable now that so many have registered their lorries in the South, but the money is being paid and has been paid. They are not getting equal road quality for their vehicles and the amount of money that they are paying. That goes for motor car owners as well. There is a massive inequality. People have paid vast sums of money over the years and had nothing in return.

I agree with some of the environmental reasons for spending money on the environment and reducing emissions. However, speeding vehicles use a lot more fuel. Vehicles use one third more fuel above 60 mph. Most of the heavy vehicles these days are doing 70 mph-plus. There is something that people could do themselves to help, without incurring a cost.

Waste management is another problem which councils have to face in a bigger way than they have done so far. They are only touching the tip of the iceberg in their commitment to proper waste management that would make major savings in fuel. The free market is another thing that is lauded around the world, but it has a great cost in terms of waste and wasteful use of fuel. We are allowed to trade our goods from Brazil to Fermanagh. Beef is produced in Brazil and carted at great cost across the seas and across the roads to our shop shelves. The amount of fuel that is used to bring it here is a great cost. Is it really cheaper? Add up all the costs that are never counted when one compares the price here to the price somewhere else.

For every vehicle that goes down the road with goods in it, there is another one full of packaging and nothing else. That is another cost of the free market. I do not know what to do about it. Running two vehicles to deliver the same goods and bring them back again so that people can have massive choice is very costly in terms of global fuel costs. That is something people will have to look at in years to come.

I support the motion. There is to ing and fro ing about whether we should be speaking on an all-Ireland basis, or aiming our protests at the British Government. We in Ireland can enact a lot as a unified country, and make great savings in many ways at local and national level, no matter what the British Government do. The British Government have no particular interest in us in any part of Ireland. They work to their own agenda — “at home”, as they call it — and they will never do anything to make life more sustainable for us here.

**Mrs Carson:** Mr McCartney said that the field had been well and truly ploughed. I would like to harrow the field a little longer. I am concerned that the Labour Government's policy of indirect, or stealth, taxation is contributing to a ridiculous situation where we pay 48·8p duty on a litre of petrol. It seems a lot. A litre is the size of a carton of fruit juice.

That is bad enough, but the Government then proceed to charge VAT on this part of the fuel costs. The taxation system is biased against motorists in many ways, but this double taxation is iniquitous.

The Conservative Government were originally to blame for introducing tax on fuel at 5% above the inflation rate. They thought that this would be played out after a number of years. Then the Labour Government discovered that this was an easy way of lining their coffers. They went one better and added 6% above inflation. These increases have been subject to double taxation by applying VAT in addition. If this double taxation were stopped, 8p per litre could be knocked off the price of fuel immediately.

2.00 pm

I ask the Assembly to speak up for fuel consumers in farming, haulage and business, and I press the Westminster Government to address this issue in their November Budget review. I am deeply concerned about the plight of owners of filling stations. This has been mentioned in regard to border areas, but the problem has spread out from these areas as people increasingly realise that they can go across the border to fill up. The owners have seen their fuel sales drop because they have got dubious cheap fuels, and across the border fuel is cheaper again.

Our rural community comprises many facets, and the loss of locally based haulage to the Republic of Ireland is weakening our already precarious economy. I ask the Assembly to consider these issues in the wider context of maintaining our rural economy.

I have pleasure in supporting the motion.

**Mr Byrne:** I support the general sentiments expressed by all Members who have spoken in the debate and congratulate Mr Beggs and Mr Dodds on bringing forward this motion. Several people, including myself, have been lobbying on this issue for two years. We have focused in particular on the damage that the disparity in excise duty is causing to petrol retailers in the border area.

In my constituency of West Tyrone a number of filling stations have closed over the last two years, including five in Omagh, four in Strabane and at least 10 others throughout the rural area. Petrol retailers feel totally exasperated. They feel that they have been acting as tax collectors on the cheap. Currently a petrol retailer receives a margin of 2p per litre. The oil company gets 16p per litre and the Government gets 60p to 65p per litre. Therefore the petrol retailer has a legitimate case when he feels that he is only a tax collector.

The sad reality is that, in the border zone from Derry to Newry and 25 miles inside the Northern side, people are exercising their choice. They travel to the South in private motor cars to fill up. Many haulage companies also do this. I know one company with a fleet of lorries which saves £2,000 per week in fuel bills by purchasing its diesel south of the border. People are making an economic choice and, legitimately, they are purchasing much cheaper fuel.

The issue of smuggling has been emphasised. This is a problem, and no doubt there is a smugglers' paradise for those who transport fuel deeper into Northern Ireland. This emphasises the gross disparity and the gross distortion to normal trade patterns which has greatly affected jobs in Northern Ireland. I cannot comprehend why the Treasury feels that it is marginal to sacrifice £200 million per year in loss of excise duty and VAT on fuel. Mr McGrady, Mr Gallagher and myself went over to meet a junior Treasury Minister last year.

The Treasury officials seemed nonplussed that about £200 million on average was being lost. The reality is that in Northern Ireland this is not a marginal issue. It is a major issue which affects many filling stations and road haulage companies, as well as small manufacturing and distribution businesses that use their own vehicles for delivery.

Reference has been made to getting our neighbours in the Republic to increase their excise duties to make them in line with ours. I do not understand the economic logic of that, although there may be a political one. I have no doubt that now there is such a lobby in the Republic, there will be a further reduction in excise duties there over the next year. I think that the political pressure is such that the Government will reduce it. Consumers in Northern Ireland should not be the only ones to bear the burden and pain of high excise duties; our neighbours in the Republic should be asked to do likewise. The real issue here is that we need to get the Chancellor and the Treasury to recognise that the inelastic demand response to high excise duties for the last 26 years can no longer be tolerated.

In 1974, OPEC target oil prices quadrupled from \$4 to \$16 a barrel. In 1978, the target price increased to \$28, and within the last 10 years the target price increased to \$32. However, for the last 20 years the spot price of crude oil has averaged somewhere between \$10 and \$15 a barrel, which is not an exorbitant increase from the \$4 a barrel in 1974.

In 1974 the average retail price of petrol and diesel was under 50p a gallon; it is currently almost £4 a gallon. It is not difficult to realise that it is not the oil companies that are ripping us off — unfortunately it is the Government.

I can understand the logic, in environmental terms, of having high excise duties and VAT on fuel if the revenue were being directed into public transport in order to provide an alternative mode of transport, but only 15 % of the total fuel tax revenue goes towards public transport. We have been fed an illusory argument for a long time.

In the meantime industry in Northern Ireland has suffered a major economic handicap. Because of our peripheral location it is virtually impossible for it to compete today while the high excise duties continue. I feel very sympathetic towards the road haulage companies. For many years Northern Ireland had a large road haulage industry, but it is shrinking, almost weekly, at the moment. We cannot compete.

I remember the time when Montgomery Transport Ltd, Woodside Haulage Ltd, Dukes Transport Ltd, Omagh Freight, Kelly Freight, Carna Transport Ltd and others had large fleets of lorries on the roads, but those fleets are getting smaller, because they cannot compete.

As several Members said, many lorries are now being registered in the Republic, and that is disadvantaging our local regional economy.

I am extremely sorry for the legitimate road haulier or petrol retailer who feels unfairly treated as a result of Government policy. This Assembly does not have control over this issue; it is a reserved matter for Westminster.

I would like the Northern Ireland MPs to get together and make known the adverse impact high excise fuel duties are having on our industries.

Many parts of Northern Ireland are almost becoming an economic wasteland owing to this issue. The punt/pound differential is adding another 20% to 25% to our local industry costs. It is virtually impossible to compete when there is such a disparity in the exchange rate along the border zone. That begs the question of how long the situation can continue? Many in the manufacturing and retail sectors say it is impossible to see beyond the next six months. Action is needed urgently.

Earlier I referred to the five filling stations in Omagh and four in Strabane. They not only sold petrol and diesel, but they also had shops, and some of them sold tyres. That has all gone. I know family-owned businesses that want to remain in business, but which are being put in a terrible dilemma because of the product they are being offered for sale. The Assembly should not expect legitimate businesses such as these to suffer that dilemma any longer.

**Mr Paisley Jnr:** I welcome the debate, and I support the motion. Indeed, the motion deserves the support of us all. The debate has been interesting. I listened with incredulity, along with every other Member, to Mr Birnie's gambit for Irish unity by suggesting that petrol prices should be inflated across the island. However, I do not know how that would be received in other parts of this island.

On the serious aspect of this debate, much energy and anger has been directed, rightly, at the Prime Minister and the Chancellor. They claimed that the protests will not make them change the level of fuel tax. They have treated those people who tried to indicate the level of public outrage and concern felt at the unjustifiably high level of duty on fuel with contempt. The Prime Minister said that it would be harmful to democracy and that he would not be bullied by the protestors.

Most people here believe that the Prime Minister has not been consistent on this issue of bullying. We have heard across this House that the Prime Minister is prepared to be bullied by other people in this Province — by the very people whose organisations are engaged in the illegal smuggling and trading of fuel. Yet he claims that he will not be bullied by the protestors.



The Prime Minister has called for proper and sensible debate. He says that there is a proper way to do things in the United Kingdom. Today, we are having a proper debate. We are telling the Prime Minister and the Chancellor that the rate of duty on fuel is excessive and it must come down. The reasons have been enunciated across the Floor — it is having a harmful impact on many industries, farmers, and ordinary householders who use fuel and who use petrol in their cars.

The Prime Minister asked for a proper debate, but is he listening? He asked for a debate on the issue and now one devolved region of the United Kingdom is having one. The Prime Minister should now respond positively to this debate. His failure to do so will only indicate that he is storing up more trouble ahead. I believe that a failure to respond will only force protestors back onto the streets in order to squeeze a response from him over the winter months.

2.15 pm

The inconvenience that we witnessed across the United Kingdom last week was minor compared to what it could have been if this protest had taken place in the heart of winter and in the very cold of the Outer Hebrides or parts of Northern Ireland. People would then have realised that Mr Tony Blair could be building up his very own winter of discontent. If he is not prepared to listen or to respond positively at this time, he is making further protests inevitable.

Members have rightly said that Northern Ireland is doubly disadvantaged because of the land border with the Republic of Ireland and the difference in duty there. Across the entire European Union, even where prices are more than 30% lower than in the United Kingdom, people are outraged that the price paid to Government for this vital fuel and resource is so high. Government policy on fuel tax is daylight robbery.

Look at some of the facts produced by the cross-party group that met in Northern Ireland last week. Fuel accounts for 35% of hauliers' operating costs. Fuel costs for farmers and fishermen have increased by 110% in the past 12 months. Derv prices are 83% higher in Northern Ireland than in the Republic of Ireland. That difference does not appear to be affected by the fact that the price of crude oil is the same in both countries. Official sales of fuel in Northern Ireland are down 42% in the last year.

It is not too strong to say that Government policy on this issue is daylight robbery. It is robbery that works against the robber. Across Northern Ireland, retailers tell me that there is a massive incentive to smuggle fuel because the price differential is so big. If the Government set a more modest level of duty, we would find that the risks and penalties associated with smuggling were not worth the while of the smuggler.

It is because of the price differential and the massive profits associated with this illegal trade that smuggling of petrol and, for that matter, cigarettes and tobacco is so common in Northern Ireland. The onus is on the Government to reduce excise duties so that it is not worthwhile for the smuggler to face those penalties because he cannot make the same profit and the same rich pickings that he is making now.

Across the United Kingdom the public do not feel guilty about purchasing smuggled fuel. We should face up to that. Most retailers will tell you that 73% of what is going into the car goes to the Government. Many people are of the view that the only person benefiting is a fat-cat Chancellor. It is not the ordinary retailer who is trying to make a living for himself and his family. There appears to be no tangible benefit to our roads from fuel tax.

There are those who argue that we will eventually see environmental improvements. The Road Haulage Association has produced statistics claiming that when a 40-tonne lorry delivers goods to a supermarket, it requires 500 cars to take that same amount of goods away. It goes on to say that whether we like it or not, even if rail freight grew by 300% over the next 10 years, more than 85% of goods would still have to be moved by road. Therefore, the environmental argument that this money will eventually see its way into better means of transport is complete and total nonsense.

The Government have a fundamental issue to deal with. Do they want to raise tax for its own sake or do these inflated tax demands have a purpose? Are the Government going to continue to insist on this high tax despite the fact that across the United Kingdom people are crying out against it? The European Union is mentioned in this motion. If the European Union means anything, then it could have bargained a deal with the oil-producing nations that would have resulted in lower fuel prices for all European citizens.

The failure of the Governments in the so-called partnership of Europe to bring about such a harmonised policy on fuel tax highlights the giant failure of the entire European experiment. It has failed its citizens on one of the most practical social and economic issues.

The United Kingdom Government must come up with a policy and a level of duty that ensures a vital resource is not priced at a luxury price but at a price that equates with its necessity.

**Ms Morrice:** The Member says that the European Union has failed the citizens of Europe. Does he agree that there is not the same sort of problem in continental Europe as in the United Kingdom?

**Mr Paisley Jnr:** I am amazed by that statement, considering the violent protests in France over the last few weeks and the outbreak in Belgium, where fuel



duty is low at 19.2%. The whole of the European Parliament has been brought to a halt this very week.

The fuel duty which the United Kingdom Government and Governments across Europe impose on their citizens is unjustifiably high. It is unreasonable to ask people to pay that amount of duty. Wages do not inflate at the same rate. If the Government do not respond positively to the minimal protest that we have witnessed in the last few days, there will be a maximal protest that could cause widespread concern across the whole of Europe.

**Mr J Kelly:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion although, having listened to some UUP and DUP Members from across the Floor, I began to wonder if we were not rerunning the decommissioning argument because there was so much talk about paramilitarism and republicanism. It is worth remembering that to address the effect of the present crisis and not the cause is to devalue the crisis and to devalue the debate. We are talking about the iniquitous inequalities in fuel prices. So far as this part of the island is concerned, the only long-term way to address this problem, as with other problems, is to harmonise taxes across the island.

There is nothing new about smuggling, a Cheann Comhairle, and there is nothing new about poor men becoming rich through smuggling. Many of the poor men who became rich were not Republicans and did not belong to the Republican community. Since partition the border has generated an economy of its own, depending on whatever commodity was scarce. I remember when it was butter, then it was tea, then it was cattle and then it was pigs; other times it was alcohol. You cannot blame the effect without looking at the cause. It has been disappointing to listen to those who proposed the motion engaging in opportunistic party politics.

A Cheann Comhairle, we must address the fundamental issue that has bedevilled this island since partition. That is the lack of harmonisation of taxes and other tax-raising devices. Germany, France and Italy were able to harmonise and lessen the impact of the hardships caused by different prices, especially of fuel and related commodities.

It is also worth remembering, a Cheann Comhairle, that there is a global aspect to this. The British Government have, in their way, contributed to this crisis by acceding to OPEC demands to control the supply of crude oil. There is a global dimension as well as a local dimension.

To reiterate — and I am not just making a political point — it makes economic sense, if we co-exist on this island, to harmonise taxes if for whatever reasons we need that harmonisation.

Dr Birnie's suggestion that one solution might be for the Southern Government to raise their taxes to harmonise

with ours is almost too ludicrous for words. I would have thought that the all-Ireland Ministerial Council would be looking at, as we have said, the harmonising of the tax regime in the two parts of the island.

It is a problem that causes anomalies in the Province. In Donegal there were protests when retailers there increased the cost of petrol and diesel at the pumps — prices were higher than in the rest of the island. People in Donegal, within the Province, had to protest against that iniquitous rise in their fuel prices — so it causes problems right across the board.

We have talked about the agriculture and road haulage sectors, but another sector which is seriously disadvantaged by this crisis comprises those who use home heating oil — particularly the elderly and the unemployed. On 27 September 1999, 900 litres of home heating oil cost £127; on 18 September 2000, 900 litres of oil cost £230 — a price rise of £103. That is an increase of more than 100%.

In our attempts to alleviate the problems of the haulage industry and the agriculture sector, we should also look seriously and urgently at the way in which ordinary domestic consumers using home heating oil are possibly trebly disadvantaged. They may have a car, or the husband might have a van that he uses for his business on which he is paying extra fuel tax. Then, just to keep themselves warm, they are paying over 100% more than they did last year. This is particularly relevant for the older members of our community. A Cheann Comhairle, I want to conclude by saying that I am not just making a political point, but the only solution, not only to the fuel crisis but to other crises that will arise in the future, is to have a harmonisation of tax and duty taxes throughout the island of Ireland.

**Ms Morrice:** I also support the motion. I intend to be brief, and I do not think I need dwell on the well-rehearsed issues that have been raised, both in the Chamber and outside, by the hauliers and farmers who have come here today. Their plight has been documented on our television screens over the last few days, and everyone is aware of the issues. We are well aware of the precarious position of our farmers, our fishermen, our road hauliers, our petrol retailers in the border areas, and of those mentioned by Mr John Kelly a moment ago, domestic consumers, particularly the elderly, who have to depend on this source of fuel.

We support the call on the Chancellor to

“lessen the impact of high fuel costs on the economic well-being of Northern Ireland and its people”.

We want to look at what the last few weeks have shown us about our complete and utter dependence on this type of fuel. The fact that a well-known high street shop in Belfast ran out of sandwiches because of the fuel crisis on the mainland is shocking when

sandwiches could be made just round the corner. What sort of society is this that we depend so much on fuel in this way?

2.30 pm

Those taxes that are raised should be used for investment in alternative clean energy sources such as solar, wind and biomass et cetera to reduce our over-dependence on fossil fuels. Secondly, they should also be used to support strategies, initiatives and incentives to reduce CO<sub>2</sub> emissions and encourage imaginative ideas such as car sharing and other ways of reducing the traffic on our roads. Finally, we desperately need investment in our public transport system, and particularly in the railways. Those are issues that the Government should look at.

**Mr Speaker:** We will now interrupt the debate on fuel costs and return to it at 4.00 pm.

*The debate stood suspended.*

**Mr Dodds:** On a point of order, Mr Speaker. Members have been informed, via the annunciator, that a statement expected from the First Minister and the Deputy First Minister on their visit to Washington has been cancelled. When are we likely to get this statement, and what reason has been given for the cancellation? Can you confirm that one of the reasons was that the First Minister and the Deputy First Minister could not heal their rift on policing?

**Mr Speaker:** It is not infrequent for Ministers to explore the possibility of making a statement and then not make that statement, for all sorts of reasons — timetabling or whatever. Explanations are not normally given. My understanding is that the statement has not been cancelled. It is simply not being made today. It will be for the First Minister and the Deputy First Minister to decide whether to beg leave to make that statement at a later stage.

## Oral Answers to Questions

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Programme for Government

1. **Mr Byrne** asked the Office of the First Minister and the Deputy First Minister what progress has been made in the preparation and construction of an integrated programme for government. (AQO 13/00)

**The Deputy First Minister (Mr Mallon):** On 29 June, just one month after taking office again, we announced our agenda for Government, setting out early actions which would be taken across the range of the Executive's responsibilities in the remainder of this year. The Programme for Government will focus on the longer-term. During the summer, the Executive Committee had initial discussions about the broad nature, principles and structure of the Programme for Government. It also consulted Assembly Committees, social partners and other stakeholders in our public services on their views on the key priorities of this programme. The consultative exercises have been valuable in helping to inform the development of the draft programme. As part of the consultation process, a conference has been arranged for 2 October with social partners and a range of other stakeholders in key public services.

The Programme for Government is a completely new development in the administration of Northern Ireland. It will provide a clear understanding of what is expected from the Executive as a whole in terms of policies and programmes. The programme will take a Government-wide view and not be based on a series of departmental inputs. We will continue to work further on the programme in the coming weeks with the intention of submitting a draft of the associated Budget proposals to the Assembly in mid-October for consideration.

On Thursday, Ministers will be taking a half day away from the office to develop the programme further. It is our intention to provide a six-week period for the Assembly to scrutinise the programme.

**Mr Byrne:** I welcome the Deputy First Minister's statement and thank him for its content. Does he agree that the people of Northern Ireland are eagerly awaiting the contents of the Programme for Government because they want to see this devolved Administration deliver real change and a better standard of living for all sections of the people?

Does the Minister accept that an integrated Programme for Government, incorporating an agreed approach among Departments, is essential, so that the people can feel the impact and experience the net benefits of better

public services and job prospects? Finally, can the Minister outline how he envisages that the negotiation machinery will operate to collectively agree a Programme for Government given the political challenge that this poses when two Ministers are somewhat detached from the Executive?

**The Deputy First Minister:** I thank the Member for his questions. I agree that the people of the North of Ireland, and indeed this Assembly, await the Programme for Government with considerable interest. It is crucial to have the collective view of the Executive as to where it will be going and the type of policy positions it will adopt. I believe that a wide range of policies can only have real impact if we think beyond departmental barriers, and if a number of Departments bring their resources to bear in a co-ordinated way. That is the only way to deal with many of the stubborn social and economic problems that we face.

The Programme for Government provides a major opportunity to address this type of issue and to signal how we will work together in the Executive.

In relation to the latter part of the question, the Programme for Government will be the collective will of the Executive, and a party which does not participate in Executive meetings can hardly expect to bring the same influence to bear on it as those which do.

**Mr S Wilson:** The First Minister and the Deputy First Minister could not even agree on writing a statement on their visit to the White House last week — mainly because the Deputy First Minister once again made a fool of the First Minister on the issue of policing. Given that, can the Deputy First Minister tell the Assembly what chance there is of an agreed Programme for Government that will have to accommodate the policies of IRA/Sinn Féin? It is part of the Executive because of the weakness of the First Minister's party in admitting it in the first place.

The First Minister claims that DUP Ministers are sitting down with Sinn Féin in government to agree a Programme for Government. Would the Deputy First Minister confirm to the House that that is not the case?

**The Deputy First Minister:** I can say very clearly to the Member — and I think that this is what is at the heart of his question — that the DUP Ministers are not pulling their weight collectively in the Executive. I can assure him of that. That is a tragedy. It is sad for the Executive and for the entire community. However, I have to say that the collective element within the Programme for Government is not something that anybody should take pride in staying outside of — because by staying outside one is actually staying outside the needs of all of the people of the North of Ireland. Rather than taking pleasure or expressing pride in the refusal to be part of the collective decision-making

process and of sharing collective responsibility, people should be looking at their positions and asking themselves how best they, as a party and its Ministers, can contribute to the welfare of everyone in the North of Ireland.

**Mr Leslie:** An integrated Programme for Government would be welcome, in view of the substantive debate which was taking place earlier today and which is to be continued. How does the Deputy First Minister intend to bring forward an integrated transport programme to address some of the concerns mentioned earlier, in the absence of the Minister responsible?

**The Deputy First Minister:** I thank the Member for his question to which there are two obvious parts. We are all aware of the damage that has been done in relation to the question of fuel prices. We are unique in Northern Ireland — not only do we have the high burden of taxation, we also have the factors that derive from the border between North and South.

The second thing is in relation to the substantial elements of transport. It is crucial that we get this right and that we all agree in budgetary and policy terms how to deal with the problem. An example would be the issue of transport in terms of the British/Irish Council meeting. Have we seen the DUP Minister make any contribution to that? It will also be a matter for serious consideration at the next North/South Ministerial Council plenary session in Dublin. Will we have a DUP input there? No, of course we will not. This Executive, in its collectivity, will have to take on board those decisions that will be made about transport and other issues. It cannot be allowed to act to the detriment of people in the North of Ireland because of a political party's policy stance, rather than the political input by Ministers.

## Weapons Decommissioning

2. **Mr Dodds** asked the Office of the First Minister and the Deputy First Minister what reports they have received since the beginning of the summer recess on the decommissioning of illegal terrorist weaponry.

(AQO 30/00)

**The First Minister (Mr Trimble):** The Independent International Commission on Decommissioning (IICD) was established by Her Majesty's Government and the Government of the Irish Republic to deal with and report on the decommissioning of terrorist weapons. The IICD has made a number of reports, including one on 11 February 2000. On 6 May 2000 the IRA gave a commitment to

"initiate a process that will completely and verifiably put IRA arms beyond use."

It also, in that statement, said that it would

“put in place within weeks a confidence-building measure to confirm that our weapons remain secure.”

Following this, on 15 May 2000, the Secretary of State wrote

“the Government expect the IICD to make regular reports, whose contents must be for the IICD to determine. These will be published promptly by the two Governments.”

On 25 June 2000, the IICD reported that it had been informed by President Ahtisaari and Mr Ramaphosa that they had successfully completed an inspection of several IRA weapons dumps. The IICD stated that the inspectors reported that they were shown

“a substantial quantity of IRA arms, including explosives, that the weapons are secure and cannot be used without their becoming aware that this has happened.”

**Mr Dodds:** It is interesting that all the dates quoted are prior to the summer recess, so the answer to the question I asked is zero, as far as reports are concerned. The First Minister could have been a bit more honest. Is it not a scandal for the First Minister to admit by implication — for he would not do so in his own words — that since the 22 May 2000 deadline for the completion of the decommissioning of illegal terrorist weaponry, there has not been a single report from the body set up to deal with the issue? When can we expect such a report? Will the First Minister accept that the IRA/Sinn Féin movement has no intention of decommissioning? In light of his manifesto commitment during the European election in relation to IRA/Sinn Féin that if there was no hand-in of guns there would be no hand-in-government for IRA/Sinn Féin, will he now apologise to the Assembly and to the people of Northern Ireland for so grossly deceiving them?

**The First Minister:** The IICD did make a report after May, as I pointed out.

The Member who posed the question and supplementary should take account of the fact that some progress has occurred. The progress, as we know it, is not decommissioning in the full sense of the word. I would have thought that anyone who actually wanted to see decommissioning — and I am not at all persuaded that the Assembly Member who asked the question actually wants to see it — would welcome the progress made.

2.45 pm

They would have further noted that the Ramaphosa/Ahtisaari team indicated they would continue to make regular reports on this issue, and they would look forward to further reports occurring. In the absence of such reports there would be a serious problem with regard to confidence on this matter. However, the Member ignores the very simple fact that we know there is a bottom line. I have already demonstrated that the

Ulster Unionist Party will stick to that bottom line. I do not want to have to repeat that demonstration, but those parties who ought to be proceeding with decommissioning should not be in any doubt as to our determination.

**Mr McClarty:** Does the First Minister find the DUP's position with regard to decommissioning puzzling? Does he agree that since the DUP is working all the structures of this Assembly, it is in fact acting like a half-pregnant woman — someone who says she is a bit pregnant, but not totally. Similarly, does he agree that the DUP is enjoying the luxuries of Assembly positions while decommissioning has yet to take place? Is its position therefore not totally contradictory and confusing to the people of Northern Ireland?

**Mr Speaker:** Order. The purpose of Question Time is to provide an opportunity to put questions and seek out information from the First Minister, the Deputy First Minister and other Ministers. I will try, on behalf of the Assembly, to resist attempts to turn it into something different.

**The First Minister:** As I said in my reply to the original supplementary, there is, as far as the Ulster Unionist Party is concerned, a bottom line which we stuck to. The truth of the matter with regard to the DUP is that there is no bottom line at all. It will participate in Government irrespective of decommissioning. It has made it clear that it will hold on to its seats in Government irrespective of what happens. If that is not the case, let it say so, and let it deal with the statement made by the Member for East Belfast, who said “the priority is not to get decommissioning.” That is the DUP position. The priority is not to get decommissioning. Let it face that.

**Mr McMenamin:** As we come to consider normalisation, does the First Minister agree that a potential peace dividend arises if the Ministry of Defence sites can be returned to civil use? Will he encourage the Secretary of State —

**Mr Speaker:** Order. I have to rule that the question is not in order. It is a supplementary well wide of the original questions. We must move to the next question.

## Civic Forum

3. **Mr Close** asked the Office of the First Minister and the Deputy First Minister if a statement on progress towards establishing the Civic Forum will be made.

(AQO 25/00)

**The Deputy First Minister:** We remain confident that the target date for establishing the Civic Forum in early October will be met. A number of matters remain to be resolved, but the First Minister and I hope to be in a position to make a statement on 25 September setting out the latest state of play regarding the first meeting,



the venue for the first meeting, the chairmanship and the nominations for the Civic Forum.

**Mr Close:** Can the Deputy First Minister advise the House what particular problems have been encountered in the establishment of the Forum? Can we look forward to its establishment and see that fairness and equality in the appointments have been its hallmark?

**The Deputy First Minister:** I am not in a position to specify the problems the various organisations may have had to face. That is a matter for them. It is not a matter we would be privy to. I am confident that the standards we notified to the consortia in terms of selection criteria have been adhered to.

I look forward to joining the First Minister in reporting to the Assembly soon on the various factors I mentioned, including personnel. There have been representations from various sectors on their specific interests. These sectors have included the unemployed, the homeless, those dealing with poverty, young people, students, members of minority religions, those dealing with sexual orientation and health professionals. We asked all the consortia to deal with each matter raised in the representations and with other issues. I hope we will find that this has happened when we make the final assessment.

**Mr Savage:** Does the Deputy First Minister agree that the agriculture industry is going to be inadequately represented on the Civic Forum? Will consideration be given to increasing membership from the rural community?

**The Deputy First Minister:** I can think of no other sector that needs to be represented as adequately as the agriculture sector. We should wait and see what happens with all the nominations. The Assembly resolved to allocate three places to agriculture and fisheries representatives. Those figures will be re-examined in 12 months' time when we review all the workings of the Forum. I am not suggesting that we, collectively, got it exactly right when we adopted the motion moved by the First Minister and myself. We got it fairly right, but if time shows that there is a deficiency, we will correct it.

**Mr Speaker:** Will Members refrain from asking questions to the First Minister or the Deputy First Minister. Questions should be directed to the First Minister and the Deputy First Minister and not to one or other of them.

**Mr Poots:** Can the First and Deputy First Ministers confirm that a selection list for the 18 community representatives has already been drawn up, that that list is biased against the Unionist community, and that representatives of the gay and lesbian community have been given equal status to those representing older people, youth and women? Can they also confirm that the Irish language has been included on this list while

Ulster-Scots and the Unionist and Orange culture have been given no such position? That situation can only be remedied when Mr Trimble nominates his people.

**The Deputy First Minister:** The selection for the consortia was an onerous task, and we did not turn it into a trawl of the various prejudices, as the Member seems to be doing. That would have created a series of grievances and prejudices rather than the new, different dynamic in the political life of Northern Ireland that we should have. The Assembly agreed the criteria, the numbers and how the Civic Forum would proceed. We are trying to implement this now, and I would refrain from any further comment about nominations until we have the definitive list in front of us, which will be very soon.

**Mr A Maginness:** Will the First and the Deputy First Ministers ensure that young people, such a vital sector in our society, and the disadvantaged, who are normally voiceless, are adequately represented in the Civic Forum?

**The Deputy First Minister:** The First Minister and I agree that if the Civic Forum functions properly it will be a place where people whose voices are not normally able to be heard will be heard loudly and to constructive effect. It is essential that we have young people in that Forum.

It is essential that we get their dimension on the new future that we are trying to build, and they have more of a stake in the new future than we have. In terms of the disadvantaged — the unemployed, the homeless and those dealing with poverty — it is essential that they are present. Those voices have to be heard, and we have to ensure that they are able to make their views known.

**Mr Speaker:** Members have made rather heavy weather of the questions. We have only reached number three. We should move on to the next question.

## Women's Centres

4. **Mrs E Bell** asked the Office of the First Minister and the Deputy First Minister if a statement on the current funding of women's centres in Northern Ireland will be made.  
(AQO 24/00)

**The First Minister:** Funding for the range of project work undertaken by women's centres comes from a wide variety of sources both public and private but mainly from European Union programmes, health and social services trusts, the Training and Employment Agency, the National Lottery, charitable trusts and private sector sponsorship. Current public sector funding includes £60,000 European social fund assistance to support IT training for women, £37,000 from the European social fund and £5,000 from the European regional development fund for Belfast

Women's Training Services employment link project. In addition to this, the Department of Health, Social Services and Public Safety provides grants to support specific projects amounting to a total of almost £800,000.

The responsibility of the Office of the First Minister and the Deputy First Minister is for policy development in relation to women's issues. In 1998 the women's support network commissioned research on the women's centres. The research was funded by the Equality Commission. The report has been produced but has not yet been approved by the Equality Commission and the group managing the research. A meeting with the junior Ministers in the Office of the First Minister and the Deputy First Minister has been arranged for Tuesday 19 September 2000. It should be noted that, at this time, no provision exists for the Office of the First Minister and the Deputy First Minister to fund women's centres.

**Mrs E Bell:** I thank the First Minister for his comprehensive answer. I am aware that it is not the direct responsibility of the Office of the First Minister and the Deputy First Minister but wish to make the First Minister and the Deputy First Minister aware that, in spite of the moneys just listed, the future of many women's groups, including those well established, is now in grave jeopardy because of the present difficulties with European funding. Many well-established groups have been turned down by the National Lottery, and I ask that that be discussed at the meeting with the women's support network.

**The First Minister:** I am sure that the matters to which the Member has referred will be discussed at those meetings, and we shall look forward to whatever developments flow from that. I appreciate the point that she makes with regard to gap funding, but she will recall that, when we announced the agenda for Government earlier this year, £2 million was made available to bridge gaps in European Union funding for some voluntary bodies between programmes. The funders, including central Government Departments, have prioritised the applications for gap funding. There are a total of 924 applications, including some from women's centres, and the applicants are presently being notified of the outcome.

**Ms Lewsley:** I welcome the emergency funding for women's groups administered by the Department for Social Development. Will the Minister tell this House what is being done to maintain women's centre services, which are a valuable asset to the communities? Further, will the First Minister offer assurance that there will be gender equality when it comes to seriously addressing the gender issue in the Northern Ireland Civil Service?

**The First Minister:** In relation to the first point, there is some provision for gap funding. It is unlikely to

be adequate for all of the applications that will be made, but we are conscious of the issues.

With regard to gender, in the Office of the First Minister and the Deputy First Minister a gender policy unit was established in July to take forward cross-departmental policy and strategy development relating to gender equality. The new unit will act as a liaison point with the extensive network of non-governmental organisations in this area, especially with women's groups. It will also contribute expertise on equality in relation to gender, sexual orientation, dependants and marital status, and provide advice and guidance to Departments with regard to monitoring their policies for equality in those areas, and will encourage and monitor the development of projects sponsored for European structural fund support.

With regard to the Northern Ireland Civil Service, as of January 1999 the overall gender breakdown was 52% male and 48% female. For a variety of reasons, many of them historical, there is still significant female under-representation in senior grades.

3.00 pm

### Electronic Delivery of Government Services

5. **Mr Ford** asked the Office of the First Minister and the Deputy First Minister what progress their Department is making towards reaching the UK Government target of delivering 25% of Government services electronically by October 2002. (AQO 26/00)

**The First Minister:** We have stated our support for electronic service delivery and for setting meaningful and challenging targets for the Northern Ireland Departments. We have therefore committed Northern Ireland Departments to the principles of electronic government that underline the Prime Minister's targets for electronic delivery of service. In October 1997 the Prime Minister set a target

"that by 2002, 25% of all dealings with Government are to be done by a member of the public electronically, through their telephone, TV or computer."

Analysis in Northern Ireland last year, based, as in the rest of the United Kingdom, on a selection of services, indicated that we would significantly exceed that target. In March 2000 the target was changed, the emphasis now being that 25% of all key services should be capable of being delivered by 2002, increasing to 100% in 2005. "Key services" are defined as those which result in a high number of transactions with citizens, provide high-value services to citizens or businesses or oblige the citizen or business to transact with the public sector — for example, the payment of road tax. As with other devolved Administrations, we are reviewing key services to ensure that our targets are

appropriate to Northern Ireland. In consultation with the Departments who will deliver these services, we shall prepare revised targets and develop a monitoring regime for agreement by the Executive in the autumn.

**Mr Ford:** I thank the First Minister for that helpful and positive answer. He said we were ahead of the field by being ahead of the initial 25% target. Can he name any areas where Northern Ireland has been able to run a pilot scheme, or proposes to do so, which might be an example for the slower people on the other side of the water?

**The First Minister:** I must apologise to the Member, but I am not in a position to give an answer. I shall look into the matter and write to him if there is such a pilot scheme or there might potentially be one. I should like to add to my statement on achieving the targets that the spread of what one might term electronic and computer literacy in the community as a whole is important. Northern Ireland is below the UK average. There is something to be done by the wider community in that respect.

**Mrs Carson:** Can the Ministers see any role or devise any plans for the delivery of electronic services through rural post offices, something which would be of advantage to the rural community?

**The First Minister:** One of the advantages we have in Northern Ireland is the very extensive and high-quality communications network. With the development of broad band technology we would be in a position to provide services of that nature throughout the rural community. As to the specific point on post offices, that is a matter which we may want to take up again.

**Mr Speaker:** Members may wonder why I have allowed proceedings to continue until shortly after three o'clock. There was a point of order from Mr Dodds. When such points are raised, they do not eat into the time. The clock is stopped in that sense, even though the real clock continues. However, the time is now up for questions to the Office of the First Minister and the Deputy First Minister, and we now move on.

**Mr Shannon:** On a point of order, Mr Speaker. The Deputy First Minister continues to refer to the North of Ireland. Historically and geographically —

**Mr Speaker:** Order. That is not a point of order, as the Member knows perfectly well. However, I earlier mentioned the point of order that questions to the First Minister and the Deputy First Minister are to both, not to one of them. I have ruled on that point of order in this sitting.

**Mr Shannon:** This is the Northern Ireland Assembly, not the North of Ireland Assembly.

## REGIONAL DEVELOPMENT

**Mr Speaker:** Order. We move on to questions to the Minister for Regional Development. I must inform Members that Question 1 to the Minister for Regional Development, standing in the name of Mr McGrady, should have been directed to the Minister of the Environment. That question will now receive a written answer from that Department.

Similarly, Oral Question 8, again to the Minister for Regional Development, standing in the name of Mr Edwin Poots, should have been directed to the Minister of Health, Social Services and Public Safety. That question will now receive a written answer from that Department.

**Mr McGrady:** On a point of order, Mr Speaker. I am not disputing your ruling, as I am not unduly concerned by it. I would like to point out that planning in its entirety, covering the whole of the south-east of Ulster, to which that question relates, is definitely a regional problem and must be answered in the context of regional planning. Therefore I am puzzled as to why it should be transferred for answer by another Department. Secondly, it would have been courteous of that Department to have advised us that they were transferred questions.

**Mr Speaker:** I will take up the second point to ensure that this kind of difficulty or embarrassment does not arise again. On the matter of the allocation by the First Minister and the Deputy First Minister of the responsibilities of the Departments, that is well outside my remit. We must simply abide by the rules.

*(Madam Deputy Speaker [Ms Morrice] in the Chair)*

## Painting of Department Property

2. **Mr A Maginness** asked the Minister for Regional Development if he will consider the introduction of measures to prohibit the painting of kerbstones and the road fixtures which are the property of the Department with partisan or sectarian colours. (AQO 32/00)

**The Minister for Regional Development (Mr Campbell):** The Member for North Belfast will be aware that I do not condone any unauthorised use of the Department's property. He will also be aware that the problem of graffiti, including the painting of kerbstones and road fixtures, is prevalent throughout Northern Ireland. Measures were introduced to prohibit such painting. It is an offence, under the Roads (Northern Ireland) Order 1993, for any person without lawful authority, to paint on public roads, kerbstones or other road fixtures. Prohibition of painting on public properties, whether they be roads, kerbstones or other property belonging to the Department is not a problem that my Department alone can resolve. It will require a



general consensus and strong local support. The Roads Service will, however, remove graffiti or sectarian symbols erected illegally on its property that are a danger to road users. Where there is no danger we will seek to remove such material on the advice of the RUC and where there is strong local support. To act without local support is likely to lead to a proliferation of such material and put at risk the safety of staff tasked with the removal work. There is also the question of cost.

**Mr A Maginness:** I agree with the Minister that it is not simply a matter for his Department; it is a general problem facing the community. The *laissez-faire* attitude adopted by the Department, which is represented in his answer, simply allows the reinforcement of sectarian attitudes and the concept of sectarian territoriality in our society. It continues the rather offensive practice of painting kerbs, which is off-putting to potential investors, particularly in urban areas, and leads to greater problems for the various communities.

The Minister said that local communities should in some way give their consent. Is the Minister in a position to investigate how local communities could be effectively and properly consulted? This would allow them to give their opinion on this rather primitive and sectarian practice of daubing pavements, not just in urban areas but also throughout Northern Ireland.

**Mr Campbell:** First of all, I will reiterate the attitude of my Department, and it is not a *laissez-faire* attitude: any illegal painting of kerbstones and road fixtures should to be removed where possible. The Member has had some previous correspondence on this with my Department, and they have described to him how measures have already been put in place to remove some of the graffiti he refers to.

How local communities might come together to try to further this cause is something that will have a much wider remit than that of the Department for Regional Development. My Department has a functional responsibility to remove the graffiti, on advice from the RUC, where it is a hazard to road users, bearing in mind the safety of the staff tasked to carry that out. How we get local communities to come together to agree on the necessity of having it removed is a matter of much wider concern.

**Mrs E Bell:** Can the Minister update me on the promise made by an earlier Minister to review the budget for the removal of such painting from, for example, kerbstones? Has consideration been given to the issue of community safety and to consulting with the community and statutory agencies?

**Mr Campbell:** I do not have up-to-date information regarding the budget, but I will write to the hon Member

for North Down about it and the issue of community participation.

### Fortwilliam-Knocknagoney Connection

3. **Dr McDonnell:** asked the Minister for Regional Development if he will consider the erection of a bridge to provide access from Fortwilliam to Knocknagoney at the Victoria Channel in Belfast. (AQO 34/00)

**Mr Campbell:** A bridge over the Victoria Channel, or a tunnel under it, and all the associated connecting roads would cost several hundred million pounds. These funds are not available to my Department's Roads Service. Although a bridge or tunnel would have time savings for traffic on the M2 bound for Bangor and North Down, and vice versa, such a scheme would not have a positive cost benefit. It could not be justified when compared to the need for higher priority schemes across Northern Ireland. The need for such a scheme has, to some extent, been obviated by the construction in recent years of the Lagan Bridge, which links the M1 and M2 with the Sydenham bypass by way of the M3.

**Dr McDonnell:** I thank the Minister for his answer, but I would be a little concerned that officials may have provided him with rather scanty research information. Is he aware that some 3,000 acres of underused land — land with vast economic potential — lie between the city of Belfast and the sea? Approximately 2,000 of those 3,000 acres are in the possession of the Port of Belfast and were the subject of the ad hoc Committee inquiry some months ago. Is the Minister aware that there are a further 1,000 acres that could be used for development? Does he not agree that it is essential for the prosperity of Greater Belfast that this land be opened up? Perhaps it could be developed along similar lines to the Foyle Bridge in his native city or the toll bridge in Dublin — or to a number of other examples in places along the east coast of the United States of America.

Does the Minister agree that such a bridge would not be solely for travel from one place to another, but that it would help to open up that area, giving people sight of those 3,000 acres of land and access to them? I am aware of, and perhaps agree with the Minister on, the amount of money that might be involved. However, I disagree with him on the benefits involved. I believe that the benefits would outweigh the cost. Does the Minister not agree that a feasibility study would be beneficial in this case, with the emphasis on the opening up of the land as much as on the transport use?

**Mr Campbell:** I agree with Dr McDonnell on the issue of the underutilisation of the 3,000 acres. However, dealing with the specific issue of the construction of a bridge, the design and construction of such a bridge would be very difficult given the need to maintain



shipping headroom in the Victoria Channel before descending to road level at Airport Road West. A large span suspension bridge might be possible.

The presence of the adjacent Belfast City Airport would impose additional strength requirements on the bridge piers, however, to cover the risk of aircraft collision. There would be massive difficulties, not least of which are the several hundred million pounds that is unavailable in my present budget.

3.15 pm

**Mr Leslie:** Has the Minister considered setting up a ferry in the area of the port? If so, can he reassure the House that he would seek to have such a ferry built by Harland and Wolff, rather than award the contract to Liverpool — as he did with the Strangford Ferry?

**Mr Campbell:** The specific question that was posed related to a bridge from Fortwilliam to Knocknagoney — we have not considered the possibility of a ferry. I will deal with the issue of awarding the contract for the ferry at Strangford. The Roads Service budget for the replacement ferry was set at £3 million. Tenders were invited and the lowest tender was within this budget price at £2.6 million. It was well within the target. Harland and Wolff also tendered for the contract, but its tender price was considerably in excess of the budget. EU guidelines are quite specific on value for money. I had no alternative but to award the contract to the Merseyside firm. This is good news for Strangford and Portaferry and should be welcomed by people there.

**Madam Deputy Speaker:** Ministers are normally loathe to respond to questions which are considered wide of the mark, but if Ministers do answer those questions, they can leave themselves open to further questions of that type.

**Mr McNamee:** Go raibh maith agat, a Leas Cheann Comhairle. Has the Minister's Department given consideration to the construction of a bridge at Narrow Water Point, which would link Warrenpoint in County Down with the Carlingford Peninsula?

**Madam Deputy Speaker:** That question is ruled out of order. It is a separate issue.

### Water Service Contracts

4. **Mr Hay** asked the Minister for Regional Development how much of the work originally carried out by the Water Service in-house is now contracted out to the private sector.

(AQO/14/00)

**Mr Campbell:** With reference to its operational activities, the Water Service has been implementing a wide range of efficiency plans and programmes for over 10 years. These are essential to ensure that the Water

Service continues to deliver an efficient operational service within its budget. Programmes have included market testing of a range of functions, which has resulted in some work being contracted out and some retained in-house through successful bids. This mixed economy allows comparison between in-house and contracted-out activities. Historically, private sector contractors have been engaged to support in-house operations in a range of activities. The main activities that were originally carried out in-house and have moved to the private sector include most of the grounds maintenance, building maintenance, road reinstatement, painting and decorating, and reservoir cleaning. A significant proportion of sludge tankering, sewer maintenance, street furniture repairs, service pipe repairs and water quality sample collection is also undertaken in selected areas.

Over the past three years the Water Service has paid contractors approximately £10 million per annum for services previously carried out in-house. Over the same period approximately £100 million per annum was spent on operational activities as a whole.

**Mr Hay:** There are serious concerns among the workforce of the Water Service about the number of services that are being contracted out. I think that the list is longer than the one given. Can the Minister supply a total breakdown of all the work that has been contracted out by all divisions of the Water Service?

Does the Minister agree that continually contracting out Water Service work will have a serious effect on jobs in the Water Service? There is serious concern about this. How many employees were in the Water Service five years ago, and how many are there today? A considerable number of employees of the Water Service are no longer there, and that is a worry to the whole workforce.

**Mr Campbell:** I assure the Member that I will respond in writing about the breakdown of work contracted out by division, and that will give him a clear picture. The Water Service has been engaged in recent years, particularly during the past ten years, in efficiency plans and programs that have included market testing of a range of functions. This has resulted in a similar exercise to that being undertaken by local government.

**Mr Close:** The Minister is obviously working hard to ensure that the privatisation of the Water Service takes place. I am rather surprised by that. Can he tell the House how much more privatisation by stealth he anticipates while he is Minister?

**Mr Campbell:** I realise that Mr Close is asking specific questions, but at no time have I referred, either today or on any previous occasion, to the possibility of privatisation of the Water Service. In fact, my predecessor on a number of occasions specifically

precluded the possibility of its privatisation. It is not on the agenda; I have not hinted at it; I have not suggested it; and it is not taking place.

**Ms Ramsey:** Can the Minister tell us, on the issue of the private sector, if any of the work at the Lagmore conduit, that is currently at the centre of the cryptosporidium bug problem, was carried out by the private sector?

**Madam Deputy Speaker:** That question is wide of the mark, and I rule it out of order.

**Mr Hussey:** I totally agree with Mr Hay's remarks about the staff in the Water Service. In his answer to Mr Hay, the Minister referred to one of the contracted-out items as being reservoir cleaning. In view of many public concerns about water quality and safety, would that not be better handled in-house and then the Department would have much greater control.

**Mr Campbell:** I thank the Member for his query. Over a number of years the Water Service has adopted an efficiency strategy. I agree with him that there have been concerns about water quality, although the issue now is about how we can best achieve the good quality water that people demand and ought to have. There is no evidence to suggest that the Water Service has departed from that in anything it has done in recent years, but I do note his comments.

**Mrs Nelis:** In light of what he has said today, can the Minister state categorically that contracting out has not produced efficiency and accountability in the Water Service and that it has not impacted on the increasing reports of the leaching of raw sewage into the water system?

**Mr Campbell:** I cannot confirm the comments made. As I have said repeatedly, the Water Service has embarked on efficiency plans and programmes, and it has done that year-on-year in line with similar work being carried out by local government in an effort to get best value.

## Regional Strategy

5. **Mr McFarland** asked the Minister for Regional Development when the regional strategy will be published. (AQO 6/00)

**Mr Campbell:** I can confirm that my Department is currently drawing together a draft text of the final regional development strategy taking account of the public examination report and the subsequent comments by the Assembly, Departments and other interested parties.

Where appropriate, discussions are taking place with other Departments about key sections which impact upon them. This will take a few more weeks. Further

consultation with the Regional Development Committee will be required.

The regional development strategy will be a critically important and over-arching document which, when adopted, will set out a framework within which the region can develop over the next 25 years. It will have implications for all parts of Government and the private sector. The aim, therefore, is to complete the political process for approval of the final regional development strategy before the Christmas recess in order to achieve publication in early 2001.

**Mr McFarland:** I thank the Minister for his answer. There are strong indications that the level of awareness among other Departments of the implications of the regional strategy is somewhat limited. Some plans have been published but little notice is being taken of them. If the regional strategy is to be a success all Departments need to be involved with it. What steps is the Minister going to take to ensure that all Departments are signed up and will comply with the regional strategy?

**Mr Campbell:** The Member will be aware that we are required by law to take that into account. In a few weeks' time we hope to be in a position to finalise the document and bring it before the Regional Development Committee. It should be ready for publication immediately after Christmas recess.

**Mr Dallat:** Will the Minister assure the House that the strategy will be of the highest quality, and that communication in the Minister's Department and between the Department and others, will ensure that the strategy will not suffer serious defects? Can he assure us that we will not have another incident which could provide a storyline for an episode of Ballykissangel — where there are no sheep on the mountain and cardboard ones are made?

**Mr Campbell:** I assure Mr Dallat that a series of consultations were undertaken. They were significant and substantial across Northern Ireland, in local government and with the Regional Development Committee. Regarding quality, the strategy will be brought before the House and I look forward to the extensive support that no doubt will exist then.

**Mr McNamee:** A LeasCheann Comhairle. In considering the regional strategy, can the Minister assure the Assembly that he has given due consideration to the imbalance in the allocation of resources in areas west of the Bann and in border counties? Can he assure us that the Regional Strategy will reflect that consideration?

**Mr Campbell:** I reiterate what I said regarding the consultation — every local district borough council was consulted, east and west of the Bann, north and south of Northern Ireland. Every one of them was comprehensively and systematically consulted.

## Cryptosporidium

7. **Mr Byrne** asked the Minister for Regional Development what measures have been taken to ensure the highest possible standard of domestic water supply following the recent outbreak of cryptosporidium in Belfast and Lisburn. (AQO 12/00)

11. **Mr Close** asked the Minister for Regional Development if he will make a statement on the recent outbreak of the cryptosporidium bug in water in parts of Greater Belfast. (AQO 22/00)

**Mr Campbell:** Madam Deputy Speaker, with your permission I will take questions 7 and 11 together.

I made a comprehensive statement to the Assembly on 11 September 2000 regarding the cryptosporidium outbreak in the Lisburn and south west Lisburn area. In my statement, I detailed the work that was taking place in investigating possible sources of contamination and in securing the system from any further problems.

3.30 pm

I am pleased to be able to report that a meeting of the outbreak control team held today reviewed the latest results of water samples taken from the Lagmore conduit. They are satisfied that the danger has now passed. Work has recently been completed on bypassing part of the Lagmore conduit, where it is believed the water was contaminated, and clean water is now flowing into the Poleglass reservoir and other reservoirs in the area. This has been a worrying incident for people in the area affected, and I regret that many people became ill. In accordance with established procedures, the outbreak control team will be providing a detailed report on the incident. The Water Service will be working closely with the consultant for communicable disease control and other members of the team in doing this. Water supplies are now back to normal, and everyone in the area affected can be assured that tap water is safe to drink and for all-purpose use.

**Mr Byrne:** I thank the Minister for his statement. However, the public want assurance from him that Water Service officials are going to be asked to examine all pipes and reservoirs to try to minimise the potential for any outbreak of cryptosporidium again. It is very important that the public are reassured that, if there is a breakage in a pipe by a private developer or contractor, it will be immediately examined so that we do not have a problem later.

**Mr Campbell:** I thank the Member for his question, but may I remind him that in Northern Ireland we have 15,000 miles of pipes and a systematic examination of every inch or millimetre is very difficult. I ask the hon Member and the House to bear all of these queries in mind when it comes to the allocation of budget, when it comes to resources that require to be made available in

terms of the Water Service. The underfunding that has existed for 30 years has, in part, led to some of the difficulties we are now facing. I expect and hope to get the support for the necessary funds to ensure that we are not faced with any outbreak of a similar nature again.

**Mr Close:** Recent information seems to throw doubt on the part of the Minister's statement which pointed to a particular house and the break in the sewage pipe in Lisburn. If the break into the sewage pipe by a private dwelling was subsequently shown not to have been the cause and the members of that household were not suffering from cryptosporidiosis, what, in the Minister's opinion, was the most likely cause of the outbreak?

**Mr Campbell:** I assume that Mr Close is referring to a statement made by an environmental health officer of Lisburn Borough Council. The Eastern Board confirmed on Tuesday 12 September that a septic tank remained under consideration as a possible source of a recent outbreak of cryptosporidium in the south-west Belfast and Lisburn areas. This followed a meeting that afternoon of the multi-agency outbreak control team. The team agreed that a septic tank remained as a possible source which merited ongoing investigation.

**Mr Davis:** I know that the Minister is assisting the Eastern Health and Social Services Board in this matter. With regard to restoring a clean water supply, he has confirmed this afternoon that everything in that particular area seems to be going well. Can he confirm that in June 2000 there was algal toxic poisoning suspected in cattle from the Lough Island Reavey water treatment works? Did a problem in the water treatment works plant produce an illegal discharge through the canal leading to the river in which the cattle were drinking? Has the Eastern Health and Social Services Board been made aware of this by the Water Service?

**Mr Campbell:** I hear what Mr Davis says, although I am unaware of the specific nature of this. Last Monday, when he brought a specific matter to my attention I assured him that I would respond to him in writing. I will do likewise with this one.

**Madam Deputy Speaker:** The time is up.

## THE ENVIRONMENT

### Planning (Human-Rights Law)

1. **Mr Poots** asked the Minister of the Environment if he is satisfied that the current system of planning and appeals in his Department will meet the requirements of the proposed new human-rights legislation. (AQO 9/00)

**The Minister of the Environment (Mr Foster):** My Department has been examining the current system of



planning and appeals in Northern Ireland in the context of human rights legislation and believes that current arrangements will meet the requirements of that legislation. This, of course, is an evolving area, and in consultation with relevant Departments throughout the United Kingdom, I will continue to keep procedures and policy under review.

**Mr Poots:** Is the Minister aware that a case has already been taken against the Scottish Executive under the human rights legislation, and that that case was lost by the Scottish Executive? The situation in Northern Ireland is that the Planning Service can overrule the decisions of the Planning Appeals Commission. Does he believe that in that situation, human rights legislation will rule against this Administration as it did against the Scottish Administration?

**Mr Foster:** I am aware of the current interest in human rights and the possible implications for the planning process. We will be keeping related policies under review. I must emphasise, again, that my Department, in consultation with its legal advisors and with relevant Departments in Great Britain, has examined its key processes and procedures. My Department is generally satisfied that current procedures will meet the European Convention on Human Rights requirements.

### **Planning: Mobile Telecommunications Masts**

2. **Mr McGrady** asked the Minister of the Environment if he will make a statement on the planning implications of mobile telecommunications masts, in view of recommendations contained in the Stewart Report published in May 2000. (AQO 5/00)

**Mr Foster:** I am conscious that planning arrangements for mobile phone masts are a matter of public concern. I am very much aware of it in my own part of the country. I am minded to require full planning permission for all mobile phone masts. However, before coming to a final decision, I wish to consult relevant interests and propose to do so by way of a consultation paper to be issued before the end of October.

**Mr McGrady:** I thank the Minister for his reply. The Minister has indicated that the Stewart Report will be published, presumably in a short while. Would he be of a mind to take the main recommendation of that report, which says that in the case of

“All base stations, including those with masts under 15 metres, permitted development rights should be revoked and withdrawn and that the siting of all new base stations should be subject to full planning permission”?

Is he also aware that the Stewart report indicates a total criticism of the lack of protocol in how planning applications are handled, and that changes are urgently

required in the planning process? Will he have the departmental personnel and expertise to carry out these recommendations?

**Mr Foster:** This is a difficult area. It concerns many people. In March 1999 the National Radiological Protection Board was asked to set up an independent expert working group to assess the current state of research into possible health risks from mobile phones. I want to emphasise that all mobile telecommunications masts are subject to planning control. Masts over 15 metres in height require my Department's express planning permission under the Planning (Northern Ireland) Order 1991. Most telecommunication masts under 15 metres are permitted development under the Planning and General Development (Northern Ireland) Order 1993. My Department's prior approval is required only on location and design

Under the prior approval procedure my Department has 42 days within which to issue a decision on applications for ground-based masts, and 28 days for all other types of telecommunications equipment. I cannot say that I will be withdrawing any already granted approval, to answer Mr McGrady. The consultation paper will be issued before the end of October and will include a draft planning policy statement setting out the Department's proposed policies for telecommunications development. The difficulty, and this applies to all Members is that many of us carry mobile phones around with us. If we were not getting good communications there would be a real hullabaloo. I take the point that there are great fears in the community about health risks.

**Mr Shannon:** The Minister has indicated that consultation will start in October. How long will this consultation process take and when does he hope to bring a report back to the Assembly? Also, will the concerns of local people be taken into account? What part will they play in the consultation process in relation to planning applications being granted? In the past, many people objected to applications but they still went ahead.

**Mr Foster:** The Northern Ireland consultation will include a draft planning policy statement, and this will take a little time to develop. I can see it happening early in the new year. The Northern Ireland consultation will include a draft planning policy statement, and this has inevitably taken some time to develop. However, this should assist the consultation. Applicants for planning permission to erect telecommunications masts are entitled to have my Department make a determination. It would not be proper to postpone this decision-making process pending the development of planning policy in this area. I want to emphasise again that we are very concerned with it, but it does not all come under the Planning Service. There are health issues involved as well. So there are a couple of Departments involved in this.



**Mr Close:** This issue is one which greatly concerns many people and, as the Minister has already said, there are health implications. Therefore I find it rather sad that there is a dismissive attitude, that we cannot do this, that and the other thing, while people's health is being put at risk. I say that as one who does not and will not carry a mobile phone. Does the Minister not agree that the ease with which these mobile telecommunications masts get planning permission, particularly under the prior approval procedures, has led to a proliferation of the masts throughout Northern Ireland, and that this in turn is creating radiation smog which is endangering the health of the entire community? What is he, as Minister, going to do to ensure that the voice of the people is listened to in their strong objections to such a proliferation of these masts? Is he further aware that, even when a council unanimously objects to the planning permission being granted for such masts, the Department goes ahead willy-nilly and grants permission over the head of the people and its elected representatives? Surely he would agree with me that this is no way in which such a serious issue should be dealt with.

**Mr Foster:** I take exception to the fact that we do things willy-nilly. That is entirely wrong. My Department performs its work professionally in a dedicated fashion, and we take cognisance of representations made to us. We are not taking this lightly — I have got to make that point. As I said earlier, in answer to Mr McGrady, health issues are the responsibility of the Department of Health, Social Services and Public Safety. Advice provided by that Department is that in areas readily accessible to the public there is no convincing evidence of a causal link between health risk and exposure to electromagnetic fields associated with mobile telecommunications masts. Any further advice or guidelines will be fully taken into account by the Planning Service. We do not — I repeat: do not — take this lightly. It is a difficult issue, and we understand that. We do take cognisance of the complaints made by people and the fears which people have.

3.45 pm

**Mr Hussey:** The Minister referred to electromagnetic radiation and thermal radiation. From the Stewart report we can see that there is also great concern about the long-term effects of non-thermal radiation. Stewart talks about the precautionary approach being exercised with regard to telecommunication masts. Will that form the basis of the Department's approach until proper consultation is carried out?

**Mr Foster:** Of course, it will warrant a precautionary approach and great thought. I must emphasise this. We do not take this lightly. All matters are taken into consideration. We know there are fears, but nothing in

the Stewart report confirms anything absolute at all, we have to take that into consideration. This issue is not being taken lightly. We are looking at it in depth, and all aspects will be taken into consideration during the assessment procedure.

## Rural Planning

3. **Mr Dallat** asked the Minister of the Environment if he agrees that opportunities to develop an inter-governmental approach to rural planning must be encouraged, and if he will encourage a holistic approach to planning issues so that rural generation has the support and encouragement of all relevant Departments, agencies and cross-border bodies. (AQO 31/00)

**Mr Foster:** Many strands of Government have a role to play in rural planning and regeneration, and a holistic approach is certainly to be encouraged. I can assure the Member of my support for such an approach to planning and cross-cutting issues.

**Mr Dallat:** I welcome the Minister's assurance. Coming from a rural area, he understands better than many the particular problems of the rural community and how the planning laws, as they are presently interpreted, impact on the rights of people. The most basic right of any individual after the right to life is the right to shelter. At the moment, families on low incomes are finding it exceptionally difficult to bid for those sites that are available.

The Minister has acknowledged the difficulty in obtaining planning permission in rural areas and how this threatens the lives of rural schools, churches and shops. It in no way helps the regeneration of rural communities. I welcome the Minister's statement. I do hope that he exercises control over all his Department so that this very serious issue is addressed in the future.

**Mr Foster:** Coming from a rural area, I am well aware of the problems in the countryside, and Mr Dallat made mention of those. It is important that Departments work together on this. I also endorse the concept of a living and working countryside as set out in the draft regional strategic framework and agree that we should seek to promote a strong mixed-use rural economy. For example, in 1999-2000, 86% of applications for new houses in the countryside were approved. This represents more than 4,000 new dwellings in the countryside.

However, we have to be very careful that there is a good balance, that we marry one with the other. We do not want the countryside spoilt. I know that there are issues concerning rural areas and the people feel very strongly about them. These are taken into consideration in our planning policy.

**Mr Paisley Jnr:** Is the Minister considering any measures that would relax the stringent and at times oppressive planning controls in the countryside, especially when farmers are seeking planning permission for additional rural dwellings? Will he assure the House that he will examine ways to relax such stringent control?

**Mr Foster:** There is provision at this time for extra houses in rural areas so long as they are not within an area of special control or a green-belt. In those cases special circumstances must prevail for permission to be granted. This has been referred to as a cross-cutting issue, and I must emphasise the responsibilities here of both the Department for Regional Development and the Department of Agriculture and Rural Development, which is responsible for general rural development. The Department for Regional Development will be responsible for preparing a planning policy statement on the countryside. My Department will contribute appropriately to the development of these policies. We will work in conjunction with them.

**Mr Hussey:** As regards rural regeneration, the Department of Agriculture and Rural development, through its Area Based Strategy Action Groups, is encouraging farmers to diversify. These farmers find themselves coming up against the planners, who are putting difficulties in the way of their efforts at rural regeneration. I support what Mr Paisley Jnr has said with regard to housing, but will the Minister give us an answer with regard to actual regeneration in the business sense?

**Mr Foster:** As I have said, my Department will contribute appropriately to the development of these policies, along with the two Departments referred to earlier. It is likely to be parties such as the Department of Agriculture and Rural Development, rather than the Planning Service, that would initiate rural regeneration projects, including those involving agricultural diversification, but success can depend on a holistic approach being taken by a number of public and private-sector interests. The Planning Service is generally confined to a facilitating role within the confines of rural planning policy. As a local councillor, I have every sympathy with the farming community in many aspects; but we adhere to policies. We do facilitate, but only where it is the proper locating and design of a development. We will help where we can, but we have to adhere to the policies that already exist.

**Mr O'Neill:** The Minister expressed sympathy for the rural community and planning in the rural community, and yet he is almost satisfied with the statistics put out by the planning department for the number of permissions given. Some rural areas in Northern Ireland are dealt with more severely than others, and my view is that those statistics shield that. Does the Minister agree

that centralist Department strategists have an urban mindset which militates against the rural dweller being able to live, work and rear his children in areas of special control and outstanding natural beauty? These classifications make it fairly difficult for farmers to look after their families properly in those areas. Does the Minister agree that what we all need to do is to inject more of the rural thinking into the Department's decision-making?

**Mr Foster:** I thank the Member for his statement. I am not so sure what the question was. I am fully aware of the difficulties, and I sympathise with them, but we have to work as far as we possibly can within policy. The rural planning strategy also contains policy statements which aim to facilitate economic development and diversification in the rural economy, particularly in agriculture. There still is, within the policy, room for a retirement bungalow to be built on farmland. Sometimes one gets the impression that we are stifling every development. I know how difficult it is. I have stood at site meetings in the countryside, and I have questioned various decisions. However, I also take into consideration that people are adhering to planning policy. We do try to facilitate building where it is suitable, appropriate, and does not despoil the countryside.

### Out-of-Town Shopping Centres

4. **Mrs E Bell** asked the Minister of the Environment if he will make a statement on planning policy regarding out-of-town shopping centres. (AQO 15/00)

**Mr Foster:** Current planning policy is set out in planning policy statement 5 entitled (PPS5) 'Retailing and Town Centres', which includes the objectives of sustaining and enhancing the vitality and viability of town centres and of maintaining an efficient, competitive and innovative retail sector. The Department for Regional Development is proposing to review this in the near future, and as part of that process, the views and comments of all interested parties will be invited. My Department will contribute appropriately to that review in the light of its experience in applying the policy.

**Mrs Bell:** I thank the Minister for his answer although I would like to hear more about the actual policy.

Can he confirm that the Sprucefield shopping centre is, at this stage, the only agreed out-of-town shopping centre and that applications such as D5 are null and void?

**Mr Foster:** The out-of-town shopping centre at Sprucefield is, as far as I am aware, the only one. So far as D5 is concerned, I do not wish to make any further comment as my Department is seeking the advice of senior counsel.

**Dr Birnie:** I welcome the Minister's statement. It recognises the important issue that, in a relatively fixed total retail market, the GB multiple chains are doing great damage to the smaller, mainly independent, retailers in our town and city centres. Would the Minister agree that in developing a Departmental policy there should be some awareness of the competition aspect arising from locating out-of-town shopping centres near to town centres? They tend to be dominated by two major GB multiples, which now have a very large share of Northern Ireland's total grocery market. That is potentially damaging the interests of consumers and the farming sector.

**Mr Foster:** There are big issues out there. There are issues of competition. The Department for Regional Development is undertaking a strategic review of PPS5 in the near future. That will afford an opportunity for the entire retail planning policy framework to be reconsidered. In the meantime, the planning service must work within the policy context provided by PPS5 and, where appropriate, the statutory development plans.

While retail planning policy is precautionary in respect of town centres, in principle it precludes retail development not outside town centres but inside the urban development limit, where the policy tests of PPS5 are met. These policy tests include consideration of the type of retailing proposed; the availability of suitable alternative sites in the town centre; the impact of the proposed development and a range of other more general material planning considerations. Consequently, there are circumstances when it is deemed appropriate for major retail developments such as retail warehousing to be located away from town.

*(Mr Speaker in the Chair)*

**Mr S Wilson:** I note what the Minister has said about the present planning policy in respect of out-of-town shopping centres and the emphasis on maintaining the vitality of town centres. Given that the D5 proposal was shown to affect not just town centres, but arterial shopping areas in Belfast and other parts of north Down, why is his Department so determined to pursue this proposal? It is a proposal which has been thwarted by actions in the court and which is clearly contrary to the Belfast urban area plan and the Belfast harbour plan?

**Mr Foster:** As I said earlier, as regards D5 my Department is seeking the advice of senior counsel in relation to the recent high court decision. Until that advice has been considered, it would be premature for me to make any further comment. I would emphasise that the planning service takes into consideration all aspects of planning — it does not take things lightly. All aspects are fully examined, assessed, professionally tested and a proper decision is taken.

**Mr Speaker:** As we have had only four questions thus far and we have only a few minutes left, I think we must try to get through one or two more.

## Waste Management

5. **Mr Ford** asked the Minister of the Environment if he will make a statement on progress in implementing the regional waste management strategy. (AQO 17/00)

4.00 pm

**Mr Foster:** Since the launch of the waste management strategy in March, a number of key activities have taken place. Three waste management planning groups, comprising the 26 district councils, have formed and are progressing with preparing plans for a new waste infrastructure. Additionally, my officials have advanced work on the publication of a planning policy statement on waste management. My Department has requested district councils to indicate their proposals for dealing with essential interim capacity needs, pending the preparation of their waste management plans.

**Mr Ford:** I thank the Minister for that response, but is that a good enough situation to be in? The strategy was launched by Mr Howarth in March, during the period of suspension of devolution. During the last six months, the situation, particularly in the Greater Belfast area, has become ever more acute regarding the lack of available sites for waste dumping. There is no movement towards significant recycling schemes. There is no movement on additional landfill sites. Could the Minister please explain how quickly he expects councils to come up with proposals and why his Department has not expedited them?

**Mr Foster:** The waste management strategy for Northern Ireland was, as Mr Ford stated, first published in March 2000. The strategy must comply with the EU Waste Framework Directive and it is not something we take lightly. We must ensure that we are doing the right thing. The strategy is based on four key objectives — reducing the amount of waste generated; making the best use of the waste generated; encouraging practices that minimise the risk of environmental damage or harm to human health; and moving waste management practices towards reuse, recycling and recovery, with disposal in a landfill site as a last resort.

It is expected that the strategy will create 1,500 jobs. It is not going as fast as some people would like, but there is a lot involved requiring a lot of consideration. It will take time, and we are pursuing the matter as fast as we possibly can.

**Mr M Murphy:** At the moment, we have a strategy of incineration proposals at local government level which is being progressively marketed by a very rich and highly powerful focused pressure group, financed

by the plastic packaging and disposable waste industry. Will the Minister encourage the development of recycling and education on waste management especially when one remembers the opposition from Derry and Inishowen 10 years ago to stop Du Pont in their tracks when they tried to build an incinerator? The people won then, and the people of this island do not want incineration. When one recognises the severe pollution already attributed to Sellafield, we do not need pollution from incineration.

**Mr Foster:** With respect to incineration, nobody has said that there will be incineration although it is a possible option. Waste management plans brought forward by district council groupings will include an assessment of the contribution incineration may make to waste management in Northern Ireland and I will carefully consider the matter. Waste-to-energy is only one of a range of possible options identified in the strategy but specific assessments are a matter for each district council when preparing their waste management plan. This is a big issue — a tremendous issue — and, as I said earlier, it is one we would like to hasten as fast as we can. We have got to be careful what we do.

Ultimately, waste has got to go somewhere. We want to reduce it. Part of the plan is to reduce the amount of waste going into landfill. Perhaps we will be able to dispense with landfill as far as possible. It will not be an easy task. All aspects will be taken into consideration. Our people are beaver away on it.

**Mr Leslie:** Would the Minister agree that the people of Northern Ireland are very good at creating waste, but not so good at understanding the consequences of disposing of it? One of the major contributions towards dealing with the waste problem in the long run would be a much greater public consciousness of the need to create less waste.

Yes, indeed; it is a slow process. We are all somewhat careless about waste. Three quarters of us get rid of it; get it out to the bin; get it out of my way; not in my back yard; here we go. A long process of education is needed to get us to the point where we reduce, reuse, recycle and then dispose. This is a big issue confronting us.

### Road Safety Officers

6. **Mr McCarthy** asked the Minister of the Environment when the additional road safety officers to be employed by his Department will be in post.

(AQO 18/00)

**Mr Foster:** The process to appoint the 10 additional road safety education officers that I announced in July is well advanced. I expect selection interviews to take place in October with successful candidates taking up their posts by November. This is an essential element in

my drive to improve road safety awareness among children. I visited Crawfordsburn Primary School last week and launched the new road safety calendar. I pay tribute to the excellent work of the road safety education officers.

The terrible carnage on the roads this weekend, indeed the carnage and deaths over the whole year, is saddening. I extend my sympathy to everyone who has suffered. It is terrible news for any family to receive. The “valley of death” is one great area of tears, and it creates devastation. There have been 118 deaths this year in Northern Ireland, and that is far too many. Today, I appeal to everyone to slow down, go easier, and be careful on the roads.

**Mr Speaker:** Our time being up, it is not possible to give Mr McCarthy the usual supplementary question.



## FUEL COSTS

### *Debate resumed on motion:*

That this Assembly expresses its concern at the escalating price of fuel and calls on the Chancellor of the Exchequer to take measures to lessen the impact of high fuel costs on the economic well-being of Northern Ireland and its people, and to encourage other EU member states to bring their tax on fuel into line with that of neighbouring countries to allow fair competition and to discourage the illegal transportation of fuel across national boundaries. — [Mr Beggs]

**Mr J Wilson:** This morning, Members quoted many statistics to support their contributions to the fuel debate. Had the subject matter been different, we would probably be bored by statistics by now. However, it is the sheer weight of evidence supported by the statistics that has made the debate on fuel so meaningful. There is no doubt that public concern is firmly focused on fuel prices. The price of diesel has doubled since the introduction of the fuel duty escalator in 1994. Twenty five per cent of the 60% increase since 1993 took place in 1999 alone. The last Budget opened the door very slightly by offering some help, although this still meant a 3.4% increase in duty. The Government, however, still failed to address the main issue of excessive fuel duty. Currently, excise duty on diesel is twice that which exists in any other European Union member state.

The United Kingdom has benefited hugely from the vast increase in oil prices. Revenues from North Sea oil, inclusive of VAT, must exceed all Budget predictions. Road hauliers believe that part of this windfall should be returned to the industry so that a degree of competitiveness can be restored. High fuel costs have a disproportionate impact on the road haulage industry, with fuel amounting to 36% of its total operating costs. The United Kingdom, and Northern Ireland in particular, depends heavily on an efficient haulage industry. Eighty one per cent of all domestic freight is carried by road. There are 65,000 businesses in the United Kingdom operating eight vehicles over 3.5 tons. There are over 25 million cars and 422,000 lorries over 3.5 tons. The UK's fiscal regime has disadvantaged a once thriving industry. These fiscal policies are causing acute and irreversible damage to the industry.

In Northern Ireland, the majority of hauliers purchase their fuel in the Republic to enable their businesses to compete and survive. It is estimated that the total loss to the Treasury because of the refuelling of vehicles in the South and fuel smuggling is £350 million per year. The Government must, as the Government of the Republic have, recognise the economic importance of a strong and stable haulage industry. An accountancy firm has calculated that a windfall from rising oil prices means that the Chancellor of the Exchequer can afford to cut oil prices immediately by 8 pence per litre.

The Treasury receives £330 million per year for every dollar rise in the price of world oil. It is estimated that by 2002 tax lost to the Exchequer through vehicles refuelling outside the United Kingdom will amount to one billion pounds. The gap in diesel fuel prices between the United Kingdom and the rest of the European Union is now so huge that one might describe it as laughable, were the implications not so serious.

The policy of the Government, and the previous Administration, was to pile taxes on fuel when oil prices were so low that the impact on costs was blunted. Now that the world oil prices have been readjusted inevitably upwards, the United Kingdom has been exposed. The Government must act now to stabilise the situation and create a level playing field, particularly with regard to the Republic of Ireland and other European Union member states.

I will conclude with a simple illustration; I am holding five debit slips that represent five fills of fuel for my car and were made in Donegal, Cavan and Leitrim since July. That represents a saving to me of £55 or, in other words, a free fill of fuel. Multiply that by whatever factor is appropriate and you will see the enormity of the problem faced by our farmers, hauliers and fishermen. That simple illustration tells us much, and I support the motion.

**Mr O'Connor:** I support the motion. This morning, on the way to this House, I paid 85.9 pence for each litre of diesel. Further up the road, I saw a sign pointing into the yard of a farm-type building advertising diesel on sale for 68 pence per litre. We are told that there is only 2 pence per litre profit on diesel so how can these people possibly sell it for 68 pence? It simply does not add up.

Earlier, Mr Dallat said that much of this is manufactured red diesel which has been chemically cleaned. That may be the case but we are told that there are something like 18 customs officers throughout Northern Ireland to deal with what is an ever-growing problem, and I find it difficult to understand how we are ever going to deal with this problem head on. This is a problem all over Northern Ireland, and I am sure that all Members will, at some point on their way home, see a sign that blatantly advertises diesel at up to 20 pence per litre cheaper than that in petrol stations. This has led to the closure of over 60 petrol stations in Northern Ireland together with the jobs that they provided. And, it is happening in areas where a petrol station can provide a rural community with a shop for essentials.

The first thing that we need to do is target the fraud aspect. I know that that is easier said than done, but the sale of illegal fuel has become so blatant that something must be done. We need to look at the situation and ask why people can be so blatant and get away with it.

Today a number of people from the road haulage industry and the agriculture industry came to Stormont to lobby Members. Most Members have received briefings from the CBI, the Anglo North Irish Fish Producers' Organisation, the Ulster Farmers' Union, et cetera, which are full of the statistics quoted earlier.

4.15 pm

People care deeply about the situation. Mr Jim Wilson referred to the fact that 422,000 heavy goods vehicles are registered in the United Kingdom. That means 422,000 lorry drivers, not to mention the mechanics, transport clerks, fork-lift truck drivers, porters, and so on, needed to load and unload such vehicles. Those jobs will all be put at risk. We must send our products to Continental Europe, and if our transportation costs are so high that businesses are forced to use Continental transport in order to take them there, each one of those lorry-driving jobs could be taken by a European. They can buy their lorry and their diesel fuel more cheaply.

Our business depends very much on the road transport industry. Everything we make that is sent out to Great Britain or Europe goes by road, for we have no rail links with anywhere else. Things have to go by ferry and road. We are heavily dependent on road transport and the road haulage industry, and we must see that industry being supported by a reduction in fuel costs to ensure that we, in Northern Ireland, can get our products into the European market competitively.

We have talked much about motor fuel, but that is not the only fuel whose price has gone up. Mr John Kelly earlier referred to the cost of home heating oil, which has risen by over 100% in the last year or so. The most vulnerable people in society, those who have had their homes specially adapted to have oil — a non-manual heating system — installed for them because they were unfit to light fires, are now even more disadvantaged because of the high cost of heating fuel.

The British Government could afford to bring down the price of heating oil. It could, perhaps, also afford to bring down the cost of diesel to assist lorry drivers, but it is not just they who are suffering. Even ambulance services and the fire brigades are paying through the nose to provide an essential service to the community. We heard the Minister make a very welcome announcement last week that there would be an extra £50 to cover winter fuel payments. However, because of the cost of home heating oil, that is grossly inadequate.

In this country we have a disability living allowance, of which Members will all be aware by now. There are care and mobility components. The mobility component is given to those who need transportation, who simply cannot get from A to B without difficulty. We have now reached the stage where people receive mobility money;

they have a car, but because petrol is so costly, most of them cannot afford to fill it.

The situation is getting worse and worse. Ms Morrice referred to our possible over dependence on oil, and that may well be the case, but that is the present state of affairs, and until such time as it changes fundamentally, I am afraid we shall have to live with it. I cannot see Gordon Brown changing things. Tony Blair came out in bullish form last week and said he would not be bullied.

Indeed, some of the oil companies were going to put their prices up again last week. The Government have got to the stage where they feel that because they have a majority, they can do no wrong. Some people within the Government are suffering from megalomania. They think that, no matter what they do, they are there forever. The people should tell them that they are not going to be there forever if they do not listen to what they want, and that includes our MPs in Parliament. The Government must listen. They have a duty to protect those people in our society who cannot afford heating oil, those who have to make a choice between heating and eating. It is not a nice situation to be in.

I support the motion and thank Mr Beggs and Mr Dodds for bringing it forward. This matter needed to be aired as it has been today. I hope the Government pay heed to the will of the Assembly, because Northern Ireland is a special case. We are disadvantaged because people can go across the border and fill up. A lot of jobs have been lost because of that. In supporting the motion, I want to say that people in rural areas, where there is a lack of public transport, are being forced to use their cars because they have no other choice.

**Mr Shannon:** What made this protest on the mainland so different from other protests, such as the protest over the poll tax and the like, is that the people who were protesting were middle-class. They were not people looking for trouble or taking advantage of a situation; they were people with a genuine grievance. That was highlighted last week when the police moved in after a few days to let the tankers out. Some of the people questioned said "No, we will not be fighting the police, we are law-abiding citizens". That made this protest different from the others. The British Government, in this instance, fell down by not reacting positively to the comments and needs of the people and the points they were trying to make. If Tony Blair, "two Jags" Prescott and Gordon Brown do not take note now, they will find themselves in a very serious position at the next election, and that is what they should be considering.

Different groups from industry were there also: the farmers, the hauliers, and the ordinary people who drive their car to and from work. Indeed, the emergency services were greatly hampered as a result. We should be looking at the needs of the people here and at the fact

that the protests were made in a disciplined and dignified manner.

I would like to highlight some of the different issues which impact on my constituency and on the people of the Province. Eighty per cent of the price of petrol and diesel purchased in garages goes straight into the coffers of central Government. While the United Kingdom has the most expensive diesel and petrol — and this is true of Northern Ireland especially — people in Belgium and other countries benefit from paying the correct price for fuel. This is the real problem: the Government are making so much off the backs of the people here from petrol and diesel taxes. We must try to reduce that, but how? Perhaps this motion today will highlight the issue — the Government will have to take notice of it. They cannot ignore it. They cannot be arrogant, pompous or put their head in the sand and just ignore what is happening.

I would make two points. The first relates to the rural community, which I represent in the Ards Peninsula and in the Ards borough. It is very much a rural community, but it does take in some of the urban parts of the towns as well.

For many people living in the rural community the car is not a luxury, it is a necessity. It is important for those people who need it to get their children to school or who need to get to the shops. Indeed, some of those shops have closed as a result of the downturn in the agriculture industry. It is important that we focus on the impact on the rural community and how important the car is to them. Bus services do not always run at the time or to the place they would like, so the car can be their only way of getting about.

The second point relates to the fishing industry. We all know about the dire implications for the fishing industry and we have highlighted issues in this Chamber before, as has the Minister. The fishing industry has experienced a downturn in the last six months and especially since the beginning of this year. While new quotas have come in from Europe, we have also seen restrictions on where people can fish. We have seen the directives coming through and which are tying up the boats.

We have seen decommission, indeed the only decommission that has ever taken place is in the fishing industry. We have clearly seen some of the issues that are important to the fishing industry. While Government and EU Directives say that people cannot take boats out, that they cannot fish in places they used to, the fishing industry now finds itself impacted by the fuel increase.

In the last few months, fuel and diesel for fishing boats increased by 50% — that is before you take the boat out of the harbour and before you pay the rest of your overheads. That is quite difficult for the fishing

industry to take on board when it already feels the restrictions coming from Europe and elsewhere. Skippers must continue to purchase the necessary equipment to make businesses financially viable. At the same time, they are not able to compensate for the increase in diesel costs.

A boat going out to sea at the present time — probably for the week — will cost about £1,000 to fill with fuel. That is a large proportion of any catch that you might make before the end of the week. It represents a very serious obstacle to making a successful business. Neither the Government nor the Fisheries Division at Stormont, have ever made any real effort to stand up for the rights of fishermen. They have simply acted as facilitators of EU legislation, which if unchallenged — and up to now it has been — will see our industry put to the sword. At the same time, devolution has not seen any change in the industry's fortunes, with the Minister, while well intentioned, failing to make the voice of local industry heard. We need a strong voice for the fishing industry, which probably employs between 3,000 and 4,000 people. Livelihoods in the villages of Portavogie, Ardglass, Kilkeel, Annalong and many other places are tied up in fishing. Many families' lives and focus is on the fishing industry.

The French seem to be taking the lead in protesting against such behaviour and have made a number of moves to aid their fishing fleet. They have come up with a number of ideas. They have decreased corporation tax. They have decreased and taken away the landing duty and they have increased the benefits that can be given to fishermen and their families. While they are not directly subsidising the industry the French authorities are actively seeking a way in which to help the fishing industry, which is more than can be said of our Government and the Fisheries Division at Stormont.

I have written to the Minister indicating some ways whereby assistance could be given to the fishing industry. I hope she may be able to make some movement. We have warned, over the last few years, about the fate of the local fishing industry.

As another nail is put into the coffin of the fishing industry, these warnings continue to go unheeded, and the Government seem determined to destroy a way of life which thousands of people depend on. Today we have tried to illustrate the different facets of industry, economy and lifestyle in Northern Ireland and how the rural community has been affected by this issue. The fishing industry, I believe, needs help as well.

4.30 pm

**Mr McClarty:** Throughout the past three years we have heard numerous calls from the Deputy Prime Minister, among others, to step out of our cars and get



on to public transport. No one can ridicule such a plea. It makes good economic and environmental sense for an individual to decide to use public transport, be it bus or rail. There is something to be said for travelling to work in comfort, at speed and on time. In Northern Ireland, however, we cannot afford such a simple luxury — quite literally.

The railways task force interim report on the future of the railway network in Northern Ireland clearly sets out the cost of establishing a decent standard of rail service in Northern Ireland for the foreseeable future. We are under no illusions, therefore, as to the desperate situation of our rail network. In the meantime, in the absence of such an adequate and needful transport facility, the car is the main, and in some parts of the country, the only form of transportation available. In many respects, petrol is the lifeblood of our nation. Our dependence on it is absolutely vital for the Province's economy to function properly, and for us to lead fully communicable lives. The current high rate of petrol taxation means that everyone suffers. Petrol tax is a very tangible tax paid out of the pockets of all people, irrespective of their ability to afford it.

However, certain groups of people are hit hardest — farmers, fishermen, those who live and work in rural areas who have no other means of transportation but the car, industry and business. For many of these people, as was expressed in an article in the 'Belfast Telegraph' last Friday,

"The current rate of taxation on fuel is the difference between breaking even and going under".

Given the dual reality in Northern Ireland of poor rail transportation and inflated fuel costs, surely the Assembly has a valid argument in pressing the Chancellor of the Exchequer and the Prime Minister to take measures to lessen the impact of high fuel costs in the Province. The people's "genuine and sincerely held grievances", to quote the Prime Minister, must now be listened to and acted upon.

Although we in Northern Ireland have not held protests like those in Great Britain, our grievances and concerns are just as great and equally valid, if not more so, than those across the water. We must press this point at the highest possible level in the Government during the following days and weeks if a positive outcome is to be achieved.

There are wider issues to be addressed. I thank Mr Beggs and Mr Dodds for highlighting these in the motion. We need to try to stamp out illegal smuggling of fuel across national borders, something that we can identify with in Northern Ireland. It would also be encouraging to see a fairer and more uniform petrol tax level throughout the European Union than currently exists. Then we might not see a repeat of the scenes that occurred in Great Britain and other European countries

last week. Members of the House can and ought to combine our influence over these matters for the good of all the people of Northern Ireland. We want to see fairer fuel prices for ourselves as part of the United Kingdom and fairer fuel prices for the United Kingdom as part of the European Union. It is with this hope that I support the motion and ask others to do likewise.

**Mr Gallagher:** I support the motion. I speak as a representative of a border constituency. Border areas have been feeling the negative effects of the British Government's tax on fuel for a number of years. For at least the past three years the signs have been visible of the damage that is being done to local economies.

We are aware of the debate that has been going on at European level for many years now about the particular problems of border areas and the need for measures to help such areas overcome peripherality and isolation. The British and Irish Governments, as well as many other Governments in the European Union, are committed to supporting the development of integrated and sustainable border communities.

The submission for Northern Ireland structural funds and the submission from the South, part of the national development plan, both contained a common chapter, which set out the importance of co-operation between the two Governments as well as co-operation at local level for the benefit of those areas.

The current wide differences that we have heard about so much here today in fuel taxes between the two Governments are undermining the commitments which the Governments have given at European level. This problem has been going on for three years in my county of Fermanagh. Forecourts are empty; almost all the small filling stations have now closed; most road hauliers have moved their businesses south into the Republic of Ireland; and more people have become unemployed as a result and that in an area like Fermanagh where traditionally there have been high levels of unemployment.

I want to refer to comments made earlier by Mr McCartney, the Member for North Down, about the high levels of smuggling and racketeering in south Armagh and Fermanagh. The smuggling of fuel, or anything else for that matter, and racketeering are not a serious issue in Fermanagh. Whether it is happening at all, I cannot say.

The very serious issue in Fermanagh is, as I have said, the drift across the border and the effects that that is having on the wider economy, and not least on agriculture. There is much dependence on agriculture in the border areas and, as references have been made to fuel prices, I want to point out that the fuel used for agricultural purposes, the red diesel, is now costing farmers 25 pence per litre. Over the last 12 months the



increase on that fuel alone has been 150%, and that has happened at a time when farmers have been trying to cope with the problems and the difficulties that have arisen as a result of the BSE crisis.

This problem with fuel has been brought to the attention of the Governments in various countries. I just want to refer to a deputation of which I was part of, together with the MP for South Down, Mr Eddie McGrady, that went to the Chancellor of the Exchequer in 1999. We detailed to the Chancellor the problems at that time, and we asked for Government intervention. My council in Fermanagh regards this as a priority issue and has raised it with the present Secretary of State, but until now the Government have refused to help.

I hope that when today's debate is finished they will take on board the serious situation that now exists for everybody in this community.

The common chapter that I referred to identified the common challenges facing the economies in both parts of Ireland. The solution to this fuel crisis requires a review of the British Government's policy on fuel taxes in Northern Ireland. Is there a precedent for that? The Chancellor's recent initiative offered tax incentives to small and medium-sized enterprises. Some of these tax incentives are of the order of 100%, and that measure shows that it is possible to achieve modifications in the existing tax regime.

Nothing is impossible with regard to finding a solution to this problem. I call on the Government to act now so that the discrepancies in fuel taxes between Northern Ireland and the Republic of Ireland are addressed. It will be in everyone's interest — especially those living on the northern side of the border and along the border corridor.

**Mr McCarthy:** I support the motion. By this stage, everything that needed to be said has been said. However, I am delighted that the motion has cross-party support. Every section of the community has been affected by this issue. They continue to be affected by it, and they will be affected until it is resolved. Farmers, hauliers, petrol station owners and ordinary people who depend on fuel for heating and travel are affected. I hope that the people who can make a difference, namely the Prime Minister and the Chancellor of the Exchequer, will listen to the united voice of the Assembly. I also appeal to the Northern Ireland MPs to exercise their voice in Westminster and to try and get action to be taken so that this situation can be redressed sooner rather than later.

**Mr Poots:** This is a very timely debate and I thank the Members who brought it forward. We have to understand how we arrived at this situation. The policy of this Government and the previous Government was

to introduce a fuel escalator. The escalator was allegedly to encourage less people to use private transport and more people to use public transport. Mr McGrady indicated that it was the Conservative Government who introduced the escalator, but unfortunately the Labour Government decided to carry it on even though other European governments who had been using it saw that they had reached their peak and called it a day. Those governments, very wisely, stopped using the fuel escalator while the British Government continued to use it to raise the price of fuel.

Unfortunately, the Labour Government did not go forward with a two-pronged attack and also try to bring about greater use of the public transport system. Mr Prescott, after being in office for three years, has only recently brought out a document addressing the problems in public transport. Yet, we have had three years of the hiking-up of fuel prices.

Over the past five years, the number of cars on Northern Ireland's roads has increased by 21% — approximately 125,000. Therefore, the fuel escalator, without also addressing the needs of public transport, does not work. The environmental reasons given for the fuel escalator were exposed last week as a great myth, and in the middle of the crisis Mr Blair said that the price of fuel could not be cut because the money was needed for the Health Service and the education service. That is true. It is not what the Government have been saying in previous budgets but it is a fact of life. Around £40 billion per year is used as a stealth tax — a tax that no one can see. People go to the petrol pump and the petrol pump acts as a tax collector.

That "stealth" tax is taken from the community, and it is not put back into transport, it is not put into roads, it is not put into railways or airports. It is put into other services, so that they can tinker about with tax at the other end of the regime and go to the electorate at the next election and say we have cut the rate of income tax by 2%, 3% or whatever. The fact is that they are taking more tax than ever.

4.45 pm

In Northern Ireland, the Exchequer has lost millions of pounds. It is estimated that three-quarters of a billion litres of petrol and diesel are now imported to Northern Ireland. No tax is paid on that. Three-quarters of a billion litres equates to about £460 million lost to the economy. Furthermore, the service stations that would have been selling that fuel lose about £40 million that they would have made from it. On top of that, the services that they would have provided and the other goods that they would have sold are also lost to the British tax economy. That has resulted in a net loss to the economy in Northern Ireland.

There is also a loss to the economy in the United Kingdom as a whole. Lorry drivers all fill up their vehicles when they are in Belgium, Holland or France. They do not wait until they get back to the United Kingdom to fill up their lorries. They are allowed to carry 300 gallons of fuel in their tanks. As soon as they get close to the ferry port they fill up their tanks with diesel. Then they come over to the United Kingdom, do what they have to do and go back to the continent with their next load. Inevitably, they will fill up on the continent again. That means less tax coming into the British economy. The statistical evidence is that diesel revenue has actually been reduced as a result of high fuel prices in the United Kingdom.

The high fuel prices that the haulage companies are paying impact upon ordinary consumers: you, me and the people that we represent. The higher the cost of fuel to the haulage companies, the higher the costs that they will pass on to their customers. Their customers are the Safeways, the Tescos and the large shops in our community. They have to add that into the price of their goods, and ultimately the consumer has to pay more, whether it be in food, in clothing or whatever. They have to pay more as a result of the high fuel costs. The consumer is not only losing out in terms of driving, but in every other respect as well.

There are a number of ways in which this could be tackled. There could be an overall reduction in the price of fuel. A Member said earlier that if the Government reduced the price of fuel by 8p per litre, it would not affect the Chancellor's public sector projections, because he had expected to gain an extra £4 billion in revenue from North Sea oil.

The other way would be to make the tax rebatable to VAT-registered companies, particularly haulage companies, because the haulage people are the ones who are suffering the most. We already have a regime wherein VAT can be reclaimed by the haulage companies and by legitimate businesses. Why can we not have a rebate on fuel costs to VAT-registered businesses? That would reduce costs for the haulage companies.

It is considered that some 85,000 people in the United Kingdom who were involved in haulage lost their jobs as a result of high fuel costs. That needs to be tackled. It cannot be left any longer. Mr Blair has been given 55 days to address it by the protestors in the United Kingdom, and it was clear that public opinion was with the protestors, not with the Government. They had lost touch with the people on this particular issue. Mr Blair needs to address this issue and bring fuel costs in the United Kingdom down to an acceptable level within the European Union. We are in a community where we are supposed to compete with the other countries on a fair basis, but it is difficult to compete on

a fair basis whenever such a vital commodity has such an exorbitant price in comparison to the other member states.

Fuel is essential in Northern Ireland, both for the agriculturr community and for ordinary consumers. High fuel costs have a greater impact on Northern Ireland, because we burn oil in our power stations and over 50% of houses use oil-fired central heating. I understand that the current price of home heating oil is not due to the tax regime implemented by Gordon Brown — it is due to the high oil prices set by OPEC — but the Government could be doing more.

We have been imposing sanctions against Iraq for 10 years. It has been interesting to see those sanctions implemented. The forces that went in to deal with Saddam Hussein at that time did not finish the job. They have decided to punish the whole community in Iraq because of their leader. That has lead to the deaths of some 20,000 children through shortages of medicine and food.

The Government should be saying to the President of the United States, in particular, that it is time to review that situation. We should supply Iraq with more medical supplies, ensure that they have enough food to feed their children and, at the same time, allow them to sell more oil. There is an oil deficit throughout the world. That particular country has a food and medicine deficit. We should not starve the children of that country because they have an evil and wicked leader. The Prime Minister should be looking at that. That could significantly reduce the price of fuel. Our pensioners have to pay for home heating oil and our electricity companies have to pay to generate electricity. That is another thing that I would like to see the Government looking at.

I welcome this debate. It has been useful, and I hope that Westminster sits up and takes notice, not only of what the people in England, Scotland and Wales are saying, but also of what this Assembly, which represents the people of Northern Ireland, is saying.

**Mr Savage:** I welcome this debate. I support the proposals put forward by my own party and by the DUP. There has not been a person in the Chamber today who has not thrown their weight 100% behind this.

We have arrived at the point where everybody is repeating themselves time and again. I concur with what a number of people have said. There was a demonstration outside today by farmers and hauliers. It was brought home to me that we are going to have a late harvest. All the grain is going to have to be dried and there is only one way of doing that: by using oil. The cost of diesel is three times what it was last year. All the costs have doubled. Farmers have all that to pay, yet in the past two years their incomes have decreased by 17%

to 20%. How can we expect people to keep their businesses running in a situation like that?

Northern Ireland depends very much on help from outside, for tourism example. The bed and breakfast and hotel industries depend on oil. They need all the encouragement they can get, instead of obstacles being put in their way. Obstacles have been put in their way through no fault of their own. These industries cannot create progress and prosperity when costs and overheads are driving them down. All these expenses have got to be clawed back from the people who come into this country: tourists. The price of home heating oil affects homes for the elderly. That has to be taken on board.

This is something that has to be taken on board. We are coming into winter and we have to make preparations to help the elderly. A lot of talk today was about the fuel escalator — that is all very well. But what long-term effects will this have on the economy of an already crippled industrialised business fraternity — a business fraternity that has suffered over the years because of the troubles? And just when we thought that things were about to move forward, we find ourselves again at a standstill.

I know that everybody in this Chamber will throw their weight completely behind this motion, but we have to take this further. I hope the Prime Minister and the Chancellor of the Exchequer take on board the seriousness of the situation, because if something is not done, the whole place will gradually come to a standstill. There are many areas that need an injection of finance. The crisis that is about to hit this country is unbelievable. I hope that the Government take heed of today's protest by farmers and hauliers who are facing doom and gloom all the time.

This has been a worthwhile exercise by all involved and I only hope that the Government take heed.

**Mr Bradley:** I have no doubt that the motion was tabled with every good intention, and I am pleased to have the opportunity to support it. But I fear that given the publicity that will follow this debate and all the figures that we have heard, even more hauliers, agriculture contractors and businesses that depend on fuel will go south for their supplies.

I checked one item this morning that allows me to give an up-to-date report on the scale of the problem. A litre of diesel north of the border is retailing at 87p, while a litre of the same fuel on the southern side is available at 65p, which, when converted, is 52p sterling — a difference of 35p per litre. Mr Dodds referred this morning to how talking of litres gives us a less serious view of the problem. The figures I have just quoted, when converted to gallons, demonstrate a price differential between North and South of £1.59 per

gallon. One could be forgiven for thinking that £1.59 was the price of a gallon of diesel, but it is not. It is the difference between the price of a gallon of white diesel bought at the pumps in the South and one bought at a service station in the North. Please forgive me for repeating the price differential — £1.59 per gallon.

Last week hauliers and farmers in the Republic served notice on their Government that they are not going to tolerate what they view as an unacceptable fuel tax and, in world terms, greatly inflated fuel prices. I can only imagine what the additional repercussions here will be if the Taoiseach, Tánaiste and Minister McCreevy deal with their fuel crisis by reducing the prices in their jurisdiction.

I join the call from the Assembly for an immediate reduction of our over inflated fuel prices, responsibility for which rests firmly with the Prime Minister and the Chancellor and their fuel taxes. If this does not happen, our hauliers, our fishing industry, our agriculture and horticulture will just move day by day into a financial wilderness, from which they will never emerge. I welcome the debate and I support the motion. May I say to Mr Poots that the Government have 56 days, and counting down, to get their act together.

**Mr Speaker:** I call the First Minister to respond on behalf of the Executive.

5.00 pm

**The First Minister (Mr Trimble):** We considered it appropriate that in this debate, something should be said on behalf of the Administration. We do not have responsibility for taxation matters, but we do have a responsibility for relationships with other institutions. I want to apologise to the Assembly. Because of other business I was unable to attend the debate this morning, but I have listened to the debate this afternoon.

This is an important matter, and that importance has been underlined by the comments that Members have made. Last week we saw significant public protests across the water that had a significant impact on the supply of fuel. Similar problems did not arise in Northern Ireland. If they had, then a crisis management group, chaired by the head of the Civil Service, would have been activated by Ministers. It would have included all the permanent secretaries and would have reported to the Executive.

The crisis management group, and others, would have had to consider such matters as the deployment of Government staff and property, the allocation of responsibility for taking action — whether it be gaps, overlaps or uncertainties; the co-ordination of difficulties between organisations; public information issues; financial aspects of the response; the provision of immediate funding to meet special needs; the approval of emergency expenditure and the need for



long-term funding for restoration and risk litigation. Had a crisis arisen, the nature of that crisis would have been somewhat different here in Northern Ireland compared to the rest of the United Kingdom.

It is important, in this context, to bear in mind that power supplies would not have been affected in the same way. Electricity generation here is dependent mainly on natural gas and coal. Coolkeeragh, the only power station running on oil, receives its supplies by ship, not by road. Obviously if difficulties had arisen in other means of transport, that would have had a progressive effect on industry here.

Consequently, we want to welcome the responsible approach that was taken by hauliers and farmers here. I assure them, and the community as a whole, that we do not underestimate the strength of opinion on this issue. Indeed, we were aware of the extent of the problem, and we have, over some time, been making representations to the Government about it. Last December, at the inaugural meeting of the British/Irish Intergovernmental Council, we made representations to both the British and Irish Prime Ministers. In addition, we have made representations to the Treasury, and there have been meetings at ministerial level on this issue.

Representations have been made with regard to the overall level of the fuel duty, which is too high in absolute terms, and the differential between North and South, which people have mentioned in this debate, is a considerable problem and we have also explored other possibilities, in particular, the way in which other assistance may be given to industry. The difficulty here is with regard to European community requirements on state aids and regional aids. We have been trying to explore these issues with the Government and will continue to do so. The unanimity in today's debate, right across the political spectrum, can only enhance the weight of the representations that we have made and will continue to make.

It remains to be seen whether the Chancellor will respond by altering fuel duties in the next Budget, or whether he will offer some other compensation to hauliers and motorists through rebates, motor tax or licence fees.

I note the report in the press this morning, specifically in 'The Times', suggesting that the Chancellor is not minded to cut fuel tax. It is said that he is considering extending the fuel rebate scheme, used by the bus industry, to road hauliers as well as offering further discounts in vehicle excise duties. No matter what is done there, we will press for similar measures in Northern Ireland.

The position here is further complicated by evidence pointing to a high degree of cross-border fuel smuggling. That has put severe financial pressures on petrol

retailers, particularly in border areas, and a considerable number of them who refused to deal in illicit fuel have closed down. We have met relevant Ministers on a number of occasions to press for measures to be taken to deal with this matter.

Because the Deputy First Minister and I were in the United States last week, we were unable to meet the representatives of the fuel crisis group. I am happy to say that our junior Ministers, Dennis Haughey and Dermot Nesbitt, did meet the group and discuss matters with them. We are very grateful to the group for the responsible attitude they and others adopted, and, consequently, for the absence of any major disruption to fuel supplies in Northern Ireland. We understand the difficulties faced by many industries, and we will continue to monitor the situation, make representations where we can and look at the implications for local industry.

The Home Secretary stated in interviews today that legislation will be introduced to put oil companies on the same basis as other utilities such as gas and electricity with regard to the continuity of supply, but he ruled out any immediate recourse to emergency legislation. Exactly the same emergency legislation is on the statute book in Northern Ireland, should it be needed to deal with these matters. If further legislation is introduced in England and Wales with regard to the regulation of utilities, we will consider whether there are any implications for us in Northern Ireland.

**Mr Beggs:** I welcome the apparently unanimous cross-party support for this motion. Some of that support came from surprising quarters, but I welcome it nevertheless. Many additional valid points were made by Members during the course of the debate, and while I do not need to respond to these, I would like to comment on some matters.

Those of you who are aware of the Newry and Mourne Hydrocarbons Traffic Order 1990 will know that it was introduced specifically to end fuel smuggling by Republicans in the Larkin Road area in south Armagh. If there has been a transformation by Republicans on the smuggling issue, I would welcome it; however, I will believe it when they and other paramilitary groups end smuggling and support the customs and excise officers and the RUC in enforcing the law.

Those who suggest that an all-Ireland economy would be a wonderful panacea should also bear in mind that this would mean a rise of 10% in our income tax and medical costs every time a person visited the doctor. Such a course of action, however, would not take account of the heritage and the political wishes of the greater number of people of Northern Ireland who wish to remain in the United Kingdom.



I also want to express my surprise at the lack of responsibility indicated by comments from SDLP Members. Balanced prices either side of the border would be required to end smuggling. It would be likely that these would be obtained by reducing fuel duty in Northern Ireland and increasing it in the Republic of Ireland, as has been suggested by my Colleague, Esmond Birnie. Instead, however, the SDLP talked about a vague concept of harmonisation, without acknowledging that the only way of achieving that would be for the citizens of the Irish Republic to endure some pain.

I would like to thank all Members who have spoken in support of the motion. This issue is likely to remain on both the short-term and long-term political agendas until fuel pricing disparity has been removed and the potential for profiteering by smugglers across the border comes to an end. I would like to assure this House and the various interest groups, who have held such a dignified and effective protest today, that it is my intention to continue to press this issue, both in the Assembly, where relevant, and in other Houses. I expect our Members of Parliament for Northern Ireland to continue to seek the adoption of the many worthwhile proposals which were made on this issue in the recent Northern Ireland Affairs Select Committee report and to press that with central Government.

It was a thorough report and some worthwhile comments were made. It can now be taken forward at Westminster.

I thank the First Minister for his response on behalf of the Executive, which illustrates that he appears to be well briefed on the matter. I urge Members to support the motion.

*Question accordingly agreed to.*

*Resolved:*

That this Assembly expresses its concern at the escalating price of fuel and calls on the Chancellor of the Exchequer to take measures to lessen the impact of high fuel costs on the economic well-being of Northern Ireland and its people, and to encourage other EU member states to bring their tax on fuel into line with that of neighbouring countries to allow fair competition and to discourage the illegal transportation of fuel across national boundaries.

**Mr Speaker:** When a motion of this kind is passed, calling upon a Government Minister or other individual to take action, it is my practice to forward to the relevant person a note of the motion and a copy of Hansard. If there is a response, I will make it available to all Members.

*Adjourned at 5.11 pm.*



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## NORTHERN IRELAND ASSEMBLY

Monday 25 September 2000

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

*Members observed two minutes' silence.*

### WASHINGTON VISIT OF FIRST MINISTER AND DEPUTY FIRST MINISTER

**Mr Speaker:** I have received notice from the Office of the First Minister and the Deputy First Minister that they wish to make a statement on their recent visit to Washington.

**The First Minister (Mr Trimble):** The Deputy First Minister and I will make a statement on our recent visit to Washington. The Deputy First Minister and I flew to Washington on 12 September. *[Interruption]*

**Mr Speaker:** Order. I am somewhat surprised that the Member, having returned to the House of Commons, is not aware that the rules of that place also apply in large measure here, not least with regard to the bringing in of visual aids.

**Rev Dr William McCrea:** I was just trying to be helpful.

**Mr Speaker:** Order. Resume your seat.

**The First Minister:** Thank you, Mr Speaker. I am sure that the subsequent sentences in this statement will be equally warmly received.

We were accompanied on the visit by the head of the Civil Service and other officials. Our purpose in visiting Washington at this time was fourfold: first, to brief President Clinton on developments here; secondly, to invite him to visit Northern Ireland while still President; thirdly, to meet other members of the Administration in order to build relationships in a number of important areas; fourthly, to pave the way for future visits by ministerial colleagues from the Northern Ireland Executive.

On Tuesday 12 September, we met George Mitchell to update him on developments. We had a useful exchange, and he expressed the hope that continuing progress to implement the agreement fully would be maintained so that Northern Ireland might have lasting peace, stability and reconciliation.

Our first engagement on Wednesday was a meeting with the Deputy Secretary for Education, Mr Frank Holleman. This meeting allowed us to express our appreciation for the high level of support and co-operation which Secretary Richard Riley has offered the Department of Education and the Department of Higher and Further Education, Training and Employment. Both sides wish this to continue and develop. The meeting addressed how the education system could best meet the needs of pupils of all abilities. We also looked at vocational training and noted the importance of partnership with employers in providing young people with the skills needed to find employment in their areas.

We welcomed the invitations extended to departmental officials from Northern Ireland to attend a conference in West Virginia last week on the use of information and communications technology (ICT) in education. Deputy Secretary Holleman thanked the Administration here for the invitation to US experts in special educational needs to visit Northern Ireland this autumn.

On Wednesday 11 September, the Deputy First Minister and I met President Clinton and his advisers. We thanked him for his tremendous input while in office in helping us to make progress here. We drew attention to the growing links between our Administrations, and both sides agreed that these contacts should be encouraged. We briefed the President on the progress that has been made by the new institutions here.

At this point I would like to hand over to the Deputy First Minister.

**The Deputy First Minister (Mr Mallon):** We updated the President on the problems that society here continues to face, including the attacks by Republican dissidents and the senseless and needless violence in Loyalism, which has caused a number of murders. We stressed the need to secure the implementation of all elements of the agreement. Our views on police reforms and the need for further progress with the decommissioning of all illegal weapons were highlighted.

We invited the President to visit Northern Ireland again before he leaves office. He left us in no doubt about his high level of continuing interest in affairs here. He indicated that he would very much like to visit again, subject to finding a suitable time in his diary.

In a useful meeting with the Deputy Secretary of Labor, Edward Montgomery, we discussed a range of important matters, including the desirability of matching skills to the needs of employers, the best way of addressing the problem of long-term unemployment and how inequalities of pay on the basis of gender and disability can be tackled. We noted with interest projects being undertaken in the USA to tackle these and related problems. The importance of developing still better

relationships and of learning from best practice in both jurisdictions was stressed.

We also briefed Madeleine Albright's Deputy at the State Department, Strobe Talbott, on progress since the resumption of devolution, and we had useful discussions with both the British and Irish Ambassadors to the US.

In addition to the joint programme of meetings, the First Minister and I undertook a number of separate engagements.

In summary, both the First Minister and I regard our visit as having been very worthwhile. Besides the President, we met a wide range of influential people interested in the peace process and willing to offer genuine and concrete support. Above all, our visit showed that we can learn from the experiences elsewhere in tackling common problems. The development of our contacts can help us to learn lessons which will help us to meet the needs of the people of Northern Ireland. Increasingly, we too will have positive experiences and programmes to share with others.

The objectives of the trip were met. This was the first time that we had visited the United States as First Minister and Deputy First Minister, and the warmth of our reception was testament to the close interest and support for the new institutions which exist in the United States.

**The Chairperson of the Committee of the Centre (Mr Poots):** The statement by the First Minister and the Deputy First Minister suggests that our views on police reform were put to the President. Was that view a concerted one, or, as the press has reported it, were two disparate points of view put forward in something that was more like a schoolyard squabble than the dialogue of statesmen?

I want the First and the Deputy First Ministers to apologise to the taxpayers of Northern Ireland for the Deputy First Minister's change of coat half way through to take up his role as deputy leader of the SDLP. Instead of representing the people of Northern Ireland, he represented the views of his political party when speaking of police issues to important United States bodies.

**The Deputy First Minister:** The First Minister and I are at one when representing the Executive on matters relating to the devolved Administration. On non-devolved matters, there are differences of view on important issues such as policing, but we both accept the importance of a police service which is accountable, widely acceptable to the community and representative of that community.

As Deputy First Minister, I was invited to speak to the National Committee on American Foreign Policy. In New York, I also undertook a number of engagements

with the press and the British and Irish Consuls General. Prior to the visit, my office confirmed with the head of the Civil Service that it could be undertaken at public expense. Both the First Minister and I have undertaken separate visits on this basis before.

**Mr Dallat:** Was the future of the Walsh Visa Programme raised by the Ministers at meetings with the US Administration?

**The First Minister:** Yes, we discussed that programme with the Department of Labor and with Mr Walsh himself. The programme has had some teething problems, but there is a strong desire to continue with it.

**Dr O'Hagan:** Go raibh maith agat. I refer to the meeting that the First and the Deputy First Ministers had with the Deputy Secretary for Labor, Edmond Montgomery. What emerged from their discussions on the problems of long-term unemployment and how to tackle inequalities in society here?

**The Deputy First Minister:** We had a very interesting meeting. The Deputy Secretary had a number of officials with him, notably those dealing with both racial and gender inequality. It was interesting to discuss the programmes they have for dealing with those problems. The most interesting thing from our point of view was that the difficulties they are experiencing with their programmes are often the same as we are encountering with ours.

We also discussed the Walsh visas. Among the first people we met at a reception in Washington were eight or ten young people who were there on Walsh visas. The way in which those young people comported themselves was a credit to all of us. They were able to make cases, not just for their own lives, but for all our futures. It is crucial that we maintain this type of contact. On the basis of that discussion, our background information and the meeting that we had with the Education Department — the Minister of Education, Martin McGuinness, has also been there and the Minister of Higher and Further Education, Training and Employment, Dr Farren will go shortly — I have no doubt that there are elements in their programmes that we can learn from. They too are keen to learn from our life here.

10.45 am

**Mr Close:** I thank the First Minister and the Deputy First Minister for their statement, and I am pleased to hear that they believe that the objectives of their visit have been achieved. This was their first visit as the First Minister and the Deputy First Minister, and, when such trips are undertaken, it is important that at no time should party politics be seen to intervene. I say so in the interests of the Assembly. As we have already heard this morning, whenever there are disputes and disagreements over sensitive issues and either the First



Minister or the Deputy First Minister is, for whatever reason, inclined to don his party hat, that in itself brings the Assembly into a certain amount of disrepute. It also

**Mr Speaker:** Order. I must press the Member to put his question. This is an opportunity to put questions, not to make statements.

**Mr Close:** Do the First Minister and the Deputy First Minister agree that this provides the enemies of the Assembly with an opportunity to take out a whip and beat us across the back? Do they agree that, in future, they should be seen to be operating in unison throughout the entirety of their trips?

**The First Minister:** I think that there is a problem of perception. I can assure the Member that, in the meetings that we had in the White House and with those who have responsibility for labour and education, matters were presented — and this was appreciated by the people whom we met — in the spirit that he mentions. There is no point in meeting people who are well informed and putting up a false front. There are areas where disagreements exist, and that is known. Those disagreements were argued, not in a party political spirit, but in a spirit of informing people of what the position was and what the different perspectives were.

I can appreciate the perception that the Member has, but I believe that that perspective is largely formed by the quality of the reportage in this country, which tended to emphasise the points of difference and did so in a tendentious manner. Many of the people who were with us on the trip will confirm what I have said about the good spirit that existed and that things were presented in a mature and balanced manner.

**Ms Morrice:** I thank the First Minister and the Deputy First Minister for their statement and congratulate them on the success of their trip to Washington. I wish to underline the importance of links with the United States and how important it is that we go there and are seen to be there.

With regard to the Walsh visas — and I realise that two questions have already been asked on that subject — can the First Minister and the Deputy First Minister explain how the company Logicon, which, I believe, majors more in defence matters, was chosen to co-ordinate the visa programme? Do they agree that insufficient resources were put into training and induction before the young people left for the visa programme? How do they intend to resolve that matter?

**The Deputy First Minister:** The first part of the question is a departmental matter, and must be addressed to the Minister responsible. It is not within our remit, but we will ensure that a full reply is given in writing.

With regard to the second part of the question, there have been problems with the Walsh visas; problems that were not of the making of any of the people who were responsible for the programme, and I believe that that fact was recognised. Sometimes things happen that are outside the remit of those who are in control. I believe that those matters will be resolved and that we all know what one of them is.

It is essential that we keep in contact with those responsible for various Departments in the United States and try to ensure that the qualities that those young people showed in Washington are developed. We should not be deterred on this issue, or on any other, by the type of hiccup that occurred in relation to the Walsh visas.

**Mr Paisley Jnr:** Can the First Minister and the Deputy First Minister tell the House if it was during or after their meeting with the President of the United States that he expressed his full support for the implementation of the Patten Report and for Sinn Féin/IRA's interpretation of it?

**The First Minister:** I cannot comment on the second point, for I never heard the President use those terms. We had a 45-minute meeting with the President, which went a little over time, as such meetings sometimes do. There is no doubt at all about the extent of his interest and his pleasure at seeing things working here. We were able to give him a full account of the Assembly's success and the way in which, despite the occasional sour comment from a certain corner of the Assembly Chamber, all of its Members are working hard together in a good spirit and pulling their weight.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. Cuirimse fáilte roimh ráiteas na maidine seo. I wish to welcome this morning's statement. My interest lies in the meeting held on Wednesday 13 September with the Deputy Secretary of Education, Mr Frank Holleman III. This follows on from contacts with the Secretary of Education, Richard Riley, continuing to explore areas of educational co-operation for our mutual benefit. The statement says that the meeting addressed how the education system could best meet the needs of pupils of all abilities. This dovetails neatly with an inquiry into underachievement being conducted by the Education Committee. I should like to hear some further detail of what was discussed.

**The Deputy First Minister:** The meeting was extremely interesting, and Mr Holleman was accompanied by a number of officials working in various sections of the US education programme. We discussed how lack of attainment is linked to social or economic deprivation and what programmes can be developed to combat the problem. They had some very interesting things to say. Attainment, especially in maths, is seeping right down into the core of their programme — something from

which we could learn. They also pointed out the difficulties of the programme very honestly to us. Secretary Riley was not present — he was, quite rightly, at the hustings — but the effect of the contacts which have taken place between him, the Department here and various people in the Assembly is very important.

We discussed a range of matters, particularly vocational training and arrangements to ensure that students are given the appropriate skills to meet local employers' needs. We also discussed the good co-operation already taking place, as evidenced by our education officials' attending a recent conference in Virginia and by US experts' visiting Dublin to share expertise on autism and dyslexia. Northern experts will also attend that meeting. Of these very positive meetings, this was probably the most interesting, at least for me. As they have been initiated, they should be followed up.

**Mr S Wilson:** I notice that the First Minister has made no mention in the statement of the party political canvassing on policing engaged in by the Deputy First Minister while they were in America. Is it not a fact that, once again, just as he has been conned by Tony Blair, Gerry Adams, Bertie Ahern and others, the Deputy First Minister — I should say the First Minister — has been conned by the First Minister on this issue of policing? Does the First Minister agree with the conclusions reached in this statement — that the visit was worthwhile and that the trip's objectives were met? Were the objectives of the trip once more to denigrate the RUC and call on the President of the United States to endorse the changes which the SDLP and IRA/Sinn Féin wish to be made to the Police (Northern Ireland) Bill before Westminster? If that is the case, how can the First Minister claim that his party defends the RUC?

**The First Minister:** Unfortunately that question was largely predictable, although the Member did at times get muddled between the First Minister and the Deputy First Minister. The general sense of these predictable comments came across and has already been dealt with in previous answers.

Quite clearly, the objectives of the visit were achieved. The meetings in the White House and with other Departments were successful. We look forward to a visit by President Clinton, it is hoped before the end of the year, which will be welcomed generally.

On the specific points that he mentions, the key thing is that the agreement, which was endorsed by 71% of the voters in Northern Ireland, be implemented in full. That involves a whole range of matters, including matters of interpretation. However, the important thing is that the agreement is implemented in full, and we look forward to that.

**Dr McDonnell:** Is it in order —

**Mr Speaker:** Order. I am not accepting any further points of order.

## CIVIC FORUM

**Mr Speaker:** I have received notice from the Office of the First Minister and the Deputy First Minister that they wish to make a statement on the Civic Forum.

**The Deputy First Minister (Mr Mallon):** I wish to make the following statement on the Civic Forum on behalf of the First Minister and myself.

We are pleased to make this statement on the Civic Forum. The Forum is one more step in the realisation of the vision of the Good Friday Agreement. The Forum is a unique body with a membership comprising a wide breadth of experience. It is in keeping with the new era in which we are now operating that, through the Forum and the other institutions of the Good Friday Agreement, we embrace these progressive and positive developments in inclusive democracy.

On 16 February 1999, the Assembly approved the proposals set out in our report in relation to establishing the consultative Civic Forum. That report proposed that the Forum would be comprised of 60 members and a chairman. The allocation of places to the Civic Forum is as follows: business 7; agriculture/fisheries 3; trade unions 7; voluntary/community 18; churches 5; culture 4; arts and sport 4; victims 2; community relations 2; education 2; First Minister and Deputy First Minister 6.

The first meeting of the Civic Forum will be on Monday 9 October in the BT Studio in the Waterfront Hall. Future meetings will also be held in venues outside Belfast.

In our report to the Assembly, we identified the organisations that would be invited to develop a nomination process for each sector. Those involved in the nomination process were advised that appointments should adhere to the principles applicable to all public appointments and have regard to equality of opportunity, merit, openness and transparency. They should also seek to achieve balance in terms of gender, community background, a geographical spread across Northern Ireland and age. Each of the sectors submitted its procedures to us for approval and has made its nominations in accordance with those procedures. One nomination, from the agriculture/fisheries sector, remains outstanding. We shall advise the Assembly when the membership from that sector is complete.

Of the six members appointed by the First Minister and the Deputy First Minister, I have made three: Brian O'Reilly, regional president of the Society of St Vincent de Paul, which works at the coalface of

poverty; Sharon Haughey, a 19-year-old student who came to the public eye in 1998 when, as a 17-year-old, she shared a platform in Armagh with President Clinton, the First Minister and myself; and Hugh Frazer, director of the Combat Poverty Agency.

11.00 am

**The First Minister (Mr Trimble):** I have made the following three nominations: Mr Gary McMichael, leader of the Ulster Democratic Party; Mr Richard Monteith, a solicitor whose clients include Portadown District of the Orange Order; and Mrs Betty McClurg, who is the chairperson of the Southern Education and Library Board.

We would like to pay tribute to all the organisations and individuals that worked so hard to help us achieve our goal of establishing the Civic Forum in what proved to be a very short time. We have now ratified their nominations to the Civic Forum, and we have placed a list of its members in the Assembly Library. The list includes the six members appointed by the First Minister and the Deputy First Minister.

We have also appointed Mr Chris Gibson as chairperson of the Civic Forum. He is well known for his business experience, including his contribution to the IDB and the CBI. This knowledge, combined with his work in the Irish School of Ecumenics, makes him a uniquely suited person to hold the chair. We know that his wisdom will help to ensure that the Civic Forum achieves its full potential.

The agreement provides that the Civic Forum will act as a consultative mechanism on social, economic and cultural matters. We anticipate that the Assembly will, over time, develop a constructive relationship with the Civic Forum in order to avail of its experience on social, economic and cultural matters.

As the First Minister and the Deputy First Minister, we are required to provide the Forum with its administrative support, and, under the Northern Ireland Act 1998, we are required — with the approval of the Assembly — to make arrangements for obtaining from the Forum its views on social, economic and cultural matters. We hope shortly to bring forward a proposal for this for approval by the Assembly.

**Mr Poots:** Did the Orange Order make nominations to the Civic Forum? Were any of its nominations taken up? It seems strange to me that, in spite of the fact that there was to be equality in the Civic Forum and a cross-community element, one of the largest — probably the largest — organisation in the Protestant community has been snubbed.

**The First Minister:** We were responsible for overlooking — or approving, to be precise — the nomination procedure. *[Interruption]* We ensured that

open and fair procedures were established, and we are satisfied, from the information available, that this has happened. There was a sector focusing on cultural matters, from which a number of nominations came. I will not go in to the details, but I think that when the Member looks at the list in the Library, he will find that there is balance. He knows — at least, there are people sitting close to him who can tell him — that Mr Monteith, whom I appointed, also holds office in the Orange Order.

**Ms Hanna:** I welcome the setting of a date for the first meeting of the Civic Forum. Do the First Minister and the Deputy First Minister agree that one of the first issues that should be debated is the relationship between ill health and poverty? Do they agree that age and gender balance in the membership of the Forum is essential if it is to be truly representative?

**The Deputy First Minister:** The Member is absolutely correct, and I agree with her. There is no doubt that the views of the unemployed will be represented by a number of members. While this is not a direct answer to the question, the relationship between unemployment, poverty and ill health is so stark that we will have to look at it in those terms.

The trade unions have nominated one person with experience of working with the unemployed and those suffering ill health in the Derry Unemployed Centre. Also, one of the nominees from the voluntary community sector comes from the Organisation for the Unemployed in the North of Ireland. A number of people on the list are from the voluntary sector and have a direct interest in health matters.

I believe that that area is covered, perhaps not fully, but as fully as possible under a system such as this. The element of initiative that might come from young people in the Forum, and from the involvement of others who deal with poverty on the ground, is also a factor in catering for health.

**Mrs Nelis:** Go raibh maith agat, a Cheann Comhairle. I welcome the setting up of the Civic Forum as recommended in the Good Friday Agreement. It is two and a half years since we signed the agreement, so certainly it is welcome. During the deliberations on the Forum, Sinn Féin flagged up a number of concerns. The party was very unhappy with the proposed format of the representative nominating bodies in the remit.

I must say to Mr Trimble that I am very unhappy with his appointments. The statement says

“We anticipate that the Assembly will over time develop a constructive relationship with the Forum, in order to avail of its experience on social, economic and cultural matters.”

How do the First Minister and the Deputy First Minister propose to make this happen? What mechanisms will be put in place to bring forward the Assembly’s proposals, and what timescale are we talking about?



**The First Minister:** First, we achieved the target that we, with the approval of the Assembly, set for ourselves in terms of having the Forum operating within six months of devolution. That is quite a credit, and I must pay tribute to the staff in the Office of the First Minister and the Deputy First Minister for the work that they have done. It was a very difficult job to deal with a wide range of bodies and to encourage the formation of consortia to make nominations. The persons responsible for carrying it through so successfully deserve our thanks.

In my appointments, my overriding concern was to ensure that there was a balance. Each of the three nominations that I made was specifically to ensure that balance and inclusion did occur. We all want to see — and it is very much a strong theme of the agreement itself — that there is equality and inclusion. Consequently one insured, as far as one could with a limited number of appointments, that that was done.

At this stage, I cannot give any detail on the arrangements by which we will obtain the views of the Forum on social, economic and cultural matters, because we have not yet had the chance to consult. It is not appropriate for us to be over-prescriptive at this stage. We will want to meet the chairman of the Forum and consult him. We will want to then consider how best to do this. We will want to consult the Assembly, because the Forum is there to provide advice to the Assembly. It is something which deserves a little consideration. Obviously, arrangements have to be made to enable the Forum to function as quickly as possible, but we need time to reflect on that.

**Mr Neeson:** I thank the First Minister and the Deputy First Minister for announcing the names for the Civic Forum. I am not trying to undermine their respective nominations, but do they not agree that this was a lost opportunity to show that Northern Ireland was moving forward in a more cross-community, pluralist basis, rather than to appoint people from their respective religious communities? Had there been a cross-community aspect to their individual nominations, that would have sent a very powerful message to the community. Can the First Minister and the Deputy First Minister inform me of how many applications were made from the various sectors? I understand that in some sectors there was very little competition. A breakdown of the number of people who applied would be helpful.

**The Deputy First Minister:** It should be recognised that the appointments do have a cross-community element. One of the appointments that I have made falls into that category. I agree with the Member on that. I am very pleased that a person of Mr Frazer's quality and contribution to life in the North of Ireland has accepted the nomination.

I cannot give the exact number of those who made representations. I will write to the Member and inform

him. We read them all carefully. Representations were also made verbally. There were substantial representations from various interest groups, sectors within the community and political organisations.

I agree with the Member that the Civic Forum has to be different. It has to have its own mind and it has to bring an independent view to the political process. I hope it will.

**Mr Boyd:** How did the First Minister arrive at his decision to exclude the Grand Orange Lodge, which has a huge number of members in Ireland, from his nominations while including Gary McMichael of the UDP, particularly at a time when innocent Protestants have to endure untold heartache at the hands of a pro-agreement paramilitary organisation? Will he further tell the House which prominent office Richard Monteith holds in the Grand Orange Lodge, if any?

**The First Minister:** I want to pick up on a comment made earlier, from a sedentary position, which displayed a complete misunderstanding of the nature of the process. A number of sectors were identified in respect of which applications would be invited. Within that there was a nominating process. It would have been quite inappropriate to give a specific body such as the Grand Orange Lodge of Ireland the power to nominate an individual, which seems to be the thought of some Members.

This should not be a surprise to the Member, because the arrangements for the consortia and the sectors were debated in the Chamber and approved by the Assembly. So far as I recall, no point was made in that debate along the lines suggested by the Member. We can examine the record. The decision was made in the Assembly.

As to the particular office that Mr Monteith holds, if the Member asks along the Benches there, he will find someone very well qualified to give him the answer.

**Mr Watson:** Following on from that question, does the First Minister agree with me that the Orange Institution has always played an important part in civic society in Northern Ireland? If so, why did he not recognise this when making his appointments to the Civic Forum and ensure that the Grand Orange Lodge of Ireland was officially represented, bearing in mind the assurances that were given by the Prime Minister to the Orange Institution some time ago?

Will he tell the House how many members of the Grand Orange Lodge of Ireland applied for membership of the Civic Forum and were unsuccessful? I can confirm that neither worshipful brother Richard Monteith nor the several other Orangemen who have been appointed will be representing the Grand Orange Lodge of Ireland.

**The Deputy First Minister:** I am not as well informed on these matters as the Member who asked the question.



I understand that the person who has been appointed is the Member's deputy in one of the areas of —

11.15 am

**Mr Watson:** On a point of order, Mr Speaker. That is not correct.

**The Deputy First Minister:** I said "I understand".

**Mr Speaker:** Order.

**The Deputy First Minister:** If that is not the case I will withdraw it and apologise to the Assemblyman. It is the advice that I have been given — *[Interruption]*

**Mr Speaker:** Order.

**The Deputy First Minister:** As I have already said, I am not as well versed in these matters as many other Assembly Members.

With regard to the nominations, I was surprised that there was not one from the Orange Order. I would have welcomed a recommendation from them or from the Apprentice Boys. I have always held the view — and I expressed it last week — that the Civic Forum is not just something we should feel comfortable with; it is a body that should bring in the total width of views in the North of Ireland. I ask the Assembly to accept that, and if I am wrong I will make the matter right very quickly.

**Ms McWilliams:** As a representative of the party that first proposed a Civic Forum, I am heartened to hear that the Worshipful Brothers, and Worshipful Sisters, from the Orange Order were looking for places on it, especially when so much criticism of it came from the DUP in the first instance.

Is it intended that the Civic Forum should set its own agenda and priorities, rather than those matters being decided here? We did not have clarification on the arrangements, and I understand that, but that is my understanding of how it is to operate.

I commend the First Minister and the Deputy First Minister for establishing the Forum. However, it is a pity that those who have been critical of it did not take the opportunity to co-operate. I am sure that the First Minister and the Deputy First Minister would agree that many of the sectors spent over a year, through self-nomination, selection and elections, trying to fulfil the participative nature of the Forum. Will those critics also take the opportunity to congratulate those who established the Forum?

**The First Minister:** I agree. It is remarkable to see the interest and desire shown in certain quarters in being part of the Civic Forum. This indicates that those evincing that desire wholly approve of the Civic Forum. They are clearly in favour of it, just as in the case of the other institutions of the agreement. One wonders why

they describe themselves as anti-agreement when they are clearly endorsing it by their behaviour.

Under the legislation, there is a clear responsibility on us to make arrangements for obtaining the Forum's views on a number of matters. Those arrangements could take a several forms — they do not have to be exhaustive. It does not necessarily follow that the arrangements made to enable the Assembly to take the views of the Forum cover all that the Forum does. However, the Forum must operate in social, economic and cultural matters. As I have already said, this is a matter where some reflection and consultation would be appropriate. Until now, our objective was to establish the Forum and get the nominations. We had a very tight timetable and we are delighted to have achieved it. We are going to try and achieve other things with regard to the Forum just as efficiently.

**Mr Shannon:** Considering the current level of input that all relevant groups already have, do the First Minister and the Deputy First Minister agree that the Civic Forum is another level of unnecessary bureaucracy? Is it coincidental that the Civic Forum includes people who failed to gain an electoral mandate for the Assembly?

Will the Minister tell us the cost of each individual's wages and the overall cost of the Civil Forum? This is especially relevant as more money is required for health, education, roads and meeting the costs that organisations need to look after constituents.

**The Deputy First Minister:** The Civic Forum is not part of bureaucracy. The key element is that it is part of the imaginative independent thinking that exists in the North of Ireland right across the board. I hope that Members will look upon it as that. The administrative costs associated with the Civic Forum will not be clear until the Forum is operational. A notional figure of £300,000 has been allocated for the current financial year; it may be more or it may be less. It will be reviewed in the light of experience. The budget for the Forum will cover staff costs, office running costs, members' expenses, research and the cost of hosting plenary and other meetings.

The post of chairman of the Civic Forum was widely advertised to attract the best possible field of candidates. The cost of advertising was some £10,000. Eight of the nominating sectors placed advertisements in local newspapers to offer the widest possible opportunity to all members of the community in Northern Ireland to apply for the Forum. Those advertising costs amounted to some £40,000.

**Mr Wells:** I note with interest the silence from the Ulster Unionist Back Benches. Perhaps those Members had a rough night on Thursday.

Does the First Minister agree — *[Interruption]* He cannot take it. Does he agree that never has so much money been spent — *[Interruption]*

**Mr Speaker:** Order.

**Mr Wells:** Does the First Minister agree that never has so much money been spent in appointing so many lapdogs in the history of Northern Ireland? Can he confirm that the original estimate for this whole process was £10,000 to £15,000, and that the nomination process for the Civic Forum has increased that by a factor of five or six? This makes the budgeting for the millennium dome look extremely proper. Can he confirm the total cost of the entire nomination process, and can he confirm that, as was shown on Thursday night, this Forum is not representative of the people of Northern Ireland because the majority of people in the Province are opposed to the whole sordid process?

**The First Minister:** On the Assembly Member's first point, he should consider the good manners displayed by all parties here, bar his own. That might lead him to reflect on his own behaviour or his party's behaviour. I know that outside this Chamber the Member is not as rude as the people who sit beside him.

We very much regret that during the session we had with the Committee of the Centre last week, I said on advice from officials, that the cost of the nominating process was estimated at £10,000 to £15,000. That answer was incorrect, and we have acknowledged that in writing to the Committee Chairman, as the Member knows. The Deputy First Minister has, in his answer, given more accurate information on the costs. It is obviously undesirable that inaccurate information was given. When we discovered that that was the case, we moved, as we have done this morning, to correct that.

**Mr Berry:** As one who works closely with the victims, and especially people who have suffered so much trauma and so many problems over this past 30 years, I ask the First Minister and the Deputy First Minister why the victims are so grossly under-represented in the Civic Forum. When one thinks of the thousands of people in Northern Ireland over the past 30 years who have been affected by the troubles, it is a shame that there are only two victims' representatives.

**The Deputy First Minister:** The Member will be as aware as I am that the Assembly decided the numbers that each consortium would select. That was a collective decision by the Assembly of which we are all part. The report agreed by the Assembly provided that organisations working with victims should be invited to assist in ensuring that the concerns of victims are represented on the Civic Forum through two nominations. A consortium was established to develop a selection process for the nominations. It represented a wide cross-section of those working with victims, including groups from

outside Belfast, groups recently established and those in existence since the early part of the troubles of the past 30 years.

**Mr Roche:** I would like the First Minister to return to a question raised by my Colleague and deal with the part concerning Gary McMichael. The appointment of McMichael is completely incomprehensible. McMichael represents no economic or cultural body. Not only has he no electoral mandate but his entire party was wiped out in the 1998 elections. The only significant claim to political status that this man has is that he gives political analysis — to use his own term — to a so-called loyalist terror organisation. Anyone who pays a blind bit of attention to anything that he says must be even more politically gullible than he is. However, on a more serious point, in appointing that man, the First Minister has obscured the issue of decommissioning.

**Mr Speaker:** Order. The Member was making a point. This is an opportunity to ask questions.

**Mr Roche:** I am asking the First Minister to explain clearly to the Assembly why he appointed Gary McMichael.

**The First Minister:** As I indicated earlier, the clear intention was to be inclusive. Mr McMichael is the leader of a political party. It is true that his party did not win any seats in the Assembly, but it does hold a number of seats at local government level. I considered it desirable, in the context of inclusion, to give a measure of representation in the Forum to that party. He is not the only councillor in the Forum.

**Mr S Wilson:** I note the First Minister's last reply when he said that he intended that the list would be inclusive. Obviously, that does not include the Orange Order, and it does not include many of the people who voted against the agreement. As we look through the list, we can see that it is made up of the membership of the Ulster Unionist Party, political failures, IRA terrorists, and yes-men. Does the First Minister agree that this kind of cronyism is of a kind that would make even Tony Blair blush? What credibility can an organisation made up of cronies, failures and IRA bomb-makers possibly have when it comes to public pronouncements?

**The Deputy First Minister:** I thank the Member for the question. I have heard numerous descriptions — failures, lapdogs, yes-men and cronies. I am not sure if we are reading the same list, for when I look at it I see the names of a large number of very independent-minded and strong-willed people. I think that that is good for a body such as the Civic Forum, and I repeat that I welcome the type of inclusion that has taken place. It is unfair to describe people who have made a contribution — maybe we do not like their contribution

— to the life of this country as cronies, failures, lapdogs and yes-men.

I make one last point. We should never be comfortable with the Civic Forum. It should be there as an independent place where there is independent thought. Of course, there are those within the political process who are more afraid of independent thought than they are of anything else.

11.30 am

**Mr Paisley Jnr:** How can the First and Deputy First Ministers justify these appointees to the crony Forum? The number of trade union representatives is triple the number of representatives of the victims and double the number of representatives from the agricultural community; the voluntary sector has almost double the representation of the combined interests of the business and agricultural sectors; and the number of First and Deputy First Ministers' appointees is triple the number of those representing victims. How do they justify victims' having to sit with people like Donncha MacNiallais, who actually created victims in Northern Ireland? What recourse, if any, have victims, the Orange Order, and the other snubbed groups and individuals to appeal those decisions?

**The First Minister:** I remind the Member that the arrangements for the distribution of members were approved in the Assembly on 16 February 1999 — quite some time ago. The hon Member is a little bit late in making his complaints about these matters.

There is, however, an opportunity for us to review the operation of the arrangements. In the report that the Deputy First Minister and I placed before the Assembly for the debate on 16 February 1999 we indicated that we would review the operation of the arrangements 12 months after the appointment of the Civic Forum. That we will do.

**Ms Morrice:** I would like to make the point that there are 22 —

**Mr Speaker:** Order. I must draw to the Member's attention that this is an opportunity not to make a point but to put a question.

**Ms Morrice:** My question concerns the fact that only 22 of the 59 appointees are women. In the spirit of equality, will the First and Deputy First Ministers agree that there should be a 50:50 gender balance in the Civic Forum? Why did they not use their nominations to correct that imbalance?

**The Deputy First Minister:** I take the Member's point. However, she should also recognise that, in our nominations, the First Minister and myself did try to redress that imbalance. I should also point out that decisions of the consortia that chose the Members were greatly influenced by the matter that she raises. We did

try to help in our nominations. Maybe it should have been more, maybe next time it will be, but there was a wide field to cover, and we had to make sure that young people, those involved with poverty, those involved with health, those involved with all the different areas were represented. I think, on balance, when we look again at the final list we will conclude that it may not be perfect, but it is as near as possible under the present system.

**Mr Speaker:** I have received notice from the Minister of Enterprise, Trade and Investment, Sir Reg Empey, that he wishes to make a statement on Harland & Wolff. *[Interruption]*

The Deputy First Minister on a point of order.

**The Deputy First Minister:** It is not a point of order, but perhaps you would indulge me for a second. I am now aware that I gave inaccurate information in response to the question from Mr Watson. I regret it very much. He is someone I have dealt with in very difficult times and in a very honest way, so I apologise to him personally. I also apologise to the Assembly, and I ask that those remarks be withdrawn. I must take more of an interest in those matters so that I will not give faulty information again.

**Mr Speaker:** The Assembly will be grateful that the Minister has, with such alacrity, moved to correct the matter on the Floor of the House.

## HARLAND & WOLFF

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** With your permission, Mr Speaker, I would like to make a statement regarding the future of Harland & Wolff. It is a statement that I had hoped would not be necessary but, nevertheless, one which circumstances dictate be made.

The future of Harland & Wolff has been at the forefront of the news in recent days, and I have been following events closely. I am obviously very concerned about the recently announced redundancies at the shipyard and in particular, the impact that they will have on the livelihoods of employees, their families and the local community. I have already expressed my deep personal regret about that and reiterate it today.

The situation arises as part of an overall re-structuring of the Harland & Wolff group in response to very difficult market conditions. The company has been in private ownership through the Fred Olsen Group for some 11 years now, following privatisation in September 1989. At that time, approximately 2,400 people were employed by the company. My officials continue to do everything we can to assist the company in its search for viable new work. We have already, since I became Minister, acted flexibly and constructively in all our dealings with the company. I have supported the business in a tangible, often imaginative way through stage payment of intervention aid grant for the two major deepwater drill ship contracts and for the conditional contract, as yet unconfirmed, with Seamasters International for four roll-on roll-off passenger ferries, towards which we have made a conditional offer of intervention aid grant at the maximum possible level permitted under EU rules.

Furthermore, Ministers and Departments in Belfast and London have worked very hard and continue to make strenuous efforts in support of the company and its endeavours to seek new work. I must pay tribute to colleagues in the Executive who have been helpful in this matter.

However, contracts are placed commercially on price, competitive and technical criteria. They are subject to the buyer's ability to structure suitable funding arrangements and satisfy terms and conditions for bank finance. My Department will continue to play our part by providing all the help that we can by way of intervention aid grant for new orders contracted by the company, and in any other way permitted under the terms of the EU Shipbuilding Regulation (EC No 9506/98).

The success of the Harland & Wolff bid to win a recent contract was the results of the efforts that we have made and the unprecedented level of support for the shipyard's bid to win this contract. Although I was

not acting in a ministerial role earlier this year, when the Queen Mary II contract negotiations were taking place, I discussed the project with Ministers at the Department of Trade and Industry and with the Deputy Prime Minister, who took a great personal interest in this contract and did a lot of work to secure the order for the United Kingdom and for Belfast. I am confident that the work done by Ministers here and in London will continue. As with any of these deals, it is not simply a matter of IDB assistance, there are huge finances necessary through ship mortgage guarantee schemes as run by the Department of Trade and Industry and, of course, there is the commercial bank sector. So there are three different sectors involved in putting together any order.

In support of the attempt to win the Queen Mary contract, the First Minister and I met the president and senior executives of Carnival Corporation. I have also written to the Ministry of Defence about bringing forward order programmes and to press for Harland & Wolff's case to share in future defence work. I stand ready to do everything I can to assist the company to secure new orders from that quarter. There is more that other Members of the House can do in that regard by continuing to lobby strongly with the Ministry of Defence and so strengthen the case for the company.

I also highlighted at ministerial level the difficult and aggressive global market place in which Harland & Wolff is competing, when the Deputy Prime Minister and the Secretary of State for Trade and Industry called together the UK's shipbuilding forum in early July to discuss the way ahead for the UK industry as a whole. Several topics were discussed, including our ability to help the shipbuilding industry under EU regulations, a range of activities with regard to training and the high-level age profile of the workforce in the shipbuilding industry — the fact that there are not sufficient young people coming in to the industry. The point was also raised that the UK share of world shipping is at an all-time low.

Since coming into office, I have made it a priority to maintain open contact with senior management at Harland & Wolff and with Fred Olsen Energy ASA, as well as with various representatives of the trade union movement at the shipyard. Frequent meetings have been held with all parties in recent months, and that contact will be maintained.

The Department is working closely with the Department of Higher and Further Education, Training and Employment (DHFETE) and with agencies and training providers to ensure that suitable job opportunities are identified for those affected by redundancy. I would like to take this opportunity to thank Dr Farren for his close personal interest in this matter. Colleagues in the Department of Higher and



Further Education, Training and Employment are standing ready to assist those in the company who may eventually be affected by the current situation and to help with re-training and the identification of other job opportunities where possible.

As an immediate and, I believe, constructive response to the situation faced by the company, we propose to set up a task force representing our two Departments to address three main priority areas. The first of these is the co-ordination of the setting up of a Training and Employment Agency temporary jobcentre to provide advice on redundancy as well as information on retraining and job opportunities. The second is to fully support the company in its search for new profitable work, making use of IDB's overseas network as appropriate, and the third is to work with the company to examine opportunities for other uses of the manufacturing facilities. Membership of the task force will include the chief executive of the Training and Employment Agency and the deputy chief executive of the IDB. The group will work closely with the Engineering Training Council in carrying out its remit.

Harland & Wolff has a long and distinguished tradition as a shipbuilder and employer in Northern Ireland. It is an impressively well-invested yard with excellent skills and competencies and a large number of talented people with whom to build for the future. We will do everything possible to help sustain that future and assist the company to grow competitively in areas of shipbuilding, heavy industry and offshore construction. In the end, however, that can come only from the company's bringing in commercially viable new contracts. With colleagues, we stand ready to play our full part and do everything we possibly can to help, both through the work of the task force and in any other way possible. I will continue to follow events in the company and will keep the Assembly informed as and when appropriate.

**The Deputy Chairperson of the Enterprise, Trade and Investment Committee (Mr Neeson):** I thank the Minister for his statement, and I want publicly to acknowledge all the efforts that he, as an individual, and his Department have put into dealing with the crisis at Harland & Wolff. Does the Minister agree that time is not on our side and that every effort must be made? It must involve the UK Government to ensure that the potential order for four roll-on roll-off vessels for Seamasters International will be secured. Also, I believe there is a need for an investigation into the operations of Global Marine. Does the Minister agree? We have seen the closure of a French shipyard in similar circumstances, and I think that this matter needs to be looked at very closely indeed.

**Sir Reg Empey:** I agree with the Member that time is of the essence.

11.45 am

The situation is that 613 workers, who have not yet been individually identified, are facing the dole. Those people will have families and friends and also financial commitments. We are dealing with a personal as well as commercial issues.

With regard to the roll-on roll-off ferry order, there has been a tendency in recent months for several newspapers to report that Harland & Wolff has obtained huge orders. I wish to sound a note of caution here as these reports of orders being achieved are inaccurate and misleading. All that has happened is that companies have indicated, perhaps with a letter of intent, that they wish to pursue negotiations towards an order. A letter of intent does not constitute a contract. It merely indicates a degree of interest, and we must not get focused on particular individual contracts. That is where we have fallen down before.

These are commercially sensitive matters, and I cannot get into detail. However, with regard to the Seamasters International contract, the Department, through IDB, has made an indicative offer. Negotiations still have to take place on some matters. The Executive have been supportive. We have put a funding package together which has never been done before anywhere in the European Union, and certainly not in the United Kingdom. We look forward to having the opportunity to complete our negotiations on that. However, it has to be stressed that the key issue is that the company and its customer reach a commercial contract which puts the finance in place. Only at that stage does our involvement become critical. I can assure the Member that we are conscious of the time issue. The company, in its press statement, said that while it was proposing to make 613 people redundant, the security of the remaining workforce depended on securing new work quickly and improvements in productivity. We are not out of the woods yet, and the hon Member knows that.

**Mr P Robinson:** To conform with the procedures of the House, I have to draw attention to an interest that I have declared in the Register of Members' Interests.

I thank the Minister for having kept me informed and briefed on matters relating to the shipyard in which his Department has been involved over recent months. That is both appreciated and helpful. I assure the Minister that I will continue to work with him in attempting to secure more work for the yard.

I have two questions. One relates to training issues and the other to land issues. With regard to training, I am sure that the Minister is aware that when a workforce is reduced to the level of Harland & Wolff's, many key skills could be lost to the firm, should there be a new order. Can the Minister ensure that there will be proper

training to ensure that, if a new order is received, there will be people with the proper skills available?

I remind the Minister that the Training and Employment Agency premises at Dundonald were closed down and that there is a need for more training facilities and funding in east Belfast. I trust that within the task force he can make that a telling point.

With reference to the land issue, I am sure the Minister is aware that there is a suspicion in Harland & Wolff and outside that in the minds of some in the management and ownership of the company there is a more beneficial use for the land.

I have spoken to my Friend, the Minister for Regional Development. Will the Minister of Enterprise, Trade and Investment consult and work with Mr Gregory Campbell to ensure that the two Departments prevent the removal of any land from any present leasing arrangements without its being in the interests of the people of Northern Ireland? There is a fear and suspicion that it could be more financially useful to the owner than the core business of shipbuilding at the yard.

**Sir Reg Empey:** Of course, the Member has been working on the matter for many years as the Member of Parliament for East Belfast, and he knows that, in other capacities, I and other colleagues have been doing the same. He raises the issue of training and he quite correctly identifies one of the dangers in the current exercise. He may be aware that, through the company development programme, the Department currently has an agreement with Harland & Wolff in which we provide them with financial assistance towards the costs of re-training staff. A budget was available towards the end of last year, an agreement has now been reached and training is taking place. To some extent, that has been overtaken by events.

The chief executive of the Training and Employment Agency is one of the key people in the taskforce. Obviously, some of the ships Harland & Wolff have just completed, and some which are currently being built, are very complicated and highly technical. Significant skills are needed to complete contracts and, therefore, the Member correctly identifies one of the key areas the taskforce must address. The difficulty is that if you are losing more than 50% of your existing workforce, then, by definition, you are bound to have a skills fallout. We saw, in the situation with the Global Marine contract, that large numbers of people from outside had to be brought in, and the management of those people led to some of the difficulties.

I agree with what the Member said and I assure him that one of the key roles of the taskforce will be to ensure that what staff remain are as well trained as possible. The Department will stand ready, through the

company development programme, to assist in that regard.

With regard to suspicions over the land, I am as aware as the Member is of the long-held belief that there was another issue around, and it was not simply a matter of shipbuilding. I assure him that I would have no difficulty in working with my Colleague, Gregory Campbell, to ensure that the undertakings we have been given by the company, publicly and privately, are adhered to. The company has undertaken to maintain Harland & Wolff as a shipbuilding and engineering facility. We know it no longer requires part of its land and that that land is being used for property development. I have no difficulty with that; it is the Titanic quarter; it is out in the open; we all know about it, and it is clearly land that is not currently needed. I am not sure what powers I have in the event that attempts are made to move beyond that and to convert the whole area into some kind of property development. Therefore, I am not able to answer the Member specifically on that point. However, if I have the power to prevent a "smash and grab" land deal being done, I will have no hesitation in using it. I would work very closely with the Minister for Regional Development to ensure that does not happen. I will come back to the Member when I have had the opportunity to check my ability to do that.

**Dr McDonnell:** I thank the Minister for his statement. There are a number of points on which I would like more information. He has given us three points on the terms of reference for the task force. Are these the only three points or does the taskforce have any other terms of reference? He has mentioned that the chief executive of the Training and Employment Agency is on the task force. Would it be possible to know who else is on it? Is the taskforce to produce a report within a reasonable period of time, and if so, when is the report due?

**Sir Reg Empey:** I have identified the key members of the task force. I have to consult with my colleague, Dr Farren, before finalising the members, but a list can be left in the Library for Members. The points are not intended to be restrictive. I have highlighted the main elements, but any other matter will be addressed if necessary.

A change of membership may become necessary, but that does not matter. We are simply trying to help. There are over 600 families in difficulty, and possibly more. The Government will do anything they feel is required.

There has already been communication between Dr Farren's Department and mine, and this is not the first attempt at setting up a task force. We are setting it up now, because we want to ensure that there is no doubt that we are co-ordinating all our efforts. It may well be that the Department for Regional Development will have an interest, and I will have no difficulty if that is the case.

Work will begin immediately as there is not enough time to sit for weeks and look over these matters. I fully subscribe to Mr Neeson's view that these are urgent matters, and I assure him that there will be no delay either in the establishment of the task force or in its work.

**Ms Gildernew:** Go raibh maith agat. I welcome the Minister's statement and the fact that he is trying to save jobs. Is he aware of the financial crisis affecting a much bigger employer than Harland & Wolff? The community and voluntary sector employs thousands of people from both communities and is currently being suffocated by a lack of resources. If he is going to spend money from the public purse on —

**Mr Speaker:** Order. Such a question is out of order. Questions to a Minister on a statement must be on the subject of the statement. If the member has a question on the subject of the statement, she should put it.

**Mr P Robinson:** It is not even something that he is responsible for.

**Mr Speaker:** The Member from a sedentary position adds that it is a matter of putting a question to the Minister who has responsibility for the subject of that question. Sometimes I am generous and allow a Minister to say whether he is responsible. Ministers usually give a response anyway. If the Member wishes to put a question on the statement, she is welcome to do so.

**Mr S Wilson:** I echo the thanks that Mr Peter Robinson has extended to the Minister for keeping local representatives in east Belfast informed about developments at the shipyard and for his involvement since becoming Minister.

At times, the management has not been very forthcoming with the workers and public representatives. The Minister barely mentions the management in his statement, other than to say that he has been meeting with it. Is he happy with how the management has dealt with the situation in the shipyard? I think particularly of chasing new orders and handling existing orders, which seem to have been crisis prone? Is he aware that the workers first found out about the scale of the redundancies from the radio? Will he be taking this issue up with the management at Harland & Wolff? Many people are grossly upset that the trade unions and the workers themselves were not given prior notice of the management's statement.

Is the Minister aware of the graffiti on the walls in the Short Strand, no doubt put up by Republicans, gloating about the job losses at the shipyard? Does he agree that such sentiments are a result of the sectarian poison that has been injected into parts of our community by members of IRA/Sinn Féin?

12.00

**Sir Reg Empey:** I deeply regret that such material has appeared, and I would advise such people that what goes around comes around. If any person is losing his job, if any company is in difficulties, that is a negative thing for the entire economy. It is not simply the local people who work in the company who are affected; the surrounding businesses, as the hon Member knows, are affected, whether they be petrol stations, sweet shops, grocery stores or whatever. It is very short-sighted and deplorable if that is the attitude of some people.

As the Member will know, I appreciate his efforts for the company over a long time. I am regularly in touch with the local management but the senior company is also involved here. This means that there is management engagement at two levels, at the level of the local company and at the level of the principal shareholding company. I have had regular contacts with both and in recent weeks a majority of my contact has been with the senior company and with the owner, Mr Olsen, personally. With regard to how things were managed, the Member may know that in August, when I was out of Northern Ireland on a trade mission, I was led to believe that an announcement was imminent and came back from America for that reason. At that moment, however, the shop stewards who were standing by were stood down, and then something suddenly appeared in the press. Notices were given to the Stock Exchange in Oslo, but the workers were not notified and neither was I. I got sight of some of those announcements after they were made in public, so I was not at all times in possession of the information.

However, Harland & Wolff is a private company, and it does its own thing. I agree that the cruellest aspect of all of this is not so much the knowledge that the company has been in difficulty, but that people have had a sword of Damocles hanging over their heads, knowing that they might be made redundant. To have that drag on for some considerable time added to the tensions, and then there was the legal dispute over payment. The fact that it had to go to arbitration made it all take much longer than was expected and made the whole thing worse. I am aware of those concerns.

We will have to have an inquest into all of these matters, but the task now is to try to insure the core that remains. The one good thing that has come out of this is that the core still exists; the potential for growth is still there and with the oil price having risen substantially, the offshore market with which Harlands is currently geared up ought to be improving.

An aggressive marketing strategy aimed at that market is the only way forward, and if there is anything this Department can do in that regard we will certainly do it.



I hinted earlier that with regard to Ministry of Defence matters, we may need to make a fresh push. I would certainly appreciate the support of local representatives in that. I understand that the hon Member for East Belfast, Mr P Robinson, has publicly indicated his willingness to engage in that, and that is something that we all could do. That would be positive. Harlands is part of a number of consortia that are bidding for Ministry of Defence work. These are big contracts and they are no longer going to a single yard — they are going to consortia. That is an area where we should have some influence. I hope that we can count on all local representatives to assist in that, and if an opportunity can be created for such a situation then I would be happy to do so.

**Dr O'Hagan:** Go raibh maith agat. I thank the Minister for his statement and for keeping the departmental Committee informed. First, I wish to put my party's position on record and to express concern about job losses in any sector, particularly when those job losses are major. It is clear that strenuous efforts have been made to keep the shipyard afloat, and that the nub of the problem lies in the lack of current orders for Harland & Wolff. This is due to a number of factors, including global market conditions. It is also clear that hard-nosed business decisions have to be made in respect of the whole issue.

I turn to the creation of this high calibre task force. Given the crisis that faces the textile and bakery industries, the community sector and firms like United Technology Automotive Ltd in Derry, which has paid off over 1,000 workers, will the same level of urgency be given to such matters, and will similar task forces be set up?

**Sir Reg Empey:** The Member correctly points out that the key issue is the lack of firm orders. If the company does not have business on its books, what the Government do will not affect the outcome.

The task force is not a new concept. At the end of last year, the textile industry went through a particularly difficult patch, particularly in the North Down and Ards areas. I established a task force with the help of Ards Borough Council. The hon Member for Strangford, who is in the Room, will confirm that. It included members of the local authority and IDB and LEDU officials, and was formed because of the number and concentration of redundancies in the textile industry and to see what steps could be taken to help. That task force has been working since, and I am sure that a number of members of Ards Borough Council who are in the Chamber will be prepared to confirm that. The concept is not new.

With regard to the wider issue of textiles, the Department has, after consultation with the industry, appointed Kurt Salmon Associates, not simply to carry out a management consultancy exercise but to work

with the industry through workshops and various strategy groups to see if there is a way forward, taking into account what has happened in other European countries. That is another example of action having been taken on the textile sector.

Similarly, I have spoken to the Northern Ireland Bakeries Council and have been keeping that industry under close watch. I have also been engaged in consultations with the General Consumer Council for Northern Ireland with particular regard to that industry because, as the Member will appreciate, the difficulty for the bakery industry has been the pressure from the supermarkets to cut prices.

The principle of setting up task forces is well established and is not unique to this particular case. I hope that it is not necessary to appoint any more, but, should the situation arise where benefit can be gained or assistance given, we would have no hesitation in doing so.

**Ms Morrice:** I thank the Minister for his statement and join with him in his concern for the well-being of those to be made redundant and their families.

I have three questions for the Minister. First, to follow up Mr P Robinson's question about his power to control any proposed smash-and-grab land deal. Does the Minister have the power to recall any of the grant assistance given to the yard in the past?

Secondly, I should like the Minister to explain why the United Kingdom — and Harland & Wolff — has such a small share of the world shipbuilding industry, particularly in the light of the fact that the Dutch and the French are beating us hands down. Perhaps, after what was said about the textiles sector, we should also employ consultants like Kurt Salmon to look at the future of our shipbuilding industry.

Finally, I should like to ask the Minister if he agrees that we cannot and must not close the door on our shipbuilding industry and the livelihoods of the people who work there. Does he agree that the Blair Government would have been better advised to concentrate their efforts on securing contracts for Harland & Wolff rather than wasting public money on something like the Millennium Dome?

**Sir Reg Empey:** It seems impossible to have any subject on the table at the moment without its relating in some way to the dome, which, if nothing else, is certainly, as someone has said, one of the few things visible when looking at the earth from outer space. However, a range of issues has been raised about the land. I must, however, put on the record that Mr Olsen and his company have made very substantial sums of money available over the last few months to keep the yard open, not the action of people lacking commitment. Without closing my eyes to the risks, I believe the firm intention is still to keep a core business



operating on that site. That is certainly the Department's objective and my own.

With regard to grants recall, I must point out that the IDB assists Harland & Wolff — and, indeed any other shipbuilding industry, were there more than one company — in a unique way. It is not through selective financial assistance, the normal mechanism used by the IDB, but through another called intervention aid grant, designed specifically for shipbuilding. Money is granted to a specific project. The grant goes on the construction of a particular vessel, not on a general sum of money for a company to employ a certain number of people. The grant is totally focused on a particular project. That is governed by the EU Shipbuilding Regulation (EC No 9506/98), in which the sums of money which may be given are specifically set out. There is no question of grant recall. However, bearing in mind that we have been paying grant in arrears by stages, if there is any flaw in the contract, or the company does not deliver what it is supposed to, grant could be withheld. Intervention aid is contract-related, so the IDB has no right to recover grants where the contract is completed. It would only have the right to withhold money if the contract were not implemented.

There is a shipbuilding market of approximately 2,500 vessels per annum. The Koreans are able to snap up perhaps 400 to 500 of those, leaving the rest of the world about 2,000 vessels. There are currently 15 vessels under construction in the entire United Kingdom. I have mentioned the Dutch experience before the Committee. They currently have 246 vessels under construction, but they cover many different types of vessels, such as those used on the Rhine. They would not necessarily be vessels you or I would recognise as such, for the name covers a vast variety.

12.15 pm

As regards our competitiveness with the rest of Europe, our costs are approximately 7% higher than the European average. There are also problems with the labour force. If you look at the graph you will see that a large number of people working in shipbuilding are in their late '40s and '50s. There are not nearly as many in the lower age bracket.

The Government have established a shipbuilding forum, on which Harland & Wolff is entitled to have representation. This forum is looking at a range of problems. The purpose of the meeting we had with the Deputy Prime Minister in July was to look at the way ahead, consider the progress of that forum and bring forward proposals and ideas to modernise and sustain.

The House needs to be aware that, as things stand, we will not be able to offer any intervention aid grant after 31 December 2000, unless a decision is taken by the European Union, in negotiations to take place in

November, to extend that deadline. The unanimous view of the July meeting was that that should happen. After 31 December 2000, if I am correct, we will not be able to pay out any intervention aid grant for shipbuilding. Members need to get their heads around that, because it is a significant development.

We will be lobbying strongly — and I am in regular contact with Stephen Byers — that we are of the view that we should be permitted to continue to offer intervention aid grant. There is a general feeling that there is not a level playing field in the world market. The Koreans are buying to capacity, going for growth and subsidising their production through various means. That is the opinion held throughout the UK shipbuilding industry.

As far as closing the door is concerned, I assure the hon Member that whatever else I maybe guilty of, I am not trying to see the demise of this industry. I am doing everything possible, but we have to understand our limitations. The key issue is for the company to find a client capable of providing the finance to construct vessels and get them to sign a contract. In the absence of a viable contract, there is nothing that anybody in this House can do that will matter, and that has to be borne in mind.

**Mr Shannon:** I thank the Minister for the work he is doing in to try to safeguard these jobs. Despite his good work, we are now facing over 600 lay-offs, with no guarantee for those who are left.

Can the Minister gave us the state of play on the four roll-on/roll-off ferries? What are the chances of getting those contracts, and what help can his Department give? Does the Minister agree that there is a real concern that Harland & Wolff has been unable to gain orders world-wide for either oil drilling rigs or cruise liners? This flies in the face of the real upturn in demand for those, and it begs the question: why is Harland & Wolff management seeking orders for windmills? They are like Don Quixote — chasing windmills instead of building ships. This makes a great many of us concerned.

In the light of the very real concerns that the workers and elected representatives have, does the Minister agree that we need a public inquiry into the management of Harland & Wolff? Many of us are trying to understand what is happening. In his reply to a question from Peter Robinson, the Minister mentioned re-training. Many Harland & Wolff workers live in the Strangford and Ards Borough Council area —

**Mr Speaker:** Order. This is an opportunity for Members to put questions, not to make expansive speeches.

**Mr Shannon:** Does the Minister intend to focus the retraining on the people who are losing their jobs rather than on the area of east Belfast, thereby missing many who are losing their jobs?

**Sir Reg Empey:** I assure the Member that the focus will be on the individual and not on east Belfast. We intend to set up a temporary job centre in the yard, where individuals threatened with redundancy can be advised or counselled on redundancy. The job centre will bring with it the demands from the labour market for skilled workers and a number of companies are currently looking for skilled workers. Therefore, I hope that a significant percentage of those who are made redundant will have an opportunity to get new jobs.

Clearly, this is a different proposition from the one that the hon Member for East Belfast (Mr Peter Robinson) made earlier, when he referred to the remaining workforce. The part of the workforce that leaves will be offered training and retraining — that is a key issue. Every person will be dealt with on a personal basis, and a package will be developed for the individual. It will not only be an area issue. It will focus on the person.

With regard to the oil industry, I agree with the Member. There is great potential at the moment. I am encouraged by Mr Olsen's announcement that a second rig will soon arrive in the yard for assessment. That could produce some work. One rig is already being surveyed and examined. We await the outcome of the survey to find out what further work will need to be done. At the moment, the contract is to survey the rig and to assess its condition. Mr Olsen recently purchased a second rig, which will undergo a similar exercise. Work may be generated when those two vessels and rigs arrive.

The question of windmills does sound a bit off beam, but it is not necessarily a bad idea. Mr Olsen's business is energy — his company is called Fred Olsen Energy — and it can take different forms, such as oil, gas or wind. He foresees the development of large offshore wind farms, which will fulfil future energy needs.

Several sites have been identified in the British Isles. These windmills are substantial structures made mostly of steel and the process for constructing offshore windmills is complicated and technical. A licence has been granted for a test area to be developed about two miles off the west coast of the Republic. If the initial project is successful, another licence will emerge.

There have been similar proposals for other offshore sites in the Irish Sea. These are very substantial structures and there could be a long-term future in them. The recent oil crisis has resulted in President Clinton releasing emergency oil stocks in the past few days. That situation has not occurred for many years.

The training will be focused on individuals, and I agree with the hon Member that there ought to be potential for developing the offshore industry.

This is a private company, so inquiries into its operations are limited. What can be enquired into — through the

Enterprise Trade and Investment Committee — are matters which relate to the use of public funds in the area of development. However, ultimately it is a private company. As I indicated, intervention aid grant is paid to a specific project and not to the company in general.

**Mr Speaker:** I will take two more questions on the statement.

**Mr J Kelly:** Go raibh maith agat, a Cheann Comhairle. I congratulate the Minister for attempting to save jobs in the yard and elsewhere. I commend his visit to America, with my colleague Pat Doherty, to investigate further opportunities for employment. I too declare an interest. It is, perhaps not as beneficially weighty as Peter Robinson's, but my great-great-grandfather was building ships on the east side of Belfast Lough before Harland & Wolff bought them out. That is my interest in the shipyard.

May I mention Mr Sammy Wilson's reference to the graffiti in the Short Strand area of East Belfast? That community has suffered from unemployment over the years and also from what they perceive as discrimination in unemployment. When the shipyard was the goose that laid the golden egg, they never really shared in that golden egg. However, I would be disappointed to learn — and I shall check it out — that that community, which has suffered so much, is gloating over anyone else's losing their jobs.

If the Minister is working with Mr Sean Farren on training and on other issues relating to, we hope, the future development of the shipyard, will he ensure that there are equal employment opportunities in the shipyard? As a trade unionist, I share Mr Peter Robinson's and Mr Sammy Wilson's concerns over the intentions of Harland & Wolff's owners and their equivocation about the future of the yard. There is a perception abroad in the general community that they are not serious about ensuring that there is a viable industry within the confines of Harland & Wolff. Perhaps they see greater financial reward from going in other directions.

**Sir Reg Empey:** I presume that the Member is referring to the Workman, Clark and Co shipyard which existed in the city some years ago.

With regard to the Short Strand, I said in response to Mr Sammy Wilson's question that I deplore the graffiti in that area. It is an immature and short-sighted attitude to adopt, because, to use an awful pun, rising tide will lift all boats. It is in everybody's interest to ensure that as many jobs as possible are protected.

On the issue of equal opportunities, the Member will be aware that, along with every other company in Northern Ireland, Harland & Wolff has to comply with the legislation. In the past few years, it has been making significant efforts. Some of the Members' party Colleagues have, at the invitation of the shipyard,

visited it in their capacity as Belfast City Councillors on more than one occasion to see the facilities for themselves. The company has taken an interest in them and explained what was going on. Whenever opportunities were created, I understand, Harland & Wolff was represented on road shows that went to schools in west Belfast. It held fairs and took part in public events in the likes of the Waterfront Hall in order to be available to any labour force.

However, the reality is that there is a contracting workforce, and, therefore, the opportunity for such people to gain employment in the company will come only if it is successful. That is the direction in which we should be going.

As for the intentions of the owners, I said earlier that if I were interested purely in a land deal, I would not do what Mr Olsen is doing. I would not do what Mr Olsten did throughout the summer when he put large amounts of his own company's money into the shipyard. I am talking about large amounts — not nickels and dimes. While there will inevitably be a property dimension to all of this, and he and the company made that clear in their statement, they also made it clear that they were committed to maintaining a core shipbuilding and engineering facility on that site.

I take their word at face value, and if I and other Members are being misled, I will take a dim view of that.

With regard to the matter that the hon Member for East Belfast (Mr Peter Robinson) raised when he referred to the Minister for Regional Development, we have in this Assembly, in our own hands, the ability to more or less resolve this issue, because when the issue of the privatisation of the port is dealt with, the issue of the land and who holds the leases will be also. The Assembly has the power to decide what happens. There is normally a user clause that specifies what you are allowed to do with the land that you lease. This land clearly is for shipbuilding and engineering. If you wish to change to some other activity, that requires you to get the permission of the landlord, and large sums of money normally are extracted if user clauses are changed.

*12.30 pm*

When a recent lease was altered to allow the Titanic Quarter to develop, the Harbour Commissioners came to an arrangement with the company to share the profits from that. If we deal with the land issues surrounding the port, the House has the power to deal with that and settle it.

I am working on the assumption that I am being told the truth and that the company means what it is saying in its statements. I am proceeding on that basis. I would be greatly distressed to learn that something else was the case.

**Mr Benson:** The question that I wished to ask has already been dealt with.

**Mr Speaker:** The Member is to be commended. Not every Member admits that his question has been answered; most ask the question again.

## NEW DEAL PROGRAMME

### **The Chairperson of the Higher and Further Education, Training and Employment Committee (Dr Birnie):** I beg to move

That this Assembly calls on the Minister of Higher and Further Education, Training and Employment to review the New Deal programme to tailor it to the needs of the long-term unemployed in Northern Ireland.

The Higher and Further Education, Training and Employment Committee is grateful for the opportunity to debate this matter. The Committee was agreed that the subject of the New Deal was of sufficient concern to be brought to the House at the earliest opportunity.

I will begin by laying out some broad principles. There are some good developments in the Northern Ireland labour market, notwithstanding the subject of the previous ministerial statement. Members will know from the recent announcement that the unemployed claimant count is down and has been declining for some time. Unemployment rates are at historically low levels — average rates are lower than the European Union average. Six thousand persons came off the claimant count, off benefits and into work in 1998-99.

As Chairman of the Committee, I recognise that commendable efforts have been made by those in the administration of the New Deal scheme and by those who implement it on the ground. Some of them deserve special commendation for efforts above and beyond the call of duty in the attempt to bring people out of a benefits culture and into the world of work.

Nevertheless, in spite of all those bouquets, there are still deficiencies, and these matter because there is a tragically large pocket of long-term unemployment in Northern Ireland. According to some indicators we may be moving back towards full employment, at least as defined in the technical sense, where the supply of those readily available for work roughly equates to the types of labour that are in demand.

The purpose of the Committee motion is to be constructively critical. There are feasible changes to the New Deal scheme that would yield positive results. Many of those changes would not incur large costs. A recurrent theme throughout the debate will be the point that the New Deal scheme was designed in London and may not transfer well to the different conditions that exist in the local labour market. For example, in Northern Ireland, as a percentage of the total labour force, we have more older long-term unemployed, and some of our long-term unemployed have been out of work for a considerable numbers of years.

The Committee supports the Minister in efforts to change the New Deal at UK level. It recognises that there are limits on the autonomy and freedom of action

of the Stormont Executive because it is a UK-wide scheme. We also recognise that the funding for New Deal is ring-fenced money provided by the Chancellor of the Exchequer so we do not have the option, even if we wished to take it, to move money to other parts of the Northern Ireland block.

The Committee has reflected on the evidence presented by five New Deal providers and consortia on 7 September 2000. It has also considered the many evaluative studies of New Deal. Most of those relate to Great Britain but some relate to Northern Ireland. There are many interesting lessons.

New Deal has some strengths. Its aim is commendable — to take people off welfare and put them into work. In the long run, its success will have to be judged alongside other Labour flagship policies, such as the minimum wage and the working family tax credit. Commentators who praise the New Deal often stress the role of the personal advisers who are supposed to work alongside the long-term unemployed to direct them appropriately through the various options contained in the scheme. That is good practice if it works well. However, there are situations where some of the personal advisers have very heavy caseloads, in some cases between 120 and 130 individuals. That issue needs to be looked at.

Unfortunately, many weaknesses have become apparent at both the UK and Northern Ireland levels. There is evidence that New Deal participants are often moving out of the scheme, and that if they do receive a job it is only of short-term duration. In England the phenomenon of the revolving door has been noted — individuals leave the scheme, return to unemployment and after the due period come back on to New Deal. They move round and round without progressing permanently into the labour market.

We need a better system of tracking what becomes of those who graduate from New Deal. Such tracking is required both in Northern Ireland and the United Kingdom as a whole. Frank Field MP noted the latter point in a letter to 'The Times' on 14 July 2000.

We would like to know more about the extent of so-called dead weight in the Northern Ireland scheme. These are cases where New Deal participants would have found employment, even if the scheme did not exist. We note with concern estimates that have been made for various New Deal options in Great Britain which suggest dead weight figures of between 60% and 80%. That means that most people coming through the scheme would have found work anyway, indicating a waste of public money.

It is clear that there are huge benefits to the individual and to society from improvements in training. In that regard, the Committee is concerned



about perceived inflexibility in the regulations of the New Deal scheme. It may be more perception than reality. If that is the case, there is a need for the Training and Employment Agency to improve the information provided to participants and the consortia. On the one hand, the New Deal may not be facilitating the progression of a high-flyer who wants to take qualifications beyond NVQ2 or NVQ3 level. However, on the other hand, in many cases there has been a failure to recognise and tackle the absences of the most basic and vital skills — literacy and numeracy. That point was well made by the Education and Training Inspectorate's report on New Deal options in south and east Belfast.

As ever in government, it is important to lead by example. How many New Dealers, we wonder, are currently employed by the Northern Ireland Civil Service. In Great Britain the figure is about 1.2%, with a target of 2%. What is the record in Northern Ireland?

The Committee is pleased that the Minister has provided suggestions to the relevant Minister at Westminster, Tessa Jowell, on how the overall New Deal scheme might be altered. We particularly commend a longer so-called intensive activity period — 26 weeks instead of 13 — in the New Deal 25-plus. This matters because Northern Ireland's long-term unemployed are often from the older labour force.

We also commend the application of the £750 training grant to the 25-plus group. There should be a reduction in the eligibility criteria for 25-plus from 18 months of unemployment to 12. Alongside that, there should be stronger sanctions with respect to withdrawal of benefits at 25 weeks.

Reform of the New Deal as a UK-wide policy could be the subject of meetings of a joint ministerial committee bringing our local Minister together with his counterparts in Edinburgh, Cardiff and London.

I repeat that the Committee welcomes this opportunity to debate what is an important subject for many people. Long-term unemployment is a human tragedy because of the waste it involves. A former Prime Minister, Harold Wilson, once said that for the person or individual who is unemployed, the unemployment rate is always 100%. Our priority today is neither to praise New Deal nor necessarily to bury it; it is to suggest sensible reforms to make it work more effectively in Northern Ireland's labour market circumstances.

**Mr Speaker:** I have a list of Members who want to speak. Taking that into account, and to give an opportunity for the Minister to respond and for Dr Birnie to wind up, and to allow a short break between the end of the debate and Question Time at 2.30, I will restrict all Members, except the Minister and Dr Birnie, to five minutes.

### **The Deputy Chairperson of the Higher and Further Education, Training and Employment Committee (Mr Carrick):**

The performance of the New Deal thus far can be measured in a number of ways. We could look at the statistics; there are ample statistics in the KPMG report. There has been plenty of press coverage, and we could make our judgements according to that. I want to base my comments on the experiences of the participants. Those are the people at the coalface. There are probably few of us in the Chamber who know anything about the indignity of long-term unemployment and the despair of the continual unsuccessful search for a job.

From the evidence presented to the Committee, it is all too clear, according to the providers, that in order to be relevant to the long-term unemployment situation, New Deal requires to be revamped or, in the words of the motion,

“tailor[ed] to the needs of the long term unemployed in Northern Ireland.”

That conclusion is derived from a series of experiences across Northern Ireland of those who operate at the coalface. The complexity of the administration is highlighted in the KPMG report. That is the view of personal advisers, but the providers confirmed it in their evidence:

“There was too much paperwork and administration in some cases with a perceived lack of administrative support, and ... much of the paperwork was unnecessarily duplicated.”

*12.45 pm*

Responding to a question on the bureaucratic structure of New Deal, which involves the Training and Employment Agency, the Social Security Agency, consortia, lead partners, members, associate members, providers, personal advisers and participants, one witness felt that the programme could be streamlined to provide a better service. The referral system, or entry requirement, for the New Deal programme requires modification to enable it to be more effective in Northern Ireland. In the 25-plus category, the eligibility threshold should be reduced from 18 months to no more than 12 months, and the intensive activity period increased from 13 weeks to at least 26 weeks. There are also difficulties with the voluntary sector and environmental options. There is no real split between them. Participants are doing the same work in both cases.

Although New Deal was not introduced as a replacement for the Action for Community Employment (ACE) programme, it was nevertheless made clear by the Government that the training elements of ACE could be incorporated into New Deal. Indeed, this was one of the selling points when the ACE schemes were vigorously lobbying for retention. However, despite the demand in Northern Ireland for environmental work and other social support work involving tradesmen's skills

and care programme disciplines, there is insufficient flexibility in the New Deal programme to facilitate such training. In addition, the lack of referrals to the voluntary and environmental options is leaving providers in the unenviable position of having to shut up shop because the enterprise is no longer viable.

Not only is this detrimental to the voluntary organisation, but it causes yet another gap in the social development of the community. It is therefore imperative that New Deal be tailored in such a way that is flexible enough to provide training opportunities in all those environmental skills, household skills and a whole range of social activities with a measurable economic output.

**Mr Dallat:** One important fact to emerge from this report is the degree of illiteracy among young people. If the report is to serve a useful function, we have to establish why so many young people are slipping through the education system and leaving school with serious learning difficulties which may haunt them for the rest of their lives. Surely, in the developed world, it is totally unacceptable that it is left to training organisations to pick up the pieces of so many who go through school only to leave with undetected problems such as dyslexia and other learning disorders.

All of those problems can be remedied if the skills and resources are available at school level, but quite clearly they are not available. Members will agree that the most critical evidence from the inquiry was the startling revelation that so many young people cannot read or write. They spend 12 years of their lives going through the education system while coping with serious literacy and numeracy problems. Even when they leave school there are no records of these problems available to the Training and Employment Agency, so that they can be helped. That was backed up by evidence given by the Northern Ireland Chamber of Commerce to an Assembly Committee last week.

Is it right that a society that prides itself in standards of excellence, which many of our centres of learning are renowned for, should have this problem? Where do these unfortunate young people figure in those wonderful league tables that occupy so much of our newsprint? They are nowhere. That must change. Such people cannot enjoy the fundamental right of being able to read and write. We need to know why this state of affairs exists, and we need to know what can be done about it.

We know from research that overcrowding in classrooms is a fundamental cause of low levels of attainment and that, when classes are smaller, children progress more rapidly. Why do we train teachers to the highest levels in our universities and training colleges, only to discover that they cannot obtain jobs in the profession that they were trained for? Surely, it is

reasonable to ask why we are getting such disturbing evidence about the lack of basic skills in reading and writing when — and I know this from personal experience — many of our young and talented teachers are unable to find jobs in schools and are on the dole.

For many years, our education system, at all levels, has been treated appallingly by successive Government. Our teachers have been crucified by a system that seldom appreciated their work and always failed miserably to provide the necessary resources.

It is to be hoped that, with the publication of this report, the past will really be the past and we can wipe the slate clean and make a new beginning where every child will be treated as an individual. Let us make it a fundamental right of every child that his or her special needs can be met. Let us ensure that factories do not have to take on the job of teaching the basic skills of reading and writing after young people have left school.

The present training programme, as Dr Birnie said, has many defects, but many of the recommendations in this report are worthy of consideration. Those employed on the programme are grossly overworked and do not have the resources to do the job properly. We were told that in the Committee time and time again. They are most certainly not equipped to do the job of specialists trying to find out why individuals are finding it so difficult to get permanent jobs, when such people are holding a personal secret — the secret of being illiterate. In a world of technological change, which increasingly demands that people be able to demonstrate the basic skills of literacy and numeracy, there is no place for serious flaws in the education system.

For whatever reason, thousands of our young people are released into the world with one of the heaviest burdens anyone can be asked to bear. Something must be done about it. If we do nothing, it matters little how good the training is. The trainees will simply go back to the unemployment register to begin the whole fruitless process of training again and again, without resolving the critical issue of the fundamental right to be literate and avail oneself of lifelong learning — one of the high ideals set by the Assembly.

**Mrs Nelis:** Go raibh maith agat, a Cheann Comhairle. The motion calls for a review of the New Deal programme to tailor it to the needs of the long-term unemployed. However, one wonders if New Deal can be tailored to anything, as the little evidence available from its inception suggests that the garment was fatally flawed at the design and cut stage. We could argue that New Deal is yet another import from across the water that has not worked here.

When the British Government first introduced New Deal, it was seen by the community as another scheme to take people off the dole register. The criticism then

was that New Deal was not really new but the Welfare to Work scheme talked up, and that the finer details had not been worked out. That criticism still stands.

The second criticism was that the British Labour Party, no doubt expounding social democratic values, had fallen into the old Tory trap of believing that there were two types of people, namely those who wanted to work and those who did not. It is this rationale which still underpins New Deal. It is clear that the New Deal programme has not addressed the needs of the long-term unemployed in the north of Ireland.

Indeed, as the Committee for Higher and Further Education, Training and Employment has heard from the limited evidence given so far, the New Deal programme makes dismal reading. The picture presented shows the long-term unemployed doing menial work, receiving little support and being involved in a situation of forced labour. As one witness to the Committee said, if someone is forced into a programme, they will not go. Members of the consortia are seen as enforcers and, because of that, New Deal is becoming a revolving-door scheme with participants completing their options, going straight back to unemployment benefit and re-entering some months later.

The problem for us, and the unemployed, is that we have no way of measuring the extent of this dismal picture of New Deal. We have no up-to-date data on how well New Deal is performing. What little evidence we have suggests there is an east/west split in opportunity for the long-term unemployed in training and in jobs.

Apart from the east/west difficulty, New Deal is not a good deal for women, but that is not new either.

The official figures available, issued in January this year, referred to the period up to the end of October. That data gave only Job Centre figures for New Deal without telling us how many unemployed, either short or long-term, were in each area, how many access work through New Deal, what type of work it is, and so on. That situation is compounded by the failure of the Department to produce statistics due in July and August of this year which may have helped to determine whether New Deal was a viable scheme for the long-term unemployed, even if it were reviewed. Indeed what is available from a plethora of groups from economic experts, to lead partners and consortia, suggests that the whole New Deal scheme is not working. The Minister and the Training and Employment Agency will argue that while there are problems — indeed, Mr Farren has sent suggestions to the British Government on proposed changes — New Deal is working and should not be written off. They will say that the group known as the long-term unemployed has reduced substantially over the last two years so things are happening, people are getting jobs and moving off the register. They do not

deny that the element of compulsion for the 18-to 24-year-olds has caused problems from the start. But, they state, it is British Government policy and it does not allow for much flexibility, even though the unemployment situation here is different and more acute than it is in England.

What is worrying, however, is that the Training and Employment Agency states

“There are people who are more job-ready and there are others who are more difficult to place because of related problems”.

They include in that low achievers and people who have problems associated with drug and alcohol abuse. New Deal has almost abandoned these people. However, they do not tell us that, in most instances, the real difficulty for the long-term unemployed, whether we review New Deal or not, is that there is no work for that group to go back to. According to KPMG Management Consultants, the general impression of the over-25 group living west of the Bann was that job placements were not available.

There is also a gender split. The eligibility criteria excludes women who are not on the register but who may want to return to work. This is further exacerbated by the New Deal programme for lone parents which, rather than provide opportunities for education and training places the emphasis —

**Mr Speaker:** I must ask the Member to bring her remarks to a close.

**Mrs Nelis:** It places the emphasis on directing lone parents into jobs which are often low paid and insecure. I do not believe that imposing benefit sanctions on the over 25s will produce a better deal for the long-term unemployed. I do not believe —

**Mr Speaker:** Order. I must ask the Member to finish. She is well over time.

1.00 pm

**Mr Neeson:** Those with fond memories of the Northern Ireland Forum for Political Dialogue will remember that one of the major issues tackled was the transition from ACE to New Deal. In fact, the Chairman of the Committee on Higher and Further Education, Training and Employment was an adviser to the economic committee of the forum on that and other issues. I hate to be one of those people who says “I told you so”, but when we were dealing with the introduction of New Deal we said that one of the major problems was that New Deal did not relate specifically to Northern Ireland.

That is why New Deal is such a failure. I firmly believe that the destruction of the ACE schemes took away a great deal of very worthwhile community service and community care. One of the strengths of the ACE scheme was that it went straight into the community and helped the most vulnerable people.



The introduction of New Deal has seriously weakened a number of local enterprise agencies in Northern Ireland, because a major element in many of them was developing training within ACE itself. New Deal, as it has been implemented in Northern Ireland, does not really recognise community needs. However, there is one big difference between the Assembly and the Northern Ireland Forum on issues such as New Deal: the Assembly has the powers to deal effectively with such issues.

Interestingly, one of the main issues emerging in the work being carried out by the Enterprise, Trade and Investment Committee on 'Strategy 2010' is the need to develop skills relating to the needs of the new industries coming into Northern Ireland. With that in mind, I see another weakness in New Deal, because it will be necessary to get people into situations where they can take advantage of the training required for those new industries.

I welcome the fact that the Minister of Higher and Further Education, Training and Employment is working very closely with Sir Reg Empey in Enterprise, Trade and Investment. There is a strong link between skills development and the creation of employment opportunities in Northern Ireland. Last Monday's announcement concerning New Deal 50-plus was very welcome. While New Deal has concentrated largely on the 18-25 age group, there are major opportunities for people who feel that once they have reached the age of 50 their chances of getting new employment are remote. I believe opportunities are being provided. I welcome the fact that there will be a review of the operation of New Deal. It is necessary to look at the effectiveness of the project as it is presently operating. It is crucial that there is a monitoring process to find out what happens to people after experiencing six months of New Deal. It is important to gauge just how much New Deal is targeted towards social inclusion and for that reason I ask the Assembly to review the use of the Robson Index for establishing deprivation in Northern Ireland. Many areas of Northern Ireland are suffering because of that.

**Ms McWilliams:** This debate is timely, as we need to reflect on the fact that a huge sum of money is being allocated to this programme. It is probably more than some of the Departments have to allocate — £140 million. We will not have the opportunity too often to have such a large amount of money allocated to the long-term unemployed.

There are some things to be commended in the programme. I have heard the providers who are dealing with the disabled and lone parents commending the changes that it has made in terms of the employability of these categories of people. However, I agree with the Chairman of the Committee, who said that it catered for the circumstances of the long-term unemployed in England.

We know from all of the research on unemployment in Northern Ireland that the case is different here.

I am concerned that 30,000 of the 90,000 places allocated to the programme have been given to Northern Ireland. We will have a great many problems changing the current rules in order to make it a more flexible programme to enable us to meet the needs of those 30,000 people.

I am very concerned about the lack of data currently available. To know if this programme is working, we need the statistics which will tell us about the performance outcomes. What I have got to date is extremely limited. The programme has been running long enough, and if Great Britain is able to produce this data, then Northern Ireland must not lag behind.

Secondly, I am concerned about the providers and trainers. Many of these people gave evidence to our Committee, and over and over again they advised us that they were being tied up in doing manual administrative tasks. The computer system which would have enabled them to do their job much better and provide the Committee with much better information was not available. Those are huge criticisms which I have to direct at the programme.

We need to clarify the role of the personal advisers; they are overworked and suffering from stress. We are asking them to do far too many things. Anyone who has been a personal adviser to an unemployed person knows that you have to develop a relationship with that person. We are dealing with a human being, not a number on a page. To give a personal adviser 120 people to deal with is outrageous. It is little wonder that people do not get the advice and support they came for. That is not a criticism of the personal adviser; it is directed against the resources. We know that a great deal of money has been allocated to this programme which gave 120 people to one adviser. We need also to get clarification of the role of the personal adviser and the providers. Whose job is it to try to place this person?

I am concerned about the information I have received on targeting social need. From the data provided it seems to be creating even greater differentials between areas with the highest social need and those with the least. The most recent data suggests that that changes somewhat, but we need to know why that is the case. Here is a programme targeted at social disadvantage, which is about job placement, not job creation. ACE was abolished due to the fact that it did not have a sufficient element of job creation, and yet we are all aware of the enormous benefits of the skills and personal development unemployed people gained from that programme. Yet ACE was abolished to make way for this scheme. This is continuing to create a disadvantage between areas that have job placements and those that do not.



I am therefore going to be critical of the suggestion that we should have benefit sanctions for the over-25s — simply extending the 18- to 24-year-old group. The programme is also meant to benefit those in the west, but what happens there? People have to move out of the area to get job placements, and if they stay, we are going to sanction their benefits. These people have families and children.

I am also going to be critical of the fact that 88% of those on the New Deal for the over-25s are men. Are married women not considered to be eligible? There is more concern about getting people off the register than helping those who are unemployed. We know that women are discouraged from registering and are therefore not eligible. Finally, the public sector ought to be looking at job placements. The programme needs to be more flexible and we need to get back to our strategic vision of what we would like to do in relation to the long-term unemployed.

**Mr Beggs:** I welcome the opportunity to discuss the New Deal scheme and highlight the need for some improvements. First, I would like to highlight that New Deal is a UK-wide scheme, whether we like it or not. It is ring-fenced national money coming into Northern Ireland and Members should bear that in mind when commenting on it because there are restrictions on what can and cannot be done to improve it.

There is an obvious need to improve New Deal, to tailor it as much as we can, nationally, and locally if possible, to meet the needs of the long-term unemployed in Northern Ireland. Some have belittled the New Deal scheme. I would simply ask those people what are they proposing as an alternative to it and where the money for that alternative would come from. From what budget in the Northern Ireland block grant would they take that money? You have to work with a scheme and try to improve it.

New Deal has its faults, but it is providing £63 million of additional money this year for training and assisting the long-term unemployed, encouraging them to take up training courses and work placement. There is clearly a social responsibility to assist the long-term unemployed get additional further education and employment opportunities. In that, I welcome the New Deal scheme.

I note that the KPMG research paper said that personal advisers are handling a far too heavy workload, which does not allow them to sufficiently interact with the long-term unemployed. I would like to highlight a situation in my own constituency where, initially, New Deal in the Carrickfergus area was provided with totally inadequate office space. I appreciate that that has now been put right. Will the Minister advise whether that situation pertains to other areas? It is scandalous that there was not sufficient space for New Deal advisers

to locate in the building. In fact, the area was operating under its quota. Is that happening in any other parts of Northern Ireland?

On a positive note, the new facilities provided are much more professional. People are being treated with much more dignity. The atmosphere strikes me as being more like a recruitment agency than a cross-examination chamber. I hope it will assist people to find suitable training courses and employment.

What happened in Carrickfergus has actually been mimicked in Dungannon and Lisburn where the Training and Employment Agency and the Social Security Agency pilot schemes have been successful. They have worked together, pooling their information for the benefit of the long-term unemployed and assisting them into the world of work. That is being introduced in the Carrickfergus area where both agencies are working closely together. Are there further plans to copy this scheme? It is actually known on the mainland as the One scheme and it introduces a single system, co-ordinating benefits and training in employment assistance. Is the Minister planning to introduce the scheme in other parts of Northern Ireland? In particular, is he proposing to introduce it into areas of long-term unemployment in Belfast and Londonderry where it would appear that it would have potential given the success indicated in Lisburn and Dungannon?

Turning to improving the New Deal scheme, I agree with some Members that the 13-week placement period is inadequate, and should be extended. I am also concerned that only 20% of New Deal people are moving into long-term employment having gone through the scheme. We need clear information as to what is happening to everybody else. Why are more people not successful in gaining long-term employment?

*1.15 pm*

The 18-month qualifying period for the long-term unemployed is too long a time to spend out of the world of work. There are also concerns about the low levels of attainment and the lack of skill acquisition. I agree with many others who claim that New Deal is simply picking up where the education system has failed. Approximately 10% of young people leave school without qualifications and that does not help them to find jobs or take advantage of other opportunities that exist.

**Mr Byrne:** We should remind ourselves that we are asking for the programme to be adjusted to fit the special circumstances here in Northern Ireland. It is important to examine what New Deal means. It must represent a new chance, a new beginning for the long-term unemployed. There are two types of participant; one being those who left school with virtually no qualifications and very low self-esteem. Such a training scheme must give them a new

opportunity—something that is meaningful and real. The requirement for participants to be unemployed for 18 months is no good. 18 months is too long a time. It merely adds to the sense of despair felt by applicants for training schemes. I hope this will be examined in the review being carried out by the Minister.

The majority of those who have been unemployed for many years feel almost worthless to society. They feel let down by society. They need a new beginning that is meaningful and offers them a real training opportunity. I therefore concur with Monica McWilliams and others who have said that the lack of real information is a big handicap to us. Not many participants in the training scheme are gaining real qualifications. I ask the Training and Employment Agency to update its systems and make sure that there is better tracking.

The consortium, the local training partnership, which is supposed to co-ordinate training opportunities at district council level, must be examined. There may be too many providers, especially in the voluntary and community sector. Participants in a training scheme need to know that they are going to get something real and meaningful out of it. They need to be doing something that is purposeful and will enable them to get a real job in the future.

It is disturbing that the New Deal scheme is not working out as well as it should do in counties Derry, Tyrone and Fermanagh, areas of high unemployment. This is largely because there are far fewer training opportunities in “on-the-job” schemes, and this must be examined. If there are not enough placement opportunities with employers, the Training and Employment Agency needs to examine ways of providing meaningful places for training.

The primary objective of the scheme should be to provide a pathway into employment. The “revolving door syndrome” is creating a sense of unease among people who have been on a scheme from which they feel they have gained nothing remarkable.

The east - west disparity is a concern to people in Omagh and Strabane. New Targeting Social Needs objectives are a major challenge for everyone, and it is to be hoped that these objectives can be applied in the review of New Deal to make it a meaningful training exercise for the future. The New Deal has been of some success, but we are charged with making sure that those who have not benefited from mainstream education or training, can derive something meaningful from it.

I agree that if we are going to work successfully with people who have been unemployed for many years, we need personal advisers who can devote more time to helping those people into a training option and a job.

**Mr R Hutchinson:** The protection of the rights of the unemployed to obtain work and regain dignity and

financial security is highly relevant at present — it is timely for the Assembly to be debating this motion on New Deal. In spite of the volumes of public relations material produced under direct rule to accentuate the success of New Deal options in meeting the needs of the unemployed, the scheme has fallen short of many of its claims. It has failed singularly to dismantle the barrier of the long-term unemployed. In reality, the intensive activity period has reinforced the habit of many of its participants to return, after the obligatory 13-weeks attendance, to the obscurity of their unemployed status until they are contacted for further referral. Having said that, line managers in the Training and Employment Agency would be the first to concede — off the record — that New Deal has greatly reduced the numbers obtaining benefit illegally while working. If the New Deal had had this as its main objective, it could be heralded a success. A careful scrutiny of the failure to attend of participants referred for interview by the Training and Employment Agency to the consortia-led partners is evidence of this.

There are aspects of the New Deal that represent a good beginning in the Province. The variety of options represents a platter of opportunities for participants. However, because most of the options fail to offer any financial incentive to the participants, they have been given a cold reception. It is only since the Social Security Agency introduced the withdrawal of benefits that many participants have now been able to overcome their reluctance to attend and participate in options. The environmental, intensive activity period (IAP) and employers’ options are exceptions to this.

Two observations must be made at this point. First, many of the options shadow the opportunities offered on job skills programmes, except that the financial rewards for job skills candidates are absent from New Deal. Secondly, the New Deal age categories seem to have replaced the former ‘adult’ category of the Jobskills Scheme. This needs some review. New Deal can learn a lot from the structure of the Jobskills programme in the sense that modern apprenticeship frameworks are pro-active in realising employment opportunities. Sadly, there is no structure whereby New Deal participants who have completed their NVQ Level II can go on to the Jobskills modern apprenticeship scheme. If this were possible, further training to level III, with employment, would become a reality and lead to full employment.

Currently, level II New Deal participants are unable to progress to a modern apprenticeship programme on entering full-time employment. The modern apprenticeship scheme would make employment more attractive to participants and employers. I urge the Minister to review the arrangements to make the employment option more popular to employers. This would involve lengthening the period of employer

support and tightening the lines of communication between the Training and Employment Agency — the training provider — and the employers. The concept of partnership needs to be articulated more thoughtfully, in terms of structure and incentive.

I also call on the Minister to review the Training and Employment Agency's management of New Deal. From the time of its introduction, New Deal officers were relocated from Social Security Agency offices, and many had little training or careers advice until after they had begun advising on New Deal. The resultant high levels of stress and sick leave among Training and Employment Agency personal advisers did little to promote the reputation or the effective running of the New Deal options. I support the call for a review of the New Deal programme and its options.

**Mr J Kelly:** Go raibh maith agat, a Cheann Comhairle. I support the motion, and I want to give a trade union perspective. Although they have broadly welcomed the deal, the trade unions have a number of concerns, mainly in relation to the first option. What kind of job placements will there be under the employer option? Will there be the possibility of job substitution? Will those in New Deal be entitled to trade union membership and the same terms and conditions that apply to other workers? Will they be subject to the same health and safety regulations and equality of opportunity that apply to other workers?

These problems, a Cheann Comhairle, are endemic in the short-term employment nature of the New Deal. However, if New Deal is to make an impact on changing the situation on the ground, it has to take into account local characteristics — that goes back to what other Members have said about taking into account the existing situation in the North of Ireland. The programme must fit in with existing local mechanisms of regeneration. It has been designed very much as a national programme and it fails to acknowledge the local opportunities or civil society in the North of Ireland.

As regards the programme's delivery mechanisms, the question must be asked: are the consortia separate from the local area and, if so, will they have an impact? Questions also arise in relation to those over 25, as already mentioned, who are considered to be long-term unemployed. This group has been regarded as being a residual issue in the Welfare-To-Work programme. New Deal is not yet structured enough for those over 25 years old, however, it is hoped that continuing discussions will change the focus. If not, the whole programme, a Cheann Comhairle, will be discredited.

The test of the value of New Deal will surely come in the longer term. How will the Government ensure that the private sector is able to relate specifically to local areas? How will we create a dynamic between employers and local partnerships? The opportunity is there for the

private sector to play an energising role, and New Deal could be used as a beginning, a first step, to develop these relationships.

When considering the issues of unemployment and poverty, there is always a fundamental assumption that people are the problem. If New Deal is to make a significant impact on the economic and social waste of unemployment, the following questions and points must be addressed: how do we ensure that New Deal is targeted effectively at the most disadvantaged groups? How do we ensure that the people who are the most difficult to reach are not sidelined in favour of the most accessible groups? If New Deal does not take into account all of the local characteristics, it will fail abysmally; if it fails to link up with local partnerships and mechanisms, again it will fail, because it will not have been integrated into the community it is supposed to serve.

I will finish, a Cheann Comhairle, with this quote:

"The unemployed have both the willingness and the right to work — they should not be exploited for either political or financial gain. The Government are asking the unemployed to make a giant leap of faith into the New Deal, but after decades of mistrust, we are demanding a safety net be erected first. The fact that benefit sanctions have been intensified to those failing to take up one of the four options would certainly indicate the Government's intentions to implement New Deal at all costs. This compulsion, or work for benefit, is not then Welfare to Work but Welfare to Workfare!"

**Mr Hay:** Although supporting the motion, the Committee has had length deliberations on the whole issue of New Deal. It has been critical of it but also constructive in its attitude, and we must congratulate the Minister who knows the issues that surround it. It is more difficult for him than for others, because New Deal is a national programme, and the policy has been that it is limited in its flexibility at a regional level. That causes problems for the Minister.

1.30 pm

As I said in my earlier remarks, we must be critical of, but also constructive about, the New Deal. There is certainly still confusion among participants in the programme. We find it difficult to get hold of statistics. For example, does the huge cost of New Deal represent value for money? Secondly, how many young people does it return to the dole queue? How many young people who do not meet employers' needs fall back into benefits dependency after finishing the programme? These are all vital questions which must be answered if we are to set about trying to improve New Deal.

We all remember the old Action for Community Employment (ACE) scheme, which was reasonably successful in the training and employment of young people. The ACE scheme also showed people, such as senior citizens and those not so well off, that they were getting something on the ground, and it could be seen to



be so doing. When that finished, it was a devastating blow for many people. Unfortunately, we now have the New Deal, which we must all try to turn to our advantage.

There are many problems in the programme. Gateway and its follow-through do not explain what New Deal is all about, and there are high caseloads in personal assistance. Another issue, brought up by the people to whom we spoke, was the high level of paperwork and its duplication by employers or whomever was involved in the scheme. Many employers were put off by New Deal's requirement that they pay for or provide a day's training away from work, and they would have preferred people over 25, whom they did not have to release.

As a Committee, we should try to identify where the major problems are, how we solve them in the long term, and how we can tailor the New Deal to meet the needs of young people and the long-term unemployed in Northern Ireland. It is for all of us on the Higher and Further Education, Training and Employment Committee to work with the Minister and see how we can help him. We must still be critical of the programme, but, as the Committee Chairman said, we should also be constructive. We are not critical of the Minister, for we say to him, "We may be at one with you on this issue." If we can provide back-up to him in trying to change certain aspects in the programme, we should do so.

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** I am very pleased to have such an early opportunity in the new session to debate issues relating to the New Deal. When the Chairman of the Committee, Dr Birnie, recently wrote to me saying how anxious he was for this debate to take place, I was very pleased. I encouraged its scheduling for an early date, for we are at a critical stage in reviewing progress of the New Deal. Indeed, as the Committee Chairman said in his opening remarks, the Department and I have already passed on to London our recommendations on how the New Deal programme should be modified.

Today's debate is a welcome contribution to that process. As the Chairman indicated in his opening remarks, this process might well form part of an agenda for discussion in the intergovernmental conference or Committee — bringing together the Government in London with the devolved institutions and Executives in Edinburgh, Belfast and Cardiff. I too would be anxious to have this issue addressed in that forum. The experiences of other places, together with those here, and our reflections on those experiences, will lead to the kind of modifications which will address, as effectively as possible, these points. They may be at the more general level or, in respect of flexibility and modifications, they might be adopted more appropriately for the particular regions.

The motion focuses on the needs of the long-term unemployed, but as the debate has demonstrated, Members' concerns extend beyond the long-term unemployed in that they want to address the needs of those who are unemployed at age 18. I want to stress that, in contributing to the discussion, I do not intend my remarks to be in any way conclusive. I am indicating our current thinking and taking on board your thinking. It is important that I try to cast the focus of the motion in the wider context of the whole of the New Deal Programme, as Members have done.

As Members are aware, the New Deal programme was introduced in April 1998. It is delivered by the Training and Employment Agency, in partnership with the Department for Social Development, and is aimed at increasing the employability of the unemployed in society, by helping them enter or return to work. New Deal is one strand of the wider Welfare to Work initiative, which also includes such measures as the national minimum wage, working families' tax credit, the national childcare strategy, and it also complements other agency programmes, such as Worktrack. When taken together these represent significant steps in assisting people to enter into and remain in employment.

My Department has been allocated £163 million throughout the life of the present Parliament, from the windfall levy imposed on the privatised utilities. This is to fund the New Deal programme for the unemployed, and other New Deal programmes for the disabled, over-50s, lone parents and partners of the unemployed. The resources provided from the windfall levy, as several Members noted — some critically — are ring-fenced for New Deal purposes. New Deal is a national programme, and it has been implemented consistently across the regions of the United Kingdom.

The delivery of New Deal in Northern Ireland is very much on a partnership basis. There are 26 New Deal consortia, mainly comprising training organisations, further education colleges, voluntary sector and environmental organisations, working together to a common purpose. This is a very important feature of the delivery process. Some Members seem to suggest that there is very much a top-down delivery in operation here.

The delivery is taking place within the context of consortia that are locally focussed and locally drawn in terms of membership. They are intended to create real working partnerships. If there are difficulties with respect to the partnerships — and some comments suggest this — then undoubtedly we need to hear about them. Delivery is intended to be as close as possible to those whom the New Deal programmes are designed to serve. That is a very important feature.

Some Members may be familiar with the situation, either through direct participation in some of those



consortia, or close delivery within particular consortia, because where they operate may depend on the area they represent. Consortia and New Deal personal advisors based in the network of Training and Employment Agency job centres work together to provide opportunities for training and work experience placements for the unemployed in their local areas.

The implementation and monitoring of New Deal delivery is overseen by the Northern Ireland New Deal taskforce — a widely representative group. This taskforce is investigating aspects of New Deal with a view to improving its operation, and it is in this context that the ongoing monitoring of the delivery of New Deal takes place. The taskforce provides to my Department and, therefore, to me a considerable amount of information, opinions, comments and indeed recommendations for improvement, and I will advise Members of progress so far, and of future plans.

When New Deal was first introduced, unemployment in Northern Ireland stood at 7.6%. By August 2000 this had reduced to 5.2%, partly due to the impact of New Deal. The increased employment opportunities in the local economy have, of course, also been a major and, perhaps, overriding factor, although New Deal is generally not given the significance it deserves for effecting some of these changes.

Some comments have been made in the context of the situation which existed at least five or six years ago, but fortunately, we are in a rapidly changing labour market situation. I acknowledge that this situation is not the same in all areas. There have been greater improvements in some areas than in others. Overall, however, there has been significant and positive development.

The decrease in unemployment represents over 13,000 in the number of registered unemployed people during the period referred to. In the two main categories of people eligible for New Deal, the numbers registered as unemployed have declined by over 12,000 since the programmes began. This decrease represents over 90% of the total reduction in unemployment over the period.

By contrast, the level of unemployment among those who did not participate in New Deal has remained virtually static over the same period. That is one of the most important illustrations of the contribution that New Deal has made to unemployment rates. New Deal has proved very effective in helping the unemployed to return to work. Of the 12,000 people who left the register, over 10,000 found new jobs. Several Members commented that these jobs may not provide the level of career satisfaction that is necessary. I acknowledge this — some of them have obtained jobs at a lower level than we would have liked.

1.45 pm

Therefore we need to reflect on this matter in the context of the outcome of the New Deal experience. Indeed, that forms part of the ongoing monitoring and tracking of those undergoing the whole programme.

The work experience and training afforded in the context of placements in voluntary and environmental projects have benefited the New Deal participants, the organisations involved and the communities they served. Again, I acknowledge Members' comments, contrasting the voluntary organisations' experience of New Deal and ACE. There is a much reduced pool of unemployed labour now available from which to attract participants into the voluntary organisations that are so anxious to avail of this kind of support. If we have a smaller pool, the difficulties in filling the kind of places that might be made available — and indeed by comparison with the past, were available — is evidently a considerable problem. However, we are trying to work with voluntary organisations to address that issue.

The New Deal programmes continue to evolve and develop in the light of experience. Following the end of the current New Deal 25 plus pilot scheme in March next year, a revised programme for that group will be implemented.

My Department has recently conducted a wide ranging consultation exercise involving, among others, a New Deal taskforce, personal advisers, the Education and Training Inspectorate and those organisations involved in the 26 delivery consortia.

Given our experience in running the largest New Deal 25 plus pilot scheme in the UK, I have recently written to Tessa Jowell, the British Minister responsible for the Welfare to Work programme. I have recommended enhancements to the revised New Deal 25 plus programme, which will lead to better tailored provision for the unemployed in Northern Ireland. These recommendations, together with those for the 18 to 24-year-olds, can be summarised as follows: for the New Deal for 18 to 24-year-olds, we are recommending the introduction of a more flexible programme that will more adequately meet the individual needs of young people. Several Members stressed the need to ensure that programmes were tailored as individually as possible. We are recommending an increase in the percentage of output-related funding, currently devoted to a successful employment outcome, to provide a stronger incentive. We are recommending a more flexible follow-through provision to allow those who would benefit to take up a different New Deal option if they have completed one option and have still not gained employment. We are also recommending an extension of short vocational courses provided during the initial, or gateway, period from the current two weeks to four weeks.

I am particularly concerned — as was highlighted in Mr Dallat's remarks — about the problems of literacy and numeracy encountered within New Deal. I should already be at a meeting with members of the basic skills committee, which was established at the end of last year. They are reporting progress on how they are addressing that particular scourge — it probably deserves such a strong term — which afflicts so many. They are making several recommendations, one of which will involve ways in which they can work closer with New Deal providers in order to address this particular need.

I trust we will be able to see much more progress in addressing that problem in the context of New Deal and in further education provision generally. I share Mr Dallat's reflection that a lot of questions have to be asked why there are such high levels of illiteracy and innumeracy among young people emerging from our educational systems.

Returning to New Deal for 25 plus, we are recommending an extension of the intensive activity period element from 13 weeks to 26 weeks. Many Members should welcome that recommendation, given the emphasis the issue has received in many of their remarks today, in Committee, and elsewhere.

The intensive activity period provides participants with an individually tailored programme consisting of work experience, job-focused training and supervised job-search activity aimed at helping them into employment at the earliest opportunity.

We are also recommending the introduction of a £750 training grant, similar to that within the 18 to 24 New Deal scheme, for those who wish to gain a vocational qualification during the intensive activity period or while in subsidised employment. The intensive activity period is to be re-named as "Paths to Employment", giving a much clearer indication of its aims and objectives.

We are recommending the retention of the education and training opportunities included in this New Deal programme that provides up to 52 weeks' NVQ level training. In our view, this facility has been particularly beneficial here.

We are recommending early entry to education and training opportunities for certain groups who do not meet the normal eligibility criteria, for example, women returning to work, and those suffering the effects of large-scale redundancy, such as the unfortunate event last week at Harland & Wolff. Redundancy has also affected several sections of the textile industry — a point highlighted by Mrs Nelis. We are recommending a reduction in the eligibility threshold from 18 months' unemployment to —

**Mr Speaker:** Order. I hesitate to interrupt the Minister because he is responding to questions, but I must ask him to draw his remarks to a close.

**Mr Farren:** I need just two minutes, Mr Speaker. Thank you for your indulgence.

We are recommending a standardised policy on benefit sanctions within both New Deal programmes.

With respect to the New Deal for Lone Parents programme, we are recommending that the facility allow lone parents on income support to access those opportunities available within New Deal that are currently targeted at those in receipt of jobseekers allowance.

I am confident that these recommendations will receive full consideration and I look forward to a positive response.

In conclusion, I would like to place on record my personal thanks to the New Deal personal advisers, many of whom I have met on my visits to jobcentres. They have played, and continue to play, a pivotal role in the success of New Deal. We are moving to reduce the numbers of people advisers have to deal with, and I appreciate that those high numbers are a matter of concern; they are a matter of concern to me. I hope that we will be able to take action on that very soon.

Those delivery organisations working in partnership through the consortia arrangements are also to be commended for their professional and committed work in helping the unemployed to gain the skills and attributes necessary to get back into the labour market. The members of the New Deal taskforce who recently provided me with their programme of work have been instrumental in ensuring that the views of employers and other interested parties are brought to the fore. They have continued to fulfil a valuable role in overseeing New Deal implementation.

I thank all the Members who have contributed and I assure them that if I have not had the opportunity to address the particular issues they have raised, I will do so either in Committee, at an early stage, or by correspondence.

I assure Members that I too am deeply committed to ensuring that we have the most effective means possible of providing training for the unemployed, whether they are on the register or not. Some are not on the register and that is an area that we did not mention, but I do not have time to go into it now. For those who are interested in that, I invite them to read 'Young People and Social Exclusion in Northern Ireland: "Status Zero" Four Years On'. This report was published by my Department during the summer. It is a study of the circumstances of young people who cannot find work — those on the furthest margins of our society. We must have a deep concern for these people, and I hope that we will soon be able to address that concern in a cross-departmental, multi-agency way.

**Dr Birnie:** I too thank those who participated, including the Minister. All agreed that long-term unemployment is unacceptable, especially in those cases — a sizeable proportion of the total — where the individual has not chosen the position. Rather than going through the rigmarole of listing individual contributions and summarising them, I will focus on what most agreed were the pressure points and difficulties in the current system.

First, there is a problem with basic skills acquisition. It is unfair to lay this at the door of Minister Farren, but this Department has to deal with the products of other Departments. There is an important issue here concerning literacy and numeracy — or the lack of it.

There was agreement about the inadequate duration of placements for trainees on New Deal. It was also agreed that the personal advisers were often seriously overcommitted, and this was reducing the level of individual one-on-one contact that is necessary to bring somebody out of a situation of long-term unemployment.

The lack of office space for the programme was mentioned. Further development is needed of data on what is happening to people who go through the programme and on what happens to them afterwards. There was much recognition that the training standards set for New Deal are too modest. That touches on a much broader issue concerning the adequacy of training and skills levels in the Northern Ireland labour force.

There were differing views expressed about the benefits, or otherwise, of the element of compulsion in the New Deal programme. Mr R Hutchinson rightly made the case for that element of compulsion with respect to encouraging people to move from benefits to work.

With regard to the Minister's comments, the Committee welcomes his efforts, to date, to secure change in New Deal at the UK-wide level. It also welcomes the commitment that he repeated today to continuing the partnership approach between the Training and Employment Agency and the locally based consortia.

The Minister rightly referred to the decline in the headline unemployment rates from approximately 7·6% to 5·2%. The Committee members and Assembly Members welcome that. However, there is, as the Minister noted at the end of his speech, a problem of inactivity. Some people have totally withdrawn from the formal labour force and none of us can be complacent in that regard.

This afternoon, we have had a series of suggestions and recommendations about how New Deal can be fine-tuned. We are not planning to destroy the system but to carry out wholesale reform. Some of those changes can only be made as part of a UK-wide change; others can be made through local initiatives. We are confident that, if there are such changes, New Deal will not simply be a new deal but what we really want: a fair

and square deal for those who suffer from long-term unemployment. I urge the House to support the motion.

*Question put and agreed to.*

*Resolved:*

That this Assembly calls on the Minister of Higher and Further Education, Training and Employment to review the New Deal programme to tailor it to the needs of the long-term unemployed in Northern Ireland.

*The sitting was suspended at 2.00 pm.*

*On resuming (Mr Deputy Speaker [Sir John Gorman] in the Chair) —*

## Oral Answers to Questions

### FINANCE AND PERSONNEL

#### Domestic Rate

2.30 pm

2. **Mr Ford** asked the Minister of Finance and Personnel what consideration he has given to introducing an alternative to the domestic rate. (AQO 65/00)

**Mr Neeson:** On a point of order, Mr Deputy Speaker. Is it in order to proceed, bearing in mind that the Minister is not due to answer questions at this time?

**Mr Deputy Speaker:** It is in order for the Minister to proceed.

**The Minister of Finance and Personnel (Mr Durkan):** I intend to review the rating system in Northern Ireland, and I will be considering the terms of reference for that review later in the year. The continuing use of rental values as a basis for the local taxation of domestic properties will be considered in the review.

**Mr Ford:** I welcome the Minister's announcement that the topic is under review. However, I am a little concerned that he appears to be talking solely about a variation of the rate and is being unclear on the subject of possible improvements in local income tax, site value rating or any other number of current proposals. Is it not somewhat unfortunate, that in the new dispensation and arrangements here, we cannot look beyond the old system with slightly more enthusiasm?

**Mr Durkan:** The question obviously related to whether we were considering an alternative to the domestic rate. I have explained that we will be reviewing the overall rating situation, and that will obviously include questions related to domestic and non-domestic rates. Let us be clear, however, that when we are reviewing the rates, we are looking at a property based taxation system. The forms of taxation to which the Member is referring are obviously different from that and would have to be considered in a different and wider review. That is a point which we previously dealt with in this Chamber.

**Mr Maskey:** I have a further question in regard to the rates and the review. Given the difficulties we have had in the past, when reviews had not been conducted for many years, can the Minister assure us that there will be an attempt to institutionalise the reviews on a



limited number of years, to guard against past difficulty with the rates relief system?

**Mr Durkan:** The Member is not so much referring to the review of the overall rating policy and processes that we are talking about, but rather to the question of revaluation. We announced last week that a revaluation of non-domestic properties is to take place. We are now doing precisely that to avoid what happened at the time of the last revaluation, when it had been a couple of decades since one had been done. When that revaluation took place, there were some significant swings, and some found themselves badly caught out and badly affected. That is why we are revaluing non-domestic properties on a more regular basis. It has been a very long time since the last revaluation of domestic properties, and I have concluded that it would be inappropriate to open up a revaluation of domestic properties until we have seen the work taken forward on the overall review of rating policies and procedures.

### EU Initiatives

3. **Mr Dallat** asked the Minister of Finance and Personnel to update the Assembly on the four European Community initiatives: (a) LEADER, (b) INTERREG, (c) URBAN and (d) EQUAL. (AQO 73/00)

**Mr Durkan:** Programme proposals for EQUAL were submitted to the European Commission on 15 September by the Department of Higher and Further Education, Training and Employment. The Department of Agriculture and Rural Development, the Department for Social Development and the special EU programmes bodies are preparing programme proposals for LEADER, URBAN and INTERREG respectively. These proposals will be submitted to the European Commission by the following dates: LEADER 17 November; URBAN 18 November; and INTERREG 22 November.

**Mr Dallat:** The Minister will be aware that there have been rumours about reductions and, perhaps, increases in the amount of money in some of these initiatives. Can he indicate to the Assembly the amounts of money, and if there are reductions, can they be made up?

**Mr Durkan:** Changes in the figures may be related to the fact that some indicative figures were previously given, particularly when the First Minister, the Deputy First Minister and I visited Brussels in relation to bring forward work on the community support framework. The community initiatives were also discussed, and at that stage a total of £67 million for community initiatives was suggested. We are now looking at £75.8 million. If we were to retain the 25% minimum for match funding, that would give us a total of £100 million.

However, in relation to two of the initiatives, INTERREG and URBAN, the indicative figures we looked at earlier in the summer have now been reduced. Instead of £11 million for URBAN, we are now looking at £6.7 million, and at £51 million for INTERREG, where previously we thought we were expecting £59 million.

### Northern Ireland Block Grant

4. **Mr Paisley Jnr** asked the Minister of Finance and Personnel to explain the impact of the miscalculation by Her Majesty's Treasury of almost £70 million on the Northern Ireland block and to detail how this situation can be rectified. (AQO 49/00)

**Mr Durkan:** The over-allocation of £23 million per year in the year 2000 spending review is to be corrected through adjustments to end-year flexibility, so that the immediate effect on the Executive Committee's planning is kept to a minimum. In the end, over the next three years our spending power will be in line with the region's entitlement through the Barnett formula.

**Mr Paisley Jnr:** Can the Minister confirm that, although the miscalculation in Treasury moneys was announced earlier this month, it was known about in July, days after his public announcement on spending? If so, why was nothing done at that time to inform the public about this miscalculation? Was he, or the Treasury, sitting on this information?

**Mr Durkan:** The error emerged at the end of July, and we contacted the Treasury to seek further consideration of the matter. In a situation like this, we had to accept the principle that mistakes, when they are shown, must be corrected. However, this was a Treasury mistake in figures announced by the Chancellor of the Exchequer in the House. We made it clear to the Treasury that, if its chosen method of dealing with the apparent over-allocation had been to take it out of the end-year flexibility, we would need to be upfront when presenting figures to the House — and it should be remembered that we have not previously presented figures — or to the Committee. This is not the only issue consequential to the Chancellor's announcement, on which there has been ongoing contact with the Treasury. We do not have the full and final picture.

**Mr O'Connor:** Can the Minister assure us that the use of the Barnett formula does not close opportunities for the Executive to influence how much is received from the Treasury?

**Mr Durkan:** The Barnett formula imposes on Northern Ireland serious difficulties, because expenditure allocated to us is effectively tapered on a per-capita basis, so we, in Northern Ireland, do not get the same benefit of increases announced across the water. We see that, particularly, in some of those programmes

which were the subject of major headline announcements in the 2000 spending review.

However, the fact that we have the Barnett formula does not, in itself, limit scope for discussion on how the formula is applied. The outcome of the last spending review was significantly improved thanks to representations to the Chief Secretary by the First Minister, the Deputy First Member and myself. In particular, a correction in the treatment of VAT in the formula and the extension of the formula to cover expenditure on London Underground together produced an additional £40 million per year for Northern Ireland.

### Relocation of Government Offices

6. **Mr Beggs** asked the Minister of Finance and Personnel if, in considering the possible relocation of Government offices, he will favour relocation to those constituencies which currently have the lowest numbers of civil servants. (AQO 39/00)

**Mr Durkan:** Work is currently underway to develop a Civil Service office accommodation strategy, which will include a review of the current policy on job location. It would be inappropriate to prejudge the outcome of that work. The current number of Civil Service jobs in an area, in proportion to the local workforce, is one of a number of relevant factors to be taken into account.

**Mr Beggs:** Given the low numbers of civil servants employed in East Antrim and the congestion on the A2 Carrickfergus-Belfast road and the A8 Larne-Belfast road, does the Minister agree that it would make more sense to actually locate the jobs in the constituency? East Antrim has the third-lowest number of Civil Service jobs.

Secondly, will he undertake to review the figures quoted in his answer to a question I asked earlier? It appears that, with only 233 Civil Service jobs in Larne and Carrickfergus, he has included the entire borough of Newtownabbey. East Antrim may actually have the lowest number of Civil Service jobs of any constituency.

**Mr Durkan:** I thank the Member for his question. If there has been a map reading error in any previous figures, we will look at that, try to confirm the proper figures and make any necessary corrections.

It would be inappropriate for me to be drawn on any specific location. We want to make sure that this review is founded on premises to which everyone can adhere and which everyone in this House can recognise as proper. We cannot do a review that has, as a starting point, particular fixed locations to which we want to relocate jobs. In any review of policy, and in any new location policy that might emerge, numbers of existing

Civil Service jobs relative to local workforce would be one of a number of factors to be taken into account. Other factors would include new TSN indicators, regional planning strategy, the effects on equality of opportunity in the Civil Service, and, not least, service delivery, business efficiency and cost.

**Mr Maskey:** The Minister has just answered my question.

**Mr Deputy Speaker:** That is the second time today that a Member has been kind enough to concede that.

### Extra Exchequer Funding

7. **Mr Neeson** asked the Minister of Finance and Personnel what plans have been made to distribute the extra funding that has recently been made available for Northern Ireland by the Chancellor of the Exchequer. (AQO 64/00)

**Mr Durkan:** I am currently drafting budget proposals to be presented to the Executive Committee very shortly. This draft budget will reflect the outcome of ongoing discussions with ministerial colleagues and the priorities developed by the Executive Committee in the Programme for Government.

**Mr Neeson:** I thank the Minister for his answer. Will he assure us that the Assembly itself will be consulted on that spending? Will he also assure us that the Assembly will be kept up to date with whatever progress is made? Thirdly, will he tell the Assembly whether this extra funding will have any impact on the proposed privatisation of Belfast harbour, bearing in mind the delay of schemes because of disagreement on the way forward on that particular issue?

2.45 pm

**Mr Durkan:** On the first point about keeping the Assembly informed, I will present a draft budget to the Assembly in mid-October, after the First Minister and the Deputy First Minister have presented the Programme for Government. The Assembly and its Committees will then have to consider that draft budget. My Department has been in discussion with the Committee of Finance and Personnel, and others, to try to optimise the opportunity for the Assembly and its Committees to give proper and due consideration to the draft budget.

A vote needs to be taken on the draft budget, and we hope that it will be agreed by mid-December, so that all the secondary budget holders will know what they are getting and can plan accordingly. On the question about additional money, the Chancellor's announcement indicated an increase in funding for Northern Ireland — a total of £2.1 billion for the next three years, covered by the spending review, including an additional £1 billion in the third year. I hope, however, that the Assembly's interest, and that of the Executive, will not

be confined to that notional extra money. We need to look at the total picture, the total spend and the total quality of that spend. That will certainly be the case in the context of the developing work on the Programme for Government.

With regard to Belfast harbour, nothing in the current spending plans, or in the estimates previously presented, is predicated on the sale of the harbour.

**Mr Deputy Speaker:** The questions down for answer by the Minister must be adhered to, and at the set time. As Mr Close and Mrs Bell were not here — and Mrs Bell is still not here, —I have to suspend the sitting until 3 o'clock, when Ms de Brún will answer questions on the Health Service.

**Mr Paisley Jnr:** On a point of order, Mr Deputy Speaker. Is it not possible to move to the next set of questions?

**Mr Deputy Speaker:** We have seen two instances where people have not appeared to ask their questions. This might be repeated if we depart from the rather formal time allocation of half an hour for each Minister to answer questions. To set such a precedent might be dangerous, so if the Member does not mind, we will suspend the sitting.

**Mr Poots:** On a point of order, Deputy Speaker. Is it reasonable to exclude Mr Close's question, given that the Minister of Education was to answer questions first? Mr Close was, therefore, not entirely at fault for not being in the Chamber.

**Mr Deputy Speaker:** The Member will find that in the Order Paper, the Minister of Health follows the Minister of Finance.

*The sitting was suspended at 2.48 pm.*

*On resuming—*

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Shortage of Nurses

3.00 pm

1. **Mr McCarthy** asked the Minister of Health, Social Services and Public Safety what action will be taken to alleviate the shortage of trained nurses in Northern Ireland, and if she will make a statement.

(AQO 61/00)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Le do chead, a Leas Cheann Comhairle. Ní ba túisce sa bhliain d'iarr mé measúnú práinneach ar líon na n-áiteanna a choimisiúnaíonn mo Roinnse ar an chúrsa trí bliana Dioplóma san Altranais in Ollscoil na Ríona, Béal Feirste.

Ós rud é go n-aithnímid an bharrthábhacht a bhaineann le hearcú altraí agus á gcoinneáil sa tseirbhís, tá 100 áit bhreise á gcoimisiúnú gach bliain feasta go ceann trí bliana. Beidh athbhreithniú rialta ann le fáil amach an mbeidh gá lena thuilleadh áiteanna.

Cuireann mo Roinnse maoiniú ar fáil fosta le haghaidh cúrsa traenála ar leith d'altraí cáilithe a bhfuil tuilleadh traenála uathu le cuidiú leo pilleadh ar an obair. Cuireann trí chuibhreannas oideachais inseirbhíse an traenáil seo ar fáil saor in aisce. Táthar ag dréim leis go mbeidh 107 altra san iomlán ag críochnú cúrsa traenála faoi dheireadh na bliana.

Earlier this year, I asked for an urgent assessment of the number of places my Department commissions on the three-year diploma in nursing studies at Queen's University, Belfast. In recognition of the fact that the recruitment and retention of nursing staff is crucial, an additional 100 places have been commissioned for each of the next three years. The need for further increases will be kept under review. My Department also provides funding for a "return to professional practice" course for qualified nurses who require additional training to enable them to return to nursing. Three in-service education consortia provide this training free of charge, and a total of 107 nurses are expected to complete training by the end of the year.

**Mr McCarthy:** We welcome and pay tribute to the many visitors and workers who come here from all over the world. However, does the Minister agree that, over the years, the authorities have not encouraged local students to enter the profession. Rather they may have discouraged them from doing so because of the unattractiveness of salaries and conditions? Does she agree

that the authorities have allowed nursing professionals to take up more lucrative positions outside nursing?

**Ms de Brún:** I acknowledge, as the Member has in his question, that we are not just talking about the training of nurses, but about the retention of nurses. We want to ensure that nurses, and other staff, want to join health and personal social services (HPSS) and stay there. My decision to commission the additional 300 student places over the next three years was influenced by a number of concerns expressed by trusts and the independent sector. These include the level of unfilled posts, the difficulties in recruiting and retaining newly qualified nurses, the age profile of the nursing workforce, and the need to recruit nurses from abroad. We are exploring ways of bringing nurses back into the workforce as well as increasing the number of nurses being trained and whether they wish to remain within the service once they are trained.

Queen's University is currently gathering information on the employment destinations of newly qualified nurses. The Department intends to look carefully at the question of the HPSS workforce with a view to informing future commissioning arrangements. A new HPSS human resources strategy is being worked out in conjunction with the trade unions, and that will include elements to ensure that those working in the service will want to stay here.

**Mr Paisley Jnr:** Does the Minister now accept that training has been adversely affected by her decision to allocate and waste £25,000 per annum on her selfish promotion of the Irish language through her Department? Does she recognise that these resources could be used to pay for the training of nursing staff in Northern Ireland? Is she aware of my constituents, Mr Watt and Mrs Gregg, who wrote to her on 3 August and 8 September respectively, imploring her to use the £25,000 on operations for which they had been waiting several months?

**Ms de Brún:** We are looking at the matters of training and retaining people in the service. I have not refused to put in money. I have, in fact, commissioned an additional 300 student nurse places — 100 places for every year over the next three years. That clearly shows how committed I am to ensuring that places are provided. I have also stated very clearly that the Department is looking across the HPSS workforce with a view to informing future commissioning arrangements on the number of necessary places involved. Clearly, I am treating this issue with the importance that it deserves.

Our society is made up of a variety of people; they vary in community background, in social class, in need, and in language. Any decent Minister would recognise, as I do, that any modern service must be able to cater for the whole of this range. The suggestion that one section

of that society should be penalised, illustrates the political bigotry which exists in some sections of the House. All sections of society deserve to be treated well, and, in my view, they will be treated well.

**Mr Hussey:** We all welcome an increase in the number of nurses and the Minister is right in saying that there is a necessary training period for staff. We welcome the original question on the current shortage.

**Mr Deputy Speaker:** May we have your question, please.

**Mr Hussey:** The Minister has given a commitment that hospital waiting lists will be shortened. Given the importance of nurses in the treatment system, how does she intend to address the scandalous rise in numbers of those awaiting treatment?

**Ms De Brún:** Clearly, as I said when I first announced the additional 100 student nurse places over the next three years, this is a key point in addressing some of the difficulties that are leading to longer waiting lists at the moment. Let me emphasise that recent surveys — the last one was in June — have shown an improved situation with regard to recruitment and retention.

For example, trusts were asked to report specifically on nursing posts which have been unfilled for six months or so. One particular trust is a real cause for concern at present — it has an aggressive recruitment strategy and it is in the process of recruiting more qualified nurses. Some new nurses will come from abroad, and others will come back into the workforce from other posts.

On the wider question of waiting lists, I have set out a clear framework for action as part of which I expect the boards to bring forward detailed action plans. These matters are being addressed at present, and the seriousness of the situation has been taken on board. People throughout the service, at board, trust and departmental level, are doing their utmost to seek answers to the challenges that face us.

**Mr Deputy Speaker:** We had a wonderful example in the last series of questions. All the questions were answered, and we had a 15-minute break. Now we are still on the first question. Will the Minister please be more succinct?

**Mr O'Connor:** While the extra 100 nurses to be provided over the next three years are welcome, does the Minister not agree that this is merely a drop in the ocean, that there is a real haemorrhaging of professionals out of the service and that more needs to be done, in terms of job-shares and part-time work, to attract people back?

**Mr Deputy Speaker:** Please be more succinct.



**Mr O'Connor:** Certainly, Mr Deputy Speaker. Can the Minister assure us that active steps will be taken to recruit more nurses rather than administrators?

**Ms de Brún:** I refer the Member to my previous answer. I outlined actions that are being taken on recruitment and also the health and personal social services human resource strategy. I believe that this will ensure that staff will want to join and stay.

### Epilepsy

2. **Mr Kennedy** asked the Minister of Health, Social Services and Public Safety what measures she intends to implement to ensure that the treatment of intractable epilepsy in Northern Ireland, using the proven concept of vagal nerve stimulation, is allowed adequate financial resources and staffing, and if she will make a statement. (AQO 41/00)

**Ms de Brún:** Tugtar an chóireáil seo in Ospidéal Ríoga Victoria amháin. Ionchlannaítear gléas leis an néaróg vagach a spreagadh. Cuireann na boird roinnt othar go Baile Átha Cliath le haghaidh cóireála. Ceapadh an 5ú néarmháinlia comhairleach chuig an Ospidéal Ríoga i mí Bealtaine, ach tá líon na ndaoine ar na liostaí feithimh don chóireáil seo doghlacltha ard. Tá mé i ndiaidh a iarraidh ar fheidhmeannaigh an scéal a fhiosrú agus scríobhfaidh mé chuig an Teachta faoin ábhar a luaithe is féidir.

This treatment, which includes and involves the implant of a stimulator of the vagal nerve, is carried out only at the Royal Victoria Hospital. Boards also send some patients to Dublin for treatment. A fifth consultant neurosurgeon was appointed to the Royal in May, but waiting lists for this treatment remain unacceptably high. I have asked officials to investigate this situation, and I will write to the Member about this matter as soon as possible. I thank the Member for his question.

**Mr Kennedy:** I am grateful for the answer. I did not understand all of it, particularly the early part. Evidently "epilepsy" is not a word that translates into Irish.

I implore the Minister to extend this treatment beyond the Royal Victoria Hospital to other centres of excellence, particularly where that will assist constituents in the Newry and Armagh areas. I ask that urgent consideration be given to ensure proper staffing and funding.

**Ms de Brún:** While it is clear that some of the difficulties that have arisen, such as ensuring that people are not waiting lengthy amounts of time for this treatment, have been addressed, I wish to ensure that officials investigate fully the reasons for the unacceptable length of time that patients have been waiting for this procedure. When I receive the report, I shall consider what further action needs to be taken.

### Acute Hospitals Review

3. **Mrs Carson** asked the Minister of Health, Social Services and Public Safety to detail her assessment of the need for equality in appointing members to the Acute Hospitals Review Group. (AQO 48/00)

10. **Dr Birnie** asked the Minister of Health, Social Services and Public Safety to explain why she appointed to the Acute Hospitals Review Group two members who were involved at management level in the DHSS and the Southern Health and Social Services Board and one member who was previously involved in local government. (AQO 42/00)

11. **Rev Robert Coulter** asked the Minister of Health, Social Services and Public Safety which individuals and groups she consulted in regard to the appointment of the Acute Hospitals Review Group. (AQO 43/00)

16. **Mr Leslie** asked the Minister of Health, Social Services and Public Safety if she will make a statement on the involvement of the Government of the Republic of Ireland in the review of acute hospital services in Northern Ireland. (AQO 40/00)

20. **Mr McClarty** asked the Minister of Health, Social Services and Public Safety if she will make a statement on appointments from the Republic of Ireland to the Acute Hospitals Review Group. (AQO 45/00)

**Ms de Brún:** Le do chead, a LeasCheann Comhairle, tógfaidh mé ceisteanna 3, 10, 11, 16 agus 20 le chéile ós rud é go mbaineann siad uilig leis an athbhreithniú ar ospidéal ghéarmhíochaine. Tá sé barrthábhachtach don phobal uilig go soláthrófar seirbhísí sábháilte agus éifeachtacha géarmhíochaine ospidéil; seirbhísí ar féidir teacht go réidh orthu. Tá sé sin ar cheann de na tosaíochtaí is mó atá agam féin. Ba mhaith liom gluaiseacht chun tosaigh a ghaiste is féidir, agus is é sin an chúis ar choimisiúnaigh mé athbhreithniú gairid neamhspleách ar gach ní a mbaineann leis an ábhar seo.

With your permission, Mr Deputy Speaker, I shall take questions: 3, 10, 11, 16 and 20 together since they all relate to the review of acute hospitals and the make-up of the review group.

The provision of safe, effective and accessible acute hospital services is of vital importance to the whole community. It is one of my top priorities. I want to move forward as quickly as possible and that is why I have commissioned a short, independent review of all of the issues involved.

Roghnaigh mé baill an ghrúpa athbhreithnithe ar bhonn go bhféadfadh siad a chur leis an obair thábhachtach seo agus ar an bhonn sin amháin. Tá mé sásta go bhfuil an t-eolas agus an oilteacht atá riachtanach ag na baill a roghnaigh mé agus go mbeidh

siad in ann an tsainchomhairle oibiachtúil atá uaim a thabhairt domh. Tá mé sásta fosta go bhfuil gach ball abálta tuairimí gach earnáil den phobal a chur in iúl, mar atá déanta ag a lán acu cheana agus mar a dhéanfaidh siad go leanúnach feasta i rith a saoil oibre. Creidim go mbeidh baill an ghrúpa eolach go maith ar na ceisteanna difriúla atá ag cur isteach ar dhaoine taobh thiar agus taobh thoir den Bhanna, mar shampla, nó ar cheisteanna a bhaineann le pobal uirbeach agus le pobal tuaithe, nó ar an dearcadh ghairmiúil agus ar an dearcadh thuata maidir le seirbhísí ospidéal.

Maidir le ceist an Uasail Birnie, tá súil agam nach bhfuiltear ag rá go bhfuil amhras ann maidir le hionracas, eolas nó oilteacht duine ar bith den ghrúpa. Má tá tuairim ag an Teachta go bhfuil amhras ann maidir le duine ar bith den ghrúpa, tá súil agam go gcuirfidh sé an t-eolas sin faoi mo bhráid.

3.15 pm

I selected members for the review group solely on the basis of the contribution they would be able to make to this important work. I am satisfied that the members I have chosen will have the necessary knowledge and expertise and that they will be able to provide me with the objective expert advice I need.

I am also satisfied that they can reflect the views of all sections of the community, as many of them have done, or are continuing to do, in their working lives. The group will be very much aware of the different issues affecting people east and west of the Bann — for example, issues relevant to urban and rural communities, and the professional and lay perspective on hospital services.

In the case of Mr Birnie's question, I hope there is no suggestion that there is any question mark over the integrity, knowledge or expertise of any individual on the group. If the Member is suggesting that there is such a question mark, I hope he will bring it to my attention. I assure the Member that my door is always open.

As to the members from the South, both have much relevant expertise in hospital services, which will be of benefit to the group. Mr O'Shea was involved in similar work reviewing acute hospital services in the North Eastern Health Board. His experience there, where many similar problems exist, will be invaluable to the group. Mrs Ryan has worked in senior positions in hospitals, both North and South, and she will bring a wealth of experience to the group. The Irish Government has not been involved in the review.

**Mrs Carson:** I heard some of the reply but I did not understand other bits. It seemed to go on longer in the language which I cannot understand. Does the Minister agree that she received a detailed letter from me, dated 10 August, setting out a number of my concerns about this review group? To date, I have only received two

acknowledgements, neither of which addressed any of my queries or concerns. Is the Minister satisfied that this is a competent way to deal with replies to an elected Member of the Assembly? I received acknowledgements on 29 August and 12 September. I do not feel that that is satisfactory. Is the Minister satisfied that, as well as professional competency, there is equal representation of members of the different religious and political communities in Northern Ireland and a good representation of women? Is she satisfied that there has been equality proofing?

**Ms de Brún:** I did indeed receive a very detailed letter from the Member.

**Mrs Carson:** There was no answer.

**Ms de Brún:** It has gone to the Member today. It was a very detailed letter, and it has received a very detailed answer, just as the Questions here today have received very detailed answers. On representation, I am absolutely satisfied that the people I have chosen reflect the views of all sections of the community. Many of them have done so, or continue to do so, in their working lives. All those on the review group, who are from here, have worked in situations where they reflect the views of the entire community, and where they are seen to be working for all sections of it.

To date, there has been no question mark over any of the members or their ability to work for the whole community. The question arises as to whether this Question is, in fact, directed at the make-up of the review group and the people involved, or is a way of directing yet another question at a Minister with a different political viewpoint. The people involved can and will represent all sections of the community. Had I found, when looking at the review group's make-up, that those debating acute hospital services all came from east or west of the Bann, or that the faultlines followed the division between lay and professional, or between nurse or general practitioner and consultant, I would indeed have been worried that it might not have been able to do the work I had asked of it.

I believe that the representation is sufficient —

**Mrs Carson:** Mr Deputy Speaker, I must protest that we have not had an answer to my question.

**Mr Deputy Speaker:** Your written correspondence has received a reply, and I do not envisage any further profit from continuing to pursue the matter.

**Mrs Carson:** Can I withdraw my question because it is not being answered?

**Dr Birnie:** I thank the Minister for her part answer to my question but I still have to ask how she proposes to handle the question of conflicts of interest of members of the review group, in light of their previous positions?

Also, why does the group include somebody who does have clear experience of the set-up in the Republic of Ireland? It would have been more natural to include someone who has experience of the set-up in Great Britain, in light of the current UK-wide NHS national plan, which will have a huge bearing on what happens to acute services within Northern Ireland.

**Ms de Brún:** I find it difficult to understand why Mr Birnie wants to balance out someone who has experience of the set-up in the South of Ireland, but does not want somebody who previously worked for the Department and clearly has a knowledge of the set-up here.

This does not take away from his question of why I included someone who was involved in the Department of Health and Social Services. One of the reasons is that they do have a detailed knowledge of the situation here. They also have a detailed knowledge of other work and are highly respected within the community, as a former ombudsman, and in other positions. I was delighted that Maurice Hayes accepted my invitation to chair the group and I am confident that his leadership will command widespread respect. He will bring an informed and independent eye, as well as a rigorous approach to the important work.

The health and social service board is not represented, but Fionnuala Cook, as you will know, is a member of the Eastern Health and Social Services Council, who represent service users in the area. This relates, as I answered previously, to the different balance between those who have professional experience within the system and lay people who can bring the views of service users. Nobody is on the group to represent a particular group.

Therefore, on the questions you ask about each person involved, two are former ombudsmen and, presuming you are talking about Mrs Fionnuala Cook, one works for the Eastern Health and Social Services Council and not the Eastern Health and Social Services Board.

**Mr Leslie:** I thank the Minister for her acknowledgement of my question in her answer. I note her assertion that the Government of the Irish Republic is not involved in this review. If the Minister has tasked Dr Maurice Hayes specifically with looking at cross-border co-operation on acute hospital provision, how can this be satisfactorily conducted without some reference to the Department of Health in the Government of the Republic of Ireland?

**Ms de Brún:** There is already a great deal of cross-border co-operation in hospital services. If we are reviewing acute hospital services, it would be useful for the group to look at and build on that existing work, particularly on the work of Co-operation and Working Together, which was established in 1992. A lot of this

work goes on in the boards, between the boards and through the Co-operation and Working Together initiative. That initiative, and the work building on that, will feed either into the acute hospital review, the North/South Ministerial Council or into reports between the two Governments, if needs be. The acute hospital review will build on that work.

### Causeway Hospital: Beds

4. **Mr Kane** asked the Minister of Health, Social Services and Public Safety to quantify the provision of community care that is likely to be required as a result of the 10 fewer surgical and four fewer medical beds in the new Causeway Health and Social Services Trust Hospital in Coleraine. (AQO 75/00)

**Ms de Brún:** Níl líon na leapacha míochaine á laghdú in Ospidéal nua an Chlocháin, Cúil Raithin. Ach beidh athrú ann sna socruithe maidir le leapacha máinliachta. Méadófar líon na leapacha lae máinliachta óna 12 mar atá anois ann go dtí 22. Dá thairbhe seo, beidh sé ar chumas an ospidéil cóireáil lae máinliachta a thabhairt do 50 othar sa lá. Ar an ábhar sin, beidh 15 leapacha máinliachta níos lú de dhíth agus ba chóir go mbeadh seirbhís níos éifeachtaí agus níos éifeachtúla á soláthar. Ní bheidh tionchar díreach ag an socrú seo ar sheirbhísí cúraim phobail.

The number of medical beds in the new Causeway Hospital, Coleraine, is not being reduced. That is not accurate. There will be a change in the configuration of surgical beds. The number of day surgery beds will increase from 12 to 22, allowing for 50 surgical procedures a day. That will reduce the need for in-patient surgical beds by 15, and should deliver a more effective and efficient service. This configuration will have no direct impact on the delivery of local community care services.

**Mr Kane:** Will the Minister provide a definite date for the opening of the new facility at Coleraine? Uncertainty over this prevails.

**Ms de Brún:** I expect the main contract work to be completed in October, and the facility should be open in April 2001.

### Primary Care Services

5. **Mr Neeson** asked the Minister of Health, Social Services and Public Safety what priority is being given to the development of primary care services. (AQO 63/00)

12. **Mr O'Neill** asked the Minister of Health, Social Services and Public Safety to indicate what plans there are for the future of the five primary care commissioning

pilots established in April 1999, given that funding runs out in April 2001, and if she will make a statement.

(AQO 47/00)

**Mr Deputy Speaker:** Minister, you have a perfect right to speak Irish, but it does take time out of your half hour. Any eliding you can do will be gratefully received.

**Ms de Brún:** If I have the right to speak Irish then I also have the time, unless someone provides simultaneous translation.

**Mr Deputy Speaker:** You have half an hour, as with all Ministers. If a lot of it is spent speaking Irish, then that is time taken out.

**Mr McElduff:** On a point of order, Mr Deputy Speaker. Standing Orders inform us that we can speak in a language of our choice.

**Mr Deputy Speaker:** I am conscious of that, yet there is a courtesy to this House which should be supported by Ministers.

**Mr Neeson:** I want an answer.

**Mr Deputy Speaker:** Yes, he is waiting for his answer.

**Ms de Brún:** I will answer the Member's question. I was asked by the Speaker, if I wished to speak in the language of my choice, to make my answers clear in English as well, out of respect to Members. I am doing so. I am showing respect to Members.

**Mr Deputy Speaker:** It is a question of time. You have only half an hour.

**Ms de Brún:** Le do chead, a LeasCheann Comhairle, tógfaidh mé ceisteanna a 5 agus a 12 le chéile. With your permission, Mr Deputy Speaker, I will take Questions 5 and 12 together. Tugtar tús áite ar fad d'fhorbairt seirbhísí cúraim príomhúil. Mar a dúirt mé i mo ráiteas i mí Meithimh, tá an cúram príomhúil ina chuid lárnach dár gcóras iomlán sláinte agus cúraim shóisialta. Má tá seirbhísí áisiúla nua-aimseartha ar féidir teacht go réidh orthu le bheith ar fáil, tá sé barrthábhachtach go mbeidh cúram príomhúil á fhorbairt.

Ba mhaith liom a chinntiú go dtabharfar a sháith airde ar chúram príomhúil, agus tá mé i ndiaidh cuid mhór ama a chaitheamh i rith an tsamhraidh ag plé na ceiste le réimse leathan daoine a bhfuil baint acu leis an tseirbhís a riaradh nó a sholáthar. Tá rún agam cur leis an phlé úsáideach seo, agus foilseoidh mé go luath moltaí ar na socruithe a ghlacfaidh ionad na scéime cisteshealúchais do liachleachtóirí agus na scéimeanna píolótacha a reachtáladh ar feadh dhá bhliain amháin le cúram príomhúil a choimisiúnú. Déanfar comhairliúcháin i dtaobh na moltaí sin.

The development of primary care services has a very high priority indeed. In my statement in June, I said that

primary care is an essential part of our whole system of health and social care. Its development is crucial to the provision of accessible, convenient and modern services. I want to make sure that primary care receives the attention that it deserves. Over the summer, I spent a great deal of time in dialogue with a wide range of people involved in the management and delivery of the service.

I intend to build on this useful dialogue, and I shall shortly publish proposals for consultation on arrangements which will replace GP funding and the primary care commissioning pilots, which were established for two years only.

3.30 pm

**Mr J Kelly:** On a point of order, a LeasCheann Comhairle.

**Mr Deputy Speaker:** The time for this subject is up.

**Mr J Kelly:** On a point of order, a LeasCheann Comhairle.

**Mr Deputy Speaker:** If you wish, but unless it is something which is included in the Standing Orders I am not prepared to take it, because the time is up.

**Mr J Kelly:** It is a point of order, a LeasCheann Comhairle. Were you instructing the Minister not to speak in Irish?

**Mr Deputy Speaker:** I did not say that. What I did say — granted, my microphone was not switched on, but I have a fairly audible voice, or so they tell me — was that in the case of questions to relevant Ministers, we are limited to time. I proved that to everyone in the manner in which I dealt with the Minister of Finance and Personnel, when he got through the questions so quickly that we had to adjourn for 15 minutes. A specific time is laid down for questions. If Ms de Brún or any other Minister wishes to speak in another language, that takes up time. It is time, rather than the second language, that is the problem.

**Mr J Kelly:** I suggest, a LeasCheann Comhairle, that Irish is not another language, but an indigenous language.

**Mr Deputy Speaker:** I am sorry. I am not prepared to argue this — *[Interruption]*

The time is up. Order. I have made my ruling clear.

## EDUCATION

### New Schools: Criteria

2. **Mr McCarthy:** asked the Minister of Education at what stage the review into criteria for new schools,



including integrated school and Irish-medium pupil numbers, will be published. (AQO 59/00)

**The Minister of Education (Mr M McGuinness):**

Dia daoibh go léir. The purpose of the review is to examine the viability criteria for grant-aid status for new integrated and Irish-medium schools. I hope to be in a position to issue a consultation paper on the proposed changes next month.

**Mr McCarthy:** Does the Minister agree that under the current application procedures for integrated schools, people from mixed, or other backgrounds are forced to declare themselves as being either Catholic or Protestant in order to meet the criteria for creating and sustaining integrated schools, and that this approach runs counter to the spirit of integrated education?

**Mr M McGuinness:** This issue came up previously in relation to mixed marriages. As far as I am concerned, this is an issue which needs to be examined during the course of the review. Under the Education Reform (NI) Order 1989, integrated schools must provide for the education of Protestant and Roman Catholic pupils. The legislation does not impose specific balance requirements, but it indicates that integrated schools should aim to attract reasonable numbers of Protestant and Roman Catholic pupils. The Department's current arrangements are completely in line with that objective.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Tá a fhios ag an Aire go bhfuil sé de dhualgas air an Ghaeilge a chur chun tosaigh. The Minister knows that his Department is duty-bound to take resolute action to promote the Irish language —

**Mr Deputy Speaker:** Order.

**Mr McElduff:** — to promote the Irish language, to encourage and facilitate it. What steps are the Minister and his Department taking to encourage Irish-medium education?

**Mr M McGuinness:** I am taking forward a range of measures in the context of the Department's statutory duty to encourage and facilitate Irish-medium education. A new body to promote Irish-medium education, to be known as Comhairle na Gaelscolaíochta, was established on 9 August 2000, and it has met on a number of occasions. Comhairle na Gaelscolaíochta will undertake a range of tasks, which include the provision of advice to the Department on issues such as the strategic planning of Irish-medium schools and units.

Other tasks include the identification of teacher-training needs, the development of training arrangements for Irish-medium education and fund-raising to assist in the development of the sector, including liaising with the

Department about the establishment of a trust fund for Irish-medium education.

The establishment of this body represents, in my view, an important milestone in supporting the further development of the Irish-medium sector. In addition, a trust fund to support the development of Irish-medium schools is being established, and I expect to have arrangements in place for that by the end of October 2000. That fund will be an important source of interim support for developing schools.

**Learning Difficulties:  
School Leavers' Records**

3. **Mr Dallat** asked the Minister of Education to outline the arrangements for reference to learning difficulties in the records which school leavers take into their future careers as they pursue further employment or training opportunities. (AQO56/00)

**Mr M McGuinness:** All pupils have the right to receive documentary evidence of their achievements and accomplishments, both curricular and non-curricular, during their school careers. This is provided in the form of a summative record of achievement that must include certain specified information. However, there is no requirement that information about learning difficulties be included in a pupil's summative record of achievement.

**Mr Dallat:** Is the Minister aware that training organisations recently gave evidence to the Committee of Higher and Further Education, Training and Employment, which indicated that there are serious problems with identifying the special needs of the unemployed? Does he agree that there is an urgent need to develop a joined-up approach to education and training so that social inclusion and life-long learning become a reality for all children, especially those who have been unfortunate enough to leave school with serious literacy and numeracy problems?

**Mr M McGuinness:** Part of this question relates to the jurisdiction of Dr Farren, the Minister of Higher and Further Education, Training and Employment.

**Mr Deputy Speaker:** It is still a very important question.

**Mr M McGuinness:** Absolutely — I am aware of the point which has been raised.

While there are restrictions on the disclosure of statements of special educational needs, education and library boards can provide copies of statements to colleges with the consent of young people or their parents. Board educational psychologists can also provide up-to-date psychological assessments on young people with special educational needs when requested to do so by colleges. However, there are no formal arrangements for statements to be disclosed to potential

employers, although the young person or the parents could choose to supply a copy.

The careers advisory service of the Department of Higher and Further Education, Training and Employment is obliged to provide careers advice to young people, with statements of special education needs from age 14 upward. Young people in special schools for pupils with moderate learning difficulties sample courses at local colleges of further education at the age of 15 to assist their choice on leaving school at the end of that year. Those in special schools for pupils with severe learning difficulties attend similar courses at the age of 18.

In addition, recent projects set up by a health services trust and by (MENCAP) have enabled some young people with severe learning difficulties to gain work experience. Several education and library boards have made arrangements to enable that work to continue.

### School Classrooms: Arson

5. **Mr Ford** asked the Minister of Education how many classrooms, whether temporary or permanent, were destroyed by arson over the summer holiday period and how many of these had still not been replaced by the start of the new school term.

(AQO 57/00)

**Mr M McGuinness:** What happened to question 4?

**Mr Deputy Speaker:** The Member has not turned up.

**Mr M McGuinness:** There were 14 classrooms damaged in arson attacks over the summer holidays and all of those, except for five severely damaged classrooms at one school, were repaired or replaced by the start of the new school year.

**Mr Ford:** I thank the Minister for his reply and for his full letter in response to the concerns that I expressed about the effects on one school in my constituency — St Joseph's Primary School in Crumlin. Is it not incumbent on his Department to put in place a plan to co-ordinate the efforts of the board, the Council for Catholic Maintained Schools (CCMS) and the Northern Ireland Council for Integrated Education (NICIE) to deal with this eventuality, should a major destruction of property occur in the future, so that children do not lose out on education, as some have so far this term?

**Mr M McGuinness:** We have had a very difficult few months, as Members know. During the summer, nine schools were damaged in arson attacks and 23 schools were attacked in total. It would cost about £400,000 to renovate these schools, and my Department has responsibility for that. There was a particular difficulty with St Joseph's Primary School in Crumlin. This school was detrimentally affected by the crisis that had developed elsewhere.

Therefore, the Member's point is reasonable. It is incumbent upon all of us to ensure that we are properly prepared to deal with whatever crisis we have to meet. As I have said on numerous occasions, I regard schools to be as sacred as churches and I hope that those responsible for the damage to schools, churches and Orange halls desist as a matter of urgency. It is hoped that this type of behaviour will not be repeated next year.

We are living in difficult times and we have a responsibility to have contingency plans to deal with any emergency. My hope is that those responsible for burning these establishments will stop and recognise that the way forward is for everybody to live in peace with one another.

**Mr O'Connor:** Does the Minister agree that those who call others out on to the streets to wind tensions up over the summer months are responsible for the likes of the £400,000 that he mentioned? Does he also agree that the education of children is suffering because of their irresponsible actions?

**Mr M McGuinness:** Given that we are living through a new situation, it is vital that elected representatives — indeed, everybody in society — recognise that they should not be involved in anything that might create the potential for further difficulties on the streets. Elected representatives can take a lead, and they have a responsibility to ensure that they lead by example and show that the community is capable of living and working together.

It is hoped that when people see that happening — and particularly when they see the contribution made by the Assembly — they will recognise that the way forward is for all of us to co-operate with one another and to use whatever abilities and talents we have to lessen tensions on the streets.

The difficulty for the Department of Education is that the attacks on schools have a detrimental effect on the education of the young people who go to those schools. During the summer, I saw classrooms that had been set aside for children with learning difficulties, burned to the ground. This was a desperate sight. These classrooms were closed for different lengths of time, and the children had nowhere to go. In the school on Slate Street in Belfast the work will not be completed until Christmas, so children in these areas are affected when schools are damaged.

People should use their talents and abilities to promote harmony on the streets and do nothing to encourage those who might wish to attack churches, schools or Orange halls.

3.45 pm

**Mr Hussey:** Regarding damage to schools, the Minister will be well aware of the damage caused by a bomb to the school that I used to teach in at Castlederg. However, he will also be well aware of the ongoing damage of Strabane Grammar School. In the annual report this year, the headmaster had this disappointing statement to make:

“Repair work is a cosmetic exercise and of short-term benefit.”

Is it the intention of the Minister, via curtailment of capital investment in the controlled sector in Strabane, to decommission the infrastructure of grammar school provision and thus render the current transfer scheme inoperable ahead of the Gallagher Report?

**Mr M McGuinness:** Obviously, I am concerned about damage to all schools. People will be aware that I intend to publish the research into post-primary education on Thursday 28 September. Many people are looking forward to having access to that.

On the issues raised by Mr Hussey, it is very important to point out that this research does not make any recommendations. Its whole purpose is to provide an objective report on the effects of selection on pupils, schools, teachers, parents and society as a basis for an informed debate on the issues. The aim is to develop post-primary education arrangements which best meet the needs of pupils, parents and society. All pupils should be given the opportunity to reach their full potential, and this means maintaining and enhancing existing high standards and raising standards where they are low.

Proposals for change will emerge following careful consideration of the views expressed during public debate. In these discussions I want the focus to be on quality educational outcomes for all children rather than simply on structures. I take this opportunity to let people know that a short research briefing, summarising the key findings, will be circulated to all schools, and other interested parties, along with the more detailed main report. A further document, containing all the individual research reports — and there are some 23 of them — has also been produced, and it will be circulated to our main education partners, teachers’ unions and political parties. Each Assembly Member will receive a copy of the briefing and main report. Copies of the research documents will also be available in all branch libraries.

In addition, copies of the research briefing and main report will be provided by the Department on request. All the research documents will be posted on the Department’s Internet site from 28 September and may be copied for use.

### North/South Ministerial Council: Sectoral Meetings (Education)

6. **Mr Kennedy** asked the Minister of Education when he will fulfil the commitment he gave to the Assembly on 11 September 2000 to establish a mechanism to inform, in advance, the Education Committee of the issues to be discussed at North/South Ministerial Council sectoral meetings. (AQO 67/00)

**Mr M McGuinness:** I did not give the Assembly any commitment to establishing a mechanism to inform the Education Committee of the issues to be discussed before a North/South Ministerial Council meeting takes place. I had no need to give such a commitment because such a mechanism already exists.

All Assembly Members are informed in advance of the date and place of the meeting, the names of the Ministers nominated by the First Minister and the Deputy First Minister, and of the issues under discussion by way of a copy of the agenda for the meeting. Thus, members of the Education Committee are fully aware in advance of the issues that will be discussed at each council meeting.

However, I recognise that the Education Committee has a legitimate interest in the matters under discussion at the sectoral council. For procedural reasons, I cannot provide the Committee with the papers that are put before the Executive Committee and the North/South Ministerial Council. However, in future I will provide the Chairman of the Education Committee with a summary of the matters considered at each meeting of the council.

I intend to make this information available to the Committee as soon as possible after I have made a statement to the Assembly following each council meeting.

**Mr Kennedy:** Let me draw the Minister’s attention to his own words as recorded in Hansard of September 11, page 32:

“I have listened carefully to what the Chairman of the Education Committee and Mrs Bell have said, and they have made an important point. I have no difficulty whatsoever about establishing a mechanism to ensure that the Committee is made aware of the outcome of these meetings before we issue what some would consider to be a bland statement about them.”

I understand that we already receive the agendas of North/South sectoral meetings, but the Minister said clearly in his earlier answer that he was prepared to detail to the Education Committee the items discussed at such meetings — not the advance agenda — before making his Assembly statement. Either he will want to apologise to the Assembly for misleading it, or he will want to go back to the Executive Committee. It would serve this Assembly well if the Executive Committee, as a rule, supplied the various Committees in advance with



the details of the North/South sectoral meetings before making statements in the Assembly.

**Mr M McGuinness:** I apologise for the error on 11 September. Certain procedural constraints are placed upon me and, indeed, on all the other members of the Executive Committee involved in the North/South Ministerial Council, in relation to when we can provide information to the Committees, and the nature and extent of that information. North/South Ministerial Council meetings, whether plenary or sectoral, are meetings between Ministers of the Executive Committee and of the Irish Government. Ministers attending council meetings are nominated by the First and Deputy First Ministers.

Papers for council meetings are Executive Committee papers, and are restricted under the ministerial code. In other words, the papers themselves cannot be published or made more widely available to Members. The general content of the papers could be conveyed to the Education Committee, but this could only happen after a council meeting had taken place and I had reported back to the Executive Committee and the Assembly in accordance with proper procedures. These procedures apply to all Ministers in relation to meetings with the North/South Ministerial Council.

I have already said that I intend to provide the Education Committee with a summary of the issues under discussion when I make my statement to the Assembly. I have no difficulty with that.

### **Integrated Schools: Place Applications**

7. **Mr Neeson** asked the Minister of Education how many children were denied places at integrated schools this year on first application (that is, before tribunal).

(AQO 58/00)

**Mr M McGuinness:** The numbers of unsuccessful first applications to integrated schools for admission in September 2000 were 77 for primary school and 570 for secondary school.

**Mr Neeson:** I thank the Minister for his answer. It shows clearly that the demand for integrated education in Northern Ireland, I am pleased to say, is very much on the increase. What plans do he and his Department have to increase the number of places at both primary and post-primary integrated education schools in Northern Ireland?

**Mr M McGuinness:** First, it is important to say that the figures are interesting. They show an increase on last year. I was very struck by that myself. That clearly shows an increase in interest, particularly from parents who express a first preference. I have not set specific targets for the development of the integrated schools sector. The Department's policy is to respond to parental demand. For

example, Ulidia Integrated College has been awarded full grant-aided status from September of this year.

As everybody knows, I am committed to the principles of equality, accessibility, excellence and parental choice in education. I will examine proposals for new schools, using robust criteria to ensure educational effectiveness and the safeguarding of the public purse. The figures are indeed very interesting, and we will have to take account of that. I have no doubt whatsoever that the Northern Ireland Council for Integrated Education will also be watching this. It is to be hoped that we will have some useful discussions with them.

**Mr K Robinson:** Since the Minister mentioned my constituency, East Antrim, and a school there, I would like to ask him if he is aware of the difficulties of duplication of provision in areas like East Antrim. Is he aware of any damage that may have been caused, particularly to the maintained sector — for example, schools in Larne and Carrickfergus, where there are already several hundred extra places? There are already constraints on the public purse regarding education, maintenance costs and money going into the classrooms, and there appears to be a duplication of provision there.

**Mr M McGuinness:** Obviously, in any development of this nature, reservations will be expressed by the various education sectors. At the same time, we must all be conscious of the fact that, under the terms of the Good Friday Agreement, we have a responsibility to encourage and facilitate integrated education and Irish-medium education. As people become aware of that and the fact that the Executive Committee and a Department of Education are keen to facilitate parents, we will have to consider how we can do that without detrimentally affecting any educational bodies which exist within each school.

That is why the consideration of development proposals takes into account the effect on existing provision. It is absolutely vital that it does and, considering these matters, we must ensure, through the education and library boards in each area, that no matter what reservations people have, their fears are allayed and that we continue to provide first-class education on the basis of parental choice.

### **Child Abuse**

9. **Mr Paisley Jnr** asked the Minister of Education if he is aware of the NSPCC campaign to protect children following demands for "Sarah's law", the proposal for a public education campaign on child protection to increase awareness about the nature of child abuse, and if he can tell the Assembly what steps he is taking to put in place such a campaign. (AQO 35/00)



**Mr M McGuinness:** I have been informed that question nine has been allocated to another Department.

**Mr Deputy Speaker:** Can you tell us which Minister?

**Mr M McGuinness:** I have been told it is the Minister of Health, Social Services and Public Safety.

### Nursery School Places

10. **Dr McDonnell** asked the Minister of Education to detail how many children across Northern Ireland have been given nursery school places in each of the last three years and for what percentage of the age bracket this provides. (AQO 69/00)

**Mr M McGuinness:** The number of children given places in nursery schools or nursery units in the 1997-98 year was 8,541; in 1998-99 it was 8,850; and in 1999-2000 it was 9,999. These figures represent 34%, 36% and 42% respectively of three-year-olds at the start of the academic year. I should add that under the pre-school education expansion programme additional pre-school places are being funded in voluntary, private and statutory settings. The programme aims to make provision for at least 85% of all children in their final pre-school year by the year 2001-02.

When will we reach the point when a pre-school education place is available for every child who wants one?

4.00 pm

**Mr M McGuinness:** We are committed to continuing with the progress made over recent years. From the year-on-year increase in provision, you can see that we are making tremendous progress. As in all of these matters, it is important for people to understand that I can only deal with the resources available to my Department. This will be a matter for the spending reviews currently taking place. The Department is committed to providing a year of pre-school nursery education for all children as speedily as possible.

**Mr Deputy Speaker:** The time is up.

## RETAILING IN NORTHERN IRELAND

**The Chairperson of the Agriculture and Rural Development Committee (Rev Dr Ian Paisley):** I beg to move

That this Assembly accepts and endorses the findings and recommendations contained in the Agriculture Committee's report 'Retailing in Northern Ireland — A Fair Deal for the Farmer?' and urges the Minister of Agriculture and Rural Development and everyone associated with the industry to take all necessary steps to implement the recommendations.

When the Agriculture Committee was formed, it began an enquiry into the crippling debts in the farming industry. It seemed that these debts were going to strangle the industry. For those farmers who want to remain in farming, and those who want to save their farms, something must be done to enable them to achieve those aims.

Of course, the Assembly was suspended for a time, but when it returned, the Agriculture Committee said it would apply itself to three main issues. The result of its investigation, the questioning of witnesses and the taking of evidence, produced the first part of this report. Two other parts will follow hard on the heels of this one. This report is a serious one. It looks at ways and means of saving the farming industry. Evidence was sought from seven of the main retailing companies operating in Northern Ireland. This was followed by many lengthy sessions involving representatives of suppliers, packers and marketing bodies. The report sets out 16 recommendations which address four main themes.

*(Mr Speaker in the Chair)*

First, it tackles the need for primary producers to become more organised, the help they need to achieve that and the part that retailers can play to enable them to achieve that. Secondly, the issue of retailers importing goods already available in Northern Ireland is addressed. Thirdly, transparency and good communications between everyone in the food chain are dealt with, particularly with regard to prices paid to the farmers at the farm gate. The fourth theme endorses a series of recommendations related to the potato sector, food labelling, and planning issues surrounding large-scale retail developments.

There is now a disaster in the farming industry. It seems that almost everybody involved in the food chain is benefiting, apart from the primary producer. We talked to bankers, and I asked them if they were thinking of committing suicide, if they had changed their large car for a smaller one and if they were financially embarrassed. They looked at me as if I were a fool. I said that the primary producers are selling their cars. Some of them have already committed suicide, and

others are bankrupt. So Mr Banker is doing very well out of the farming accounts he holds.

We talked to the meat producers, and I asked them the same question. I said "Are you selling your large car? Are you issuing a very sad report to your investors and your customers to the effect that you are about to break up?" I said "I have read some of your annual reports, and the amount of money you are accumulating through this industry is amazing." They too were embarrassed. It is the same with the middlemen or wholesalers and the retailers.

But what about the farmers? Is it not strange that the primary producer is the only link of the chain to come under such terrific difficulties? I want to put on record that we recognise what the retailing and processing sectors bring to the economy in terms of jobs and valuable benefits. We are not criticising the retailers or the processing sectors, but we are saying to them "Surely everyone in the food chain should benefit. You are getting a good living. You are doing very well. Why should the primary producer not do well?" We also accept and recognise that there are peculiar difficulties in Northern Ireland. We have lower volumes and higher overheads here than in Great Britain. We sought to point that out that there is, however, a duty on all parts of the chain to have equal respect for the others, and that they should try to ensure that everybody can enjoy the benefits.

Farmers must be able to make a living on their farms, or they will be dispossessed of their land. It is as clear as that. The disastrous drop in farm incomes must start alarm bells ringing. Could any other industry exist with such tragic drops — catastrophic drops — in income at producer level?

The sourcing of locally produced goods is a matter of prime concern to the Committee, and we are pleased to note the commitments that have been expressed by retailers on this issue. It is the Committee's view that achievable targets should be established for the percentage of goods bought by the retailers. A target needs to be produced and stated, and the retailers need to say "We are prepared to reach that target when we are buying goods in a certain part of the food chain."

It seems that there is great hesitancy, however, amongst the retailers and the big concerns to make a commitment on this. If there is a pool of goods in Northern Ireland which is equally acceptable to the consumer, these large chains that are doing well out of the Province should be prepared to help. Why should this money go outside the Province? Should it not stay here and help the farming industry?

There are those who contend that you cannot look into a man's business and dictate to him. I am not suggesting that, but I am suggesting that there are

targets which can be achieved. Sainsbury's, for example, has written to me admitting that, and it is going to take steps to remedy the situation. I am glad to hear that, and I hope to hear it from other large companies. However, actions rather than words are what count.

How will we know that they have done this? We will know if they are prepared to be absolutely transparent and declare where they are now, where they hope to be in the future and the steps they are taking to achieve their targets.

We recommend Government involvement in the overall effort to keep farmers abreast of consumer performance. The Committee readily admits that there is a degree of suspicion between producers and retailers. However, considerable progress can be made if all sides co-operate with one another, and especially if there is co-operation with the primary producers.

Our major concern is the effect of high import levels on the agriculture industry, particularly when the produce being imported is readily available locally. Why do these large firms persist in buying produce from outside the Province? If they continue to make themselves independent of the local producers, and to get away with it, the farmers will have an even more raw deal. The trouble is that the farmers do not have enough clout against these massive companies, with all their abilities, their finances and their organisations. The Committee saw this when it examined very reticent witnesses who were afraid to talk before their fellows. Some of them told us that because of business commitments they were not prepared to answer questions. This is a deep issue, which goes as far as the person at the end of the chain, the one who makes the money.

We propose that all retailers adopt a voluntary code of practice, similar to that already operated by the Co-operative Wholesale Society. If one organisation can do that, every big chain can do it. Let us have transparency in this matter.

4.15 pm

Finally, we have asked the Department for Regional Development to urgently review how it evaluates planning applications from the major retailers. In the Committee's view, greater account should be taken of the need to protect small retail businesses and to maintain the independent retail sector so it can thrive. The independent retail sector should not be wiped out. There is a need for independent retailers, and they should be sustained.

The Minister has written to the Committee accepting the overall thrust of its report and supporting most of its recommendations. While noting her expression of the need for caution in one or two areas, I am hopeful that

today we will hear her specific plans for taking the agreed recommendations forward.

There are a number of areas in which urgent action by the Department could make a real difference. For example, it would be extremely encouraging for farmers if the Minister would state today what additional financial resources are to be made available to implement the recommendations we have made. She has indicated that Peace II funding may be used, and that Treasury match funding may also be considered to assist the setting up of partnerships and to further diversification.

We would like to hear more about the Minister's plans for assisting the development of the export markets and for bringing a greater level of expertise into this vital area.

One major concern for the Committee is the failure of many farmers to obtain a fair return for their produce and the investment they have put into their business. The Committee fully accepts that we must avoid the possibility of creating a price-fixing cartel among suppliers and retailers. However, the basic problem still exists — how to ensure a more equitable distribution of overall profits in the food chain. My Committee wants to hear the Minister's proposals for handling this matter.

This report is an important one for the future of our farming industry. The recommendations can and should be implemented forthwith. If they are, then all parts of the food chain will survive and prosper, and the primary producer will have a level playing field. However, if no action is taken, many primary producers will remain at risk, and ultimately the effects of this will be felt by processors, retailers and — most importantly — by the consumer.

I call upon retailers and their suppliers to take heed of this report, and to honour the commitments they made verbally to us in Committee. The consumer must not be forgotten. Retailers must inform shoppers about what they are being offered, and enable them to make informed choices about the quality on offer when they purchase locally grown goods.

Finally, I call on the Minister — to whom our recommendations are largely directed — to take all possible action to bring about the changes envisaged in our report. The agriculture industry is in a perilous state at the present time. For many farmers the next year or so will be a constant and desperate struggle for survival. It is our responsibility to make decisions, perhaps difficult decisions, for the provision of additional funding and other resources that will ultimately secure the long-term health of the industry.

We aim to treat every part of the food chain equally to treat the primary producer as fairly as those who have made vast sums of money out of the farmers' hard labours and sacrifice. I salute the farmers of Northern

Ireland for coming through a very difficult and trying period. We should back them today in securing a brighter future for themselves, their children and their children's children.

**The Deputy Chairperson of the Agriculture and Rural Development Committee (Mr Savage):** I endorse the points made by the Chairman of the Agriculture and Rural Development Committee. I also pay tribute to the time and effort spent by Committee members on preparing this report. The evidence submitted by the producers, suppliers, and retailers of the agri-food industry has given us a better understanding of the problems faced by the industry. We have been able to make more informed recommendations. The Committee recognises that the farmers in Northern Ireland are facing a difficult time financially. Many are facing bankruptcy, and there are no easy answers to the problem. In its report, however, the Committee has suggested a way forward which will be of benefit to the entire community. The Chairman has mentioned the main recommendations of the report, but there are a number of others which should also be highlighted.

The producers' ability to negotiate with suppliers has been reduced because of their fragmentation as a group. Efforts must be made to enable Northern Ireland producers to operate as one unit, and thereby to maximise their income without operating as a cartel. This would not affect the consumer. It is important that we do not shift problems from one section of society to another. Income to farmers can be improved without any extra burden on consumers.

I welcome the offer of assistance from retailers who have agreed to participate in any new scheme set up to work with producers. This would give producers advice on how to satisfy market demands and deal with production, packaging and distribution. I urge the Minister to give swift and serious consideration to this offer. There must be more co-operation between farmers and the various outlets in both the home and export markets.

In the export field, our aim should be to project the best possible image of what is produced on Northern Ireland farms. To present an image of top-quality food, we must produce top-quality food. Farmers already aim to do this, but assistance is needed. If farmers are to continue to meet the increasingly high standards demanded by consumers, the Minister must provide help. Northern Ireland is proud of its healthy food-production industry. We must build on this by providing assistance, packaging and presentation.

It is sometimes necessary to import produce from outside Northern Ireland, but I urge the Minister to ensure that measures are put in place to prevent disease from being brought into Northern Ireland.



I am thinking particularly of the streptococcus which threatens our potato industry through the importation of potatoes which may be infected with brown rot. Potatoes for import should be inspected before they leave the country of origin, and I call on the Minister to institute such controls as a matter of great urgency.

In last week's 'Farmers' Weekly' it was reported that Scotland's potato industry is on red alert after the discovery in a watercourse of the bacterium which causes brown rot. We have also heard reports of an increasing brown rot problem in England. I trust that the Minister will consult with her colleagues in England and Scotland to see what joint measures can be taken to prevent the problem finding its way across the North Channel.

Farmers in Northern Ireland must recognise the need to keep up with modern day practice. We must realise that methods change, and that farmers must change with them. This is something that cannot be achieved by the farmers unilaterally. We must provide assistance through training and advice for farmers on areas such as production methods, marketing strategies, market leads and demands. Such training and advice could be delivered through co-operation between the Departments, the producers, the suppliers and the retailers. I appeal to the Minister to recognise the goodwill that exists within the industry and to harness that goodwill for the benefit of all.

Support for young farmers is a major concern for many. If our industry is to survive, there must be incentives for young people to become farmers. I suggest that consideration be given to the introduction of an early retirement scheme. This would enable older farmers to step aside and let the next generation assume their mantle. However, an early retirement scheme should be linked to a restructuring of the industry, and training to enable young people to accept farming as a career.

A specific case of farmers facing difficulties at present are those in the Silent Valley catchment area who had to take their sheep off the land around the reservoir. They must be offered assistance, and I hope that they will be.

Finally, I urge the Minister responsible for agriculture to build upon this report and to take action on its recommendations. This would allow all in the industry to get their first slice of the cake. It would also provide a basis on which our farming industry could survive, a basis from which farmers could obtain a fair financial return on their investments and labour. Let us not be reactive; let us be proactive in our determination to bring the industry back to an elevated position in Ulster society. I recommend the report to the House.

**Mr Bradley:** When the Agriculture and Rural Development Committee started work, our immediate priority was to take an in-depth look at the massive burden of debt being carried by the farming community and to attempt to seek a fair deal for the farmers of Northern Ireland. None of us was under any illusion about the financial state of the industry and the depth of despair among the farming community. Following the worst two years ever experienced by the industry, the attempt to address the helpless state that farmers were in just had to be given priority.

Members of a number of other Assembly Committees probably thought at the beginning that they were taking over the most difficult situation from previous direct rule Governments. I have no doubt that members of the Health Committee, the Education Committee, the Social Development Committee and the Enterprise, Trade and Investment Committee believed theirs to be the Committee with the greatest problems. However, I am convinced that I can say without fear of contradiction that the workload facing the Agriculture Committee presented the greatest challenges of all.

4.30 pm

The ongoing downward spiral of farmers' incomes came about through no fault. It came about from factors such as the loss of markets due to the BSE crisis, which the Minister and the Department are strenuously endeavouring to resolve. The strength of sterling, cheap imports and the ridiculously low farm gate prices presented a bleak starting point. In Olympic terms the Agricultural and Rural Development Committee was at the starting line of a marathon with the full knowledge that the long journey was all uphill.

If I did not have the advantage of printed reports and records of the long and numerous meetings that we have had to look back on, and if asked to recall moments and presentations that spring to mind, I believe that many of my recollections would largely coincide with those of the other 10 members of the Committee. For example, I clearly recall the presentation by Mr McGettigan of Musgrave Supervalu Centra, who presented evidence on the same day as the representatives of seven of our largest supermarkets. His explanation of the difference between his organisation and the other groups present was interesting. It demonstrated that through co-operation, family-owned grocery stores could live alongside the multinationals, although he admitted that his grouping did not enjoy the same margin of profit as the large supermarkets. He also went on record to confirm his company's commitment to supporting the local farming industry when he explained that over 70% of the produce sold locally by Musgrave Supervalu Centra is sourced in Northern Ireland. Even better news was his confirmation that 100% of the beef, lamb and pork sold there is locally sourced.



On the same day we learned that the UK grocery market is not fragmented to any great degree, with four main players controlling 80% of the market. Also, with the exception of the Co-op, they are all accountable to the Stock Exchange. The farm gate and the prices paid to the farmer at the gate are a million miles, and millions of pounds, away from those perceived to rank first in the eyes of the multinationals. I refer, of course, to their shareholders.

As we continued to take evidence and listen to a multitude of wide-ranging submissions week by week, one problem clearly emerged. As if further proof were needed of it, we heard again that the processors, the retailers and the consumer, without any great degree of control being imposed upon them, demand just what they want and dictate just how much they are prepared to pay. Regrettably, the farmers who grow the produce and produce the food do not enjoy such privileges. They have no say whatsoever in the price that they are paid for their produce.

The disadvantage of marketing perishable goods places the farmer in an impossible situation. I agree that a spirit of togetherness throughout the food industry has got to be entered into if agriculture in Northern Ireland is to survive. The Department of Agriculture and Rural Development will have to lead the way to maximise the potential of co-operation. Unfortunately, when all of the evidence is thoroughly scrutinised, all round liaison amongst everyone involved in the food chain, while desirable, may be difficult to attain.

We had numerous and lengthy discussions with the farming representative bodies, the Ulster Farmers' Union and the Northern Ireland Agricultural Producers' Association, and from a wide and varied section of people whose interests in the wellbeing of the farmer were genuine and sincere. We also had before us some participants who, perhaps in their own interest or in the interest of those they were representing, sometimes appeared over cautious with their evidence and answers to the Committee's questions. Overall, the farming industry and all the related problems were gone into in minute detail during our series of meetings.

The only people we did not interview at our meetings were farmers and their wives, but then, those of us from rural constituencies meet with this section of our community on a day-to-day basis, and we are fully au fait with their general problems. That said, none of us know the true extent of the problems being experienced in individual homes. This was clearly brought home to me one day in mid-August by a farmer's wife. She said

"PJ, we were putting away a few pounds in the hope that one day our children would go to university, but we had to use it to buy clothes for them before going back to primary school".

I wish to reflect upon another significant factor that continually arose during our deliberations: the importance

that the word "quality" is going to play in the recovery and future survival of the agricultural industry. Emphasis has got to be placed on providing premium products for premium markets. There was clear evidence that the beef and sheep meat industries are unlikely to survive if they are achieving only commodity prices. Farmers will have to give careful consideration to the potential benefits of joining quality assurance schemes, and support will have to be forthcoming from the retailers and the processors in their willingness to pay a premium to the farmers for quality assured goods.

In conclusion, on behalf of the Social Democratic and Labour Party, I confirm the party's support for 'Retailing in Northern Ireland — A Fair Deal for the Farmer?', and I repeat my call — made in July following the launch of the report — for everyone involved in agriculture to read the publication and to set about carrying out, to the maximum of their ability, the recommendations that specifically relate to their role in the industry.

**Mr Kane:** I welcome the motion. This has been an attempted assessment of the relationship between primary producers, processors, major retailers and the consumer. It is strikingly obvious that in the agri-food chain the primary producer — the farmer — is in a weak bargaining position. He cannot command greater returns for his farm produce; hence the enormous debt burden faced by farming in this Province.

It seems almost ironic that primary producers of something that is fundamental to life can arrive at a point where the processors and vendors of their product take the lion's share of returns. The producers, the section with the greatest workload and expense, receive returns which do not even match costs. The major retailing companies have expressed a desire to support local producers, and this has given rise to a co-operative approach to producing, processing and retailing the raw material. Most farming representatives have welcomed this initiative.

However, I share the reservations expressed by some other organisations, who point to the co-operation taking place in the agri-food chain and to the lack of compulsion that would force powerful processors and retailers to take part. On a note of caution, let us remember that co-operative initiatives have been tried over the past few decades, and benefits from them have been varied and sometimes quite minimal.

In my constituency, a lamb producers' group currently supplies 95% top carcass-grade lambs to a local processor. The processor's quotes are based upon the average live market prices for that week. Therefore, the highest-grade lambs are bought for the same average price as second-grade and third-grade lambs in the market.

I know of one incident where a co-operative attempted to market pigs, only for the processor, Malton's, to refuse to accept animals from the co-operative collectively, instead taking supplies from individual members. This is an illustration of how unco-operative the agri-food chain can be and how vulnerable a co-operative is in the hands of powerful processors. I call upon the Minister to investigate the imbalance that we can currently observe in the agri-food industry. I support the motion.

**Mr McHugh:** A Cheann Comhairle, I also speak in favour of the motion and endorse most of what has been said by other Members up to this point. The Committee took evidence from representatives of many sources and sectors. As a Committee, we have intervened fairly effectively on behalf of both the industry and the farmers. Of all the volumes of evidence received by the Committee so far, it is the allegations about cartels and the organised control of prices to farmers by meat plants and processors which probably have the potential for the greatest impact on the Committee's findings. Farmers lack organisation on the ground and as individuals are vulnerable to exploitation by profiteers in the open market. They have consistently provided quality produce, expecting only a reasonable return for their work.

Given proper conditions of fairness and opportunity, producers have the potential to increase quality production. At present, there is an environment of distrust between the primary producers and processors or retailers, unequal partners in an otherwise profitable business. The organised exploitation of farmers may prove to be a major contributor to farm debt for many years before and after the BSE crisis. If this is the case, it would seem that it is in the interests of the profiteers to promote and continue this exploitation for their own selfish reasons.

Beef, sheep and pig producers have had this experience. Farmers are disheartened when they compare the low price they receive with the retail price on supermarket shelves. While prices in the shops have continued to increase over the last few years, farm incomes have fallen by 80%. Primary producers continue to receive low returns and the consumer has seen no benefit either.

A number of elements have combined to cause this dire situation. The BSE crisis and the continuance of the beef ban, Government policies and currency values are all outside the control of the producers. In addition there is marketing, which, I would contend, is also outside the control of the producers. The key responsibility of processors who say that a farmer should get to grips with the marketing side was to sell the produce outside the country and get a good return, and nowadays, funds are being earmarked to these same processors for further marketing drives. If they were doing their jobs properly,

they should already have an adequate budget and marketing strategy in place.

The BSE crisis, combined with exploitation of vulnerable producers, has been the most serious cause of farm debt in recent years, so the evidence of small profit margins, which the large supermarket chains gave to the Committee, is clearly untrue. There is no way that shareholders of these large companies would accept returns of 3% to 5% on their money — a 12% to 25% return on capital would be more realistic. Retailers and others in the industry made many conflicting statements to the Committee — they obviously thought the Committee was naïve enough to believe them.

The Department of Agriculture and Rural Development has a major role to play if the present situation is not to be continued. Was the proposal to exclude 2,600 smallholders from early aid payments an indicator of the visioning group's future strategy for small farmers, offering them the option of leasing their land or planting it for forestry?

The willingness of the Minister, Bríd Rodgers, to reverse last week's decision to exclude producers is brave, acknowledging partnership in Government and taking the views of the Committee into account. It is a welcome change from the brick-wall attitude I face when trying to resolve unintentional errors made by farmers when form filling, errors which cost them dearly in lost income and add to the debt situation.

Ministers are new to Government and have to battle their way through an established undergrowth of Departments. Perhaps the learning curve is steep for more than Assembly Members.

Farmers must start to organise themselves to face the obstacles of a difficult market in the future. Resources need to be put in place to help producers achieve organised marketing. I have been given the example of £280 million spent by the Southern Government on vegetable importation every year. We could grow that in this country, yet that is the kind of money that is spent on imports. We could have a good industry running on the back of that quite easily. The free market has brought opportunity, but with it has come an environment of greed and an exploitation of those in vulnerable positions for high profit. If we are to have a sustainable future, the high profits made from agriculture produce must give a balanced and fair return for everyone in the industry.

On the island of Ireland, we have one landmass and similar-type farms North and South. It would make sense to have the same agriculture policies North and South — the sooner farmers realise this, the better for everyone. They need to end their dependence on British Government policies — policies which are unsuited to farming here, which contribute to our uncompetitiveness

with our counterparts in the South and in other parts of Europe, and which create a major debt factor.

I ask Members to read the report and its findings, and to make themselves aware of the debt details and the recommendations that we are asking be implemented. In asking the Assembly to support this motion, I ask that the farmers be given a fair deal.

4.45 pm

It is important that people make themselves aware of the situation. This is a very big issue for the whole country and for rural development. Many issues need to be considered, including food quality and consumer needs.

However, these factors are only part of the resolution. I have not mentioned our findings and recommendations in great detail, but they are there for people to read. I recommend that Members read them and that they support the motion. Go raibh maith agat.

**Mr McCarthy:** I support the motion. My Colleague Mr Ford, who is a member of the Committee, has other business. He is attending a meeting of the Flags Committee. I do not know that he necessarily got his priorities right between flags and this very important subject.

I support the work of the Committee for Agriculture and Rural Development. I am not a member of that Committee, but I remember and understand the contents of the report. It reminds me of the workings of the agriculture committee during the existence of the Northern Ireland Forum, of which I was a member. The contents of this report mirror presentations made at that time, and the recommendations are largely similar.

Many things have been said about the contents of the report. I do not intend to repeat them. I will comment on the quality of the product coming from our farms.

Northern Ireland has a first-class product. The tragedy is that our local producers have experienced difficulties getting that product into supermarkets. Everyone is aware of the particular requests from supermarkets, and of the additional expense those requests put on our producers. That has resulted in decreased profit margins and some producers have been forced out of business.

In my constituency, many producers have great difficulty keeping up with supermarket demands. There are other factors to consider — but producers struggle on, hoping for better times.

I know the Assembly will support this report. If the Committee's recommendations are put into place, and acted upon, better days must lie ahead. I am delighted to see agreement between the Chairman of the Committee and the Minister, because at the end of last week there were some arguments between them. I am delighted that compromise has been reached.

**Rev Dr Ian Paisley:** The press statement did not come from me, it went out from the Committee. I had already heard what the reaction would be and I made it clear to the Committee that I would be attacked — it is on record. The statement was read to the Committee and every Member of the Committee agreed it. I was not scaremongering — it was the Committee.

However, wiser counsels have prevailed. Sticks and stones may break my bones but names will never hurt me. I am glad we have saved 2,600 farms, and so is every member of the Committee.

**Mr McCarthy:** I am sorry if I raised some heckles. I accept what the Chairman of the Committee has said. I hope the report's recommendations are acted upon and that better days lie ahead, not only for my constituency but for everyone in Northern Ireland.

**Mr Dallat:** I am also a member of the Flags Committee, but I managed to attend both meetings. This report is a celebration of co-operation between the various political parties. It is the result of a lot of hard work undertaken over many hours. It forms a firm basis of hope for the future of the agriculture industry, and the price it can raise for its produce. Pivotal to its main findings is the strength of the supermarkets, already referred to, coupled with farmers' weakness to organise in a way that commands the best price for their product.

I emphasise the fact that this report calls for collective responsibility in dealing with the farming industry's problems. I refer in particular to the call on the Department of the Environment to look seriously at ways in which the power of the large supermarkets can be controlled, thereby ensuring that fairness prevails in the retail trade, and that might does not replace right.

I add my support to the call for the Department of the Environment to look seriously at measures introduced in the Republic to protect the independent retail sector. This is critical for many reasons. However, for the purpose of this debate, it is only necessary to say that if controls are not put into place, the multi-nationals will have the capacity to kill off independent retailers and farmers will then be totally vulnerable. In the marketplace, might will be right and the farmer will have no control over the price he is offered for his produce. Former workers in the bread industry will understand what I mean by that.

The issue of whether the farmer gets a fair deal for his produce requires an inter-agency approach. There must be a level playing field so that justice and fair play are not only done, but seen to be done. Where there are codes of practice, penalties must be imposed on those who break them for the sake of a quick buck. Voluntary codes are fine, as long as everyone recognises the benefit of them and does not sacrifice the long-term interests of the industry for short-term gain.



Finally, I hope this report does not gather dust and that it will be implemented in its entirety. I am very conscious that resources are needed to give the farmer a fighting chance of survival, and in this respect I have to pay tribute to the Department.

Further efforts to develop an agriculture industry which produces the goods the public wants — and I particularly refer to Loughry College in that respect — are critical, and deserve the support of all Government Departments. Perhaps most of all, the industry deserves the good will and support of the public who buy the produce. I hope that those listening to this debate will add their support to resolving the plight of farmers and will consider local loyalty when making choices. I believe it is something Northern Irish people are particularly renowned for, and I appeal to them for that. In that way we are not only saving our farming industry but also protecting our rural communities. In doing that we give hope to our rural schools and everything that makes up a rural community. Above all, we must learn from the experiences in England, where even sizeable towns have been seriously undermined by the power and might of the large multi-nationals. Similar experiences are available for anyone to examine in Canada and in the United States.

As I said earlier, the report is the collective response of many people coming from quite diverse political perspectives and I believe that is what the farming community has been calling for. The farming community and their various organisations have been telling politicians for a long time to get their act together so that collectively we can save the agriculture industry. I hope we have seen an end to misunderstandings and shots across the bow between the Committee and the Minister. The public, and farmers in particular, want a collective response. They want teamwork because that is what will work. This report provides the basis for that. It was prepared collectively. The public is aware of that. It is what the public wants.

**Mr Shannon:** The report is entitled ‘Retailing in Northern Ireland — A Fair Deal for the Farmer?’ In the past, it has not been a fair deal for the farmers; certainly not in the last few years. Is it a fair deal for the farmer today? The answer is again no. However, this recommendation which the Committee has put forward could bring about a fair deal for the farmer.

I would like to commend the Chairman and his Committee for the work that they have done. The recommendations in the report are excellent. They are a step in the right direction, and I believe that they can address the issues to the satisfaction of the farming community. For too long our Government have been prepared to stand idly by as the agriculture sector and the local producer have been forced to conform to draconian EU legislation.

There have also been changes here following the arrival of the large supermarket chains, which brought with them their own unofficial parameters, in that the farmer had to try to supply what they wanted. In many cases, when forced beyond financial, and even beyond practical viability, producers have gone to the wall. Every one of us could stand here and name producers and farmers who today are not in the business, vocation or job that they chose and thought they would be in for life.

Throughout the crisis, farmers and elected representatives have been crying out for a review of the situation whereby supermarket chain stores can maintain and even increase their prices, while at the same time, the farmer and the producer have seen their profit margins dwindle and disappear. The consumer has lost out as well as the farmer, as the savings have never been passed on. For a number of years our producers have been forced to work under ever-increasing financial strain. Farm incomes have been slashed, yet the supermarkets continue to reap 200% or sometimes even 500% profit on certain farm produce.

In my constituency, many people can name farms that are no longer there. Farms that were in a family for, perhaps, three or four generations are gone today; they have been sold. We know about the knock-on effect, about jobs having been lost in the shops. We can give examples of the domino effect on the community, of the shops in the countryside that are now closed. They are no longer there, because the farmers are not getting the income. When the farmer was doing well, the community did well. When the farmer made money, he spent it in the community, and everybody felt the benefits of that. Today, unfortunately, that is not happening.

The only people to benefit from this system have been the owners of the supermarkets whose profits continue to grow year-on-year. With the huge buying power that the large chains possess, they have purposefully cornered the market and maintained prices at the sometimes artificially high rates that we are now witnessing, and they can do this without any fear of challenge from the lowly independent, because as they have grown, the independents have decreased.

The sooner this monopoly is busted, the better it will be for our producers and for the consumer. Until now the retailer has had an iron grip on the sector and could dictate terms and conditions. It is now time for us to take resolute and necessary action to ensure that the present system, which is clearly discriminatory against both producers and consumers, be de-contaminated, so that our producers can have a fair deal for a fair day’s work. There is a need to provide records to ensure that more produce is sourced locally. Sourcing goods locally would be a very positive move and one that would give the producer and the consumer what they are looking for.



It is very important that facts and figures be produced in order to back up the huge mark-up in prices that supermarkets see fit to impose. For years now, the multi-nationals have been wiping the eye of local consumers by saying that packaging and supply costs were the reasons why there were such large mark-ups on the price of products.

In the Agriculture Committee's report, three of the supermarket chains refer to the cost of sale and transport. If the product were being transported from Devon to Edinburgh or from Norwich to Liverpool, one could, perhaps, say that the mark-up was due to the cost of transport, but if a product were being transported within Northern Ireland, I suspect that the transport costs would not be a very high proportion of the overall cost. I do not think that any of us would believe that for one second. Even though, like every other business, supermarkets aim to make money, every citizen needs to see fair play on the part of the retailer.

The first recommendation of the Committee's report refers to incorporating incentives to develop existing producer groups, and I believe that that would be a very effective way of addressing some of the issues. The Aberdeen Angus group on the UK mainland has already proved that that works, and it has been able to return some profitability to the farmers. There are currently moves afoot to organise a similar group in Northern Ireland to see if it could do the same here.

5.00 pm

It is essential to the future success of the agriculture industry in Northern Ireland that everyone be involved in the ever increasing and proactive manner in which Northern Ireland produce is being promoted outside the country. Assembly support is the cornerstone of this greater goal. Ulster produce should be marketed and promoted at every agriculture and food show in the United Kingdom and beyond.

Northern Ireland's produce is superior to that of its competitors, and it is crucial that these high standards be used to market and publicise the product. A clear and lucid picture must be sent around the globe that Northern Ireland's produce is the best in the world. It should be emphasised that it meets the stringent rules and regulations that apply in Northern Ireland. To do this successfully would go a considerable distance towards giving new momentum to the local industry.

I fully support proposals to form closer formal links among producers to deal with the retail sector. Such links would reinforce and strengthen the hand of the producer. I am confident that every individual who has a stake in any aspect of the local industry would be happy to work alongside the Assembly in an effort to enhance the Province's profile and reputation. Plans to provide advice and research on new and developing markets are

also to be welcomed. While the product may be first class, it will flop unless the supply of the product matches its quality.

On page six, paragraphs 10 to 13 deal with transparency and communication. I welcome this because it refers to accountability. It informs the farmer whether the retailers, in this case the supermarket chains, are doing what they said that they would do and are sourcing locally. The annual returns will show whether they are doing that. Therefore it is not just enough for the retailer to say that they will give a commitment. The agriculture industry wants to see hard facts and hard evidence. So far as transparency and communication are concerned, the Department of Agriculture and Rural Development, and the Agriculture Committee, believe that they should be replying and recording the local sourcing of produce.

I hope that the full implementation of the recommendations laid out in this report will go a long way to loosening the supermarkets' grip on the financial viability for our farmers, and that some degree of fair trade will result. I commend the report.

**Rev Dr William McCrea:** I support the motion and this report. It is a timely report and one worthy of careful study, not only by the Department but also by the agriculture industry. I trust that it will have support in the community.

The title 'Retailing in Northern Ireland — a Fair Deal for the Farmer?' describes exactly what the Assembly wants. It is asking for a fair deal for the farming community. We are not making any excessive demands, but we desire to have an agriculture industry left in Northern Ireland — one that is vibrant, has promise and has a vision for the future. My Colleague Dr Paisley, Chairman of the Agriculture and Rural Development Committee, and his Committee members have examined the issue carefully. I commend the report placed before the House.

Everyone agrees that the farming industry has been, and still is, in a crisis situation. Nobody can overstate or overestimate the heartache and pain that many farmers in Northern Ireland, and their families, have endured in simply endeavouring to keep afloat. While not making a profit, they have worked hard to keep hold of the property which has been in their family for generations so as to be able to hand it on to future generations. Sad to say, some of them have failed.

As a result of this crisis there are farmers who unfortunately are no longer in the industry. They had a family farm which was handed down to them. It was not theirs to make a profit on and they did not desire to make a great profit by selling it. It was only theirs to pass on. It had been in the family for many generations in the past, and when it came to them they accepted it with great respect.

Unfortunately, because of the difficult times and the crisis they faced, they were no longer able to hold onto it. That was why many farmers were on the verge of committing suicide, yet their products have been excellent. Their working practices, the diligence and the hard work they have put into trying to keep their farms going and their produce of excellent quality, have been very commendable.

So why are they in this situation? Why the crisis? We can identify no single reason, but several reasons brought together can help us to understand what is behind the situation in the farming community in Northern Ireland. The farmers are not to blame for the crisis. Many farmers simply complied with the Department's regulations, and many of those regulations promised to make the path easy for them.

Many farmers spent hundreds of thousands of pounds to bring their farms up to the standard which the European Community demanded of them. Whenever they faced financial crisis, nobody wanted to know them, nobody cared. The Department held its hands up and said that there was nothing it could do. Yet the amusing thing was that very few companies in the rest of Europe were complying with these quality regulations that were set down by the EU. When this crisis was faced, they were left with no financial backing and no financial support. The BSE situation —

**Mr Paisley Jnr:** One of the measures the Member is referring to is the regulation about stalls and tethers for pig farmers. Does the Member agree that the imposition of those very stringent regulations which were supposed to improve the industry has not worked, and the housewife is not purchasing the best quality pork in Europe?

**Rev Dr William McCrea:** I wholeheartedly agree. The pig farmers were promised that this would give them a healthy financial return.

However, here is another amazing thing: the very same companies that were taking our quality pigs were also taking other pigs. They were sent out as produce sourced in Northern Ireland, and our farmers did not get their just rewards, and that is still going on at present. Our farmers were certainly burdened with heavy financial costs because of the stalls and tethers and other regulations, and the rest of Europe is laughing at us because we stringently comply with them while the rest of Europe does not.

Of course, when I raised this with a previous Minister, the noble Lord, he said that just because everybody else breaks the rules, we cannot, because we hold our heads up high and walk with our noses in the air. We play by the rules. Everybody else breaks the rules, but they win. Farmers in other countries have been supported by their Governments with grants. They have a healthy industry at the end of it, and we have a

crippled one. Pig farmers to whom I have spoken in recent times assure me that it is not healthy to this very day. They are not getting a just return.

**Rev Dr Ian Paisley:** Is it not a fact that when certain regulations were breached, especially by the Italian Government, the headquarters of the EC did not take any action whatsoever but excused the breach of its own rules?

**Rev Dr William McCrea:** Of course, this has been going on in Europe for years, and it is continuing to go on. No one has breached the regulations more than France. When their farmers were in difficulty, the French Government gave them money — our Government said there was nothing they could do. They said that France would be taken to court and the farmers would have to pay the money back. I said to them, and there is an official sitting not far from me, that the difference between the French Government and ours is that they save their farmers from going into bankruptcy. They saved their pig industry.

They saved their pig industry, while we sat on our hands and did little or nothing for the people: only a welfare scheme to kill pigs for a humane reason. We are facing grave difficulties.

To add to the problems, we have the questionable commitment displayed by the supermarket chains to local producers. In many of them, in the past, you would have had to get a magnifying glass to find the produce of Northern Ireland. That is ridiculous. They take the money from the system but they do not use the excellent quality produce that we have in Northern Ireland to give to our consumers.

**Mr Agnew:** Is the hon Member aware that Danepak is sponsoring a world cup preliminary game between Northern Ireland and Denmark on 7 October at Windsor Park in Belfast?

**Rev Dr William McCrea:** I join with many of my Colleagues in saying that I am absolutely disgusted by that situation. It is a situation that ought not to occur, especially bearing in mind the calamitous situation of our pig industry in recent months.

To add to the problems, there is a disparity between the prices paid at the farm gate and those charged to consumers. It is absolutely ridiculous. We have a crisis in our country. To be honest, consumers did not benefit from the drop in farm gate prices. They still paid through the nose for their produce. That was how the consumer felt. The farmer was not getting a fair slice of the cake. That is all we were asking for: a fair slice of the cake. I was absolutely positive that there was still a cake in the midst of the difficulty. There was still a cake to be cut and there was profitability there. It seemed that there were those who had their greedy hands out, taking

all of the cake and putting the farmers into an impossible situation.

Prices did not even cover the costs of electricity, foodstuffs, meal, water, and all the other costs that have been placed upon our farmers. That is why we are in such a situation. The banks could have been more sympathetic to the farmers' plight. It is absolutely amazing. To the best of my knowledge, none of the big supermarkets have gone bankrupt. Certainly none of the banks have. All they did in the midst of it was announce big profits. They increased profits while the farmers were going under.

Action needs to be taken to save the farming industry. I accept that at this moment the future of the industry is not bright. Farmers are holding on, believing there has to be a turn. It cannot go any further. There will be restructuring in the farming industry. That is a fact of life, but I say that the Department will have to finance that restructuring. There will have to be money. I heard Mr Blair talk about money. We hear about the same package of money practically all the time. The amazing thing is that everybody seems to get it but the farmers. Very little has actually reached the farmer's pocket or the farmer's bank account to keep him from disaster. Young farmers need an incentive. The only way is to have a proper early retirement scheme. That has already been mentioned. The Committee has taken that up in the past. We need to allow the young farming community to keep the farming industry alive.

We have prided ourselves in saying that farming is our primary industry, and so it is. We have a lot to be proud of. The farmers are proud people. But for that pride and that dignity, they would not have even faced the situation let alone continued under the intolerable conditions of the present crisis. This report is asking for a fair deal for farmers. I commend my hon Friend and his Committee. I trust that we will ensure that farmers will not only expect to hear promises from this Assembly, but that money will be provided to back up the promises.

5.15 pm

**The Minister of Agriculture and Rural Development (Ms Rodgers):** I wish to place on record once again that I welcome this report by the Committee of Agriculture and Rural Development as part of its wider examination of agricultural debt. I thank all Members for their comments and interest in the debate. Comments have been helpful and constructive. I recognise that they reflect Members' interest in an industry which has been going through an extremely difficult time.

The report deals with a subject that is both topical and important, as evidenced by the level of interest among Members and by the quality of the debate. I commend the Chairperson of the Committee, Dr Paisley,

for bringing all shades of political opinion, as represented in the Agriculture Committee, together in the production of this report.

The consensus of opinion represented by the Committee and the industry — *[Interruption]*

I hope that this is not being taken as a joke, for it is a very serious issue.

The consensus of opinion represented by the Committee and industry —

**Rev Dr Ian Paisley:** Will the hon Member give way? I was smiling at my Friend Mr McGrady.

**Ms Rodgers:** I was not referring to the hon Member.

The consensus of opinion represented by the Committee and the industry will clearly benefit farmers, the rural community and the wider community in Northern Ireland, whose interests we all have at heart. Without this consensus, made possible by the new institutions, all of us would be much the poorer. This debate has made an important contribution to the building of trust, understanding and co-operation across the food chain and also within the Assembly.

I commend the Committee for producing a report with such a wide scope, and which aims to create improved opportunities for producers to meet existing and future market demands, thereby increasing their potential profitability and market share.

It is fair to state that up to now there has been a degree of suspicion and lack of understanding among the links in the food chain, and this has hindered efforts to build trust among people and organisations that are ultimately dependent on each other for survival. Achieving trust in commercial relationships is absolutely essential in a fast-moving market place.

Trust can only be built on the basis of confidence that every link in the chain is getting a fair share of the profit. In relation to that, and to the remark that I think was made by Mr McHugh about beef cartels, I am aware of those allegations. The Office of Fair Trading is investigating the matter, and any evidence of a breach of competition rules should be submitted to the Office of Fair Trading. My Department will assist the Office of Fair Trading in any way possible, and I deplore any abuse of power should that be proven. I look forward to the outcome of the investigations.

If we can encourage greater understanding and transparency then we will have taken an important step in building an agri-food industry that can compete with the best and face the future with confidence.

I see this report as an excellent attempt to move beyond the all too familiar practice of assigning blame, seeking instead to find workable and long-lasting solutions to difficult problems. I was particularly



pleased to be able to confirm in my reply to the Committee's report that, for most of the recommendations directed towards my Department, work is already in progress, aimed at addressing the underlying issues and concerns. Examples include the ongoing efforts to encourage collaboration in the marketing of agricultural produce, the promotion of partnerships in the food chain, supporting marketing initiatives and quality assurance programmes, encouraging local sourcing and significant research and development in technology transfer commitments.

Some Members spoke about co-operation and collaboration. Dr Paisley was the first to raise it. Collaborative marketing efforts, particularly those involving vertical links in the marketing chain, can generate significant benefits. My Department has actively encouraged collaboration in the marketing of agricultural produce by providing support to its marketing development scheme.

Initiatives may involve the creation of producer groups or, preferably, integrated partnerships involving different parts of the food chain. I have seen an example of that very recently on a visit to a processing plant, and it is indeed working very successfully. This provides one means by which the industry can start to address the various structural concerns that were raised in the Committee's report.

Funding totalling £300,000 per annum has been available for this scheme, and I hope to increase this under the new Structure Funds proposals. I am also considering a proposal for inclusion within the Peace II programme which would provide funding to assist the establishment and development of suitably constituted producer groups which are responsive to market demands and are focused on the production of high quality agricultural produce and services.

However, I would caution those who believe that producer co-operation is the panacea for all our problems. Co-operation among producers can only generate worthwhile, sustainable benefits if it goes beyond the very narrow remit of seeking to acquire bargaining power. To be truly successful, producer co-operation must embrace the concept of partnership with other links in the marketing chain. It must move beyond the simple function of selling and into the much broader realm of marketing and all that that entails. That has been referred to by a number of Members. What is absolutely clear to me is that co-operation cannot be imposed by anyone, least of all by the Government. Business dealings in the food chain must be governed by commercial considerations and driven by the needs of the market. Nevertheless, My Department and I stand ready to help the different parts of the industry in developing whatever structures are appropriate to the circumstances, be they farmer co-operatives or other arrangements.

The group that I established to bring forward a strategic vision for the development of the agri-food industry in Northern Ireland is considering the issue of partnership and co-operation in the supply chain and will no doubt, come forward with recommendations in due course.

I want to turn briefly to the issue of markets. The Committee's report noted that external markets are essential to the local agri-food industry. Over half of the sales of the Northern Ireland food and drinks processing sector are made outside Northern Ireland. Although the entry of UK retail multiples into the Northern Ireland market created some difficulties for local suppliers, it has also created a significant opportunity for those wishing to gain access to the wider UK, Continental distribution networks of these companies. In the beef sector, for example, a number of our local processors have been extremely successful in building up very substantial trade with major retail groups in Great Britain. Prior to the beef export ban, there were also significant trading links with the Dutch supermarkets, and we all hope that those will open up again soon.

There have been similar success stories with poultry, potatoes and vegetables. The efforts of all those who helped bring about these successes are to be applauded. Although export marketing is the primary responsibility of the Department of Enterprise, Trade and Investment, my Department works closely with it to assist as far as possible in the efforts to improve the marketing of Northern Ireland produce. Dr. Paisley raised this issue earlier, and I want to make the point that significant resources have already been spent in identifying market opportunities and promoting Northern Ireland food at food fairs and in helping companies to take advantage of export opportunities. I asked the vision group to consider how Northern Ireland food might be marketed to best advantage, and I look forward to its recommendations. Its members will, of course, be aware that £300,000 has already been committed to marketing and processing, and £400,000 to the promotion of pig meat.

I hope to take advantage of the advice from the Vision Group, but as Members will doubtless be aware, all of this will have to be in the context of the spending review. I will be competing with bids from other Departments, but I assure Members that I will do my very best to ensure that the interests of the agriculture industry will be to the fore.

I am also keen to promote the opportunities offered by new technology: e-commerce and information and communication technology will undoubtedly play an increasing role and offer new opportunities in market development. My recent announcement of our plans to develop a farmers' portal is just one example of our efforts in this field.

Another, which is reflected in the recommendations of the Agriculture Committee, is the efforts of my



Department to assist the development of the industry in the area of quality assurance. The Department of Agriculture and Rural Development is very supportive of quality assurance schemes, having been actively involved in encouraging their establishment and auditing their standards. However, such schemes tend to set the minimum acceptable product standard for many outlets. These minimum standards are readily available from alternative suppliers, and Northern Ireland farmers and processors should seek to exceed them if they wish to differentiate their products and achieve a price premium as a consequence.

The issue of local sourcing has been the subject of much comment, some made during today's debate. Increased local sourcing has for some time been a key issue for my Department and for the Department of Enterprise, Trade and Investment. Retailers are encouraged to increase their uptake of local produce, not only for sale in Northern Ireland, but also in Great Britain. All of the multiple retailers report that they have significantly increased their levels of business with Northern Ireland suppliers since they came to Northern Ireland. However, meeting the challenge of increased local sourcing is not just something for the Government, retailers or marketing bodies. The agri-food industry itself must make every effort to meet the demands of potential customers in terms of price, quality and service, and must be proactive in marketing those attributes.

That said, my Department can and does help Northern Ireland suppliers, particularly through technical advice and support, to take advantage of any identified opportunities to increase their business with retailers. I have seen evidence of that as I go around the various shows and see the amount of co-operation between my departmental advisers and the people working on the ground in the industry, both the farmers and the processors. I also believe that while there may be a natural desire to pursue the goal of import substitution, this should never be at the expense of restricting consumer choice; nor should we seek to avoid the competition posed by imports. Healthy competition in domestic markets will help ensure that our industry is also competitive in external markets where such a large part of its output must be sold. We have to remember that over 50% of our processed food goes to the export markets, and we have to compete globally. It is also worth bearing this in mind, lest we become too engrossed in the domestic market issue at the expense of the wider picture. A diversified marketing strategy is in the best long-term interests of the local industry.

The issue of prices is at the heart of many of the current problems of the agriculture industry. I know that there is a general perception that food processors and retailers are profiteering at the expense of primary producers and that there is an unfair distribution of profit through the food chain. I was therefore

particularly interested in the conclusions of the Agriculture Committee that there is no evidence of excess profits among suppliers and retailers. I entirely agree with the Committee that primary producers must achieve a fair return for their efforts if the food chain is to remain viable. I also fully appreciate the good motives of those people who suggest that prices should be regulated in some way to ensure a fair return to all.

However, aside from the question of legality, I do not believe that this offers a long-term solution to the problems of the industry; rather, it would introduce a significant number of additional problems.

5.30 pm

Even if we could regulate prices, that would generate fierce resistance from numerous quarters, not least consumers. Moreover, it would only work if Northern Ireland could be isolated from external market influences. Clearly this is impossible, illegal and highly undesirable. Northern Ireland must sell to, and be competitive in, external markets for over half of its produce. Isolating the Northern Ireland agri-food sector from external competitive forces would do great damage to its long-term development, hampering increases in both productivity and innovation. This would do no favours to the farming community, the processors or the industry as a whole.

I also believe that there is a risk of lasting damage to the local supply base, our countryside and the quality and choice available to consumers, if processors, retailers and consumers become over-reliant on the cheapest source of raw material that may be available at any given time.

I want to deal with some issues raised by the debate. Mr Savage referred to brown rot in potatoes being imported. In Scotland, for example, where some of our seed potatoes come from, they have to be certified as healthy before they are exported. We do not have to accept them if they do not have that certification. The same does not apply to ware potatoes. I understand that brown rot has been found in a watercourse, not in the actual product. We are also constrained by EU regulations on restriction of imports. It is a matter of some concern, and I will watch the situation very carefully.

Mr McHugh referred to an all-Ireland approach to agriculture. I agree that that would be desirable. I am working to build improved co-operation, for instance in animal health. The vast bulk of agri-policy derives from the common agricultural policy, which tries to create a so-called level playing field. It is wrong to suggest that agri-policy differs markedly across the border, or generally in Europe.

Dr Paisley raised the issue of diversification. I agree that farm diversification is essential for the development of the industry. I have said on many occasions that it is

high on my list of priorities. There are already some proposals on agri-forestry and organic farming in the rural development plan. I am looking to my vision group to provide definitive advice in that area.

Mr Dallat referred to Loughry College. I thank the Member for his remarks about co-operation between the college and my Department and, indeed, the industry as a whole. I have seen some very exciting examples in recent times of co-operation between Loughry College and the industry and how that has benefited people. Products are now on the market as a result of that co-operation. I agree with Mr Dallat's remarks about the need for co-operation right across the industry and between all of us, in relation to the problems that are facing us at the moment.

Dr McCrea explained that state aid inhibits direct financial aid to producers. We have done everything possible to help the Northern Ireland pig producers. For instance, we paid half a million pounds after the Maltons fire. At the moment, there is additional money which was made available at the agricultural summit in England.

We are currently looking at the Pig Restructuring Scheme, which is going through Europe. Animal welfare is a serious concern of consumers here. I accept that certain other member states may not be as assiduous as we are in enforcing standards, and I have raised those concerns with fellow Ministers in London and in Europe. I have the support of the other Ministers in the United Kingdom on that area, and we will be strongly promoting the idea that all European countries should follow our example in it.

In looking at this report, we need to be creative in our thinking on how to improve the returns to producers. I am looking forward to the ideas that will emerge from my vision group of industry experts, which assists us in this matter.

I finish on a very important point. In our desire to improve the functioning of the food chain and, in particular, the rewards to the primary producer, we should at no point forget the primacy of the consumer. That point was also made by Dr Paisley. Satisfying consumer demand must always remain our central focus. If we ever forget this, then all our efforts will come to nothing, because if there is one thing that is true in all relations of this kind, it is the old adage that the customer is always right. It is the customer that we have to satisfy. Thank you.

**Mr Speaker:** Before calling the Chairman of the Committee for the winding-up speech, I wish to make reference to a matter which arose at a meeting of the Agriculture Committee on 30 June. I refer to it because it is relevant to other meetings of the Agriculture Committee, to meetings of other Committees and to sittings in the Chamber. At that meeting, those members

who were milk producers properly declared their interest in the subject under debate, and went on to contribute to the discussions. However, at the point where a decision on the advice to be given to the Minister was being taken, they decided to withdraw from the meeting. Any decision on a withdrawal from Committee proceedings at any time is, of course, entirely a matter of conscience for the members, but I want to underline what the Chairman of the Committee advised at that stage. He indicated that while it was quite proper, and indeed a requirement, for members to declare an interest, whether it is of an agricultural or any other matter, in a Committee or in the Chamber, it was not necessary for them to withdraw from the proceedings or, indeed, to refrain from voting.

That matter was made clear by the Chairman, but I want to underline it, not least because some Members may not be fully familiar with these requirements and may be excessively cautious. It is a good fault, but it can sometimes leave proper representation unmade. That is why I want to put this on the record for these proceedings and for other proceedings of the Assembly, in the Chamber and in Committee.

**Rev Dr Ian Paisley:** Mr Speaker, I welcome the statement you have made, because it seems that outside the Committee there was some misunderstanding and comments were made about it. I made it clear that if there was an interest, it had to be declared. However, that did not mean that members had to leave the meeting or not cast their votes.

Those who left the meeting, and did not cast their votes, did so because they did not want the general public to think that they were voting to put money into their own pockets, as they were engaged in that part of the industry. That was a very honourable thing to do, but it was not necessary under the law. The law says that a member has to declare, and then whatever action he takes after that is his own responsibility. I welcome your statement.

I welcome part of the Minister's statement. I am glad that she extends a little welcome to our report, but she seems to think that her vision committee is going to have better things to offer.

The Minister has been defending the Department's activities. We are not asking the Department to mount a defence today. We have not criticised it, but we have made recommendations about what it should do now. The Minister has not informed me if she is going to implement the recommendations we have made. She has focused on defending her department and her officials very well, but she has said nothing new about the recommendations in this report. We have squeezed from the retailers a promise to offer their expertise to help the producers achieve expert marketing and trade development. We have insisted that her Department is

one of the best agricultural departments in the world, in both science and business realms.

Some time ago I visited the universal headquarters of potatoes in Peru, and the person in charge, right at the top of the table, was an Ulsterman, trained here by the Department. The expertise of her Department should be tapped, along with the retailers' expertise, to help the primary producers.

The farmers have little chance when negotiating with the big retailers. They can only say that they have a quality product and want a fair price for that product. They cannot get that at present because all the big retailers and the meat producers have divided and conquered producers. We need the primary producers to unite and give themselves a fighting chance to save their industry and help their people.

There is a battle between import substitution and consumer choice, but the Department should be encouraging consumers to buy Ulster produce. Across the water, authorities encourage consumers to buy British produce. There is no reason for the Department here not to lend its weight to this idea. We need to ensure that local producers give the consumers the choice they want. If we have consumer choice backing our own farms, the supermarkets will be forced to source here and not outside. This is a very big battle that we need to face.

Secondly, the Minister is concerned about the confidentiality of the statistics on the targets for local sourcing. This does not concern me, because ultimately the big retailers will willingly reveal their profits to their investors. They are not afraid to reveal the extent of their profit-making to those who invest money in their companies.

The other day I received an interesting piece of correspondence from Sainsbury plc., in which the company highlighted its commitment to doubling the amount of Northern Ireland produce that it sources.

5.45 pm

If it is prepared to give that commitment, surely all the other retailers should be forced to do the same. If that were to happen, farmers would be assured that their produce would be bought at a price which paid them for producing it. You cannot ask the farmers to go on when you look at how their incomes have tragically, catastrophically, fallen.

I am pushing these recommendations to the Minister. We need help from her Department; we need the expertise of her Department; and we need finance to help us with this price determination. The Committee is not saying to people that we want them to fix prices. That is not what we are about at all. Perhaps the Minister will take note that the Office of Fair Trading

found that some time ago a cartel was operating in Northern Ireland, and it was all covered up. In fact, we only found out from one person when we were examining him at our Committee. How was it that nobody knew that a cartel was operating in the meat market in Northern Ireland? It was before the Minister took office, but I am asking her today to put her weight and her Department's weight behind a fair reward for the farmers and to tell the big men in this business that they must see that farmers get a fair price for their produce.

It is interesting to note that Sainsbury's is now on record as saying it invests a significant margin each week to ensure that its potato packers remain profitable and cover their overhead costs. That is a big undertaking. It is now in a relationship with its potato packers to ensure that they get a fair price and that when there is a fluctuation in price, is taken account of. If that can be done for potato packers, it can be done for other producers, and these things must be done. Sainsbury's has said that our report is excellent and well balanced, but my Committee will not be looking for words from Sainsbury's, we will be looking for action.

Likewise, I am saying to the Minister today that we are looking for action from her and from her Department. We want to see how many of these recommendations are going to be acted upon, and if we can make progress. It is all very well for the Minister to say that we are all very happy in the Committee and that it is nice that we are united. We ask her now to join the band, to come into step with what we have put before her today and to apply her Department to bringing these recommendations to fruition for the good of the farming community.

I welcome this debate today. I appreciate the contributions that were made by the members of the Committee who took part, and I appreciate the contributions from the three Members who are not members of the Committee. We have had a good debate. I do regret, Sir, that it was at this hour. This debate should have taken place in the morning when all the press would be here. Nevertheless, many positive recommendations have been made. The Committee does not want to be at war with the Minister or her officials. We do want to ensure that our reasonable recommendations are examined.

If the Minister wants to knock them, we will be glad to meet with her in the Committee and to hear from her own lips what she accepts or rejects. I say that these are reasonable points. The Minister has admitted that we have not been attributing blame but have been offering something positive. The Committee was determined not to be strong in diagnosis but to be strong in prescription.

This is the first item on the prescription; there are two others coming and probably a fourth one in connection with fishing. I say to the Minister "Be gracious and kind

to the patient. Do not let Mr McGrady put you off. Tell yourself that you will do something for the farming community.” If she succeeds in doing that, people will always be under obligation to her. She has a great challenge before her and she should take it up. Along these lines there are opportunities for her, and her Department, to help us in our hour of need.

*Question put and agreed to.*

*Resolved:*

That this Assembly accepts and endorses the findings and recommendations contained in the Agriculture Committee’s report ‘Retailing in Northern Ireland — A Fair Deal for the Farmer?’ and urges the Minister of Agriculture and Rural Development and everyone associated with the industry to take all necessary steps to implement the recommendations.

*The sitting was suspended at 5.51 pm.*







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# NORTHERN IRELAND ASSEMBLY

Tuesday 26 September 2000

*The sitting begun and suspended on Monday 25 September 2000 was resumed at 10.30 am (Mr Speaker in the Chair).*

## HOUSING

**Dr McDonnell:** I beg to move

That this Assembly notes with concern the growing crisis in the availability of affordable housing and urges the Minister for Social Development to bring forward proposals to address this issue.

I wish to thank all those Members who have gathered here this morning. We probably all have other things to do. Nevertheless, I feel — and I know others will agree — that this issue is serious and important enough for us to concentrate some time on it. I hope we can formulate an approach, or suggest to the Minister that we do so, that will find a solution to an impending crisis.

There are many reasons for proposing this motion today. There is the simple reason of the need for social justice, fair play and decency in a civilised society. There are health reasons. People need decent housing, otherwise their health can be adversely affected. One reason we perhaps do not often think of is that inadequate housing availability will, soon be a threat to our economic development if we do not watch out and pay appropriate attention.

In the short time available to me I shall attempt to cover some of the issues involved. I have no doubt that others around the Chamber will want to touch on many other aspects. We could not hope today to get to grips with all the dimensions, but I should like to think that we can at least highlight the issues and, with the assistance of the Minister, revisit the subject in the not too distant future.

I should like to pick up briefly on the economic implications. As I said earlier, a lack of affordable housing, whether to buy or to rent, is a major threat to our long-term prosperity. While my remarks may be unduly influenced by my experiences in south Belfast, I believe that the issue will raise its head in the north, east and west of the city before long. Farther down the road, provincial towns will be equally affected. There is a host of statistics, graphs and projections, but these mean little to the individual or family without a home or roof

over its head. People who need a starter home do not know where to begin to find it.

I shall very simply relate my experience of my own neighbourhood. Around the Ormeau health centre, where I have worked for 21 years, the cheapest starter homes went six years ago for between £10,000 and £15,000. It seems crazy by today's standards, for these same houses now sell for between £110,000 and £115,000. There may have been special circumstances, and prices may have been badly deflated because of social unrest and other aspects of our troubles at the time. Nevertheless, six years ago, people of very humble, limited means were able to secure a roof over their heads. Today that is not possible unless one has an income between £25,000 and £30,000 — something very few people have. Every time house prices rise by £1,000, more people fall through the affordability floor for starter homes.

As I said earlier, we have the beginnings of a housing crisis. How it pans out in the long term depends on how we handle it from here. We must use every mechanism available to us to support home ownership and provide value-for-money rented accommodation.

In too many cases of purchasing starter homes, the mortgages are too tight for the salaries being earned. Given the cost of housing, we are rapidly moving towards lifelong mortgages — perhaps spread over 30, 35 or 40 years — instead of 20-year mortgages. Lenders were burnt by negative equity in the south-east of England 10 years ago. Lending is tight, but it is tightest at the bottom end of the market. It is not too difficult, once one is on the ladder, to move up or sideways or to change areas because one has a stake in the market. The great difficulty is for those who are not on the bottom rung. Lenders will normally allow three times one's salary plus one's spouse's salary once. To get a starter home now needs a basic salary of around £25,000. Far too many people do not come near these salary levels.

There are schemes for supporting low-cost home ownership. The Minister needs to instruct his Department to carry out the necessary research and to revamp some of these schemes. For too long — certainly over my lifetime — the Housing Executive has baled everybody out. It has been a tremendous success over the past 30 years. However, its budget has been squeezed, and it is no longer the organisation that it was. It no longer has the money, the stock of houses or the clout necessary to provide homes.

Members could look at a whole array of issues, aside from the private sector. We could look at increasing the Housing Executive's housing stock and the public and private rental sectors. We may want to generate private rental housing or create social landlords so that houses can be rented — not necessarily from the Housing Executive. The rising cost of land and sites is pushing up house prices. It is not the cost of cement, mortar, wood or glass. The cost of a site has increased tenfold in the last few years.

Equally, we must look at the implications and impact of the sale of around 80,000 Housing Executive houses in the last number of years. We need to consider the impact of that on housing and housing conditions and whether it was a good or bad thing. I am not sure, but I know that those who were able to buy a home at a discount from the Housing Executive felt good about it.

However, I am not sure what impact the reduction has had on the housing stock and deprivation or about the knock-on effect on those who do not have a home. Only the best houses were sold, leaving the Housing Executive with its worst houses in the worst areas and in the most difficult circumstances.

The Minister and his Department should also look at the whole array of part-purchase/part-rent schemes. There is opportunity for tremendous development there, as the schemes contain an array of strategies.

There is conventional shared ownership that allows people partly to buy and partly to rent a home. The main stake or share of the home rests with a social landlord such as the Housing Executive or a housing association. Over time, people may increase the share of their ownership as their circumstances improve. There is also a do-it-yourself shared ownership system that lets people select a home on the private market and then part own and part rent it with a landlord taking a similar stake in it.

The Home Buy scheme that exists in the United Kingdom allows people to buy homes with a low-cost loan, which is repayable when the house is sold. For example, if somebody lends you 25% of the cost of your house, he will get 25% of its price when you sell it.

The cash incentive scheme has worked very well in the South of Ireland. Local authorities offer cash to tenants to help them to buy into the private market. I am not up to date with the scheme, but I am aware that there are grants of £3,000, £4,000 or £5,000 available to first-time buyers.

There is an array of schemes that we need to explore. My point in moving this motion this morning is that we have become a bit complacent. There is more that we might be able to do, and perhaps we should start thinking about it now. Certainly the Executive, drawn from the Assembly, should do all in its power to provide extra support for people on the threshold of homeownership. We should be doing what we can to reduce the barriers that exist for people at the bottom rung of the ladder and help them secure a mortgage and support them in repaying the mortgage interest when they fall into difficulties. I am not suggesting that we do that on a grand scale; I am suggesting that we give them critical support.

We have to be looking constantly for ways to improve the quality of housing. My particular interest in the Assembly is on the enterprise, trade and investment side. It strikes me that if we do not have homes for

people in the city of Belfast, we do not need jobs because people will not be able to afford to live there. The economic developments that are coming, such as call centres, are not paying £30,000 per year to enable people to afford their homes. We will end up with the economy going very well, but no houses for people to live in. People will then have to live 20 or 30 miles away, causing a two-or three-hour traffic gridlock in the mornings and evenings as people try to get to and from home.

There are other aspects of this issue that I could discuss, but I know that others wish to comment. I urge the Minister to set up a task force to get the necessary wheels in motion and produce some quality research on what is affordable. There is some excellent research available in both the United Kingdom and the Irish Republic. I recommend the NESF report number 18 'Social and Affordable Housing and Accommodation: Building the Future'. There is an array of publications and reports in the United Kingdom and, although many of them are written from the perspective of the mortgage lender in the United Kingdom, there is still a lot of information there.

There are key aspects of the research that I want dealt with — for example, an assessment of where we have an affordability problem. Is it just a localised issue in parts of Belfast or is it becoming a more widespread phenomenon?

10.45 am

To what extent is land availability driving prices upwards? How successful has co-ownership been in addressing the issue of affordability? As I mentioned earlier, there are a number of co-ownership schemes as well as 80,000 dwellings that previously belonged to the Housing Executive. What has happened to these houses? Have the people who bought them been able to secure them? Are they contributing to housing needs?

Research should also focus on the impact of the private-apartment market. In Laganside this is largely investment driven, and that has an impact on house prices. A lot of the apartments that have been developed in Laganside are lying vacant. It is cheaper and easier for the owners to buy them, leave them sitting and allow capital gains to bring them profit rather than rent them out.

There are a number of other important issues in terms of macroeconomics. What are the elements? Is the lowest income bracket too low? Are our interest rates too high? Is this an unemployment issue? Is this issue critical for those who are unemployed rather than for those who are on a low wage?

There is also the debate about green-field and brown-field sites. I do not wish to pre-empt decisions, but we had a debate yesterday about the shipyard and its implications. Some land that has not been used for shipbuilding has now been made available. Titanic Park



and the Odyssey project have been developed as well as some housing near to the Odyssey project. Is there an opportunity for social housing to be developed on some of the released shipyard land? We also need to consider what the impact of that would be on inner east Belfast.

Last, but not least, it is time for our research to take a strategic view of the long-term role of the Housing Executive. What do we expect this organisation to be doing in the next 10-to 15 years

In summary, I urge the Minister to establish a research team as quickly as possible to investigate these critical issues. We need to ensure that problems are tackled from every angle. Perhaps it is possible to consider longer and slightly cheaper mortgages. We also need to consider whether it would be reasonable to give grants to enable first-time buyers to get on to the home-ownership ladder. It may be possible to review the whole strategy, purpose, sense of direction and focus of the Housing Executive and its impact on the rest of the sector. The private-rented sector may have a contribution to make. Again, the matter of brown-field development is crucial. I hope that Belfast can move north and east, rather than south and west. It is a mistake to overdevelop places such as Dunmurry, Carryduff, Dundonald, and Newtownabbey.

Mr Speaker, it would be selfish of me to go on and abuse your good will and the good will of my Colleagues here. I have done my best to open up an issue that is not yet critical but which may become critical. It is a cross-cutting issue affecting health and economic development, and it is also important for decency, equality and social justice. I urge the Minister to deal with some of the issues that I have raised and hope that he will.

**Sir John Gorman:** I totally agree with what we have just heard from Dr McDonnell.

It was a most interesting analysis of the situation. As I am sure Members know, I was the chief executive and vice chairman of the Housing Executive for seven years. Dr McDonnell mentioned — rather flatteringly, as, needless to say, one always takes the credit for oneself (or some people do, like me, I am afraid) — that the Housing Executive is one of the Province's success stories. Every statistic that one reads validates that statement. To an extent, we are the victims of our success, and there are two points which emerged from what Dr McDonnell said that I would like to emphasise.

The first is that the quality of our housing stock has gone up immeasurably since the days when housing was the prerogative of councils. Without going back into ancient history, I do not think that anyone could deny that. My second point is that for years the building societies, and in later times the banks, had a self-imposed prohibition on lending in certain areas of

the Province. This was called red-lining — a dastardly practice, which meant that mortgages were not made available on property in certain parts of the Province. The leaders got together to ensure that they did not make what they thought might be risky loans.

We broke that down. We called all those building societies together in London and told them that that was a dreadful practice, which, apart from anything else, was sectarian. It was thoroughly against all proper administrative practices. They were asked to please bring it to an end, and they did. The head men were ashamed that such a practice was going on here. Inevitably, that led to a huge demand for mortgages. Housing associations were set up and did a very good job, and the 17 building societies trading in Northern Ireland, such as the Abbey National and the Nationwide, were enabled by an increased allocation of funds from their head offices, mostly in England, to catch up with the drought of mortgages which had been self-inflicted.

That led to Northern Ireland's having the highest proportion of home ownership in the whole of the United Kingdom. I to believe that that is a beneficial thing. It provides a great deal of stability. When was the last time anyone heard the Housing Executive being publicly criticised as a result of one of its allocations? Certainly, no cases have been brought before any part of the judicial system. The Housing Executive has done a great job, not only in building good houses, but in allocating them fairly. I trust that the new arrangements that the Minister is bringing about shortly — I think he has a Green Paper in mind — will be equally satisfactory as regards allocation.

I warn, however, that this is not easy. In this little country of ours, there can be some jobbery going on to secure — as I believe occurred more than a few years ago — a housing allocation which might not be exactly merited on points. It is very important to see that that is corrected.

**Mr B Hutchinson:** Does the Member agree that no housing association has appeared before the judiciary in relation to a housing allocation?

**Sir John Gorman:** Yes, of course I agree. I am simply saying that sometimes what is taken for granted as being a good, solid, fair system can become corrupted. I am warning that that is a danger.

Several things have happened. The Housing Executive has been denied the right to build those houses that were so attractive in the market because it is unable to lay claim to any part of the lending ability of building societies and banks. Due to what I consider a stupid rule, the Housing Executive, being part of the Government system, has to take account of the public-sector lending and borrowing requirements, and it is not able to go outside to borrow money and obtain funding from the private sector. I suggest to the Minister that it

would take the change of one word — a change from “Executive” to “Association”. Of course, that would necessitate literally pages and pages of renaming — it is really not just as easy as that.

If there were an organisation called the Northern Ireland Housing Association, it might be able to provide funding for the Housing Executive. In the 1980s building societies and banks lent enormous sums to the Housing Executive, which I was running. For example, Abbey National plc allocated £100 million to its regional manager, and it was only one of 19 associations that were trading. I have explained the background to this. The Nationwide Building Society gave a similar sum. It was not lent to the Housing Executive directly, but it was made available to help private citizens to get mortgages. But they also provided — for example, within that sum of £100 million — sums which were allocated to the rehabilitation, rebuilding and modernising of whole estates. Not only was it a good investment to get the Housing Executive to do it, those houses became more valuable as well.

These are matters that I hope will be dealt with very firmly and quickly. I hope that we will get decisions rather than just the setting-up of a Committee or two, because this is a serious problem that the economy has created. It is no one's fault, although if you were a demonstrator against Capitalism you would say that this is all that Capitalism does. But with all that we have to tackle here, I do not wish to get into questions of Socialism, Capitalism, and so on.

It is necessary to follow some of Dr McDonnell's thoughts to see what can be done to make housing more affordable for those who are in the lowest quartile of the economy — employees with low incomes. Unless we do that, we are going to find that there is an elitist attitude about those houses that were formerly Housing Executive houses, some which are still being rented.

A factor that also creates a good lending situation by the private sector is the quality of our people. Generally, owners who are mortgage payers look after their homes; they are proud of their homes. Tenants are also proud of the homes that they rent. If you were to go around the Province today you would see that. In my years of running the Housing Executive, every Minister was saying to me “What is your problem with housing? Look at those lovely houses in Downpatrick, in Banbridge. Look at those lovely estates all over Poleglass — they are a model.” I used to reply “You are only seeing the show houses that are replacing the dreadful ones which those people have moved from.” But people look after them; they are proud of them. The fact that people are now proud of the houses they live in must make a huge contribution to the way in which they live. The head of the household has some authority over

those who live with him because he is the one paying the rent; he is the one who is in charge.

As Dr McDonnell said, all of these things have a social benefit that we can be proud of. That has created a very fine reputation for the Northern Ireland Housing Executive and, indeed, the private landlords.

11.00 am

**Mr S Wilson:** I congratulate Dr McDonnell on bringing this issue before the Assembly. I do not want to go into the background to this problem, but we are all aware of the pressures that our constituents are facing, especially those starting off on the housing ladder. The statistics bear that out. House prices increased by 8.3% across the Province in the first quarter of this year. However, as Dr McDonnell said, that increase does not apply Province-wide. House prices increased by 1.3% in areas such as Fermanagh and south Tyrone and by 18% in Craigavon, Armagh and parts of Belfast.

This is indicative of what is happening for first-time buyers. They are now paying, on average, £58,000, and 13.8% of their income goes on housing costs. When the Housing Executive set rents in the regulated sector it reckoned that approximately 10.2% of an average income was a reasonable figure. People who wish to become homeowners are finding that the burden of homeownership is much more significant than it ought to be if we take the kind of benchmark used in the public housing sector.

Therefore there is a problem, and it has hit hardest in the areas — and I am speaking from a Belfast experience — where people traditionally would have gone as first-time homebuyers. In the area in which I live you could have bought a house for £16,000 three years ago. Now you would be lucky to get one for less than £50,000. That was the area where most people came to start house buying, but those doors are closed to many people now.

At the same time the number of houses being built for rent in the public sector has dropped significantly. Statistics that I looked at this morning showed that 3,200 houses were built for rental 15 years ago. Last year the figure was less than half of that, so there is not even the safety valve that there used to be for people who could not get a house to purchase. Fifteen years ago they could at least have gone into the public rented sector.

We have to look at the reasons for this before we can look at possible policies. There is no doubt that as in any area of the world that experiences sustained economic growth, there is going to be a consequence for Northern Ireland. Economic growth is not something for which there is no price to pay. Some people will pay a price. Whether it is in the south-east of England or Northern Ireland, economic growth tends to push up the

demand for land for different reasons — for example, homes are needed because workers are moving into this area — and, therefore, the price of houses. The simple law of economics tells us that. I hope that we do not take the view that public policy can resolve all of these problems. I am not sure that it can.

There are conflicts with an objective to create more employment and, thus, better income conditions because of the effect it will have on house prices. The second thing is — and Dr McDonnell referred to this, although he probably knows about it from personal experience — the price of land for housing. I am sure he has felt the ire of the Malone Road Residents' Association as a result of his involvement in selling some land which went for apartment development. I am making this as a side comment simply because it illustrates the problem. I do not fault people who own property; I do not fault them for selling it, getting a good price for it and making a profit. However, the consequence of that is that if somebody is paying £400,000 for a piece of land, as opposed to £200,000, the price of the properties which go on that land is going to be higher.

I do not think it is possible for public policy to interfere with the market, nor do I think it would be correct for public policy to interfere with the market to the extent that people who own property are told "You cannot sell this for more than a certain amount". But if you take that hands-off approach, there will be consequences.

Another reason is that the interest rates in the Irish Republic are now negative in real terms because it is involved with the Euro and the European Central Bank now controls interest rates. Although the economy there is booming, the two strongest economies in Europe are not; they want to have low interest rates, and because the Irish Republic is tied to that, money can be borrowed at negative rates of interest. If you want a case study on why the single currency cannot work and why more economic integration in Europe cannot work, just look at the conflict between European economic and monetary policy and what is happening in the Republic, and this has spillover effects for us.

Dr McDonnell mentioned what was happening in Laganside. A great deal of the property inflation there is driven by money coming from the Republic and finding a home in Northern Ireland. Speculators are operating on the basis that property prices here are still low enough for them to make money.

The other problem is that, rightly or wrongly, there have been restrictions on land releases, especially in the Greater Belfast area. Until we sort out planning policy for the metropolitan area, we are going to have to live with the consequences. There were many reasons for that, and the important thing is that public policy cannot deal with all of them.

Dr McDonnell also mentioned task forces — we seem to be setting task forces up for everything, and I am wary about doing that. Many of the schemes which he mentioned in his speech are nothing to do with the Department for Social Development. They are financial schemes, and it is up to the banks, the mortgage lenders and the building societies to deal with them. There are some policies that the Department for Social Development, the Department for Regional Development and the Department of the Environment could look at. People will have to accept, whether they like it or not, that a sizeable proportion of people will not be able to afford to get on the housing ladder, so we must look at the number of houses which are being built for rent. We cannot get away from that. Should we take up Sir John Gorman's suggestion and allow the Housing Executive to get back into the house-building market? The law could be changed to allow it to borrow also. Those are matters that we have to look at.

Secondly, in Northern Ireland there are presently 25,000 houses in the public sector which are vacant and unfit for habitation, and in the private rented sector there are as many again which are vacant and fit for habitation, but for whatever reason have not been let. There are various schemes — self-help schemes and the work of Habitat community — aiming at bringing these houses back in to use. There is a sizeable stock there, which we need to find a way of mobilising. I am sure that all of us, during our constituency work, have found landlords who hold on to privately owned houses, will not rent them out and allow them to go to rack and ruin. I do not know how many houses in the private sector fall into that category. Certainly if there were greater powers for those houses to be taken over, either by housing associations or by the Housing Executive, and to be brought back into use, it would deal, first, with the social problem for those who live beside them — very often they are used as glue-sniffing dens, and so on — and, secondly, with the housing problem. We have to look at the vesting powers which are available to do that, but there must also be the will to do that.

Thirdly, and I have found this in my area, where the Housing Executive, or any public body, makes a swath of land available for house building, part of that should be set aside for affordable housing. Whether that is reflected in the price which a purchaser pays for it, or whether it is reflected in the services which are put on the site, free of charge, by some public body, I do not really care. When there was redevelopment in my area, many homeowners were going to lose their houses. We persuaded the Housing Executive, where the new houses were being built, to set aside part of two sites. The developer who took those sites for private development had to build houses at a ceiling of £40,000. Those were then made available to people who were being displaced in the redevelopment area.



Schemes such as that — and they may well be costly — help to alleviate the problems of displaced people in redevelopment areas and also provide some affordable housing. Of course, the big benefit is that you then get a social mix.

The irony of what is happening in Belfast is that the inner city that used to be a public-sector housing ghetto is now becoming a yuppie land. There has been a total reversal. Either of those two imbalances, I believe, happen to be bad socially.

**Mr Speaker:** May I ask the Member to bring his remarks to a close. A number of other Members wish to contribute to the debate.

**Mr S Wilson:** My final point is about planning issues. Planners ought to think more when they are granting planning permission; this is the Department for Regional Development's responsibility. They ought to lay down certain conditions as to the mix of houses. If, for example, you are going to approve greenfield applications, there ought to be conditions attached which say that the site is to be used for affordable housing.

Those are some of the things which can be done as far as public policy is concerned. Alasdair McDonnell's speech demonstrated that there is no easy answer to the problem, but we must chip away at it to ensure that home ownership is not just a dream for some people in our society.

**Ms Gildernew:** Go raibh maith agat. I also welcome the debate today on the availability of affordable housing, given the close relationship between the quality of the homes we live in and our health and general well-being. However, the lack of social housing should be the central concern in this debate, because this has led to the crisis in the housing market.

Successive British Governments have systematically reduced public expenditure on housing. This, coupled with the mass sell-off of more than 80,000 Housing Executive dwellings, has left us in the situation we are in today.

11.15 am

While we welcome the opportunity given to tenants to purchase their homes, we stress the need to replace these homes. For many people buying a home is not a feasible option, and a quantity of good-quality social housing will always be required.

The lack of new starts in the social housing program should be our main concern. We cannot focus exclusively on affordable private new builds unless we address the crisis facing the social housing market, a crisis that will only worsen in the future if the proposed rent increases go ahead. Higher rents will mean that people who can buy their homes will do so and reduce the amount of social housing available. This will push up waiting lists, especially in Derry and Belfast. It is

already difficult for the unemployed to buy a home, given that they cannot get mortgages, so they will be relying on an increasingly depleted social housing stock.

A University of Ulster study estimated that in the past 10 years a shortfall of 5,000 social housing units has built up. We need at least 2,100 new units to be built per annum, and that excludes the shortfall that already exists. The waiting list for social housing has risen dramatically, and the number of applicants in urgent need has increased by 27% since 1990.

We also need investment in the improvement programme, an allocation of funds to plan comprehensive maintenance and to eradicate levels of unfitness. There are still unacceptably high levels of unfitness in the Housing Executive stock, especially in rural areas and worst of all in my constituency of Fermanagh and South Tyrone. There is still a high correlation between age and unfitness, again especially in rural areas, and there has been no reduction in the urban unfitness that has been caused by stock getting older and needing more maintenance. Many houses still have no central heating, something that most of us take for granted.

In the areas of greatest need, such as west and north Belfast, there is a problem which has not been tackled by either the Housing Executive or the housing associations — territorial claims to land and houses on the Unionist side of the peace wall. The situation is one that defies belief. Homes are being pulled down one side because of lack of demand while on the other side families can wait for up to three years for a home. This, coupled with large tracts of derelict land such as the Girdwood Barracks site, which would be ideal for development results in unacceptable levels of overcrowding and long waiting lists.

Section 75 of the Northern Ireland Act 1998 placed new duties on the Housing Executive to promote equality of opportunity and good community relations and to put the equality issue at the centre of policy making. Surely the Nationalist community in north Belfast is entitled to equality of access to housing. Targeting social need obligations should surely be the deciding factor here, not fear of losing territory. I was interested to hear Sammy Wilson say that he did not want to go into history. Given the discrimination of the past, if the problem of accessible housing is not tackled now, Catholics will again be forced to take action as my family did in Caledon more than 30 years ago.

Homelessness is also a major cause for concern. According to Shelter, some 30,000 people in the Six Counties are without a home. Homelessness is rising rapidly, particularly among people aged between 16 and 25. Current estimates reveal that 50% of all single homeless people are under 25 years of age, and 20% are aged 18 and under. This is totally unacceptable, and we



are going to have to deal with this matter properly in order to reduce the number of homeless people drastically. We need to set up a forum to bring together the Housing Executive, housing associations and interested bodies such as the Simon Community and Shelter to deal with this problem in an intelligent and imaginative manner. Surely these statistics prove that the island of 100,000 welcomes is becoming more and more a thing of the past.

Given the strong relationship between the housing market and the overall economy of the Six Counties, and after the failure of successive British Governments to finance the housing programme adequately, relying as they did on private sector activities, we now have a chance to put local alternatives in place. We have to get it right. We must be driven by targeting social need and the equality agenda, and new-build schemes should, therefore, be based on assessed needs rather than financial constraints.

In this way unfitness, homelessness and overcrowding can be eradicated and affordable housing can be made accessible to all. Go raibh míle maith agat.

**Mr Boyd:** According to the Northern Ireland Housing Executive's Annual Report, there are 44,000 unfit properties across Northern Ireland, with a large number in rural areas. There are currently 14,000 Housing Executive homes with no central heating, while 10,000 houses need major improvements to modernise them. Some 23,000 people are still waiting to be allocated a Housing Executive property, and more than half of these are in urgent need of housing. Northern Ireland's ageing population is another key factor. Over the past four years the number of elderly and disabled people needing adaptations has risen from 600 to 2,000.

Every citizen in Northern Ireland has the right to a decent roof over his or her head. It is rather disappointing that we have heard today from one quarter about one particular section of the community. Housing needs exist right across the board and everywhere suffers, including many working-class Protestant areas. Housing is one of the most important issues that elected representatives are called on to deal with in their constituencies. There is a need to be proactive and to allocate the necessary resources to the Northern Ireland Housing Executive's district offices to enable necessary repairs to be carried out on unoccupied properties, allowing them to be allocated to tenants. There are far too many blocked-up properties that should be repaired as a priority or demolished. For example, in my constituency of South Antrim there are blocked up properties in parts of Newtownabbey, Ballyclare and Antrim that are still waiting, after several years, for. This is due to the lack of funding. These properties could otherwise have been allocated to tenants. The process for demolition and repairs is unacceptably long,

and more authority needs to be delegated to the local district managers so that delays can be avoided.

In 1998, in a part of New Mossley in Newtownabbey, we lobbied and were able to arrange a visit by senior officials from the Housing Executive. They were able to see for themselves the chronic conditions that tenants had to endure because of the large number of unoccupied properties that were due to be demolished. This was only achieved after a long-drawn-out bureaucratic process. On the day of the visit, water was gushing down from burst pipes. The properties had not been secured, yet people were expected to live beside them. Examples such as this can be found throughout Northern Ireland.

The recent Housing Executive announcement about cutbacks in its housing budget is worrying. It is therefore critical to reduce the amount of bureaucracy surrounding demolition, repair, improvements and the allocation of grants.

It is totally unacceptable for some quarters to suggest a rent increase of 2% above inflation. This cannot be justified when so many properties are in need of repairs and improvements. The people who would be most affected by a large rent increase are those on low incomes. We have a moral obligation to protect those who are less well off in society, and I would support a rent freeze until a housing review has been completed. Rents have already gone above the rate of inflation in the past few years while funding allocated to the Housing Executive has been reduced. It is wrong to expect tenants, particularly when so many are on low incomes, to continue to make up the shortfall through spiralling rent increases. There is an ongoing requirement for 2,100 units of social housing per annum to ensure that the level of urgent need does not increase.

There continues to be an ongoing need for investment at current levels in the improvement programme to enable it to be completed over the next five years. There is also an increasing need for funding to meet the rising demand for adaptations for people with disabilities. The housing budget must not be reduced further, as any decline in housing standards will have a direct and adverse effect on the level of health care, with further strains being put on that budget allocation.

Waiting lists for housing continue to grow considerably, with the number of applicants at March 1999 totalling 23,000. Of the waiting list total, 41% are single people and 22% are elderly people — a total of 63%. I visited the Simon Community unit in Larne two weeks ago, and was concerned to learn that the number of people presenting themselves to the charity as homeless had risen from 3,800 to over 4,000 in the past year. The majority were aged 25 and under. It is particularly worrying that the proportion of 16-to

18-year-olds reporting as homeless is at an all-time high.

In Northern Ireland there is a shortage of suitable, affordable and accessible accommodation, and this needs to be addressed urgently. Owner occupation in Northern Ireland currently stands at 70%. House prices here are rising by approximately 8% per annum, and many areas in Northern Ireland are now on a par with several regions in the rest of the United Kingdom.

However, the average wage in Northern Ireland is approximately £2,000 less than the UK average. An increasing number of home owners are falling behind with their payments because of spiralling house prices. The number of writs and summonses issued for mortgage arrears has increased by almost 50% between 1997 and 1998. Many first-time buyers are now struggling to get on the house-buying ladder. With more than 100 lenders offering some 4,000 mortgage products, many buyers are attracted by low interest rates and "cashbacks" in the first few years of the mortgage, only to be hit later by large monthly payment increases, which many cannot afford to meet.

Legislation must be strengthened to raise awareness of consumers' rights. Solicitors' costs, for example, must be brought into line with those in the rest of the United Kingdom. Increased advertising of codes of practice will help consumer awareness. Much legislation is already in place, such as the Estate Agents Act 1979 and the Property Misdescriptions Act 1991. There is also an ombudsman and a code of practice for lenders. However, only a relatively small number of people actually seek legal redress. For example, the Estate Agents Act requires that estate agents indicate their fees in writing before accepting instructions. However, in a recent survey by the General Consumer Council for Northern Ireland, 11% of people selling their homes said that they did not receive any quotes, and only 59% said that they had received written quotes. It is clear that legal obligations are not always being enforced, and this must be addressed.

Many issues relating to housing matters are being raised today, and I share the concern at the growing crisis regarding the availability of affordable housing. I therefore support the motion.

**Mr Tierney:** I support the motion, and I commend Alasdair McDonnell for bringing it before the House. In the Social Development Committee's discussions, this matter has taken up more time than most other issues because of its urgency and the needs that exist in different areas. It is also an ongoing topic for discussion and debate in most council chambers. For the past couple of years councils in my constituency of Foyle have been saying that there is a crisis situation.

I believe that the way to achieve affordable social housing is to give proper funding to the Housing

Executive. The Minister addressed the last meeting of our Committee, and I know that he shares our views and has given the matter a high priority. We welcome that. The former Minister also gave it a high priority.

One of the problems in Foyle is that there has been a waiting list of 1,600 for over 10 years. The money allocated to the Housing Executive and to housing associations is not even making a dent in that. If we continue with the current budget, then it will continue not to make a dent. We have to look at this issue more seriously, as the proposer of the motion has said, and make the proper funding available.

The last announcement concerning the housing budget, and the cuts, was condemned by my Committee, and it asked for the budget to be increased. It was then told that there would be an increase, but the increase was on the Scheme for the Purchase of Evacuated Dwellings (SPED) and adaptations. Although that was welcomed and unanimously supported by the Committee, it could be argued that the money allocated to SPED should come directly from the Northern Ireland Office and not from the Housing Executive budget. I am delighted that the Minister agreed with the Committee and said, in relation to the recent problems on the Shankill Road, that he would be making the case that the money should come directly from the Northern Ireland Office and should not eat into the housing budget.

As for the adaptations, an argument could be made that this money should come out of the health budget, because adaptations are carried out on medical advice and for the disabled.

*11.30 am*

In the Derry area, the number of houses that have been sold to Housing Executive tenants has increased. However, as my Colleague Mr Danny O'Connor pointed out at a Committee meeting, we are getting to the stage where that will slowly but surely stop, and the reason is that the remaining housing stock is in such poor condition that it is impossible to imagine anyone purchasing it. If enough money and grants were to be made available for the refurbishment of these houses to the proper standard, people would then have the chance of buying their own homes.

For a number of years we have been fighting to try to get the Housing Executive in Derry to spend money on refurbishment in the worst parts of the Foyle area. A refurbishment scheme was recently carried out in the Bogside, and it was widely welcomed, but we fought for it for 10 years. I raise this matter because I firmly believe that the longer refurbishment is postponed, the more it will cost in the long run.

During the course of an Adjournment debate I highlighted an example of the problems we face in the Foyle area. Homeless people and one-parent families

are presenting themselves to the Housing Executive and being told that it could be up to a year and a half before they can be housed, and in some cases there is no accommodation at all for them and they have to depend on friends and relatives to put them up. This is totally unacceptable, and unless we tackle the new-build situation, and tackle it quickly, the problem will increase.

In my area, if you were to present yourself to the Housing Executive as a normal applicant, the Housing Executive, if it was being honest, would tell you that unless you had priority status or were an A1 homeless person, they would probably not even consider you.

I believe that the way to provide affordable social housing is to give proper funding to the Northern Ireland Housing Executive and to the housing associations, so that they can get on with the new build. That, in turn, will solve the problem. I accept what the proposer said — there is a role for the private sector. Dr McDonnell made a number of points, some of which have not yet been discussed by the Committee, and we will consider them.

Various organisations have suggested a number of schemes in an attempt to get affordable, social housing. You have to congratulate them on their efforts. However, we now have to re-examine those schemes, as Dr McDonnell says, to see if there is a better scheme for affordable social housing.

Finally, I make the point again that I am convinced that the way to get affordable and proper social housing is to give appropriate funding to the Housing Executive and to the housing associations, which I know the Minister totally supports. I welcome the debate and the points coming to the Committee from the proposer.

**Mr Shannon:** This is an issue that confronts us all the time in our advice centres. I am glad to have the opportunity to speak on the matter and to highlight some of our concerns as elective representatives.

For many years property prices in Northern Ireland have remained a fraction of those in other parts of the United Kingdom. This has meant that it has been relatively easy for individuals and families to safely secure the style and quality of housing which they have sought over the years. While this resulted in the standard of living being substantially higher than on the mainland, it also created the false image, which has come home to roost today, that Northern Ireland was a relatively wealthy country. It was an image which I dare say was going to be exposed at some time. Perhaps this housing debate is an opportunity to expose it.

This phenomenon has been manifested through the frightening rise in house prices throughout Northern Ireland over a number of years. Some Members have spoken about the price increases and the amount of

money it now costs to buy a house in Northern Ireland. The issue has been well illustrated. House prices are twice as high as they were 10 years ago. In some cases they are even higher.

In the same period the average wage has not seen the same increase, and one does not need to be an accountant to work out that the sums will not add up in today's Northern Ireland. Events in the property market mean that many people face great hardship in buying a house. Ten years ago it would not have been a problem. Some people today cannot afford to purchase a house at all.

This has had a number of serious social and economic implications for society. First, the standard of living has fallen, and it will continue to do so when so much of a person's income is tied up in paying for a house. Secondly, the amount of debt has increased for those who have purchased property in the past five years, and I suspect that trend will continue. This in turn has put more personal pressure on individuals and families with restricted free cash. Recently, a survey was carried out across the country illustrating young people's concerns about the cost of buying a house. The majority of respondents stated they were worried that they would not be able to survive financially if they were to buy a house, and that they would be robbed of their social lives.

Life is not just about paying the mortgage. Life has to be a little bit more than that, and I think we have to look at the wider picture as well. At one time, young people dreamed of buying their own house, setting up their own home, and becoming independent. Today's house prices severely restrict the ability of the young — especially first-time buyers — to make the move out of the family home. More and more young people remain in the family home and it is not uncommon for people in their late twenties and early thirties to live in their parents' house.

On a broader social issue, the ongoing rise in house prices threatens to disrupt the distribution of wealth among the local population. In the past, society in Northern Ireland has been very egalitarian. There have not been the areas of extreme poverty, or extreme wealth, found in countries such as the Republic of Ireland, Brazil and South Africa. While we do not have slums like those in Dublin, there are many areas of social deprivation across the Province.

For example, Strangford has undergone a 10.9 per cent rise in house prices. It is assumed that this is an indicator of an affluent area, but that is not necessarily the case. There are also large pockets of need. Many people cannot and, perhaps never will be able to, buy their own houses.

Deprivation is not exclusive to one side of the community. It is as widespread in our community, among the people of Ards borough and the Strangford constituency,



as it is in other areas of the Province. We share the same problems, including single parents, large families, unemployment, lack of job prospects, low levels of car ownership and dependency on benefits. These difficulties are not exclusive to us but extend across the community. We all represent areas with these problems. I am aggrieved that some representatives think that only one part of the community has been subject to these factors. The Protestant or Unionist community has been subject to these problems in the same way as other parts of the community have. Other Members can agree to that.

Deprivation exists in estates in Ards town and in the villages of the Ards peninsula, where people have little or no prospects and cannot get houses. These are important issues. Combating deprivation and preventing its growth should be the primary concern of any legislator. Northern Ireland is no different from anywhere else. We must do everything we can to ensure that housing remains within the grasp of everyone if we are to prevent the gap between rich and poor from growing to the same degree as it has done among our neighbours in the South.

I will highlight a point about greenfield sites that was mentioned earlier by a Member. When land becomes available, large developers usually buy the sites. Housing associations also want to buy the land but they are outbid. Land is being provided only for those who wish to buy houses and not for people who want to live in rented accommodation or social housing. Provision must be made to alleviate this. The members of Ards Borough Council, including myself, are among the many who have lobbied to ensure that land is set aside for these purposes in all future developments. It is not enough to provide housing for those who can afford it; there must be housing for those who cannot afford it, that is where social housing plays its part. Failure to provide housing for everyone will inevitably have negative implications throughout society, creating the associated unsociable behaviour that is directly linked to social deprivation.

The future health of society in Northern Ireland does not rest solely with the Minister for Social Development, but I urge the Minister to play his part and to do what he can to address the situation. Today's motion is timely for Northern Ireland.

**Mr J Kelly:** Go raibh maith agat, a Cheann Comhairle. I look back with some nostalgia, Cheann Comhairle, to a time when the provision of affordable housing was one of the underlying tenets of any political party that aspired to the name "socialist". Housing, health and education were the three disciples of the socialism I remember. The erosion of affordable housing did not happen overnight. It has happened in tandem with the erosion of the idea that Governments have a responsibility to the people they govern. In spite of its

faults, socialism did not forget the governed people until the advent of New Labour.

The Government should provide affordable housing because it is a fundamental human right. When housing is not affordable, the effects are obvious. We can see what happens to young people who cannot afford a starter home, who are strapped for finance, who are not in safe employment and who have to burden themselves at the start of their new lives with a mortgage that is perhaps not payable. Building societies, banks and the rates of interest they charge must be examined, and the length of time it takes before a borrower can erode the rates charged for a fundamental thing like buying a home must also be looked at. After 20 years a borrower will perhaps still owe three quarters of the amount borrowed in the first place.

11.45 am

We talk about moneylenders with disdain, but building societies and banks are in many ways such great abusers of the moneylending system that they make it respectable. Interest is one important aspect; in particular, we should look at how it is charged and for how long.

The Housing Executive played a very honourable role in providing affordable housing. The erosion of that role is to be regretted. We see the housing associations attempting to take up the slack. However, in many ways these associations are another facet of private enterprise, and they cannot replace the social input of the Housing Executive and provide homes for those who can least afford them. The Housing Executive also gave people an opportunity to buy their homes if after five or 10 years they wanted to. Earlier, I began to wonder what world Sir John Gorman is living in. It is very good to have the kind of old-fashioned ideas that he has, but they are not relevant to the present situation. Let me reiterate. The Housing Executive's role is to provide homes that people can buy at a realistic price after five or 10 years. This is something that society needs, and while the Housing Executive meets that need, the housing associations do not.

**Mr B Hutchinson:** Under the right to buy, housing association tenants have the same rights as Housing Executive tenants. That is laid down in legislation from Westminster. There is confusion about the role of the housing associations; their role is to provide social housing for people who cannot afford to buy houses. We in the Social Development Committee need to provide Members with precise information. The housing associations are coming to talk to the Committee, and people need to examine this in great detail.

The rents of the Housing Executive and the housing associations are based on the same criteria. They are monitored by the Department and not by the Housing



Executive. The Housing Executive will probably take on that role. We need to be careful here. Members are demonising housing associations, which have done an excellent job for the past 25 years, for the wrong reasons.

**Mr J Kelly:** I was not trying to demonise the housing associations. I am saying that housing associations cannot replace the Housing Executive, and the Government should not be using them to cop out of their responsibility for providing affordable housing for those who need it, and this is what has been happening, Cheann Comhairle. The Government have been passing the buck onto the housing associations. I agree that they have provided a very useful source of affordable housing, but they lag behind the Housing Executive in their provision of maintenance. I take on board the fact that they provide a much-needed stopgap for affordable housing. However, I still feel, Cheann Comhairle, that in the absence of any other option the Housing Executive was the best means by which the Government could provide affordable housing.

The price of land has been mentioned and this is a big factor. One just has to look at what is happening in the Twenty-six Counties, where the escalation of house prices has been beyond imagination. People are paying up to £200,000 for a three-bedroomed house in a locality where, as Sammy Wilson said, people had not previously wanted to live. Do we want to follow that example? I hope we neither want to nor have to. If someone has 20 acres and gets planning permission for building on them, then of course the value of the land escalates. In the Twenty-six Counties there has been an attempt to cap that by obliging speculators to set aside part of that land for affordable housing. We should also be looking at that.

Much has been made of the urban situation; the rural situation has been forgotten. The problem in rural areas is, perhaps, greater. Although it is not noticed as much, it impinges on small towns and villages as much as it does in places like Belfast and Derry. To that extent the planners have a responsibility. If a farmer's son or daughter wants to build a house, it is virtually impossible to gain planning consent. He or she is forced to pay between £15,000 and £25,000 to buy a site in the towns — a sum that would not have had to be paid if it had been possible to build on the land that has been in the family for generations.

The lack of housing in rural areas, and the hardship caused by that, is something that the planners should be looking at. Demand is what drives up the price of housing, and if people are being forced from the rural areas into towns and cities, that will further drive up the price of land, and ultimately of housing, which will make it even less affordable.

The Northern Ireland Housing Executive is talking about increasing rents. One hopes that that will not happen

because it will put a greater hardship on those who are already suffering, those who cannot pay the present rent.

There should be a return to socialist basics and to the notion that a socialist Government has a responsibility to provide the basics of life such as housing, health and education. We have an opportunity, after the past 30 years, to take a lead. If that is idealistic, let us be idealistic, but let us at least make an attempt to ensure that housing is treated as a fundamental right and is affordable.

**Mr Neeson:** I intend to intervene only briefly in this important debate, and I am grateful to Dr McDonnell for raising the matter. As a public representative, housing is one of the biggest areas with which I, and other Members, have to deal. In recent years, a particular issue has been the increasing number of people who have been presenting themselves to the Northern Ireland Housing Executive as homeless.

Yesterday I referred to some of the work carried out by the Northern Ireland Forum, and housing was one of the matters that was raised by Members of the forum. We dealt with this matter at a time of transition when responsibility for construction was being passed from the Northern Ireland Housing Executive to the housing associations.

Mr Billy Hutchinson intervened earlier to make mention of the good work done by the housing associations, and I agree with him, but the Northern Ireland Housing Executive was able to take advantage of greater Government subsidies for new builds while the housing associations depend on the banks for loans. The cost of building is therefore greater for the housing associations, and, as a result of that, it has been necessary to charge proportionately higher rents than those charged by the Northern Ireland Housing Executive.

I agree with the sentiments expressed recently by Mr Cobain about the substantial increase in rents by the Northern Ireland Housing Executive.

I believe it has been far above inflation. The Minister is here today, and I hope that he will listen not only to what Fred Cobain says but to what, I suggest, the vast majority of Assembly Members say — namely, that rents must be frozen.

Looking at the growing number of homeless people, I am also concerned by statistics that show quite clearly that not enough houses are being built in the public sector. In the present year, only 1,507 new houses were built by housing associations, yet over 23,000 people are on the waiting lists. How are we to deal with this problem if supply does not meet demand?

We must also recognise the new needs of a society which is undergoing great change, not only in Northern Ireland but in other parts of the British Isles and Europe. Governments — and this Assembly — should take on

board the new needs of society in the twenty-first century. I made the point yesterday that, when we dealt with this issue in the Northern Ireland Forum, we had no powers. We were a mere talking shop. This Assembly has powers, and, having been elected to represent the needs of all sections of society in Northern Ireland, it must take all those needs on board.

Another major issue coming to the fore at present, particularly in the greater Belfast area, is the cost of development land and the pressures that that is putting on people, especially young couples starting off. The cost of a new home is beyond many of them, and there is a great danger that we will find ourselves in the same situation as Dublin, where people simply cannot afford to buy homes. One of the major selling points in attracting new investment to Northern Ireland is that we have lower housing costs than Dublin, in spite of the rising prices. This matter must be taken on board.

My final point is this: I have remarked on the greater Belfast area, but for me one of the biggest issues facing Northern Ireland is the state of disrepair in rural housing. I appreciate that the Housing Executive has recently put greater effort into assisting improvements to such housing, but if one looks at the various statistics issued —

**Mr Speaker:** If Members wish to have a conversation about the matter, they should do so in the Lobby.

**Mr Neeson:** Thank you, Mr Speaker.

As I was saying, the state of rural properties is a cause for deep concern. Despite the fact that the Housing Executive has made greater efforts in recent years to provide assistance for people living in poor conditions in rural areas, the Assembly must fully address these problems. I am sure that the Minister will take on board the proposals detailed in 'Shaping Our Future: Towards a Strategy for the Development of the Region'.

In essence, as we plan for the future, we need to take on board the content of 'Shaping our Future' and the needs of urban and rural communities.

In conclusion, I thank Dr McDonnell for raising the issue and hope that the Minister takes on board the comments of Members.

12.00

**Mr Speaker:** Members have used their time extensively. Several more wished to contribute, but that will not be possible given the time allocated by the Business Committee for the debate. I must now call the Minister to wind up and the Member who moved the motion to respond.

**The Minister for Social Development (Mr Morrow):** I have listened carefully to all the points that have been

raised. I found some of them difficult to follow and could be forgiven for saying that it appears that some of the Members did not read the motion. However, I will make an honest attempt to deal with the issues raised.

Since becoming Minister for Social Development I have made it abundantly clear that housing is one of my top priorities, as did my predecessor Mr Dodds. Access to a good house is not a privilege but a fundamental right, and I will do everything to achieve this goal. My role in this is primarily the provision of affordable housing in the form of social housing for rent, or providing financial assistance to those who, for one reason or another, find it difficult to get on the first step of the home ownership ladder.

I will start with social housing for rent, as this represents for many people on the margins the only way to have a home of their own. In the current financial year, around 1,700 new social houses will be built across Northern Ireland. This is a major achievement, given that funding for the building of new housing has diminished over the years to the point where it presently stands at £62 million. By involving housing associations in the new-build programme we are able to attract an additional £40 million of private finance. This has helped to cushion the programme from the worst effects of cuts in public expenditure.

I will continue to lobby for adequate funding to enable my Department to bring forward a new-build programme to meet the demands of the waiting lists. However, I am also encouraging my officials to develop innovative ways of bringing in additional funding from other sources. One such source is the Housing Executive's land for social houses scheme. Under this arrangement the Housing Executive has sold some of its surplus land to developers for cash and allowed for a set number of social houses.

These sales account for almost half of first-time buyer transactions in Northern Ireland. The scheme helps create tenure and brings a large number of additional houses into the private market. As resale prices tend to be between 10% and 20% lower than for similar properties in private estates, it offers an alternative source of affordable housing for those who are not tenants. Many housing association tenants also have the opportunity to buy their homes. However, this is under a voluntary scheme, as housing associations do not have a statutory obligation to sell their homes. I recognise the need to create a level playing field and I therefore propose, in the forthcoming Housing Bill, to bring forward provisions which will place a statutory obligation on all associations to operate a house sales scheme. This will offer housing association tenants the same right as their counterparts in Housing Executive accommodation.

The media regularly report on the rising house prices in Northern Ireland and the difficulty this is causing for

first-time buyers. Much of this has been fuelled by recent problems in the South of England and in the Republic of Ireland where house prices increased dramatically in a short time. House prices in Northern Ireland have, of course, also been rising. In recent years these increases have been considerably higher than increases in other parts of the United Kingdom. However, we must not forget that these increases started from a much lower baseline. For many years house prices in Northern Ireland were significantly lower than in the rest of the United Kingdom, so in some respects we are catching up. Affordability — that is the ratio between house prices and wages — remains healthy in Northern Ireland, and for most prospective first-time buyers home ownership still remains a viable option.

I accept that there are many who find it difficult to get onto the first rung of the home ownership ladder. It is for this reason that the Department provides grant aid to the Northern Ireland Co-ownership Housing Association, which offers participants the opportunity to part-purchase and part-rent a home. This scheme has, since its conception in 1978, enabled over 15,000 participants who might otherwise have sought accommodation in social housing to become homeowners. Its popularity continues to increase, and currently almost 600 new applicants are taken on each year with around 550 participants moving into full home ownership.

The regional development plan 'Shaping our Future', which is being prepared by the Department for Regional Development, informs us that in the next 15 years an estimated 160,000 new homes will be required to meet anticipated demand. It is important that this lead is properly managed so that problems like those in the Republic of Ireland, where demand started to exceed supply causing large increases in house prices, are not replicated in Northern Ireland. I will be in close liaison with my Colleague, Gregory Campbell, on this matter.

Finally, since becoming Minister for Social Development I have built up close contacts with the Council of Mortgage Lenders. As the major provider of finance to prospective homeowners, it has an important role to play. I am impressed by the way in which the financial services industry has changed over the years. More flexibility has been introduced so that packages can be tailored to meet individual needs and ever-changing circumstances. For this reason many young couples, who might have thought that home ownership was not possible for them, are now finding that finance packages are available which suit their personal situation.

I want to make sure that that continues, and one way in which I can help is by making the home-buying process easier. Buying a house can be a slow, expensive and stressful process, and there is a need to look at ways of making it less so. I am particularly interested in the idea of a seller's information pack, as suggested in the

recent report compiled by the General Consumer Council.

This idea has been the subject of a pilot study in Bristol and once that study has been evaluated, I will examine how it can be applied in Northern Ireland. In advance of this, I am examining the potential for implementing some of the other measures. My officials will be in contact with their counterparts in other Departments to discuss these developments.

This motion is about a crisis in the availability of affordable housing. I hope that I have demonstrated that this is not necessarily the case, although I will continue to monitor the situation. In a free-market economy, however, the potential for Government intervention is limited. In the end, the market itself will determine whether house prices are affordable or not.

At this stage may I welcome the motion and thank Dr McDonnell for bringing it forward. Many points have been raised here which I will consider. I will now deal with the points raised by Members this morning.

Members may know that I have already met the Social Development Committee. I look forward to the support of that Committee, and of the Assembly, when I push for the necessary resources to finance many of the things that have been highlighted today.

Dr McDonnell made reference to the need to develop brown-field sites. I am pleased to report that a high percentage of new houses are being built on brown-field sites. I will continue to stress the importance of this in my deliberations with my colleagues, Gregory Campbell, the Minister for Regional Development, and Sam Foster, the Minister of the Environment.

The Housing Executive and the University of Ulster have carried out extensive research into affordable housing. I am aware that there are specific places across Northern Ireland where higher land prices have resulted in increased house prices. I have therefore commissioned additional research to determine the causes of this problem.

Sir John Gorman mentioned the inability of the Housing Executive to borrow private finance. This is a matter for the Treasury. However, the Green Paper on housing in Great Britain includes suggestions for the creation of arms-length housing companies. These would still be controlled by local authorities, but would be outside the public sector borrowing requirement. I will monitor these developments closely to determine whether a similar arrangement could be introduced in Northern Ireland which would allow the Housing Executive to borrow private finance. Sir John raised an important point which is worth repeating. He said that Northern Ireland has the highest rate of home ownership of any region in the United Kingdom — more than 71%.



I suspect that Michelle Gildernew did not read the motion, but I will try to deal with her points. She referred to the need for more social housing and for funds to tackle unfitness. As part of the Spending Review 2000, I made a bid for funds to cover both issues. I made this clear at the Social Development Committee, of which she is a Member, last week.

The Housing Executive has commenced a fundamental review of the homelessness strategy. A consultation paper will be issued later this year. Ms Gildernew said something else, which made me think that some people are so caught up with looking back that they cannot look forward.

12.15 pm

She then said that she would value a freeze on rents. I suspect that those who call for a freeze on rents will also be calling for a similar freeze on rates. I look forward to that. In relation to Ms Gildernew's comments, I would point out that a terror campaign was waged in this Province for 30 years. Many homes were ripped apart as a result. Our cities, towns and villages had to sustain a vicious onslaught of bombing. Police barracks were supposed to be targeted, but the real target was social housing, and it was pulled apart. The money to replace those houses did not grow on trees. I suspect that today's housing waiting list would not be the size it is, had we had not the terror campaign that was waged by the IRA — her associates. That point must be made.

Also, in parts of Belfast, good houses, just 12 years old, are lying vacant because of Republican intimidation across the peace line. Those are the sorts of problems that my Department has to tackle, but we will not give up.

Some Members mentioned the amount of vacant and unfit private sector houses. In many cases housing associations would be interested in taking these over to renovate them and to let them to social tenants. However, private landlords are reluctant to become involved, because housing associations must offer secure tenancies and the landlord has no guarantee that he will regain vacant possession. The new Housing Bill includes provision for the creation of shorthold tenancies, and this should encourage private landlords to hand over vacant and unfit houses to housing associations, thus making them available for rent to social housing tenants. Mr Tierney raised the housing crisis in his constituency and particularly in the city of Londonderry. I am meeting Derry City Council quite soon, and I will discuss that matter with them. Mr John Kelly referred to the role of housing associations in the provision of social housing. I refute the idea that housing associations provide a lower standard of service than the Housing Executive. Housing associations build to standards prescribed by the Department, and the maintenance and repairs are on

a par with those for Housing Executive houses. The Department closely monitors the situation.

On Mr Neeson's call for a rent freeze, I suspect that he will also want a rates freeze. A few Members raised the important issue of rural unfitness. That matter concerns me immensely. I am acutely aware — *[Interruption]*

**Mr Speaker:** Order. Members should give the Minister a chance to speak. They can conduct their debate in the Lobby if they so wish.

**Mr J Kelly:** On a point of order, Mr Speaker.

**Mr Speaker:** Is it a point of order?

**Mr J Kelly:** Yes. Is it in order to ask the Minister to give way?

**Mr Speaker:** The Member may ask, but if the Minister refuses, the Member will have no right to require it.

**Mr J Kelly:** Is it in order to ask him?

**Mr Speaker:** It is not common to ask Ministers to give way during summing-up speeches, but if the Member were to ask, it would be a matter for the Minister.

**Mr J Kelly:** Will the Minister give way?

**Mr Morrow:** Mr Speaker, I will finish in a moment.

Some Members raised the issue of unfit housing in rural areas. I am acutely aware of that, and I am aware that in places such as Fermanagh rural unfitness is running at some 17%. That causes me great concern. It is something that I will look at very closely, and I will discuss it with my officials to see if we can work out a plan to tackle the matter.

If I have missed any points that Members have raised today, I undertake to deal with them in writing. I thank the Member for bringing the motion before us.

**Dr McDonnell:** I thank all Members for the wide range of views expressed. The Minister has covered many of the points raised, but I would also like to refer to some of them.

Sir John Gorman mentioned red-lining. Red-lining was a bottleneck in the past, but there may be other bottlenecks.

I want to thank the Minister for his comprehensive response. It gives me great heart that we have had such a useful outcome and a consensus across the Chamber. While we differ on some aspects, we all agree that we have to give people a reasonable choice of either buying or renting and to ensure that people can aspire to having a home of their own, otherwise our society will not have the justice, equality or stability that we hope for.

The Minister raised many points that I will not go through again. He and some Members, including Mr Sammy Wilson, mentioned empty, unused houses. It



would be extremely useful if we could find ways of dealing with the empty houses, whether derelict, semi-derelict or underused, across the city. I welcome any development in legislation to deal with that.

I thank Mr Boyd for the detailed statistics he provided. There are 44,000 unfit houses, 23,000 people on waiting lists and 2,000 adaptations needed. Those represent personal tragedies, families living in sub-standard housing in desperate need of help. The financial pit is not bottomless, but we will have to find mechanisms for housing.

I refer to Mr John Kelly's comments about housing, health and education, and I endorse them strongly. Those are fundamental issues and have been for generations. Regardless of political party or personal interests, they will be the cornerstones of a whole range of policies that needs to emerge from the Assembly.

I would like to pick up on Mr Sean Neeson's point about homelessness. There has been an increase in homelessness in the city of Belfast linked in many cases to vulnerable people being discharged from mental institutions. Many people who are on the verge of being semi-independent, and who were in the past incarcerated in institutions are now finding their way out on to the streets, and the institutions are shrinking in size.

The homelessness situation in South Belfast, perhaps because of its proximity to Knockbracken healthcare park — formerly Purdysburn Hospital — is now in many cases critical. The debate touched on people in need, and they are the most vulnerable people in society. Many of them cannot look after themselves.

In taking an approach to housing, we also have to deal with hostels, particularly for males. I see people living in sheds and lying in yards, merely surviving. Ten to 15 years ago I did not think that I would see this happening in Belfast, but there are people sleeping rough, and that affects and distresses me. If the Assembly and the Executive are to be worth their salt, this problem needs to be tackled from the bottom to the top, in all its aspects; from the homeless, to those who are on a low wage and those who are unable to work for themselves. As I have already said, the Minister has given us a tour de force. I welcome any developments, any expansion of a new-build programme and any innovative ways of creating space and setting land aside.

The Minister dwelt on some of the successes of the past, and while I would be the first to sing the praises of the Housing Executive and Northern Ireland's housing record on the past, I believe it is critical to look to the future. The hassle and expense of the home buying process certainly has to be cut, and the pain must be

taken out of it. I welcome the Minister's statements on brown-field sites and short hold tenancies.

We have had a very useful debate this morning. We need to give people a reasonable choice of either buying or renting their homes, and we need to ensure that people have the security of a roof over their heads. We need to think creatively and be imaginative in providing people with homes. The crucial edge and interface for the imagination must be for those on the bottom rung of the ladder.

In my earlier statements I dwelt on the issue of the purchase of affordable homes, because I knew that a number of Colleagues were going to concentrate on social housing. The provision of all houses, whether at the social housing level, or the low end of the mortgage market, needs to be dealt with as innovatively as possible. There are ways and means, and we can copy best practices in the continent, the USA or elsewhere.

I welcome the suggestion that in allowing planning permission for large-scale developments there should be 10%, 15% or even 20% of land set aside in difficult cases where there is a big social housing demand. We need to ensure that those on low wages do not feel disadvantaged compared to those who are on benefits. This is a very delicate balance to achieve with regard to economic development, wages, health and welfare. People on low wages need not and should not feel disadvantaged compared to those who are on benefits. Sometimes those on benefits seem to have an advantage, because they can have access housing and have their rent paid or subsidised, so it appears that those on low wages are penalised for working.

My purpose in moving this motion was not only to highlight the issue, but to raise the possibility of our helping people to help themselves. We need to ensure that no one is homeless, but I think that I dwelt on that for long enough.

One issue that we did not mention, and the Minister knows as much about this as anybody, is the question of rural unfitness. These problems tend to exist in ones and twos in rural areas; they do not exist in the clusters or groups that we see in Belfast. It is as big an issue in rural areas, but it is much more scattered.

*Question put and agreed to.*

*Resolved:*

That this Assembly notes with concern the growing crisis in the availability of affordable housing and urges the Minister for Social Development to bring forward proposals to address this issue.

*Adjourned at 12.30 pm.*



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## NORTHERN IRELAND ASSEMBLY

Monday 2 October 2000

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

*Members observed two minutes' silence.*

### ASSEMBLY: CONFLICTING MINISTERIAL REPLIES

**Mr O'Neill:** Mr Speaker, I have a dilemma, and I would like you to rule on the matter. The Minister for Regional Development, Gregory Campbell, indicated in a statement and in a reply to me at Question Time that consultation had taken place between his Department and the Department of Agriculture on the ban on sheep grazing in the Mourne.

I have received from Ms Rodgers, the Minister of Agriculture and Rural Development, a written reply saying that no such consultation has taken place. It is very clear indeed that had consultation taken place it would have been known that the men who have grazing on the Mourne would not be grazing animals from October until the spring. That would have been very clear if consultation had taken place, and that would have allowed the *force majeure* regulations to come into place for next year.

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

This is not a matter for me. However, the point of order does indicate an apparent contradiction between two ministerial replies, and I will certainly look at that. Some of the potential implications to which the Member refers are really matters for the Executive, particularly the Office of the First Minister and the Deputy First Minister.

Other potential implications may involve the Assembly. I will certainly look at the matter that the Member has raised and will, if it is appropriate, rule in the Chamber. If not, I will write to the Member in that regard.

**Mr O'Neill:** Further to that point of order, Mr Speaker. Can you advise me how I, as a public representative, could represent those farmers properly if there were a misunderstanding or an attempt to mislead?

**Mr Speaker:** First of all, we need to clarify whether the apparent contradiction to which the Member refers is

an actual contradiction. Of course, it is open to the Member to put questions to and, indeed, request to meet with either or both of the Ministers to take the matter further. That is a normal matter of representation. What I wish to address is whether there is an actual contradiction. If so, we will see how it can be dealt with.

**Mr P Robinson:** On a point of order, Mr Speaker. Can you ascertain whether the Member gave notice to the Minister involved that he was going to raise this matter and accuse him of potentially misleading the House? I am sure you are aware of the requirement to do so before a Member is named in this way in the House.

**Mr Speaker:** I am not making an assumption that either Minister —

**Mr P Robinson:** I make an assumption that he did not.

**Mr Speaker:** Order. I am not making an assumption that either Minister is being accused of misleading —

**Mr P Robinson:** Read Hansard.

**Mr Speaker:** Order. There is an apparent contradiction between what two Ministers have said. That is a different matter, and that is how I will be approaching the question.

**Mr Dallat:** On a point of order, Mr Speaker. On the same issue, are you aware that a serious breach of normal democratic practice took place at the Agriculture Committee on Friday, when a vote to write to the Minister to establish what Mr O'Neill has tried to establish failed, and a second vote was ordered by the Chairperson? What is the correct procedure?

**Mr Speaker:** I am not clear that that is a point of order for the Chamber. I will certainly explore the question, but I am not clear that anything out of order has necessarily taken place.

## CHILD SUPPORT, PENSIONS AND SOCIAL SECURITY BILL

### First Stage

**The Minister for Social Development (Mr Morrow):** I beg leave to lay before the Assembly a Bill (NIA1/00) to amend the law relating to child support; to amend the law relating to occupational and personal pensions; to amend the law relating to social security benefits and social security administration; to amend Part III of the Family Law Reform (Northern Ireland) Order 1977 and Part V of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989; and for connected purposes.

*Bill passed First Stage.*

**Mr Speaker:** The Bill will be put on the list of pending business until a date for its Second Stage is determined. As there is on the Order Paper a motion for accelerated passage, I have arranged for copies of the Bill to be available from the Printed Paper Office immediately. The motion will be moved tomorrow, immediately before the Adjournment debate. I trust that that will give Members a reasonable opportunity to judge whether the Bill should be given accelerated passage.

## STREET TRADING BILL

### First Stage

**The Minister for Social Development (Mr Morrow):** I beg leave to lay before the Assembly a Bill (NIA2/00) to make provision for the regulation by district councils of street trading in their districts.

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

**Mr Speaker:** The Bill will be put on the list of pending business until a date for its Second Stage is determined.

## HEALTH AND PERSONAL SOCIAL SERVICES BILL

### First Stage

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** A Cheann Comhairle. Molaim go dtugtar an Bille um Shláinte agus Seirbhísí Sóisialta Pearsanta a Chéad Léamh. I beg leave to lay before the Assembly a Bill (NIA 3/00) to establish a Northern Ireland Social Care Council and make provision for the

registration, regulation and training of social care workers; to make provision about the recovery of charges in connection with the treatment of road traffic casualties in health services hospitals; to amend the law about the health and personal social services; to confer power to regulate the profession of pharmaceutical chemist; and for connected purposes.

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

**Mr Speaker:** The Bill will be put on the list of pending business until a date for its Second Stage has been determined.

## FAMILY LAW BILL

### First Stage

**The Minister of Finance and Personnel (Mr Durkan):** I beg leave to lay before the Assembly a Bill (NIA 4/00) to make further provision for the acquisition of parental responsibility under article 7 of the Children (Northern Ireland) Order 1995; and to provide for certain presumptions of parentage and for tests to determine parentage.

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

**Mr Speaker:** The Bill will be put on the list of pending business until a date for its Second Stage has been determined.

## DEFECTIVE PREMISES (LANDLORD'S LIABILITY) BILL

### First Stage

**The Minister of Finance and Personnel (Mr Durkan):** I beg leave to lay before the Assembly a Bill (NIA 5/00) to amend the law as to the liability of landlords for injury or damage caused to persons through defects in the state of premises let under certain tenancies.

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

**Mr Speaker:** The Bill will be put on the list of pending business until a date for its Second Stage has been determined.



## GROUND RENTS BILL

### Committee Stage (Period Extension)

**The Chairperson of the Finance and Personnel Committee (Mr Molloy):** I beg to move

That the period referred to in Standing Order 31(4) be extended by 54 calendar days to Monday 27 November 2000 in relation to the Committee Stage of the Ground Rents Bill (NIA 6/99).

A Cheann Comhairle. The Ground Rents Bill has an impact on the conveyancing process and on the rights of rent payers and owners. It will allow owners to buy out residential property and, on the subject of annual ground rent, to enlarge their leasehold estate into a freehold title. The Bill aims to introduce a scheme of voluntary and compulsory redemption of ground rents on residential property. It is a complex and technical measure dealing with issues that have remained unresolved for decades.

The Committee Stage started on 27 June 2000 but was interrupted by the summer recess. Since then the Committee has taken evidence on the Bill, and a number of concerns have been raised about how it will operate if the Assembly approves it as it now stands. Therefore it is important that sufficient time be given for proper consideration, and the Committee believes that this will take several more weeks to complete.

I ask Members to support the motion.

*Question put and agreed to.*

*Resolved:*

That the period referred to in Standing Order 31(4) be extended by 54 calendar days to Monday 27 November 2000 in relation to the Committee Stage of the Ground Rents Bill (NIA 6/99).

## ASSEMBLY: ENTERPRISE, TRADE AND INVESTMENT COMMITTEE

*Resolved:*

That Mr Jim Wells be appointed to the Enterprise, Trade and Investment Committee. — *[Mr Dodds]*

## ASSEMBLY: FINANCE AND PERSONNEL COMMITTEE

10.45 am

*Resolved:*

That Mr Nigel Dodds and Mr Peter Robinson MP shall replace Mr Gardiner Kane and Mr Oliver Gibson on the Committee for Finance and Personnel. — *[Mr Wells]*

## ASSEMBLY: BUSINESS COMMITTEE

*Resolved:*

That Mr Ian Paisley Jnr shall replace Mrs Iris Robinson on the Business Committee. — *[Mr Dodds]*

## RETAIL OUTLETS

**Mr Dallat:** I beg to move

That this Assembly calls for credible independent impact assessments before planning approval is granted for major retail outlets and asks for a moratorium on such developments until such time as there is a policy in place which gives shoppers maximum choice but at the same time protects the legitimate rights and needs of the indigenous retail trade.

We have one of the most beautiful countries in the world, and I believe that it is worth preserving. I know everyone in the Assembly believes that as well. It is a country made up of a network of attractive small towns and villages, each with its own distinctive character and virtually all still boasting a convenience store. Most likely there will also be a post office, a butcher, a greengrocer, a florist, a newsagent, and perhaps some specialist shops. Northern Ireland's retail landscape supports diversity and local enterprise. It reflects the country's geography and rural infrastructure and the character of its economy and people. The rural agricultural economy of Northern Ireland, and the dispersed population pattern, is ideally suited to the smaller local business. The same can be said of the Republic.

It is therefore no accident that independent retailers hold a larger share of the retail food market, both North and South, than is the case in England. Surely that is worth preserving.

I accept that shoppers want out-of-town shopping schemes. It can be argued that they benefit the consumer in terms of convenience and price, and, in some instances, help to reduce congestion and parking problems in town

centres. I do not have a problem with that, and this motion is in no way suggesting that the consumer should not have choice. On the contrary — and this is very important — this motion, if supported by the Assembly, will ensure that the consumer continues to have choice and is not held hostage by one or two large multinationals. It is critical to get that message across clearly and concisely.

Apart from the issues relating to the rural community, we must never allow a small number of multinationals to have total control of the retail market. In such circumstances the independent retail sector will be wiped out more quickly than many people realise.

Let us pause for a moment and examine what happened in Britain. In 1986 there were 432 superstores. This number increased by 250% in the last 10 years to 1,034. These huge out-of-town superstores develop and operate a whole variety of outlets around the “anchor” supermarket and the “DIY shed”. The result is that one single massive retailer sucks the business out of a whole community and out of independent local outlets for a 30-mile radius or more. High streets are deserted, town centres are devastated and local communities are left without services.

At present 42% of villages in Britain are without a single shop. Who is most affected? The elderly and people without cars suffer the most. Similar experiences have occurred across Europe, but in Belgium, Denmark, France, Germany, Portugal, Spain and Greece — to name but some — action has been taken to address the problem.

In each country there are restrictions on the size of the new retail developments. There must also be independent assessments carried out to demonstrate that developments are needed and that they will not impact adversely on the infrastructure of communities. There is also a renewed focus on town centres, and this is very important. In the Republic, where planning laws were never as loose as they have been in Northern Ireland, the Government have moved to limit retail development to 3,000 square metres. These guidelines are in place, and at present there is a strong lobby to copper-fasten them into legislation. There is a strong case to be made for keeping shopping local so that we can maintain the traditional economic and social hearts of our urban areas, towns and villages.

I said at the start that we have one of the most beautiful countries in the world, and here in the North we are slowly but surely rebuilding what was destroyed or neglected. Perhaps we have some distance to go before we are in the same category as Austria, Switzerland and Sweden, but it is worth pointing out that these countries have planning restrictions which are much tighter than those here.

I understand that evidence will be given to the Enterprise, Trade and Investment Committee, which will

identify what is necessary to improve planning regulations in relation to retail development. The Minister of the Environment, Sam Foster, is on record as saying that the planning document ‘PPS5’ is to be reviewed shortly, while the Deputy First Minister has announced that a Planning Amendment Bill will be introduced to the Assembly during this session. Given the likely timescales involved for a major review of planning policy, and the drafting, consultation and introduction of new planning legislation, it is essential that the recommendation of ‘Strategy 2010’ is introduced as a matter of urgency. The potential for further ongoing damage while these reviews take place is immense.

‘Strategy 2010’ suggests that one of the main challenges facing the country’s food processing sector is the power of the multiples. It is argued that as the multiples increase their buying power they will be even more able to squeeze the profit margins of producers, and their strong franchise power may inhibit the opportunity for small suppliers to develop their own brands.

Similar evidence was gathered recently by the Agriculture Committee of this Assembly. That Committee in its report ‘Retailing in Northern Ireland — A Fair Deal for the Farmer?’ clearly identified the need to examine the planning policies in relation to large multinationals because of their immense power to monopolise and dictate prices. To date, three of the largest retail organisations control almost 50% of the entire retail market share. One of the largest stores in Ireland operated close to this building in August 1999 and is capable of supplying 2·5% of the market on its own, if it reaches its target. Where similar experiences took place in Britain, 50,000 retail businesses have disappeared. That includes grocers, butchers, bakers, fishmongers, greengrocers and florists. In 1987 the independents represented 16·1% of the market. Today in Britain they control less than 7%.

If this trend is mirrored in Northern Ireland there will be major casualties, and the damage done to the food retailing market will be irreversible. Over 1,000 family-owned and run businesses could close. In another eight or 10 years over 40% of our towns and villages could be without a store. The supply network — which generates many jobs — will be mortally wounded. The damage to the retail economics and to the general social fabric of Northern Ireland will be catastrophic.

I do not believe it is yet fully realised by the Government, or by the general public, that in such circumstances, where superstores put local operators out of business, the consumer faces a limited choice of where to shop. Higher prices will result because of the lack of competition in the market, and what started as a big shopping experience with big value for customers becomes a big profit opportunity for the developers. In essence, the customer becomes captive at a superstore,

deprived of choice and competition and open to manipulation.

Finally, there is the job creation myth, and on this subject the public relations machines of the superstores constantly mislead the public into believing that new jobs are being created. Nothing could be further from the truth. From evidence gathered in Europe and Britain, we learn that jobs and services within a 15- to 20-mile radius of a new store are severely affected. For every superstore that opens, the average net loss in employment is in the order of 276 full-time equivalents — about 25% to 30%. Studies show that where new jobs are created, they are predominantly part-time and overwhelmingly female. These surveys, which are backed up by scientific research, must have important implications for planning proposals for further food superstore developments. There are major environmental issues relating to planning decisions for large superstores.

Superstores draw thousands of consumers using private transport from up to a 50-mile radius, thus causing congestion on all major national routes. There is also the issue of greenfield sites, as each development takes up to 15 to 20 acres of land. Add to this the dereliction of towns and villages and the withdrawal of services because they are no longer viable, and you have at least some of the reasons why there should be an independent impact assessment. There are, of course, other reasons.

Some would argue that the saturation point is approaching, as these stores have successfully picked off their smaller rivals. It is no accident that they are now moving into non-food retailing where the profit is about twice the gross profit on food. As diversification continues, the demand for floor space will increase. Given the present weakness of the planning system, the applications will be granted. The onslaught will continue. There is the potential for every shop in the retail sector to be under threat, the consumer left with no choice and the country left with towns and villages with no heart and soul.

In conclusion, it is accepted that change will come, but the price does not have to be as devastating. It is the Government's job to manage change effectively. The recommendations of 'Strategy 2010' must be implemented immediately. The promise of a future review will amount to no more than closing the stable door after the horse has bolted. We will have failed to learn from the worst practices of others, and our unique rural countryside will be destroyed unnecessarily. Our cities and towns will be left with blighted town centres, and the most vulnerable people in our society will be left without essential services. That is the reality facing us if action is not effected.

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

I love my country as you do; we owe it to our people and to the future generations to ensure that proper planning regulations are in force now so that our countryside, towns and villages and our heritage are protected from the ravages of big business which is here today and, perhaps, gone tomorrow.

**Mr Paisley Jnr:** I studied closely the motion on the Order Paper in the hope that it would have some sense and bring about consensus in this debate, but I fail to see any logic or sense in it. It has been badly worded, explained and presented. My party and I will not be supporting this motion as it currently stands. It is one of the most hare-brained schemes I have ever heard. It is hare-brained, ill-advised and ill-informed. If this House were to give it any credibility or any sort of fair wind to enable it to be put on the statute book, it would be hampering development in Northern Ireland for ever. We would be curtailing shopper choice for ever and doing Northern Ireland a great disservice.

*11.00 am*

I can only imagine that the Member has been ill-advised. His party would be ill-advised to support this motion. It would have a devastating effect across Northern Ireland. The motion is an attempt to interfere in the natural course of market forces, in consumer rights and in the law of supply and demand. If John Dallat had his way, this House would legislate for the sun shining and the rain falling. This motion goes beyond what the House should be contemplating.

The Member has made no attempt to explain to the House the impact this motion would have on employment in particular. It would have a devastating impact, and he should realise that. Neither has he explained to the House the cost both economically and in development terms, for Northern Ireland. Has he really considered what he is asking this House to approve?

There are four parts of the motion that I would like to speak on. The first is the independent impact assessments. If this motion were taken seriously by the House, self-appointed consultants would spring up to provide these so-called impact assessment studies. A cottage industry of self-appointed, do-gooding bureaucrats would have a major say in shaping the face of Northern Ireland. Development would not be a strategic, planned matter. It would rest upon an assessment of what is here and now, as opposed to what could be in the future. The supposed presumption to allow development, especially on brownfield sites and in town centres, would be thrown to the wind, and investment in Northern Ireland would virtually cease.

**Ms Morrice:** Does the Member agree that at the moment consultants are not paid unless they come up with an impact assessment that suits the developer? What does he think about that?



**Mr Paisley Jnr:** That forces the impact assessment to be inaccurate and incredible, and plays into the hands of certain lobbies. Impact assessments are already in legislation for certain developments. It is not as if Mr Dallat is proposing something that does not already take place. There is a criterion for impact assessment. From the way it was explained to the House, you would think that impact assessment does not take place, but there is already an impact assessment. *[Interruption]*

The Member had his chance, but he did not explain it very well. Let me try and explain it to him.

The motion calls for impact assessments to be a prerequisite for what the Member calls “major retail outlets”. No thought has been given to the meaning or interpretation of what a major retail outlet is, and that of course is critical. The Member has not adequately explained what his statement means because he does not know what he is talking about.

Is a major retail outlet to be defined by the name of the retailer — J Sainsbury is a major retail outlet, but Moores of Coleraine is not — or is it physical size? Is a major retail outlet to be defined, not by who the retailer is, but by the physical size of the retail unit in comparison to others in the locality? Would that, in turn, mean that in different parts of Northern Ireland we would have different interpretations of unit size? For example, could Belfast, Lisburn and Londonderry expect to get away with developments over a certain size because of the size of their location, while towns such as Ballymoney, Strabane and Craigavon could not because of their size and population density?

Mr Dallat made reference to the way in which these assessments and moratoriums are carried out in the Irish Republic where the magic figure is 30,000 sq feet. Is he suggesting that 30,000 sq feet is, by definition, a major retail outlet and should be treated the same way as a development of 75,000 sq feet? If so, nine times out of 10 the developer will go for the larger development rather than the one at the bottom of the scale. Or is Mr Dallat suggesting that 30,000 square feet is major by definition? What would happen to developments which were just under this size? Could we expect a rash of applications for developments of 29,500 square feet, which would not have to face the same rigorous examination as those that are over 30,000 square feet? There are many people who would be able to get away with that, but we would be foolish to allow them to do so. Mr Dallat’s independent assessment and his criteria for major retail outlets do not quite add up.

The Member then went on to argue for what he called a moratorium on development. That should be examined very carefully. The word “moratorium” means prohibition, a suspension, a stopping order. A moratorium is not defined by a specific period and, for that reason, is usually proposed by people who have

nothing to put in the place of what they are trying to stop. They just want to stop something from happening. If Mr Dallat had come to the House with a more creditable suggestion, it would have received closer attention. Rather he just wants to stop consumers and shoppers from having choice, and that contradicts what he claims he is aiming to achieve in the last sentence of this motion — the provision of maximum choice for shoppers. How he can say that he wants this while proposing a prohibition on the development of retail outlets is beyond me.

John Dallat is crying out to the likes of John Lewis Partnership saying “Don’t come to Belfast and invest in the next couple of years.” He is saying to Homebase and B&Q in Coleraine “Shut up shop; don’t come and develop in Coleraine.” He is saying to Tesco in Ballymoney “You are not getting your major extension; you are not coming to Ballymoney.” He is saying to Debenhams “You are not moving outside Belfast so that other consumers across Northern Ireland can choose your products.” He is also saying to existing retailers, such as Moores in Coleraine, that they are not going to be able to expand because there is to be a moratorium on them also.

This motion does not protect existing retailers in Northern Ireland. It prohibits them. The existing retailers are best at providing choice, providing something different that the big multiples cannot provide. This motion would curtail them just as much as it would curtail the big developers. Instead of saying “Business as usual” for Northern Ireland, Mr Dallat is telling shopkeepers across Northern Ireland to erect signs which will say “No business is the usual”. That would be the effect of this motion. A stopping order would have a dramatic impact on development in Northern Ireland, and Mr Dallat should recognise that.

He then went on to argue for maximum choice, yet to suggest that this stopping order would in any way provide choice is sheer stupidity. Minimum choice for a successful business would be Mr Dallat’s contribution to choice for the shoppers whose champion he claims to be. He would not be giving them maximum choice — he would be giving them minimum choice. The legitimate rights of the indigenous retail trade can only be protected if sound business practice is in place. Sound business practice is in place, and the reason existing businesses have done so well is that they provide choice, quality goods and items which the larger retailers cannot provide.

This House would be ill-advised to support a motion which is phrased in such a poor and rudimentary fashion, a motion that does not say what it means or mean what it says. If the Member is opposed to out-of-town retail developments, why did he not say so rather than propose a motion which is confused and, by



its very nature, confusing. This House would do itself and planning a great disservice if it gave any credibility to this motion, which I therefore oppose.

**Mrs E Bell:** I support the spirit of the motion. I think that Mr Dallat does not, as Mr Paisley said he did, want fair trading and customer choice to be denied. I think what he is saying is that he is concerned, as we all are, about the expansion of major retail trade outlets. Coming from north Down I have a very partial interest in this; I am very concerned about the impact that major retail outlets will have on my area. We have one at the moment — Tesco in Tillysburn — and if D5 is allowed to go through, we will have another even bigger one. This would effectively kill off Holywood, if not the rest of north Down.

**Mr P Robinson:** Tillysburn is not in north Down; it is in east Belfast.

**Mrs E Bell:** I thank the former Minister for his remark.

I would support the motion if it took a number of things into account. Rather than have a moratorium on developments as the motion seeks, we should have a look at two reports, one of which is the EDAW Report, which was sponsored by the Department for Social Development. One of its recommendations is that a review of policy on rural shop support and market-town development be undertaken as part of a wider study. A common moratorium and evaluation system would help to compare and contrast performance in individual Northern Ireland centres, and town centre management should be considered as an element of town-centre invigoration for Northern Ireland. It has been shown by Lisburn that if there is good partnership between town centre management and the retail outlets, there can be success and maximum choice for the customers.

**Mr D Hussey:** Mrs Bell is beginning to enter the realm of the advantages of critical mass. Does she not agree that when created by larger stores, critical mass can benefit local retailers if they use their entrepreneurial skills to tap into the numbers brought into an area via these large stores? Further to that, the rights and needs of the indigenous retail trade might be better met by a review of the rates system. Rates could be related to business profitability, rather than to the commercial properties. This already happens in other areas in the retail sector.

**Mrs E Bell:** I support the last point, but we need to look at the relationship between existing indigenous retail trade outlets and major retail outlets. If it will affect them, they will have to look at what those effects will be before they can decide what to do.

The other report to which I referred was in 'The Observer' yesterday, and I was very concerned when I read it. Everyone has been looking at the effects of

out-of-town retail outlets on the mainland. The report was commissioned by the Office of Fair Trading and includes quite a number of findings on what is happening with "the big five", as they are called on the mainland. It has come up with a number of recommendations which I urge the Government to examine before we go any further, and it is for this reason that I do not support a moratorium. We need to look closely at this issue.

It was shown clearly in this report that "the big five" put rock-bottom prices on basic, staple items like butter, and obviously people flock to that. Once they get a hold on an area, and people are coming in, the prices go up. This has been proven, and I would not like to think that that would happen here.

One of its recommendations — and I am very concerned that we look at this especially with regard to my area — is that a major retailer should not have another branch within a 15-mile radius.

11.15 am

In Holywood there is one small and one large Tesco supermarket. Tonight there is a public meeting in Holywood about the effect one is having on the other and the possible effect of D5. We have a large — *[Interruption]* Mr Deputy Speaker, I would like to speak without being interrupted from the back. It does tend to put one off.

**Mr P Robinson:** There is no one behind the Member.

**Mrs E Bell:** Mr Robinson is certainly not behind me, and he is not in front of me, but I would like him to desist from making comments. I am sure that I will listen to Peter Robinson, if he speaks in this debate, and hear if he has learned anything from what I have said.

**Mr P Robinson:** Not a lot.

**Mrs E Bell:** I am sure not.

I believe that local outlets must be considered. It is essential; it is vital; it is absolutely important that, before making any plans for any retail outlet, we look at what is happening in the existing indigenous retail trade in nearby towns. That is what I would like to see arising from this debate today. I hope these two reports will be looked at and that our Department will closely consider them. We should look at what has happened on the mainland and see that as a reason for making restrictions not just for the benefit of the big five, the customers, farmers and local traders, but for everyone. There has been an effect on local suppliers when these large companies move in.

I am neither against competition nor people getting the best deal. I am against people taking over from others who have worked and who have had families depending on a trade. I shop in Tesco and Sainsbury's

and know how good they are, but we must look at this issue closely and carefully.

I will have great difficulty deciding how I will vote on this motion, but I will go along with what Mr Dallat said — and I will be listening to him during his summing up. While I would not like a moratorium, we need to look at impact assessments within planning approval in order that we can ensure that everyone gets a fair crack.

**Mr Benson:** While I have some sympathy with the content of this motion I cannot support it. If it had referred only to out-of-town shopping centres then I could have offered my support, since I believe that these outlets help destroy town centre shopping. Large retail outlets in town centres can be advantageous and can improve town centre trade. I cannot support this motion as it presently stands.

**Mr Byrne:** I support the motion because there is great concern among the Northern Ireland retail community. This comes largely from independent business owners who have kept their businesses open during the past 30 years. They provided choice and services for people. They also provided full-time jobs for many of their workers. There is grave concern, however, that we are now going through such change in the retail sector, and could have such a plethora of large retail stores throughout Northern Ireland, that we are going to do great damage to the fabric of our local business community.

Mr Dallat asks for credible independent impact assessments. Surely nobody would be against those. At the moment, impact assessments are being done at the behest of the very large property development companies. As Mrs Bell said, surely the consultants who carry out those assessments are largely working from the perspective of being in favour of the proposed development by the large property development company.

I am not against large retail stores either out of towns or in the middle of towns, but we must have balance.

Some provincial towns — indeed, some district towns — are suffering a gross distortion of normal retailing patterns. If a very large store is built on the edge of a provincial town, its centre is devastated.

There is also a serious question about the rates income base of some developments. If there are 50 small shops in a provincial town, they all pay rates, yet the rates bill for certain large developments does not always add up to the total existing rates income from the small independent retailers.

The debate comes down to the absolute positions of being for or against this. I am a great believer in balance in such situations, and it would be terrible if we allowed the current situation to continue. There will be very few

independent retailers left, and the sector will feel badly let down by us in the Assembly. Independent retailers are part of the community and do not close up shop when the going gets tough. They have a stake in their community, for they have invested in their shop or premises. When profit margins are squeezed, they do not close up shop and leave.

Such large retail stores are very often built by property development companies, and I have nothing against them. However, they charge exorbitant rents, which people wishing to run a small independent business cannot afford, resulting in our only getting multinational or national retail stores, something which is changing the whole fabric of our retail base. I support the motion.

**Mr S Wilson:** There is general concern throughout Northern Ireland, on the part of both councils and retailers, about the way the present planning policy operates and some of the adverse effects it can have. It is a pity that the Minister of the Environment, Mr Sam Foster, is not here today, for Eileen Bell's speech — although I think she is trying to take over part of Belfast — made reference to a particular application where, on two occasions, the court ruled against the Department. However, in the House some weeks ago, the Minister said his Department would pursue the application once again, despite having being rebuffed in a judicial review on more than one occasion. It is significant that he is continuing the policy of the old direct-rule Administration. Minister Richard Caborn said

"Let me make it clear that our policy is to focus new food store floor space in existing centres."

He goes on to give good reasons why major retail food-store developments in town centres can be a good thing for them, yet as soon as this Assembly was suspended, the Minister gave the Labour party supporter, Sainsbury's, permission at D5. Only the courts, through a judicial review, were able to overcome that.

There is general concern that, in arterial routes in town centres, the vitality of town centres is affected by some major retail outlets. We must have a proper look at planning policy to see how we can respect consumer choice while maintaining the vitality of our town centres and supporting those small independent retailers who lend them variety.

As indicated by Mr Paisley Jnr, we will not be supporting this motion. Mrs Bell summed up the opposition to it better than anything else said so far: "I think what he is saying is that ...". Any motion that comes before this House in which somebody has to try and imagine what the proposer is getting at is really not worthy of support. This is regardless of our concerns about the impact of present planning policy and planning decisions on the retail sector.

Ian Paisley Jnr outlined some of the difficulties. What is a major retail outlet? Are we talking about all major retail outlets? What length of time should this moratorium take? How on earth is it to be implemented? How does it protect the existing retailers? You can rest assured of one thing, neither the planning order nor 'PPS5' entitles the Department to impose a moratorium and refuse a planning application. There are people here who are better qualified to judge this, but that is my understanding of judicial reviews. That would immediately give a developer the opportunity to say that the process has not been adhered to, and the application would finish up in court. Or, if the application went in and was not determined by the Department, he would immediately go to the Planning Appeals Commission for non-determination, so taking the application out of the public domain. Given some of the decisions of the Planning Appeals Commission I am not so sure that benefits anybody.

The most woolly part of the motion is that which states

"there is a policy in place which gives shoppers maximum choice but at the same time protects legitimate rights and needs of the indigenous retail trade."

I imagine that the people who wrote the 'PPS5' document, which is ambiguity epitomised, would have been proud of the wording of this motion. It gives the opportunity for a coach and horses to be driven through.

The present legislation and policy really addresses many issues that we all have concerns about. If you look at the present policy — and I am not going to bore you with all the details — there are a number of issues covered in it. In paragraph 6, the Department talks about the need to protect the vitality of town centres and the importance of town centres, and yet we can still get edge-of-town and out-of-town major retail developments through. Paragraph 7 talks about the need to, where possible, reduce the need for travel and encourage alternative transport to the private car. We still get shopping centres that require the use of a car and which are not to the advantage of the 40% of the population who do not have access to private transport. Paragraph 17 talks about the way in which small towns are vulnerable, because of their size, to the impact of out-of-town retail development, but again we still get them. The only situation where anything is banned is in paragraph 35 where it talks about

"no justifiable need for a regional new out of town shopping centre in Northern Ireland."

This is why definition is so important, and John Dallat should learn from this. Despite that prohibition in 'PPS5' we had the direct rule Ministers on two occasions, despite court judgements, authorise what can only be described as a regional shopping centre at D5. We have the current Minister seeking to justify the decisions of his Department pursuing it yet again.

11.30 am

That is why we need a motion which clearly defines what we mean otherwise things would be left open to interpretation. Moreover, impact assessment is catered for in paragraph 58 of the document. The Department will require that. I do not want to go through all that impact assessment is meant to do. The present planning policy covers many of the issues raised in the motion, but it too is ambiguous and open to interpretation and simply enables the planners to go ahead and keep on doing what they have done in the past.

The credibility of the Assembly is at stake if we ask Ministers to review policy because it happens to look good or it is something we are concerned about or it is something that constituents have drawn to our attention. We can not support any old thing regardless of how clear or how useful it may be. I do not want to be negative. I have been negative about the motion, but that is not my fault. That is the fault of the person who proposed it. I do not want to see what I have said being interpreted as a lack of concern for planning policy and the way it is treated in Northern Ireland at present, or for what happens in arterial routes and town centres.

There are a number of things which can be done. First, the Assembly can reject this motion. Then perhaps the Chairman of the Environment Committee will take up the issue, ask the Committee to consider the points raised during this debate and come forward with a credible policy.

Secondly, there are a number of things the planners could do. They could look more clearly and vigorously at the requirement for the sequential test, where developers must show that there are no alternatives to the site they have chosen, even if that means parcelling up parts of the development into bits and pieces of ground to show it is possible, or that it has not been possible, to facilitate the development either on one or a number of other sites in more suitable locations. Also, rather than saying the developer has to pay for an assessment, whatever the cost, the planning application should include a cost for an assessment, which will be carried out independently on behalf of the Department. We all know that if you pay for consultation you will get the result you want. It should not be an open-ended thing. That would be unfair on developers. We must strike a balance.

Thirdly, the sooner we have local plans in place — and many are outstanding or have been out of date for a long time — the sooner there will be an input for public and local representatives and local concerns in the planning policy.

Those are the kind of things the Environment Committee and the Minister ought to be looking at. The crazy notions — and I do not mean that in a derogatory



way — in this motion are something that would damage our credibility, if we were to support them.

**Mr Molloy:** A LeasCheann Comhairle, I support Mr Dallat's motion. It is an important motion at the present time. It will go forward to the Minister and the Department, and they will develop a policy that will change the criteria that executives have to face at present.

Unfortunately we have found that planners are using the criteria set by previous British Ministers to implement their new area plans. They have done this without any weight or assessment of the impact on local interests in the areas concerned. This applies particularly to the major developers, and a number of towns do need and require major developers to come in.

It is important that we concentrate on what is being asked for — a credible independent impact assessment. That does not pose a threat to anyone. Several Members have said that impact assessments undertaken so far were not credible. They involved developers making proposals — consultation exercises — which delivered only what they wanted. The more they paid the more they got, and things were approved in that way.

The Department has to create the need for a credible independent impact assessment on all major developments. Criteria defining what constitutes a major development need to be set. At present when impact assessments are used, the Department of the Environment planners can, for example, call for a traffic impact assessment. However, credible impact assessments need to be developed across all areas.

The differences between various projects are very noticeable. In some cases where a major developer is involved an impact assessment will be called for, while in other cases it is not requested. People often feel that assessments are being used to block opposition, to help other developers, and that different approaches are taken in each area.

Today, it is important to work from the basis that a standard needs to be set across the North, so that planners will ask for a credible independent impact assessment on all major retail outlets. If we do not do that then the town centres we are currently trying to develop will just disappear. Many town centres are under pressure. Rates are one issue, and not being able to attract business because of opposition to development is another.

We need to maintain the credible town-centre development that has occurred in several areas. I ask the Members to support this motion, and to ask the Minister to undertake a reassessment.

**Mr Roche:** This motion reflects a mindset that is entirely opposed to practically everything that is required to lay the foundations for economic well-being in Northern Ireland. There is a closed and parochial mindset

reflecting a type of economic thinking that brought the United Kingdom to ruin in the late 1970s. It has ruined nearly every other country in which it was applied.

In this motion we have total opposition to the two things required for a successful economy: consumer choice, and competition through the market mechanism. What has been proposed is a moratorium on both. There are some problems that have to be recognised, such as the impact of large retail outlets on inner cities. However, to deal with these problems effectively we need to devise policies that will assist competition in the inner city regions. It is not appropriate to put a moratorium on the market mechanism. We spoke recently to some business leaders in Belfast. They expressed concern about the problems of transport and access to Belfast city centre, and made some very imaginative proposals for dealing with these problems. They were also concerned about the tolerance of criminality. Sometimes when goods have been displayed on the pavement, they have disappeared within 30 minutes.

They were also concerned about the lighting problem; Belfast is a very dark city at night. Tourism and the cultural development of Belfast city centre is an issue too. Our response was that some of these matters are the responsibility of the Assembly and local government but that an enormous number of them were matters for themselves, as businessmen, to address. They should be prepared to address these as long-term investments in their own businesses' prosperity. We took the opportunity to tell them that over the next two or three years they should put as much effort into making a real contribution through their businesses — for example, to ensure that Belfast city centre is competitive in relation to supermarkets developed outside the city — as they did in the case of some completely daft proposals about a single Irish economy and a Dublin/Belfast corridor. If they did that, they would be laying the basis of their future success, and not their own ruin as in the case of the corridor and all that nonsense.

The idea that the Northern Ireland economy will be assisted, or that any problems will be solved, by stifling and placing a moratorium on the market mechanism is absolute nonsense. Equally, there are occasions when the Assembly and local government, in conjunction with business, can take measures to assist competition in areas that are now relatively uncompetitive. That needs to be addressed, but it is certainly not addressed in this motion. This motion needs to be rejected out of hand.

**Mr Paisley Jnr:** Mr Dallat indicated that the Agriculture Committee had brought forward a report which suggested that they were opposed to retail developments. The report said no such thing. It did say that retailers ought to treat producers fairly. I do not



believe that any farmer in Northern Ireland is calling for shops to close down; they want their produce in the shops. The issue for the farmer is the price that the shops are paying him for his produce.

**Mr Roche:** Absolutely. The way to protect competition in Northern Ireland is through the market mechanism. The economic thinking of the SDLP, like their politics, is the road to ruin. It is indistinguishable from the thinking laid out in pages 92 and 93 of a book called 'The Politics of Irish Freedom'. The sad and predictable fact is that if and when the leader of the PUP rises to speak, his thinking will share the same closed and parochial mindset as is evident in the motion.

**Ms Morrice:** Going by the debate so far there is obviously a bit of confusion surrounding this issue, which reflects the confusion surrounding planning policy in general. It is something which needs to be changed, and changed very speedily.

We discussed this motion's wording and listened to criticisms from Mr Paisley Jnr. We are concerned about the dangers that out-of-town shopping developments pose to small towns and local retailers — they must be addressed. That is the essence of this motion, and it cannot be ignored because of the wording. It is important to take into consideration the need for balanced development between out-of-town retail super-shops and local towns and villages — the need to keep them vibrant and alive, and Mr Dallat's opinion that the heart and soul of the community is the local town.

We need vision, we need strategy, we need consultations, we need consideration, and we need community involvement. We have got none of those yet. Surely if we look at the motion we see that it is basically suggesting "Hold on, boys, until we get this properly planned".

11.45 am

**Mr P Robinson:** That is a sexist comment.

**Ms Morrice:** Vision is what is probably needed so that we can get this right.

I am sorry that Mr Paisley Jnr is not in the Chamber for I want to refer to his comments about interference "in the natural course of market forces". I wonder when he was last in one of the major superstores. On the subject of interference, when you look for Tayto crisps, you cannot find them on the shelves any more because the supermarket's own brand is up front there. Talk about interfering in natural consumer forces: if you want the product that you have been used to, you cannot

**Mr S Wilson:** If you are looking for Tayto crisps, Tesco at Knocknagoney had them at the weekend.

**Ms Morrice:** The problem is that they are getting harder to find. Local produce is getting harder and harder to

find on the big superstore shelves. Why is that? It is because the superstores' produce is guaranteed to get them better prices if they are put up front. I have had to search through all the potato crisps to find the Tayto brand.

It is a very serious problem and we have been lobbied about it on many occasions. I am sure all Members have seen the document from the Northern Ireland Independent Retail Trade Association called 'And then there were none ...', which is about local independent retailers and where they are going. Those are the important considerations that need to be taken into account when we are looking at planning developments for superstores. The document refers to the mass closure of small shops, the damage to the supply network, irreversible damage to rural communities, and lack of choice and access for consumers. All those things need to be taken into account when we are looking at superstore shopping and how it is carried out.

I want to make an important point about what is described as an "independent impact assessment". I talked to an experienced consultant who stressed the need for the independence of the impact assessment because the developer or big shopkeeper commissions the retail impact statement, and we all know what that leads on to — the statement is done but it is not independent. The key word in this motion is "independent".

The Department of the Environment should commission the impact statement and charge the developer as part of the application fee. I have spoken to experienced consultants. I said this to Mr Paisley, who said that consultants are not paid unless they come up with an impact assessment that is favourable to the developer. Therefore the independence of the impact assessment is very important.

Let me move on to the words about the moratorium that have been criticised from this part of the Floor. I cannot find the exact quotation but 'Strategy 2010', the economic handbook for the future development of Northern Ireland, states that there should be a rethink on out-of-town shopping. The wise gurus of economic development are saying that. A headline in my local paper, the 'County Down Spectator', states "Empty shops shelve small retail hopes".

**Mr Roche:** I do not believe that there is a competent economist in Northern Ireland who would give any credibility to the so called 'Strategy 2010'.

'Strategy 2010' has an enormous wish list, but it contains no strategy to achieve any of the items on that wish list. Therefore it is not a strategy, and it has been rubbished by some of the most competent economists in Northern Ireland.

**Ms Morrice:** May I read the list of people who were involved in 'Strategy 2010', to whose words Mr Roche

gives no credence? They are Dr Alan Gillespie, Mr Gerry Loughran (now head of the Northern Ireland Civil Service), Mr Frank Bunting, Mr Chris Gibson, Ms Teresa Townsley, Mr Bruce Robinson, Dr Aideen McGinley, Mr John McGinnis, Mr David Gibson, Sir Roy McNulty, and Dr Patrick Haren.

We must take into account all the different viewpoints that exist, whether they be the views of local newspapers, retailers, economists, or those expressed in Mr Dallat's motion. There are major problems with this but the Enterprise, Trade and Investment Committee is considering them all. There are problems with superstores, and we must work out how to deal with them. It is as simple as that.

The motion mentions a moratorium but does not put a time limit on it. That is important. If there were a time limit, it could be limited to, for example, 12 months or until such time as the policy, vision and strategy are in place. The motion does not state that this is a lifelong moratorium, that there will be no more shopping centres. It is saying that we should get a strategy and a vision before we move. It is important that we know where we are going.

In this new dispensation in Northern Ireland, where we are trying to build peace and reconciliation, we must also try to build new structures, new environment policies and new policies to help us move forward. I think that is what this motion is about, and that is what the House should be considering.

**Mr Savage:** I agree and disagree with some of the issues contained in Mr Dallat's motion. Shopping trends have changed over the years, and there are quite a number of small, rural enterprises. I live in a rural area close to three villages where there are small enterprises. They are part and parcel of the rural way of life, and they must be protected. I know that things have changed in many ways, but that way of life must be protected.

Planning regulations must exist, but they should be tightened. Multinationals should be allowed to expand, but they should not be allowed to take over a whole town. There must be a limit on what they are allowed to do. These supermarkets — no matter where they start up — can be very beneficial to towns and to the other shops in them. For instance, when Marks and Spencer came to Sprucefield, many people said that it would ruin the town of Lisburn. It has not. It has given the town a tremendous boost.

Over the last year or 18 months, attempts have been made to open such a retail outlet in Lurgan, and we hope that that will happen. When the shopping complex does open, other things will flow from it, and the shops nearby will benefit immensely. Many things are happening at present, and people are entitled to a choice. In the rural areas where there are small enterprises people will go wherever they choose for fresh food and fresh fruit.

There is no reason why those people should be steamrolled over. Many small businesses in those areas have been trying, without success, to get planning permission. They should be given that opportunity. If the outlets are not beneficial to the area then they will not survive. As I said, trends have changed. Nowadays people work all hours. There are all-night shopping centres, and people have the choice whether they want to visit them. It would not be my choice, but I like to support my local area as much as possible. These retail outlets are essential. There is one thing staring me straight in the face with regard to types of businesses in town centres. What need is there for builders' suppliers in the middle of a town? They have to be on the outskirts of a town or village because big lorries are constantly coming and going with materials. If they are in the middle of a town people constantly complain about the noise. I can not support the motion.

**Mr Attwood:** I would like to comment on some of the contributions to the debate so far and, in particular, on the opening contribution from the DUP. The Member for North Antrim, in a rather typical speech, veered from verbosity to pomposity and this is reflected in some of his comments. He referred to Mr Dallat's contribution as hare-brained, ill-advised and ill-informed. He then went into overstatement, referring to the motion as having a devastating effect and hampering development and customer choice for ever. That is verbosity and pomposity, and it did not inform the debate very well. It certainly did not represent the content of Mr Dallat's speech.

The most interesting comment from the Member for North Antrim was the devastating contribution in which he said that nothing should be done to stop the natural course of market forces and the natural course of supply and demand. I have never heard a more dogmatic statement about laissez-faire economics in any Parliament in recent times than the Member's that those factors should determine retail development in this part of Ireland.

If this motion is not accepted by Members then the conclusion will be drawn that that is the view of many people in the House. That will ill-inform planning development, commercial development and will ill-serve the many small retailers in the towns, villages and hamlets of North Antrim who no doubt have given votes in the past to that Member.

**Mr S Wilson:** Does the Member accept that it was made very clear that there are concerns and that the proper way of dealing with this would be for the Environment Committee to look at the issues and to come forward with informed proposals to the House?

**Mr Attwood:** I am delighted, Sammy, that you came in, for the most eloquent indictment of the Member for North Antrim's speech was your contribution. Standing behind the Member for North Antrim, you said

explicitly that you thought that the best criticism of Mr Dallat's speech —

**Mr Deputy Speaker:** Mr Attwood, please address your comments to the Chair.

**Mr Attwood:** — came not from the Member for North Antrim but from the Member for North Down. I thought that was the most telling indictment of the misinformation supplied by the Member for North Antrim.

12.00

**Mr Deputy Speaker:** Mr Attwood, will you please refer to Members by their surnames? There are several Members from North Antrim and South Down.

**Mr Attwood:** Only one Member from North Antrim has spoken in this debate, Chair.

**Mr P Robinson:** It is “Mr Deputy Speaker”, not “Chair”.

**Mr Attwood:** Thank you. I will note that.

Mr Sammy Wilson's contribution was, as always on planning issues, thoughtful. He outlined a number of proposals that would influence planning development for retail developments in a healthy and creative way. He said nothing that we in this party would have any difficulty with.

The second point I want to make is that I want us to go back to what John Dallat said. If you actually read the speech, you will discover that it is a very well researched paper that borrows from experience in Britain, the Republic of Ireland and Europe in order to draw conclusions about what best informs planning policy in the North. It goes further than that. It lists the devastating statistical evidence about how many villages in Britain are no longer served by a shop and the devastating impact that that has on people without a car, the elderly, the disabled and the disadvantaged generally. It talks about how many countries in Europe have tried to implement planning policy to ensure that major retail developments do not run riot in their economies. It invokes evidence given to two Assembly committees.

On that point, I thought the contribution of Mr Roche was particularly noteworthy. He gave way to Mr Paisley Jnr, who said that the Agriculture Committee did not draw the conclusions that John Dallat said it did. The Agriculture Committee said explicitly in its report ‘Retailing in Northern Ireland — A Fair Deal for the Farmer?’ that it identified the need to examine the planning policies in relation to large multinationals because of their immense power to monopolise and dictate prices.

Mr Roche should agree with that, rather than agreeing with Ian Paisley Jnr, whom he seemed to be in

accord with, and who then went off on a wild goose chase, quoting the writings of Gerry Adams as if they were somehow relevant to this debate. I think he should go back to what the committee said and respond to that, rather than scoring some narrow point based on the writings of another Member. I have not heard any credible indictment of, or disagreement with, the core content of this motion from the Ulster Unionists, the DUP or anybody else.

I want to end by going back to the core of the motion. What does the motion say? It invokes a number of principles. The first one is that there is a need for credible independent impact assessments. I have heard no Member say that that is a false principle. I have heard Members say that the fact that multiples appoint their own assessors is not an appropriate response to ensuring that economic development of superstores is developed in a planned and systematic way. I have heard nobody say that the current system is credible and independent, but I have heard people, including Sammy Wilson, say that there is a need for credible independent impact assessments, and that that principle should be upheld by voting for this motion.

Secondly, I have heard nobody say that the principle that John Dallat outlined — namely, giving shoppers maximum choice while protecting the legitimate rights and needs of indigenous retail trade — is false. Nobody has disagreed with that. That is another reason why this motion and those principles should be endorsed. As for Mr Dallat's suggestion of a moratorium, what does that mean?

The purpose of a moratorium is not to prevent development but to let us manage development properly, get it right and in the meantime not have any of these major retail developments because they are prejudicial. Why should the Chamber support this motion? As Mr Dallat said, there is an ongoing review of planning development in the North. He said

“The Minister of the Environment, Sam Foster, is on record as saying that the planning document ‘PPS5’ is to be reviewed shortly, while the Deputy First Minister has announced that a Planning (Amendment) Bill will be introduced to the Assembly during this session.”

How can we inform both the review of PPS5 and the Planning (Amendment) Bill? The way to do it is to say on the Floor of the Chamber that there are a number of principles, which Jane Morrice outlined in a very powerful contribution, that should inform what they are doing. Those principles are the credible independent impact assessments for major retail outlets, maximum choice for shoppers, protection of legitimate rights and needs of the indigenous retail trade, and a moratorium — not forever, but in the interim — until the Government get those planning considerations correct. The best way to influence what the Government are doing now is to pass this motion. I commend it to the House.



**Mr Carrick:** The motion before the House today gives us a welcome opportunity to debate the issue. There is no doubt about that. However, in the wording there is a lack of definition that contributes to doubts in our minds about whether we can support the spirit of the motion. We can relate to Mr Dallat in the underlying spirit of the motion, but having considered the issue carefully, I cannot support it in its present form. However, it is a timely opportunity to debate an issue that cuts across planning issues, and the economic fabric and social structure of our society. There are also commercial considerations.

I have drawn on the EDAW final report of January 2000, 'The Northern Ireland Town Centre Re-invigoration Study', and the planning document 'PPS5'. I trust that my remarks will be constructive and help the debate as it is carried forward. The EDAW final report identified major retail development as a key policy issue. It said

"One of the key policy issues for planning in Northern Ireland is the impact of major retail development and particularly out-of-town retailing. The initial surge in superstore development proposals in the mid-1990s have now been joined by demands for non-food and other multiples... The impact of the volume of applications has resulted in significant delays in the time taken to process them.

There is a considerable volume of floorspace with permissions likely to get permission which will take some time to feed through to development have on identifiable impact on existing town centres."

I have difficulty with the considerable number of applications and the lack of definition of a major retail development. 'PPS5' indicates that a major development is something over 1000 sq m, but it is not clear from the motion that Mr Dallat means precisely that. Without some further clarity I would be opposed to a moratorium at this time.

I do not think that we can argue with the objectives listed on page three of the 'PPS5'. The Government's objectives for town centres and retail developments is to sustain and enhance their vitality and viability, to focus development, especially retail development, in locations where the proximity of businesses facilitates competition that benefits all customers and maximises the opportunity to use transport other than the car, to maintain an efficient, competitive and innovative retail sector and ensure the viability of a wide range of shops, employment services and facilities which are easily accessible. The Department is committed to freedom of choice and flexibility in terms of retail development throughout Northern Ireland. That is all quite clear, and we can all identify with those objectives and that approach.

However, in the first recommendation EDAW indicates that there is a strong case for 'PPS5' to be reviewed, as a matter of priority. The present policy is ambiguous and therefore open to interpretation by the Planning Service. Despite the clarity of the objectives, there seems to be some ambiguity or difference in interpretation that might cause problems.

It is suggested that a retail capacity assessment for Northern Ireland should be commissioned, to provide an objective, independent base upon which to assess further applications for more major retail developments. That would also be helpful. "Credible" and "independent" are the operative words. The decision remains to be made as to where, and in what circumstances, any new development would be permitted. It is generally accepted that the locations of such developments would be market-led. Certainly the inclusion of a more explicit sequential test requirement would be desirable. It would be appropriate to offer more explicit guidance to applicants suggesting different types of town centre development, to encourage diversity.

Other Members commented on the fact that there are small towns and villages throughout Northern Ireland. The second recommendation of the EDAW report states that a review of policy on rural shop support and market town development be undertaken as part of a wider study of rural social exclusion. This recommendation is particularly relevant to my own constituency. Not only is it relevant in respect of the rural social support structure required for towns such as Banbridge, Gilford, Scarva, Waringstown, Donaghcloney, Magheralin and Seapatrick, but it also recognises the unique circumstance that the city of Craigavon includes two market towns — Lurgan and Portadown. After 30 years, substantial retail development in the centre sector of Craigavon is beginning to put a heart into the centre of Craigavon and has had a knock-on effect on the retail development of those two market towns. The challenge with regard to the retail sector is to ensure that market towns such as Lurgan and Portadown have the ability to attract and retain retail investment and maintain their viability and commercial vitality.

12.15 pm

Therefore, it is important that planning policy recognise the legitimate rights and needs of indigenous retailers and maintain a vibrant economic fabric in small towns and villages across Northern Ireland. It is an undeniable fact that consumers are voting with their feet. Increasingly they wish to shop where there is comfort and protection from the elements, a wide range of goods, free car parking, and, of course, competitive prices. If indigenous traders wish to compete with the multinationals, there must be a new approach and a new attitude. Town centres must adapt to the twenty-first century consumer's expectations and create an attractive and welcoming retail environment. Customer service and comfort must be of the highest order.

The proposer spoke of a moratorium on major retail outlets. I hope that that does not include smaller retail developments, many of which are in the planning pipeline and which, I hope, will provide an economic lifeline for certain communities in towns across Northern Ireland. Many of our towns are facing competition from



existing major retailers in other towns. There is competition between towns. The establishment of the smaller retail developments in towns is one way of stopping the consumer haemorrhage and retaining shoppers in their own towns and villages. The retail trade must adapt to meet the expectations of the consumer. If that service is not available locally the shoppers, with their increased mobility, will shop elsewhere. That is a proven fact.

However, our market town centres require assistance as they struggle with the management of change. That is the key. Our traditional market towns need assistance. They need financial help with their infrastructure and with the creation of a new environment. I hope that there will be sufficient support in this House to include the financial provision within the appropriate departmental budgets to effectively maintain the viability and vitality of market towns and villages across Northern Ireland.

In closing, I say to Mr Dallat that in view of the degree of sympathy in the House for his general principle, perhaps he should consider withdrawing the motion in the best interest of the House. I think that on a future occasion or for a different motion, he would find unanimous support.

**Mr McHugh:** A Cheann Comhairle. I support the motion. When you read the motion, there is really nothing there that anyone could have difficulty with. Some of the opposition to this is either driven by one reason or it is city-driven to some extent. The motion has a creditable aim in independent impact assessments and a moratorium — which can be lifted at any time — on major retail outlets. I see nothing wrong with that, certainly as it affects the area that I represent, which is a rural area.

I have a document from the Northern Ireland Independent Retail Trade Association, which represents 874 independent food retailers. They claim that they are making a significant contribution to the local economy in terms of employment and revenue, as well as providing a strong focal point in local communities, and without some positive action from the Assembly, according to them, the future of the Province's independent retailing infrastructure looks bleak. One statistic that is particularly striking is that 40% of small towns and villages in Britain no longer have a local shop. That has to be of concern to anyone.

This motion reflects the approach which has been adopted in respect of retail planning in the South of Ireland and, indeed, in many other European countries, although I think there is a need for some sort of limiting factor on large retailing outlets. There can be a benefit to the local retailers, however, and I agree with some of the arguments about size. If the size of the outlet is right, and it is placed in or near a town centre, then it can have added value for that town, and if the local

retailers work together and utilise the resulting spending power, they can gain. The difficulty lies with the large out-of-town shopping centres, which, in many cases, lead to a displacement of jobs.

The Agriculture Committee's recent discussion on retailing raised the business of profit. These large outfits can Hoover money up from the local population. They have 90 days in which to pay back what they have paid for their products. They get a large amount of money from the local population, and they use it to build their establishments all around the world. They then use their power to wipe out the local retailers thereby creating their own monopoly. That is a business trend that is worked right across the globe. About eight main retail supermarket chains currently control virtually the whole food sector right across the world — certainly in Europe.

If you look at the small towns in the South — and small towns are significant, whether in the North or in the South — their picturesque townscapes are a very important part of the tourism industry. That has to be taken into account in terms of planning, and if one out of two shops in a main street are closed or shuttered up, that takes away from the character of those towns. That has to be a serious concern. There are out-of-town shopping centres in the South as well, and the large supermarket retailers have made progress in terms of placement there — there are 20 times more there than in the UK in the last three to five years. That is how quickly they have taken over in that part of the world. *[Interruption]*

**Mr Deputy Speaker:** There are five different private conversations going on in this room. That is very discourteous to the Member who has the Floor, not to mention very difficult for those who want to concentrate on what he is saying.

**Mr McHugh:** Perhaps people are discussing the repositioning of their argument.

Can there sometimes be a real saving to the customer as a result of large retailers being in a local town? People will often tell you that there is no real saving to be made overall, whether you use the small local shop or the very large supermarket chain, because what is gained on one thing will be lost somewhere else.

Another factor, so far as agriculture is concerned and so far as I am concerned, is the traceability of products. The whole issue of genetically-modified food and imports and their quality can be lost in the business of own-branding. I am concerned about this, but it is the trend and one over which we have very little control.

As far as 'Strategy 2010' and other strategies which talk about investment and planning the way forward are concerned, it is important for there to be jobs and investment so that people have money to spend in their own areas. In Fermanagh we lost 600 jobs in the last

two to three years. Such areas do not have the money to spend on large supermarkets, so it is also a question of getting the balance right.

In any area there can only be so much of the cake of spending power. The Six Counties is a small area with a small population, so there is only so much money to go around for spending. One has to consider who is going to cut the small retailer out first. I believe that the large supermarket retailers have the power to close down small villages and towns completely.

The other question in rural areas relates to the provision of roads and the infrastructure around these large businesses. The fact that people in small towns do not have cars, or a system of travel to these places, has to be taken into account.

Another issue relates to agriculture and the confusion that was brought in earlier. It is that of local suppliers versus the retailers. The findings of the agriculture report show that large retailers have less loyalty to local suppliers. There have been instances of the large retailers dropping contracts a year into the term of the contract because it suits them better to get their produce from an outside, cheaper source. It is one of the difficulties faced by local farmers and people trying to run small businesses.

Those are many of my concerns. I support the motion.

**Mr Taylor:** Mr Dallat is to be commended for bringing this motion before the House. It addresses a serious problem for Northern Ireland — one that is a matter of great controversy in the community.

As this is such an important matter, it would increase the prestige of the House if a Minister were to be present to listen and to respond at the end of the debate. Hearing the views of a Parliament or Assembly should always be given priority over other activities.

It may well be that this motion has come too late and that the horse has already bolted. As we have heard, damage has already been done. I particularly dislike the reference to a moratorium. Mr Attwood said that the moratorium would last only until there was a review. Members know that reviews can take many years in Northern Ireland. Therefore there will be a complete stoppage on new large retail outlets in Northern Ireland for years ahead if the Members support Mr Dallat's motion.

I am against a moratorium for that reason. I know of several major retail projects at an advanced stage of planning which will be located, thank goodness, in town centres. These will provide hundreds of jobs in the centres of our towns, and it would be very damaging to those towns if we supported Mr Dallat's motion and so prevented these major projects from being able to proceed.

We should not fall into the trap of knocking the large retail outlets like Dunnes, Sainsbury's, Safeway or

Tesco, for in addition to providing jobs, they help the economy of Northern Ireland by purchasing products from our producers. For example, both Sainsbury's and Tesco are each now buying at least £100 million worth of Ulster-made products — not just to sell in their outlets in Northern Ireland, but also to sell throughout Great Britain.

In Dungannon, for example, Granville Meats benefits tremendously from its contract with Sainsbury's, and Foyle Meats in Londonderry benefits tremendously from its contract with Tesco. It must not be a knocking operation against the large retail outlets.

*12.30 pm*

It is, however, a major controversial issue, which has had a damaging impact on some of our towns. We have had some good projects like the Tesco one in Dungannon and the Sainsbury's one in the centre of Armagh city. However, the Abbey Centre, for example, nearly knocked the heart out of Carrickfergus. It is only in recent years, since Tesco opened in the centre of Carrickfergus and the Co-op store opened near the centre of the town, that the economy and retail centre of Carrickfergus have begun to advance again.

The same applies to Belfast. The D5 project and the Tillysburn project are damaging to Holywood and to the great city of Belfast. There is a major planning issue at stake. Some people say that it requires the review of the planning consultancy document, 'PPS5'. However, I do not subscribe to that. The problem is narrower. It is "What is a town centre?" 'PPS5' refers to planning retail outlets in town centres. The issue is how one defines "town centre". In the city of Armagh, where I live, Sainsbury's built a major store right in the centre of the city, and that was good for the town. However, Tesco now has a plan for Armagh also — way out on the Loughgall Road. When I enquired, I was told "Oh yes, that is inside the town centre." It is about two miles or a mile and a half from the town centre, but, because of the town plan for Armagh, it qualifies as being a town-centre project. However, if that Tesco project goes ahead it will decimate all the privately owned shops in the centre of Armagh city. We need the Minister responsible for planning in Northern Ireland to define "town centre" as a matter of urgency.

Resources will be needed. One of the problems with large retail outlets is that many of them need inquiries to be held. Many are delayed. I know retailers from Britain and the Republic of Ireland who are investing in Northern Ireland. They say that it takes much longer to get planning permission in Northern Ireland than anywhere else in the British Isles. Investment here is held back by the planners. That is not because they lack qualifications but because they lack resources and numbers. The real core of the problem is that we need more investment in our planning Department. That

would enable town plans, and especially town centres, to be redefined as a matter of urgency, so that large retail outlets can be forbidden to build outside town centres.

**Mr M Robinson:** Is it in order for the Member for Strangford, Mr Taylor, to chastise the Minister for Regional Development for his absence, given that the primary responsibility for the subject lies with the Department of the Environment? The Minister for that Department, Mr Foster, is swanning about in London, supposedly on North/South ministerial business.

**Mr Deputy Speaker:** I understand — and I may look at Hansard — that Mr Taylor did not name any Minister or the reason for a Minister's absence from the Chamber.

**Mr Ervine:** Mr Dallat should not be particularly disappointed. I think that his motion will be defeated, and my party will be assisting in the defeat. I do not think that one sentence can sum up the difficulties that planning issues present to all of us. There are massive concerns. I hear much commentary about out-of-town shopping.

Some short references have been made to suppliers, notably agricultural suppliers. These are important groups to consider, but where does a bakery, which is not an agricultural supplier, fit into the scenario? One wonders how companies manage to make bread in Great Britain and transport it over for less than the cost of making bread here. We can question the percentage of Northern Ireland produce stocked by major retailers here, while considering the fact that European law does not oblige them to stock a minimum percentage of local goods. We are trapped. As Mr Taylor said, the horse may have bolted. We are dealing both with planning issues of the future and the aftermath of planning disaster.

According to Paddy Roche, the situation is fine because everything operates on the basis of profit and loss. Quality of life is affected when small towns are denuded of their shopping facilities. Small towns are not the only areas affected. Some Members may travel to this building by coming off the Sydenham bypass and driving along the Newtownards Road or the Albertbridge Road — roads which, along with others in East Belfast, were previously vibrant shopping areas. If you travel after teatime you will drive along canyons of shuttered premises, with the odd light shining from a takeaway shop and no sense of vigour in the area. This is happening all over society, not just in small towns. The vibrant areas of Belfast which, in the past, were almost like self-contained villages have been massively affected and not just by out-of-town development, by development in the town as well.

I have witnessed dramatic changes in the community where I was born and raised and for which I am an elected Member. I understand these changes more than some because I used to be a shopkeeper. I have worked

for a living, contrary to common opinion and possibly that of Mr Roche and the Northern Ireland Unionist Party. As a shopkeeper, I had great difficulty in competing. This was to be expected, given the small square footage of my premises compared to that of the large retailers. Nevertheless, if I had been determined enough I could have filled shopping trolleys in one of the major retail outlets and sold that stock myself to make a better profit than I did from goods bought at a cash and carry.

There is unfairness, but how was it created? Is it simply due to the purchasing power of the big retailers? We have heard it said that they screw the suppliers into the ground. A supplier becomes dependent upon a major retailer because he provides so much work that the supplier has no other business to fall back on. Then, just before his contract is due to be renewed, a so-called negotiation takes place and the supplier is screwed, usually on two counts. He will work for less money this year than he did last year. In Mr Roche's economic terms, this may be perfectly legitimate, but in my terms it is absolutely abhorrent.

Alternatively, he may be forced to accept a special form of payment for which he has to wait a long time. The millions of pennies a major retailer retains in his bank account before paying money out will accrue substantial interest for the company.

I am also conscious of the plight of milkmen. Not all retailers have shops; some deliver products to the door. In the past, a milkman was regarded as making a valued contribution to society — he may have been the only person an elderly customer saw all day. A friendly face at the door may give sustenance to an elderly, incapable person.

There is a price to be paid for this, of course. For instance, as retailers massively reduce the price of milk, to below the point where a milkman can legitimately deliver and make a profit, it is not just the retailer or the person behind the counter who is affected. There is a knock-on effect, because the producer of the milk has to get his workers to work for less when the time to renew his contract with the main retailer comes up and if the price does not suit, the main retailer will ship in, just as is happening with bread, from Great Britain.

I do not know if Members are aware of this, but the bakery industry and the milk industry have gone through turmoil. The number of employees in bakery manufacture has almost halved, yet hardly a word is said about it. Is it because people do not eat bread? Or has it to do with how we fill the supermarket shelves?

I think that when Mr Dallat put his motion down he was not looking deeply enough at the matter. This is about jobs; this is about quality of life; this is about choice. The population will vote with its feet and go for the best deal. Like the rest of us, the people have to



watch their pennies. And it is those who dictate the policies at the till who will have the people coming running towards them. I have seen this close to my home recently. A new supermarket has opened, and it is the flavour of the month. There is no question about it — I cannot get my wife out of it. It is the flavour of the month.

**Mr Shannon:** Don't give her any more money!

**Mr Irvine:** I take risks, but not of that sort.

The major retailer is new, and it is cheap. There is no question about that. Of course, we are in the European Union; it does not matter whether we are French or German, we are entitled to free trade, and much of that is to be applauded. But I lay this challenge down to all of us: I do not believe that my new, local supermarket has 1% of Northern Irish produce on its shelves. Not even 1%. If this is the case it is shameful that we, the politicians, do not exact some price from these people when we welcome them to our bosom and allow them to begin to destroy our quality of life.

**Mr Poots:** I am in an unusual situation today in that I have some sympathy with what Mr Dallat had to say. The motion, as it stands, is not acceptable, but the general idea behind it was good enough, and I certainly have a lot of sympathy with it. I go to towns in my own area, like Dunmurry or Dromore, which were once vibrant shopping towns. Once many people would have been seen during the day going in and out of the shops, and a lot of trade was done in those towns.

Those shops normally bought their goods locally, and the money was reinvested in the community. That was a good thing. However, over 30 years ago supermarkets started to set up. Crazy Prices, Wellworths and other big supermarkets were set up by local people in the first instance. Subsequently those supermarkets were taken over, and many new clothing retailers came to the province. We now have Next and Habitat and Mothercare, all those different companies.

The trouble with Mr Dallat's motion is that it does not let us know exactly what a major retail outlet is. Is it just the Tescos and the Sainsburys of this world? Is it the Nexts? Is it the Habitats? Where do we stop? Do we stop at a multinational retailer which has a store of 1,500 square feet? Where exactly we stop is not clear.

12.45 pm

We had talk of a moratorium, and I was interested in Mr Attwood's analysis. A moratorium kills off the matter. I could not quite understand what Mr Attwood was trying to say about a moratorium; it just did not make sense. We cannot have a moratorium put in place. Today we are enacting human rights legislation, and one of the key areas of human rights legislation that was taken up, and lost, by the Scottish Parliament related to planning matters.

I have no doubt that if this instruction went to a Minister and he carried out that instruction, the Minister and the Department of the Environment would soon find themselves called to court by a major retailer, and that that court would find in favour of the retailer. So, enacting this particular motion would end up costing the Department of the Environment a substantial amount of money.

It is not legally tenable to carry out this motion, which refers to credible independent retail impact assessments. I am holding a credible independent retail impact assessment that was carried out by Ferguson and McIlveen on behalf of Lisburn Borough Council. It relates to an out-of-town shopping centre that has been proposed for the Sprucefield area of Lisburn. I would like to identify a number of differences between the independent retail impact assessment and what has been put forward on behalf of Stannifer Developments Ltd and J Sainsbury.

With reference to the original assessment from Stannifer Developments Ltd and J Sainsbury, it says that it fails to account for market penetration outside the 20-minute drive time band. It does not acknowledge difference in the trade draw characteristics between comparison and convenience goods; it does not account for trade diverted outside Lisburn town centre; and, most critically, does not adequately justify turnover figures. Moreover, it provides an entirely unrealistic turnover figure, and the degree of trade diversion from the town centre is minimised.

That shows a difference between two retail impact assessments. One provides an honest analysis, and the other an analysis that suits the needs of the person paying for the job to be done. My Colleague, Mr Wilson, clearly made the point that, should a retail impact assessment need to be carried out, it should be carried out by the Department of the Environment. That would be a properly independent retail impact assessment. Whoever pays the piper calls the tune, and in this instance — as I have pointed out — we have the J Sainsbury and Stannifer Developments Ltd people paying the piper and the piper delivering the tune they wanted to hear.

When the council asked for an assessment a completely different scenario was painted. I will just indicate the impact that this would have on the general area of Lagan Valley. J Sainsbury proposed an 80,000 sq ft convenience food store. It is estimated that on current trends they would have a turnover of £700 to £1000 per sq ft. That gives a turnover figure of £56 million to £80 million, and 80% of that trade comes from within 20 miles. That gives in the region of £45 million to £64 million spent within 20 minutes' drive of Sprucefield roundabout and will include the areas of Banbridge, Craigavon, parts of south Belfast, Ballynahinch and Dromore. If £64 million is being spent in J Sainsbury at



Sprucefield, that money has to be taken away from other retailers.

No doubt there will be a big announcement about job creation, both in the construction of the building and that which follows the opening of the new superstore. We have heard it all before. We have heard how many new jobs have been created in Belfast many times when Tesco, Sainsbury or J Sainsbury open a new store. However, O'Hara's bakery closed and 350 jobs were lost. A number of other bakeries situated in Belfast closed. A butcher's shop closed with the loss of four jobs and a greengrocer's closed with the loss of another eight jobs.

Throughout the city there was a levelling-off effect. The jobs that were created in the supermarkets were lost in the indigenous stores.

We have a great deal of sympathy for Mr Dallat's proposals. However, in the centre of my own town, Lisburn, a local company with a good track record called Cusp Ltd is to build a £25 million development. It wishes to have a department store as anchor tenant for the scheme. Had this proposal been in place before planning permission was given for the Cusp development, it could not have gone ahead, despite the fact that it is a major development bringing in retailers from outside the Province. It will regenerate an area of Lisburn, bringing more customers in and helping the indigenous shops already in the town, for it will bring extra trade to it. In many areas, this motion would exclude new developments from coming in and setting up in towns.

**Mr Shannon:** The Member mentioned Lisburn, but there are very similar examples in Strangford. The Castlebawn development, a £60 million project in Newtownards, will create 300 construction jobs and 1,500 jobs in the business and associated shops. This will reinvigorate the whole centre of Newtownards, for it is within walking distance of it. Does the Member agree that if we accepted Mr Dallat's proposal today it would stop the development, since planning permission has not yet been granted?

**Mr Poots:** I thank the Member for a further example of the motion's inadequacy. We should also look at the rates charges of many large retailers. A key advantage of the larger developments is the superabundance of available parking. If someone wishes to go shopping in Belfast city centre during the day he will come back to his car with a bill of £10 or £12. In other towns around the Province it could cost him £4 or £5. At Sprucefield he can stay as long as he wishes, for car parking is free.

The regional strategic framework is supposed to encourage people to move away from private transport towards public transport. One means of encouraging people to use public transport is the introduction of ever higher charges for parking in towns and cities. Supermarkets have free parking, giving them an inbuilt

advantage. This can only be counteracted by raising the rateable value of supermarkets and out-of-town centres, leading to their paying more for providing free parking. They would obviously have to charge more for their goods, perhaps resulting in a somewhat more level playing field. That is one of the things which will have to be done for equitable competition between large and small retailers.

The story of small shops is not always black. I know many small shops which have reacted to the current situation and which are now doing very well. They regularly have a loss leader and provide goods at a reasonable price. The element of convenience is much greater. It does not take an hour and a half to get in and out, and they do not have as many shelves to wander round looking for goods. Some small retailers have done very well under present circumstances. Times change, and perhaps it is those retailers who have not changed with the times who find themselves in the greatest difficulty at the moment.

In drawing my remarks to a close, I state my support for those who have urged Mr Dallat to withdraw the motion for today. There could be widespread support for a motion of this nature. It is unfortunate there was not more consultation. I am not aware how much consultation took place in his own party — its members have never mentioned the issue in the Environment Committee. I appeal to him to withdraw it for today and enter into creative consultation with other Members to try to bring forward a motion which would have the Assembly's support and gain credibility for its Members.

**Mr P Robinson:** Like other Members, I welcome the opportunity afforded to us by Mr Dallat to discuss this issue; this has been a useful and interesting debate. However, like other Members, I have concerns about the preciseness of the wording of the motion. I should state at the outset that much of what Mr Dallat and other Members who have supported the motion have said in their speeches is generally accepted. However, the motion does not say what they said in their speeches, and that is where the difficulty lies.

I represent a constituency in which there is a plethora of small shops. I am constantly hearing about the difficulties the retailers face in competing against the large supermarkets. These difficulties are obvious. They were explained very well by Mr Ervine, and I agree with what he said. It is difficult for the proposer of any motion to encapsulate, in one sentence, the issues that relate to planning in this sector, and I am not convinced that this motion has approached them in the right way.

One of the defenders of the motion, the Women's Coalition spokesperson Jane Morrice, ended her remarks with the words "I think that is what this motion is about." The Alliance spokesperson, who generally supported the motion, also had to "think" what the

proposer was attempting to say. That indicates that the motion is not precise. I am not going to get party political on this issue, but one thing that we in Northern Ireland should have learnt over a number of years is that before you sign up to something you should make sure you know exactly what it means. Members who sign up to this, either by a show of hands or by going into a Lobby, should be sure they know what it means.

I think I know what the proposer was attempting to say when he talked about credible independent impact assessments. In fact, I am wondering whether he wants more than one when he puts it in the plural. Are there going to be a number of independent assessments? Would you ever get an independent assessment of the impact of a planning application? The people who have argued for it in this debate are right when they say, as did my Friend, Mr Poots, that whoever pays the piper calls the tune. Somebody has to pay for the consultants; I do not know of any who are so altruistic that they would carry out these independent assessments without being paid. Somebody will be calling the tune. If you have the assessment carried out at the behest of one person or another — be it the developer or the Department — will it be truly independent?

**Ms Morrice:** Will the Member give way?

**Mr P Robinson:** I should be delighted.

**Ms Morrice:** Does not the Member agree that if, as I suggested, the Department of the Environment itself were to commission the impact statement, that would be an independent assessment?

**Mr P Robinson:** In the context of planning, no, I do not. When you come to any planning appeal, there are, in effect, two sides to the equation. One will be put by the planner, who is defending the decision that he has taken, and the other by the developer, who is appealing that decision. They are therefore partisan in terms of any hearing that may take place.

I am on a borough council, and you would not get too many councillors from any party represented on the council who are likely to say that the Department acted in an independent way in respect of some of the planning applications that it has been dealing with.

**Mr Byrne:** A great deal of consensus is developing about this independent retail assessment and the question of who would pay for it. As Mr Poots suggested, the local authority would be best placed to commission such an assessment, since it encompasses the aggregate interests of the people in the area.

1.00 pm

**Mr P Robinson:** Well, there will be difficulties. I am not sure whether too many councillors would put up their hands to increase the rates by taking on planning responsibilities. I have no problem with increasing the

fees for planning applications so as to incorporate an amount that could be used for a planning impact assessment. It is not so much the payment that worries me, but rather who is in control. Who is the person carrying out the assessment going to report to? Ultimately, that is the person who will be calling the tune.

I think I know what Mr Dallat means by “major retail outlets” — that definition is central to his proposed moratorium — but it can mean different things in different areas. A major retail outlet in Belfast would be very different from what might be considered to be a major retail outlet in Strabane. The size of the catchment area and the density of the population would have an influence, unless we directly carry over the Republic’s definition of a major retail outlet, which, I believe, is anything over 30,000 sq ft. I suppose that if you propose a retail outlet of 29,500 sq ft, it will not fall under the moratorium, but I would have thought that in many parts of Northern Ireland, that would be considered to be a very major outlet.

I think that Mr Dallat is talking about out-of-town developments in his motion, but he did not say so, and therefore we must assume that it does not just mean out-of-town retail developments but also town centre developments. A number of Members have described the impact that a moratorium would have. I think the moratorium will give Members major difficulties in supporting this motion. There are two reasons for that, one of which has been mentioned by several Members, including Mr Taylor, and that is that the length of time that the review and consideration of this matter would take would create deadlock for up to a year.

However, in the precise terms of this motion it is a review of the policy that is being sought. I do not honestly think that the policy on these matters is that defective. I do not have great difficulty with the policy. The policy does seek the protection of the vitality of the town centre. The policy is in many ways OK. It is the implementation of that policy that is the problem. There could be a moratorium for a year or two while they look at the policy and introduce another policy which will do exactly the same thing in calling for the vitality of the town centre to be protected, but when it comes to implementation, unless the *modus operandi* of the planners who operate the system is changed, it will not have done any good at all in terms of the protection of town centres.

Jane Morrice referred to the balance that is necessary. There is a balance that one has to get between the competitiveness that is an essential component from the consumer’s point of view, in terms of prices and choice, and the protection of the vital part of the Northern Ireland culture that is the corner shop, the local trader and all that that means, not only to the town but to rural communities in the Province.

In closing, I thank Mr Dallat for putting down the motion. It has given us an opportunity to discuss the issues, but he will do a disservice to the planning issues that he is attempting to highlight if he proceeds to a vote on this matter. Far better if he takes the course that has been suggested and allows the Environment Committee to look at the wider and deeper issues involved. Without minimising the effort that I am sure he put into the wording of his resolution, the Committee could bring forward something less fuzzy, a bit more precise, with clearer definitions, and perhaps having considered the impact of some of the generalities that he has put down, and in particular his proposed moratorium.

Now that we have had the debate and had the issues aired, I hope that he will consider these issues. I will not make my attack on the Minister of the Environment as savage as that of the Member for Strangford, but I agree that the Minister, Mr Foster, would have been helped if he and his officials had been here for the debate. I hope these matters will be drawn to their attention so that they know what the Assembly feels about these issues. They would be better dealt with by the Environment Committee, instead of by way of a motion that might misinterpret the mood of the Assembly.

**Mr Dallat:** I thank all the Members who took part in this debate, including my Friend Mr Paisley Jnr, who could have been more generous to me. Stupidity, rudimentary fashion, confused Willie — I am surprised he made any mention of sheep this morning, but anyway. Other Members were very constructive in their contributions. Many of them are from rural communities, and I know their hearts are with the motion, despite the fact that the debate began in a strange way and swung off at a tangent. There is nothing in this motion which will put anyone in a cul-de-sac or cause problems for them in the future. The credible independent impact assessment has been welcomed repeatedly. Moratoriums do not have to last for ever. They only need to last until there is a policy in place. Before he left, John Taylor said that the horse has already bolted for many people. It is right and proper that this suggestion is in place. For many people this debate has come too late. For many this Assembly came into being too late.

It would be unfortunate if this debate were used to pit one sector of the retail community against the other. That is not what is being suggested. I acknowledge that there are 20,000 people employed in major retail outlets, but the sector is dominated by what are commonly known as “the seven sisters of the superstores”. The fear is that eventually this may develop into a monopoly, or even a cartel. I am pleased that there are representatives of 1,100 independent retailers listening to this morning’s debate. They represent 20,000 people, and they have every reason to believe that there is a renewed threat to their jobs, as a new wave of competition comes from the United States

and from Europe. I have not said anything to oppose the existing supermarkets. I shop in them myself. I would be a hypocrite if I suggested that they should not be there. However, there is time for a reassessment of the situation.

It is right and proper that this debate has taken place. I am pleased that, despite their opposition to the wording of the motion, most Members agree that it should be accepted. Perhaps those who are vehemently opposed to it need to take time off to visit the places that they named. I encourage Mr Paisley Jnr to talk to Moores of Coleraine and to the other independent retailers there. I am sorry he is not in the Chamber to listen to this.

**Mr Paisley Jnr:** Oh yes, he is.

**Mr Dallat:** Oh, he is. Why is he hiding in the back row?

**Mr Paisley Jnr:** Does the Member want to give way to me?

**Mr Dallat:** Perhaps the next time he is in Coleraine he will look up the unemployed workers of Reid’s Bakery. Perhaps he will ask them what they think of the large superstores and what they did to their jobs. Perhaps he should go down to Tandragee and speak to the Tayto workers to find out how important the independent retail market is for their product. I hope he buys it, since he is a Member of the Agriculture and Rural Development Committee.

He knows as well as I do that there are serious problems with the large multiples.

**Mr Paisley Jnr:** Will the Member give way?

**Mr Dallat:** Sorry. I am summing up. You had all the time in the world.

Let me emphasise that there is nothing negative in this motion. On the contrary, it is an acknowledgement that we have something special in Northern Ireland which is well worth protecting. Whether it be Cullybackey — that is in north Antrim, by the way — Cullyhanna, Kilrea or Kildress or, indeed, any other town or village, it is worth making an effort to ensure that for future generations communities continue to have shops and local services.

The same is true of urban areas and I am glad that Members from those areas contributed. Whether it be the Falls or the Shankill, the Cregan or Waterside, the same is equally true. Each year at least £750 million in net revenue is exported from Northern Ireland to the bank accounts of multinationals in other places. The prospect of their increased turnover through the proliferation of even more stores is a bleak one for Northern Ireland economy in the long term. It must be taken into account in future planning.

The circumstances in which we have found ourselves over the last 30 years means that our economy has had to undergo serious change squeezed into a five-year span.



The Assembly has the opportunity to establish a clear policy that will protect the local retailing infrastructure. That will ensure that there continues to be a vibrant independent retail sector providing for the needs of our people and that there never can be a fear of monopoly.

Reference was made to 'Strategy 2010', which should be implemented. At the same time, consideration should be given to commissioning a retail capacity study as recommended by EDAW. There should be a strategic review of planning policy to make sure that the future structure of retailing in Northern Ireland best meets our unique economic and social needs.

Finally — and there was some reference to this — steps should be taken to implement existing legislation in relation to rural rates relief. We should also introduce the further measure of rates relief for small town centre retailers, again as recommended in 'Strategy 2010', to prevent more small shops closing and further damage to the retail economy.

Despite the divisions, this has been a good day for the Assembly. People will see that we are interested in the affairs of our local communities and we are concerned about the people who live and work there. Collectively, we could have demonstrated a common purpose to protect and preserve what is best. At the same time, we can make it clear that change, when it comes, must be controlled and managed, and does not have the potential for destroying the very things we hold precious — our people and the communities in which they live.

Many people in this community need protection. We have made a very strong case for the farming community, which I back totally. Fundamental change is taking place there, but nobody is arguing that it should not be managed and controlled. Those in the independent retail sector — 20,000 people — deserve some rights too.

Finally — and this is where there was some distortion — if there is not an independent retail sector the housewife will have no choice. People will become slaves to a monopoly. The second phase of that monopoly is on its way from America and Europe. Time does not stand still. This Assembly was set up to address these issues. By and large, they have been addressed this morning in a responsible manner by all Members, with, I regret to say, one exception.

*Question put.*

*The Assembly divided: Ayes 33; Noes 39.*

#### AYES

*Gerry Adams, Alex Attwood, Joe Byrne, John Dallat, Arthur Doherty, Pat Doherty, Mark Durkan, John Fee, Tommy Gallagher, Carmel Hanna, Denis Haughey, Joe Hendron,*

*John Kelly, Patricia Lewsley, Alban Maginness, Seamus Mallon, Alex Maskey, Barry McElduff, Michael McGimpsey, Gerry McHugh, Eugene McMenamin, Pat McNamee, Monica McWilliams, Francie Molloy, Jane Morrice, Conor Murphy, Mick Murphy, Mary Nelis, Danny O'Connor, Dara O'Hagan, Eamonn O'Neill, Sue Ramsey, John Tierney.*  
*[Tellers: John Tierney and Eugene McMenamin]*

#### NOES

*Ian Adamson, Fraser Agnew, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Paul Berry, Norman Boyd, Gregory Campbell, Mervyn Carrick, Joan Carson, Wilson Clyde, Fred Cobain, Robert Coulter, Duncan Shipley Dalton, Ivan Davis, Nigel Dodds, David Ervine, John Gorman, William Hay, Derek Hussey, Billy Hutchinson, Gardiner Kane, Danny Kennedy, William McCrea, Alan McFarland, Maurice Morrow, Ian Paisley Jnr, Edwin Poots, Mark Robinson, Peter Robinson, Patrick Roche, George Savage, Jim Shannon, John Taylor, Peter Weir, Jim Wells, Cedric Wilson, Sammy Wilson.*

*Question accordingly negatived.*

*The sitting was suspended at 1.26 pm.*

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

### ASSEMBLY BUSINESS

*2.30 pm*

**Mr Speaker:** I wish to advise the House that I have accepted a private-notice question, in the name of Mr Tommy Gallagher, to the Minister of Enterprise, Trade and Investment. The details of the question are in Members' pigeon-holes. The item will be on the annunciator, and the question will be taken, in accordance with Standing Orders, immediately before the Adjournment debate, which I expect to be tomorrow.



## Oral Answers to Questions

### AGRICULTURE AND RURAL DEVELOPMENT

**Mr Speaker:** I wish to advise the Minister that Mr Jim Wilson, in whose name question No 8 stands, has apologised for being unable to be here. The question will not be taken, but he will, of course, receive a written answer in the usual way.

#### Rural Development projects

1. **Mr Fee** asked the Minister of Agriculture and Rural Development if she will outline what rural development projects have recently been launched, and if she will make a statement. (AQO 105/00)

**Ms Rodgers:** A number of rural development projects have been launched over recent months. I have taken part in several events, including the official opening of a quay development and slipway project at Gawley's Gate, near Aghalee in County Armagh. I went to the rural college in Draperstown to launch the community building skill workbook, to the launch of shoreline amenities and visitor facilities in Broughagh, County Tyrone, marina development and workspace units on the shores of Lough Neagh at Ballyronan, and an education, training and tourism development project at Slieve Gullion Courtyard in South Armagh. I am looking forward to further events over the coming weeks, including a tourism project at Houston's mill in Broughshane, Killcronaghan youth hostel and the official opening of workspace units, an information centre and a mill worker's cottage museum in Bessbrook.

These and many other local projects were brought together under my Department's 1994-99 rural development programme, and I am currently finalising proposals for the 2001-06 programme, which will bring further opportunities for rural communities.

**Mr Fee:** I thank the Minister for her answer. Does she accept that over the last number of years, the rural development programme has given vitally important support to disadvantaged rural communities and that it is absolute essential that it continue over the next number of years?

It has been an extremely imaginative programme, and the division in her Department that administers it has been extraordinarily imaginative in the way that they have offered support to community projects. Will she accept that for that part of my constituency which is in South Armagh it is crucial that her officials continue to work with local community networks and groups to provide opportunities to create employment through

alternative agriculture and to provide new opportunities in tourism?

**Ms Rodgers:** I thank the Member for his question and, indeed, for his comments. I obviously agree with Mr Fee that rural development has brought opportunities to communities throughout rural Northern Ireland. It has focused on the more disadvantaged areas and has had a very positive impact on all of those areas, particularly in respect of job creation and of sustaining jobs.

As the Member rightly says, much of the border region falls into that category, and a good example of community and business opportunity is currently being brought forward by Oriel Developments Ltd, a community-based partnership company operating in Mr Fee's own constituency, at Flurrybridge. The company is developing a rural enterprise park on the border to encourage the development and expansion of businesses in the area. This is, indeed, an important flagship project for the region, and I am looking forward to its launch in the early part of next year.

**Mr Kane:** Does the Minister feel confident that the uptake under the new rural development programme will happen in a short enough time frame to allow the benefits from these new policies to compensate for the loss of the safety net of less favoured area (LFA) payments?

**Ms Rodgers:** I do not think I heard the whole question, Mr Speaker.

**Mr Speaker:** Would the Member like to repeat it? I heard it, but I am not sure that it is in order. It seemed to go fairly wide of the question on the Paper.

**Mr Kane:** Is the Minister confident that the uptake of the new rural development policies will happen in a short enough time to allow the benefits of those new policies to compensate for the loss of the safety net for LFA payment?

**Ms Rodgers:** I am not sure that the question is in order, but I will answer it anyway. I think that the Member is talking about the safety net for LFA payments, which stretches over three years. I would be extremely surprised if, by that time, we were not in a position to deal with shortfalls or other problems that arise for farmers. The safety net is designed to allow farmers some leeway while they adjust to the new system of payment and to ensure that they are compensated during that period and that there is no loss on their part. I would be extremely surprised if the other elements of the programme were not in place by then.

#### Rural Development Regulation Plan

2. **Mr Dallat** asked the Minister of Agriculture and Rural Development if she will outline the main aspects

of her Rural Development regulation plan and if she will make a statement. (AQO 103/00)

**Ms Rodgers:** The rural development regulation plan for Northern Ireland, which was submitted to the EU Commission on 25 September for final approval, marked the culmination of a period of comprehensive consultation with the industry, the Agriculture Committee and other interested organisations. It also represents the outcome of intensive negotiations with the Commission on content and with the Treasury on funding. Overall, the plan submitted to Brussels is worth £266 million to Northern Ireland farmers between 2000 and 2006. It provides for a significant expansion of our agri-environment programme and of the area of private forestry, as well as the mandatory replacement of the hill livestock compensatory allowances scheme with an area-based LFA support scheme.

I am particularly pleased that, in the case of the LFA scheme, I was able to secure an additional £31·7 million over the period until 2004, on top of the provision that had originally been budgeted for when my preliminary proposals were tabled with the Commission in February. This represents a significant improvement for Northern Ireland hill farmers and places the financing of hill support on a much more secure footing than has been the case in recent years. The additional provision within the plan for the agri-environment and forestry measures will be welcomed by farmers and environmentalists alike and will allow for a significant expansion of these programmes between now and 2006. My officials were in Brussels last week to discuss the draft plan, and I am optimistic that it will be approved later this month.

**Mr Dallat:** The Minister's answer is encouraging. Does she agree that the safety net negotiated in Brussels will be of critical importance to farmers over the next three years? Can she elaborate on that?

**Ms Rodgers:** I agree that the safety net is of crucial importance to farmers, because of the movement from headage-based payments to area-based payments. It removes the uncertainty that they were facing under the new scheme and assures everyone that the payment they will receive, for instance in 2001, will be at least 90% of what they received in 2000. In the following year they will be assured of receiving 80% of the payment received in 2000. In the third year, they will be assured of 50% of the 2000 payment. This gives them time to plan ahead, take account of the new basis of assistance and manage any longer term change in their entitlement. It cushions the effect of the change.

**Mr McHugh:** A Cheann Comhairle. Can the Minister make a statement about the likelihood that farmers in the Silent Valley, who would have been in a position to gain from this safety net and from this funding, will now lose out, because the two Departments — the Department of Agriculture and Rural Development and the Department for Regional Development — failed to

consult each other? They are both to blame for the situation.

**Mr Speaker:** Members are being remarkably creative and imaginative in the connections that they perceive between the supplementaries that they are asking and the original questions. Those connections seem a bit oblique to me. I shall leave it to the Minister to judge whether she is in a position to answer.

**Ms Rodgers:** That is not on my agenda, but I have no problem in answering, if that is OK. The problems of sheep farmers in the Silent Valley are a very long way from the rural development regulations. It would have been more productive, particularly for the farmers, if there had been advance consultation between my Department and the Department for Regional Development. I was not consulted, and I do not want to comment any further on it today, except to say that consultation between Departments is extremely important, particularly when a decision of one Department impinges on another. In this case it impinges on the welfare of the farmers, who are going through an extremely critical time. It would have been better had there been consultation. There is consultation at this stage, but unfortunately it is a little bit late.

### Area-Based Strategy Action Group Schemes

3. **Mr Byrne** asked the Minister of Agriculture and Rural Development what plans she has to continue the area-based strategy action group (ABSAG) schemes which have existed throughout Northern Ireland in recent years. (AQO 93/00)

**Ms Rodgers:** Area-based strategies were a time-bound component of the 1994-99 rural development programme. They come to an end when spending under that programme stops in 2001. The 2000-06 rural development programme is currently being finalised. It is my intention to continue to provide scope for area-based action, but delivery mechanisms will depend on how partnerships evolve among key players at local level. I want to ensure that the work done under the current area-based strategies is built on, and I hope that through encouraging even stronger local partnerships the strategic delivery of rural development support will be further enhanced in the next round.

**Mr Byrne:** The ABSAG areas designated in Northern Ireland have been an outstanding success, particularly for rural communities. Will the Minister tell us whether her Department has any plans to designate other rural areas that could benefit from this type of development? I hope that in the next round, we can have social and economic development in parts of Northern Ireland that did not benefit from ABSAG in the past.

**Ms Rodgers:** The ABSAG concept was a new approach. The concept of area-based strategies has been

adopted by other Departments and by other programmes. In a sense, it has now become a crowded market place. It is my intention that in the next round there should be room for local action groups. I hope to build on what has been achieved with the area-based strategies, and I look forward to new partnerships emerging. All new projects and partnerships will be looked at and encouraged. I hope to see many new areas and many new types of partnerships coming into being. I call on all those who could be involved in such partnerships — local councils and others — to look at it, because what I want to do is to develop, improve and build on what has been a very successful area-based strategy.

**Mr Hussey:** The Minister will be aware of the good work being done in ABSAG areas. However, occasionally projects come to light which may not be sustainable. Unfortunately this does occur now and again, perhaps more so in the community sector. Can the Minister assure us that future developments within ABSAG will ensure that the sustainability of any project is a paramount consideration prior to its acceptance?

2.45 pm

**Ms Rodgers:** Sustainability will be an important part of any project we bring forward. The Member will appreciate that in addressing the issue of rural development, we are dealing with disadvantaged areas, and we are enabling communities to bring forward projects. There has always been an element of risk in that. My Department has been very brave in taking risks, ones that entrepreneurs would never dream of entering into. Having said that, I accept that the rural development programme is about social and economic improvement of disadvantaged rural areas. We must bear those two things in mind. Sustainability will be a very important part of the programme. It will not improve rural communities economically or socially if the programmes are not sustainable in the long run. The money will not last for ever. It is an important aspect, and we will consider how to ensure that any programmes we have are sustainable in the long term.

### Beef: EU Labelling

4. **Mr Bradley** asked the Minister of Agriculture and Rural Development what proposals she has to implement the forthcoming European Union regulations which stipulate that all European Union produced beef sold in supermarkets or butcher outlets must be labelled with the country of the animals birth and its country of fattening. (AQO 76/00)

**Ms Rodgers:** The new EU rules on beef labelling came into operation on 1 September 2000. The original proposal to show the category of animal was of particular concern to the local industry. I am pleased to

record that, following lobbying by myself, the industry and the local MEPs, the proposal was deleted. Legislation to provide for enforcement of the EU rules in Northern Ireland is currently being drafted with a view to it coming into effect by the beginning of 2001. Guidance on the effect and operation of the new rules is being prepared and will be issued to the industry. EU rules do not require labels to show the country of birth and fattening until 1 January 2002.

**Mr Bradley:** If the ban on beef exports is relaxed will our beef products be clearly labelled as products of Ireland/Northern Ireland?

**Ms Rodgers:** Yes. All beef and beef products produced in the European Union must comply with EU rules on beef labelling. These will be implemented fully in Northern Ireland. However, in our proposals for a relaxation of the export ban, we have proposed that it contains a provision that all Northern Ireland produce for export will carry an additional mark of export eligibility. The format of the additional mark has yet to be agreed with the European Commission. Its main purpose, however, will be to identify to consumers throughout the EU and third countries the Northern Ireland origin of the product. Of course, the question of normal commercial labelling is entirely a matter for the companies. They can indicate, if they wish, that the product is of Irish origin.

**Mr Armstrong:** Given that these rules apply to beef produced in the European Union, what action does the Minister intend to take to ensure that beef produced outside the EU and imported into Northern Ireland meets the high standards in production and labelling? Also, what proposals has she to help to offset the cost to the producer of implementing these regulations?

**Ms Rodgers:** The cost to the producer will not be offset. However, had the initial proposals gone through — the proposals that we managed to change — the cost would have been 5p to 8p per kilogram. As a result of the changes that we achieved, the cost will be much less.

### Modulation: Strategic Spending Analysis

5. **Mr Ford** asked the Minister of Agriculture and Rural Development to confirm that if she is successful in obtaining more funds from the current strategic spending analysis this will enable her to spend all the proceeds from modulation on accompanying measures. (AQO 84/00)

**Ms Rodgers:** Under the provisions of the relevant EU legislation it is clearly stipulated that funds arising from the application of modulation can be spent only on the so-called accompanying measures arising from the rural development regulation. Therefore I can confirm that, regardless of the outcome of the spending review,



all proceeds arising from modulation in Northern Ireland will be spent on such measures.

**Mr Ford:** Clearly, the Minister had some welcome news earlier this afternoon on the rural development measure. The Minister and I have tangled before on the application of modulated money. Can she confirm that the modulated funds will be spent purely for the benefit of farmers under agri-environment schemes and not be taken again by her Department to fund shortfall in other budget areas?

**Ms Rodgers:** The Member asked me that question in the past in relation to what I had done. He is now asking me about what I will do in the future. It is a very dangerous thing for a politician to make commitments about what will or will not happen. In relation to the modulation money, the pound-for-pound match funding that accompanies the introduction of modulation leads to a significant increase in the money accruing to Northern Ireland agriculture. It opens up the possibility of introducing additional measures under the rural development regulation. We must spend the modulation money on the four measures that are laid down, and we can then extend that, with the match funding, to the other accompanying measures.

**Mr O'Neill:** Can the Minister please outline her priorities for the spending review?

**Ms Rodgers:** The Department faces pressures across a number of areas, but I am particularly keen to be in a position to respond to the ideas emerging from the vision steering group. The major concern of the group is that there should be some mechanism for "rural proofing" all Government policies. That will not necessarily have immediate public expenditure implications, but some of its other ideas — for instance, in respect of information and communication technology, education, research and environmental issues — will require additional public expenditure or re-prioritisation.

**Mr Speaker:** Sometimes there may be an assumption by Members, when they see a series of questions from the same party as the Minister, that it has all been very well set up in advance. It is clear that there is greater integrity in the House than that.

### Rural Development Regulation Plan

6. **Ms Lewsley** asked the Minister of Agriculture and Rural Development how the farming community will benefit from the new rural development regulation plan.

(AQO 95/00)

**Ms Rodgers:** The rural development regulation plan for Northern Ireland will not only provide significant opportunities for farmers under its agri-environment and forestry programmes between now and 2006, but will also secure substantial additional funding in support of

producers in hill areas. The plan will be worth a total of £266 million to Northern Ireland farmers between 2000 and 2006. Of this total, £163 million will be directed toward the new LFA support scheme, £88 million towards agri-environment measures, and £15 million towards forestry. The provision for the LFA scheme in particular marks a significant achievement, in that it represents an uplift of 50%, compared with my original proposal submitted to the EU Commission in February. The fact that we were able to secure almost £32 million of additional funding from the Treasury in recent months is particularly welcome. It allows farmers to plan their business in the knowledge that funding for the LFA support scheme has been put on a more assured footing.

**Ms Lewsley:** Can the Minister advise Members of the expected uptake for the agri-environmental scheme?

**Ms Rodgers:** The environmentally sensitive areas scheme has 4,500 participant farmers, with some 145,000 hectares under agreement. It is considered to be very close to its optimum level of uptake. However, it is anticipated in the rural development regulation plan submitted to Brussels that the organic farming scheme will grow from the present level of 20 farmers with 1,000 hectares under agreement to 1,000 farmers with 30,000 hectares, and the countryside management scheme, which will have its first entrants accepted later this year, will have 4,000 participant farmers with 150,000 hectares under agreement.

**Mr McHugh:** Go raibh maith agat. Does the Minister agree that a large part, if not all, of the money from modulation, which will be used in different ways, came originally from farmers' payments? When farmers take part in agri-environment schemes, will the budget be in place and will money be paid out on time to those involved?

**Ms Rodgers:** The money that is going to agri-environment schemes is not being taken out of the pockets of farmers. This question arises quite often. Agri-environment schemes are taken up by the farming community, not by people outside that community, and are an alternative way of getting income at a time when farmers are going through difficulties. I do not accept that the money is coming out of the farmers' pockets; for the most part, it is going back, albeit by a different route, into their pockets. My Department will endeavour to ensure that payments are made as soon as possible after the completion of all the paperwork that is, unfortunately, still necessary to keep everything in order.

**Mr Ford:** The Minister quoted a significant figure for a projected increase in the organic aid scheme and a large figure for participation in the countryside management scheme in her response. Does she have complete confidence that her Department has enough funds to ensure that grants made under those schemes are fully paid?



**Ms Rodgers:** The Member will appreciate that funding is always a difficult issue. I can never guarantee that I will always get for my Department everything that I ask for. I will guarantee that there will be no want of trying, and I shall ensure that as much money as possible is made available for my Department in the comprehensive spending review. I can assure the Member that my bids are in and that I will be fighting very hard for them, because I recognise the need to support farmers in every way.

### Beef Exports Ban

7. **Mr Poots** asked the Minister of Agriculture and Rural Development when a decision for the removal of the ban on beef exports will be made. (AQO 91/00)

**Ms Rodgers:** It is difficult to be definitive on the timescale. I have been working hard with Secretary of State Nick Brown and the other UK agriculture Ministers, with Joe Walsh in Dublin and with Commissioner Byrne in Brussels to keep this process moving. Those efforts allowed me to get the European Commission's agreement to our consultation document, which was issued at the end of July 2000. The consultation period finishes at the end of this week and, based on the responses, I and the other UK agriculture Ministers will have to decide whether we should submit a formal case to the European Commission. I am hopeful that that will be the case, although I recognise the difficulties. We will then have to convince the European Commission that our proposal will work and follow that up by convincing the other 14 Member States. This will require scrutiny on a number of occasions at the Standing Veterinary Committee and will also require an inspection by the Commission, to verify that our controls are sufficient and in place. This will be far from easy and will take some time.

I would assure the Member that this is one of my top priorities, and I will keep the pressure on my Ministerial Colleagues and the Commissioner to move things on as quickly as possible. I am optimistic that we can get the ban relaxed, despite some difficult hurdles ahead. Realistically, it could be spring before exports start again.

**Mr Poots:** It is interesting that the prospect of getting the beef ban lifted is being pushed back to the springtime. Most farmers believed that the ban would have been lifted by this autumn. They believed that all the necessary paperwork would have been carried out and felt that they had delivered on their side of the bargain. It is now the Department's job to deliver. There will be a lot of concern expressed that it is going to be pushed back to March 2001, and when we get to March 2001 it will be pushed back to October 2001. The ban has existed for four and a half years; it is time it was gone, and it is the Minister's responsibility to get rid of it.

**Ms Rodgers:** Perhaps the Member does not quite understand how Europe works. It is not just a matter of paperwork. As I have explained on a number of occasions, it was an extremely complex negotiation. In the first place, there had to be negotiations with the Commission on the proposals. The Member will also recognise that there had to be discussions with the other UK Ministers and consultation with the wider public and the consumers. It is not a straightforward issue of just getting the beef ban lifted. Incidentally, I have not been working on this for four and a half years; I have been working on this since last December with a three-and-a-half-month gap in the middle. It would have been much more helpful to the farming community if I could have continued my work right through without interruption.

3.00 pm

**Mr Speaker:** Other Members want to put supplementary questions, but we have come to the end of the time for questions to the Minister of Agriculture and Rural Development.

**Mr B Hutchinson:** On a point of order, Mr Speaker. I refer to Standing Order 19(7). At least two Members put new questions as supplementaries, and you asked the Minister if she wanted to answer them. My concern is that Ministers will take different views and, depending on the questions, will refuse to answer. Those two Members got to ask questions which they did not bother to put down in writing.

**Mr Speaker:** Members have the right to ask supplementary questions, and supplementaries ought to be related to the original question. As the Member is aware, I commented on the ingenuity and creativity of the Members. There is a degree of technicality about some of the questions in a number of the departmental areas, particularly, but not exclusively, in agriculture. I usually give Members the benefit of the doubt that perhaps they know a little more than I do on the technical questions. Sometimes, it is clear that they simply know a little bit more than I do about evading the Standing Orders. On this occasion, I compliment the Member for not only raising a point of order that was a point of order, but also his courtesy to the House in advising under which Standing Order he was raising it. I will regard myself as duly reproved and will try to provide the best guidance I can to the House on such supplementary questions as come forward.

With that self-reproof, perhaps we can move to questions to the Minister of Culture, Arts and Leisure.

## CULTURE, ARTS AND LEISURE

**Mr Speaker:** Question No 1, in the name of Mr Close, falls. Mr Close has advised us that he is ill and unable to be here today.

### Queen's Parade Development (Bangor)

2. **Mrs E Bell** asked the Minister of Culture, Arts and Leisure if he is aware of any proposals to provide a library for Bangor within the Queen's Parade development plans.  
(AQO79/00)

**Mr McGimpsey:** I know that the library in Bangor is inadequate, and I understand that the South Eastern Education and Library Board is discussing the possibility of a new library with the developers of the Queen's Parade complex. As yet, no proposal has been put to the Department.

**Mrs Bell:** I am aware that that is the situation. I was asking simply so that I know that it will be a priority. Does the Minister agree that consideration of all library provision is vital, given that, when they were under the control of the education and library board, libraries were not developed as they should have been. I hope that that will not continue.

**Mr McGimpsey:** I agree with the thrust of the question. The Library Service has been seriously underfunded over the past 25 years of direct rule. One of the reasons for detaching it from the Department of Education was to allow it to stand on its own feet and fight its own corner in terms of chasing funding, and it would not be in competition with other Departments or other sectors in education. This is why it is within the Department of Culture, Arts and Leisure.

In terms of provision for new libraries, as the Member is aware, capital developments depend on capital resources. I have inherited a capital baseline which is not sufficient to announce any further capital developments at the moment. My Department is actively bidding for resources in the new spending round, and I hope to be successful. I certainly will be making every effort. As my Colleague Ms Rodgers said in relation to her Department, this is an area which has been underfunded. This is a tremendously valuable area where there is enormous potential to develop our society on a number of levels. I cannot make any announcements until the Executive and the Assembly Committee award extra funding.

**Mr Dallat:** Does the Minister agree that it is essential to pour resources into the Library Service to encourage greater use of its facilities, given the evidence of serious difficulties with literacy and numeracy, as various Committees have discovered in recent times?

**Mr Speaker:** I must ask Members to try to restrain themselves. There is a difference between the issue of a single library in one constituency and the general subject of adult literacy. I am not questioning the Minister's literacy, but this issue is outside his responsibility. Members must stick to the question at hand.

### Bilingual Signs

3. **Mr Fee** asked the Minister of Culture, Arts and Leisure what advice he has given to other Departments in respect of the provision of bilingual signs in public places.  
(AQO 106/00)

**Mr McGimpsey:** All Departments are aware of the overarching commitment under the Belfast Agreement to promote understanding, tolerance and respect for linguistic diversity. They are also aware of the specific commitments contained in the European Charter for Regional and Minority Languages.

**Mr Fee:** Does the Minister agree that a single coherent policy on multilingual issues would be extremely useful, given that it is such an important and potentially divisive matter? Does he further agree that in my constituency there are glaring examples of anomalies caused by the lack of a coherent policy? The South Armagh tourism initiative, which is funded by the Department of Agriculture and Rural Development, Newry and Mourne District Council, the Tourist Board and the International Fund for Ireland, operates a signage programme. Where appropriate, it provides for signs bearing the names of streets, townlands, buildings, tourist facilities and houses to be mounted in English, Irish or both languages. In spite of this, the Roads Service of the Department for Regional Development will not mount bilingual traffic or direction signs. This is extraordinarily difficult to understand, bearing in mind that there are direction signs to Ardmore RUC station in Newry.

**Mr Speaker:** I have listened intently to the Member's remarks, and I have two problems with them. First, I failed to hear the question. Secondly, he has referred to a cross-cutting issue, which is not the responsibility of the Minister's Department. The Minister may well have an opinion on the issue, but it is a cross-cutting subject which refers to a number of different Departments. It should therefore be addressed by means of a question to the Office of the First Minister and the Deputy First Minister.

**Mr Fee:** Surely the Minister will accept that his Department has the lead in cultural matters of this nature. Would he care to —

**Mr Speaker:** Order. The Minister may well wish to enlarge his empire in that way, but I fear that some of his Assembly and party colleagues would like to retain

control in the Office of the First Minister and — particularly — the Deputy First Minister. This is outside the Minister's responsibilities, and we must proceed.

**Mr McElduff:** A Cheann Comhairle. An bhfuil a fhios ag an Aire go bhfuil rún ag an Roinn Talmhaíochta agus Forbartha Tuaithe comharthaí dhátheangacha ar an tSrath Bhán a thabhairt anuas in éadan thoil phobal an cheantair sin?

Is the Minister aware that the western division of the Roads Service is currently threatening legal proceedings against Fountain Street community association in Strabane for erecting Irish language direction signs?

**Mr Speaker:** Order. I am failing to make myself clear, even in English. The Member is raising a question in respect of the Department for Regional Development. That is not within this Minister's area of responsibility. I am being reasonably generous to Members in permitting them to speak at length. The Member must put a question to the Minister on his ministerial responsibilities only. He must not ask him for a view on another Minister's responsibilities.

**Mr McElduff:** With respect, I believe that question 3, posed by Mr Fee, is inviting the Minister to advise other Ministers on Irish language commitments, specifically those which fall under his brief. Will the Minister advise another Minister — in this case the Minister of the Department for Regional Development — to honour commitments made in the Good Friday Agreement to the Irish language, particularly with respect to the Fountain Street community association in Strabane?

**Mr McGimpsey:** The Member is aware that the United Kingdom has signed up to the European Charter for Regional and Minority Languages. In the Executive Committee last week, we enabled the First and Deputy First Ministers to write to the Foreign Secretary on that. The European Charter will therefore be implemented.

Part II of the charter deals with languages for the kingdom as a whole — Welsh, Scottish Gaelic and Scots, as well as Irish and Ulster-Scots for our purposes. Part III identifies languages for specific action, recognises Irish as well as Scottish Gaelic and Welsh, and that will have consequences. My Department will certainly determine what advice is required to help other Departments determine what action will need to be taken as a consequence of the charter.

Under part III of the charter we are required to specify 35 provisions which are already under way. We have been able to specify 36; for 30 we have devolved responsibility, and six are excepted or reserved matters. The charter has made no change to the position on street signs. Departments are at liberty to use bilingual or trilingual versions of their name as they wish. The only exception is street names, which come under the

jurisdiction of local councils as provided by the Local Government (Northern Ireland) Order 1995.

My Department is chairing an interdepartmental committee representing all the other Departments, and we are looking at what steps need to be taken. There will be consultation with the various Departments on factors such as appropriateness, demand, desire and resources, and the result of that consultation will be available early next year.

**A Member:** On a point of order, Mr Speaker.

**Mr Speaker:** I am not able to take a point of order during Question Time, but I will happily take it at the end. Since the House resumed, I have been advised that Mr Leslie is unwell and not able to be here to put his question. We therefore move to the next question.

### Lesser-Used Languages

5. **Ms Lewsley** asked the Minister of Culture, Arts and Leisure to detail what funding is available for training for lesser-used languages, and if he will make a statement.  
(AQO 96/00)

**Mr McGimpsey:** Money is available to the language body to promote projects relating to Irish and Ulster-Scots. These projects could include training. Groups who speak a lesser-used language may apply to various Departments for funding from mainstream programmes which may relate to training. Departmental funds are also available for staff training programmes which, where appropriate, could include language training.

**Ms Lewsley:** My question is not about Irish or Ulster-Scots. How much of that funding is available for training and development opportunities for sign language in Northern Ireland, considering that we only have four trained signers and there is a great need for more?

**Mr McGimpsey:** I am not aware of the exact amounts of money. All I can do is refer the Member to my answer that departmental funds are available for staff training programmes, which can include language training. They can also include training in the use of sign language. Departments are free to spend that money as they see fit.

3.15 pm

**Mr McMenamin:** The year 2001 has been designated as the year of languages. This would be an ideal opportunity to enhance and promote the Irish language in our schools and colleges throughout Northern Ireland. Does the Minister agree that we need to introduce each other's culture into our primary schools in order that our children can learn about each other's cultures?

**Mr McGimpsey:** I am aware that 2001 has been designated as the year of language in Europe, and I agree



that cultural diversity should be seen as a strength of our society and not as a weakness. I also agree with the spirit of his question and remarks. The Department of Culture, Arts and Leisure is looking at ways to address and promote tolerance and respect for the diversity of culture in Northern Ireland.

**Mr Shannon:** Will the Minister confirm that the Ulster-Scots language will be given equality and parity of funding with the Irish language, as regards training in the use of lesser-used languages?

**Mr McGimpsey:** I have addressed this matter for Mr Shannon before and am happy to do so again. The Board of Ulster-Scots will receive indicative funding for the coming year of £1.3 million. This compares with £667,000 for the previous year, which, in itself, represents a five fold increase on the year before — £118,000. It is a matter for the Board of Ulster-Scots and a matter for the language body to determine staff training in Ulster-Scots. Ulster-Scots and the Board of Ulster-Scots are vibrant and when this organisation and board identifies a need, it looks to address that need and to find the funding.

**Mr Savage:** During questions to the last Minister I waited patiently, but without avail, to ask my question. May I ask question No 4 on behalf of my Colleague Mr Leslie?

**Mr Speaker:** I am afraid not. It is not possible to ask questions on behalf of other Members, and that is very clear.

### National Gallery for Art

6. **Mr Ford** asked the Minister of Culture, Arts and Leisure what plans he has to create a national gallery for art in Northern Ireland. (AQO 77/00)

**Mr McGimpsey:** My Department is working closely with the management of the National Museums and Galleries of Northern Ireland to identify the support that will be required to realise the plans contained in the vision statement 'Opening Horizons'. These plans include the creation of a museum of the creative arts that will serve as a national gallery for Northern Ireland.

**Mr Ford:** I had hoped for a more detailed answer or, perhaps, news of co-operation between his Department and Belfast City Council. He will surely agree that the visual arts are badly served at present with one or two paintings stuck in odd corners of the Ulster Museum in an inappropriate way. Is it not time that we had something more specific, with times and details attached, in a statement from him on this issue?

**Mr McGimpsey:** This is a need and a gap that the museum and the National Museums and Galleries of Northern Ireland have recognised in 'Opening Horizons'. Again, this is something they are hoping to move forward and address. A number of things will flow from

that, not the least of which is the revenue consequences of provision.

I agree that the Ulster Museum does not begin to have the space to display the quality of paintings they have in their vaults. About 90% of their paintings never see the light of day despite the fact that the exhibitions might migrate. I am sure that the Member is aware that paintings by Turner, Gainsborough, Reynolds, John Lavery, William Connor, et cetera, are buried in the cellars of the Ulster Museum. Neither do we have the facilities to take travelling exhibitions. Currently, paintings by Monet and Rembrandt are migrating round Europe. We could pick those up if only we had the proper premises.

We are well aware of the requirement for facilities and resources and are looking at the issue, but there are revenue consequences and other important areas we have to look at, such as location. It is part of the plans and vision. I cannot give the Member a specific time frame until we move on to the next stage.

**Mr Gallagher:** This is another initiative in the Minister's Department with the potential for job creation. In Enniskillen some weeks ago the Minister announced 70 jobs from the siting of the inland waterways body. What does the Minister have to say about the creation of jobs in respect of the national gallery? What does he have to say about the creation of 70 jobs in Enniskillen, given the depressing news from the town last week?

**Mr McGimpsey:** I sympathise with Mr Gallagher. My Colleague Sir Reg Empey is very much aware of the job losses in Enniskillen, and he is working extremely hard to address the problem. The fact that the headquarters of the inland waterways body will be sited in Enniskillen will create 70 jobs. I do not know what job opportunities will arise from the siting of national gallery. Its location is still to be determined, and, as I said to Mr Ford, we shall address the question in due course.

**Mr Speaker:** I must advise Members that speculation that there might at some point be a national gallery is not to be taken as a question on the development of the Fermanagh economy.

**Mrs Carson:** I would not dream of doing anything like that for Fermanagh and South Tyrone. If the Minister were looking for a place to hang the nice pictures lying in the vaults of the Ulster Museum, would he not consider using the facilities in this beautiful Building? We have some very glaring, empty spots, and we could use some of the facilities in this House. Would he facilitate that?

**Mr Speaker:** I must advise the Member that that issue is properly a matter for the Assembly Commission and not for the Minister. He is, of course, quite at liberty to express a view, but the Member might do well to



keep her powder dry, since the next set of questions is to the Assembly Commission.

**Mr McGimpsey:** If it is the will of the House and the Assembly Commission, I shall certainly do what I can to support that wish. I very much agree that there is hanging space available in the Building, and if these works of art are lying in vaults, it seems a shame that they should not be on display here or, indeed, in a number of other buildings in Northern Ireland such as museums and libraries. We are looking at the issue.

**Mr Speaker:** I should perhaps point out that the hanging space to which the Minister referred was for pictures, not for Members.

### Motorcycle Racing: Health and Safety Standards

7. **Mr Davis** asked the Minister of Culture, Arts and Leisure to detail the measures he has taken with regard to improving health and safety standards in the sport of motorcycle racing, and if he will make a statement.

(AQO 97/00)

**Mr McGimpsey:** Prompted by the recent tragic events, the Motor Cycle Union of Ireland, in conjunction with Sports Councils both North and South, has recently formed an inter-centre safety commission, which has been charged with the responsibility of conducting a comprehensive risk assessment audit of all existing road race venues. The Sports Council is currently drawing up terms of reference, and a report detailing the commission's findings will be available in early December 2000. I have asked that one of my officials be given an observer's role in the commission to keep me apprised of ongoing progress.

I recently met representatives of the Motor Cycle Union of Ireland to explore ways in which my Department might lend its support to the inter-centre commission. My officials have also met with their counterparts in the Department for Regional Development and the Department of the Environment, and they have agreed to provide whatever assistance they can to the work of the commission. I shall consider what measures I can take when the commission's report is available.

**Mr Davis:** While we are waiting for these reports will there be any indication of the probable cost of improving safety in this sport?

**Mr McGimpsey:** I cannot be specific about cost until we receive the report. The road racing season is now over, and the commission plans to work with diligence and speed over the winter to assess what must be done on each of the road racing circuits, afterwards looking at the feasibility of the work and the revenue consequences. My Department is certainly doing all it can to support them in those efforts.

At the same time, we have made resources available to employ a consultant, who is also looking at the four existing short circuit road racing tracks. As part of that we will also be looking at the feasibility of a dedicated, purpose-built new road racing circuit.

**Mr Paisley Jnr:** I welcome the statement made by the Minister on the steps his Department has taken to address the issue of motor sport safety. Does he agree that much more needs to be done? Will his Department take the lead by allocating funding towards a feasibility study for the entire motor sport industry, so that the entire sport can achieve its full potential? Also, will he advise the House of the name of the consultant appointed to look at the short circuit tracks?

**Mr McGimpsey:** On the last part of the question, I cannot give the name of the consultant, as I do not know it.

We all share concern at the number of fatalities and serious injuries, especially in the past year. My task, from my Department's view, is to ensure that risk is minimised as far as possible. This is, and always will be, a dangerous sport and the thing is to work to minimise the danger.

There are two parts to this sport (it has been described as two separate sports) — road racing and short circuit racing. Road racers describe their sport as totally different. A comparison has been made with the distinction between squash and tennis — racket games played with balls, but otherwise enormously different.

In taking this forward we are looking at ways of upgrading the four short-circuit tracks. We are looking at how we make existing road circuits safer. Work has been done and more needs to be done to allow the sport to thrive. This issue also affects other Departments. The organisers of the North West 200, the premier road race in the British Isles, outside the Isle of Man, cannot charge admission. They can charge admission to the Ulster grand prix but not the North West 200. If they could, bearing in mind that around 80,000 people regularly attend, they could produce a revenue stream that would allow them not only to upgrade that circuit but others too. That is another area that we are looking at.

We are also seeking advice on the provision of a purpose-built circuit. For that to be feasible, it would have to be financially self-sustaining and would have to cover not just motorbikes but also motor racing in general.

We are looking to see the results of these investigations, studies and enquiries coming to fruition early next year, so that the Motor Cycle Union of Ireland can determine its strategy for the future.

**Mr O'Connor:** Does the Minister agree that it is not just about the condition of the roads but the fact that bikes are going much quicker than they ever did? It may

be possible to fit some type of speed limiter to bikes to slow them down and increase road safety.

**Mr McGimpsey:** As regards road safety, I do not have the expertise to comment on whether bikes are going too fast. Certainly, there is the question of matching the skill of the rider to the circuits. Significant work has been done on all of the circuits to contribute to road safety. Chicanes have been introduced at all the venues, and these have slowed down motorbikes. That is one way of limiting speed. Against that you have to match the skill of the riders and their ability to decelerate to those speeds. I am not an expert on this; I am learning as I go along and taking advice. My role is to support the Motor Cycle Union of Ireland — the sport's governing body — and help them to determine their strategy to minimise risk for everyone.

3.30 pm

**Mr Savage:** During the past year the cream of the motorcycle industry has been taken away from us.

Has any consideration been given to the formation of a sports stadium in Northern Ireland? Does the Minister have any plans for that?

**Mr McGimpsey:** I said that, as part of the review, the consultants who were assisting the Motorcycle Union of Ireland and the inter-centre safety commission will be looking at the feasibility of a new purpose-built, short-circuit track. They will also be looking at the existing short circuits but more importantly, the existing road circuits.

**Mr Speaker:** Many Members are interested in this question — particularly in the light of recent events — but we have spent longer on it than on any of the others. In fairness, we need to get through the questions that have been tabled, rather than take more supplementaries.

### Irish Language

8. **Mr McElduff** asked the Minister of Culture, Arts and Leisure to detail what funding has been made available to promote the Irish language since 2 December 1999. (AQO 87/00)

**Mr McGimpsey:** The North/South language implementation body was established on devolution, with two separate parts, the Irish Language Agency and the Ulster-Scots Agency. Its functions include the promotion of the Irish language. Indicative funding of £7.2 million sterling is available to the Irish Language Agency, Foras na Gaeilge, in the start-up year of operation for the promotion of Irish. Northern Ireland will provide £1.8 million sterling of that. Funding is also available from mainstream funding programmes for objectives other than promotional, providing applicants meet the criteria. In 2000-01, indicative funding of £11.420 million will be available to the body, and

Northern Ireland will provide £3.5 million of this. The Board of Ulster-Scots will receive £1.3 million and Foras na Gaeilge will receive £10.12 million.

**Mr McElduff:** Is í an cheist atá agam ná: cad iad na himpleachtaí don fhostaíocht ar an talamh, mar a déarfá?

In recognition of the central importance of the Irish language in the Good Friday Agreement, can the Minister detail if this has led to project sustainability and job creation on the ground?

**Mr McGimpsey:** I do not have that sort of depth of detail in terms of the job creation that has been attached to the promotion of the Irish language since devolution. As I said, there is a cross-border implementation body with two parts. One part looks after Irish language — Foras na Gaeilge, which has its own funding. The number of people it employs pretty well equates with pre-devolution and post devolution, and again, I cannot be specific on that.

**Mr McNamee:** Go raibh maith agat, a Cheann Comhairle. Given the fact that that funding is available, has the Department considered making scholarships available for school pupils who wish to attend residential Gaeltacht courses during the summer holidays?

**Mr McGimpsey:** I am not competent to answer that question. It is more appropriate for the cross-border implementation body. I will put it to them on the Member's behalf and attempt to discover the detail. However, I am not aware of their offering scholarships at the moment.

### Maze Prison Site

9. **Mr Poots** asked the Minister of Culture, Arts and Leisure if he has any plans to consider the viability of utilising the Maze Prison site as a centre for sporting excellence. (AQO 90/00)

**Mr McGimpsey:** The future of the Maze Prison site is a matter in the first instance for the Northern Ireland Office. I understand that the facility will be retained by the Prison Service for the next two to three years. In these circumstances it would be premature for me to consider whether it could be used as a centre for sporting excellence, although I am aware that there has been previous speculation about the use of the site.

**Mr Poots:** This area is particularly level, covers 300 acres, and is easily accessible from the M1 motorway and the A1 dual carriageway. Does the Minister agree that this offers a spectacular opportunity to develop a centre of sporting excellence? Perhaps we could come up with some new sports like the 100-metre tunnel dig and the fence vaulting.

**Mr Speaker:** The time for questions to the Minister is now up. We will have to ask the Minister to write to the Member with his considered views on the suggestions.

## ASSEMBLY COMMISSION

### Lesser-known Languages

1. **Ms Lewsley** asked the Assembly Commission to detail any plans for future training programmes relating to lesser-known languages and to make a statement.

(AQO 102/00)

**Rev Robert Coulter (Assembly Commission):** In relation to training, a prime responsibility of the Assembly Commission is to ensure that staff of the Assembly Secretariat receive the appropriate training to carry out their duties professionally. At this stage the Commission has no plans to provide training programmes relating to lesser-known languages. In those instances when elected Members address the Assembly in either Irish or Ulster-Scots, translation facilities are available to the Speaker and to the Clerks at the Table.

**Ms Lewsley:** What facilities are in place for deaf people? In order to ensure that the facilities of the Chamber are fully inclusive, we must make sure that deaf people visiting it are able to get access to the debate on the Floor.

**Rev Robert Coulter:** The Commission has commissioned a survey of the Building. This will meet the needs of disabled people, including people with visual impairments and those with hearing difficulties. The Commission has arranged for Doorkeepers to be trained to deal with visitors who have physical and visual impairments. Should the need arise, the Commission will consider any further requirements.

### Parliament Buildings: Flags

2. **Mr Beggs** asked the Assembly Commission to detail its policy on the flying of flags in Parliament Buildings.

(AQO 98/00)

**Rev Robert Coulter:** So far, the policy of the Assembly Commission has been to fly the Union flag on, but not inside, Parliament Buildings. It is helpful to reflect on the background to this issue. During the shadow period the Commission operated under the direction of the Secretary of State. Since devolution it has continued to follow the existing practice of flying the Union flag over Government buildings.

On Friday 2 June 2000, the Assembly Commission discussed the issue and resolved that the flags issue was a political matter best handled by the Assembly. It was agreed that the Commission would continue to operate according to existing arrangements, until otherwise directed by the Assembly.

We had the flags debate on 6 June. It provided no further direction to the Commission. We now have the Flags Order. This allows the Secretary of State to make regulations on

the flying of the Union Flag on Government buildings. An Ad Hoc Committee has recently been appointed and is considering the draft regulations. However, the regulations will only cover specified Government buildings. Parliament Buildings can not be included in the schedule to the flag regulations. The Assembly has to decide its policy on flying the Union flag on Parliament Buildings.

**Mr Beggs:** What is the Assembly Commission's policy on flying the United Kingdom national flag on the Assembly building on designated days? Will the flag continue to fly? Given that the matter is not included in the Secretary of State's draft proposals, can the Commission confirm that there are no proposals to change —

**Mr Speaker:** Order. The Member's question is out of order under the anticipation rule. The Assembly has already set up an Ad Hoc Committee to prepare a report to the Secretary of State. The question is being asked in anticipation of a report that is already being prepared by the Assembly.

**Mr Beggs:** Has the Assembly Commission any proposals to change the policy?

**Mr Speaker:** That part of the question is acceptable.

**Rev Robert Coulter:** The simple answer is no — not until the Assembly decides a policy.

**Mr Attwood:** I anticipate your ruling on this, Mr Speaker. Can the member of the Commission indicate that in the event that the Assembly Commission further considers the displaying of flags, it will take into account and have due regard to that which is outlined in the Good Friday Agreement — namely, that

“the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities”?

Can he confirm that that will inform any future Commission view?

**Mr Speaker:** Mr Coulter may wish to reply in regard to this. In so far as a legal opinion has been requested, that, of course, is out of order. It is not possible to ask for legal opinions. However, in respect of what the Commission may choose to do, the Commission representative may wish to reply.

**Rev Robert Coulter:** As I have already stated, the Commission will take its direction in these matters from the Assembly.

**Mr C Murphy:** Given that the practice of flying flags on this Building was previously under the instructions of the Secretary of State, may I ask the Assembly

Commission on what basis the decision was taken to continue that practice after the shadow period.

**Rev Robert Coulter:** The Assembly Commission will follow directions, as we have been doing up to the present moment and will continue to fly the flag on the designated days.

## **NORTH/SOUTH MINISTERIAL COUNCIL: SECOND PLENARY MEETING**

**The Deputy First Minister (Mr Mallon):** I wish to make a statement on the second plenary meeting of the North/ South Ministerial Council on behalf of those Ministers who attended the meeting, which was held on Tuesday 26 September in Dublin Castle. The 10 Ministers notified to the Assembly participated in the meeting.

Satisfaction was expressed with the level of progress to date, particularly with the progress made in setting in train a substantial programme of work in respect of the six North/South implementation bodies and the six agreed areas for co-operation.

Since the inaugural plenary meeting of the North/South Ministerial Council in Armagh last December it has met 13 times in sectoral format. The council looked forward to making further significant progress in the various sectoral councils in the coming months. It placed particular importance on the forthcoming establishment of the new tourism company, which will have the responsibility for the marketing overseas of the island of Ireland as a tourist destination.

An agreed schedule of sectoral meetings is to take place in the autumn, including a first meeting in the transport sector. The First Minister and I are determined that all aspects of work identified in both the North/South Ministerial Council and the British-Irish Council will be carried forward. It is also anticipated that the council will meet by agreement in institutional format before the next plenary.

Procedures for recruiting the chief executives of a number of implementation bodies were agreed as were the terms and conditions associated with these appointments and the conditions of service for staff generally employed by the implementation bodies.

It was also agreed that a study would be initiated on an independent North/South consultative forum. This meets the terms set out in the Good Friday Agreement, strand two, paragraph 19. A report on the outcome of the study will come forward to the next meeting of the plenary.

The agenda for government published by the Northern Ireland Executive Committee on 29 June 2000 identified actions to support North/South development, including the need to take action to remove barriers to living and/or working North and South.

*3.45 pm*

In this context, the Irish Government agreed to co-operate with the Northern Ireland Executive Committee in taking forward this study through a steering group of officials, North and South, on the obstacles to mobility.



That co-operation will include sharing the costs of the study.

On the issue of competitiveness, there was a useful exchange of views between Ministers from both North and South. It was agreed that further consideration would be given to an Irish Government paper on enhancing competitiveness of the two economies by the North/South Ministerial Council, in its trade and business development format, at its next meeting on 27 October, with a view to reporting to the next plenary meeting.

The council agreed that its next meeting in plenary format would be held in Northern Ireland in March 2001. I would like to draw attention to the fact that the statement that was circulated to Members wrongly gave the date of the next plenary as March 2000 instead of March 2001. I take pleasure in putting the record right.

A copy of the communiqué issued following the meeting has been placed in the Library.

**Mr Hussey:** First, I will comment on the nomination of Ministers. It may seem strange coming from myself, but to keep the situation proper all Ministers in this body should have been nominated. As to whether they would choose to attend is another matter, but they all should have been nominated.

Paragraph 5 of the Deputy First Minister's statement tells us about the marketing of the island as a tourism destination, and paragraph nine mentions the sharing of costs. In paragraph 7 of the joint communiqué issued on 26 September, under the heading "Budgetary process", the apportionment of the moneys involved is given. The Government of the Republic are contributing £37 million sterling and the Executive here are contributing £11 million. In paragraph 9, under the heading "Obstacles to cross border mobility", the communiqué states that the costs will be "shared equally between the two Administrations".

Should the figure for apportionment not be similar to that mentioned in the budgetary process, rather than being an equal sharing of costs on any studies being carried out by this body?

**Mr Speaker:** Before the Deputy First Minister replies, I must remind the Member that he made a statement at the start of his comments. This is an opportunity to ask questions only, so I ask Members to refrain from using it to make statements.

**The Deputy First Minister:** The DUP Ministers have not attended meetings of the North/South Ministerial Council despite the fact that the holding of a ministerial office should involve meeting all responsibilities involved. It is interesting that details supplied by their Departments confirm that DUP Ministers have not yet met their ministerial counterparts from England, Scotland or Wales. Looking at the DUP attitude to ministerial office, one could

say that the point of view that they hold is truly "ourselves alone".

In relation to the second part of the Member's question, these are both studies at this stage. They have been agreed as studies, and they will be of great benefit to people, both North and South, especially those in border areas. I consider that there is the right balance in terms of the financing of those studies. Of course, the real debate will come when those studies start to present proposals. I have no doubt that then those budgetary matters will be under great scrutiny, both here and elsewhere.

**Mr Byrne:** I welcome the Deputy First Minister's statement. I want to concentrate on transport. Those of us who live in border constituencies have long wished for the day when there would be meaningful co-operation between the North and South on issues such as roads. I welcome the fact that there is going to be a special meeting on the transport sector. How does the Deputy First Minister envisage that this will take place given that the Minister for Regional Development has so far refused to submit a plan to the North/South Ministerial Council?

**The Deputy First Minister:** It is proposed to schedule a meeting in the second half of November. The First Minister and I will be asking the Minister for Regional Development to meet the responsibilities of ministerial office, and we shall take responsibility for moving the issue forward in the absence of his co-operation. Transport is an important sector of the North/South Ministerial Council and the British-Irish Council. We want to ensure that progress is made in both institutions, and we will do so by representing the Northern Ireland Executive, if necessary.

**Mr Paisley Jnr:** The Deputy First Minister said that he was looking forward to his meeting in March 2001. Of course, we, on this side of the House, hope that that meeting will never take place. Can the Deputy First Minister detail the cost to the Northern Ireland Administration of travel by Ministers and officials to Dublin for that meeting. Does he accept that there is growing public disquiet at the astronomical cost associated with the travel to such meetings? The recent visit to America by the First Minister and the Deputy First Minister had a price tag of almost £50,000.

**The Deputy First Minister:** I thank the Member for his question. The Irish Government met all the costs and are meeting all of the costs of the plenary, apart from the time and travel costs of Northern Ireland Ministers and their support staff. Northern Ireland will meet all of the costs, apart from the costs of Irish Ministers and their support staff, for the plenary planned for next March.

**Mr Ford:** I welcome the Deputy First Minister's statement. Perhaps it indicates that the administration of

the North/South Ministerial Council is well under way. However, I ask him to take notice of the requirement for inclusiveness in the operation of such bodies. An agreed schedule of sectoral meetings has been announced by the Deputy First Minister. Will he give an undertaking that he will give to the Assembly, or at least the relevant Committee, information on the agendas for each of those sectoral meetings before they take place? It may be difficult for that to be done before the transport sector meets, in view of the unwillingness of some Ministers to participate.

The Deputy First Minister highlighted paragraph 19 of Strand Two of the agreement which deals with what we might call the North/South consultative forum. However, I draw his attention to paragraph 18, which I read as coming before paragraph 19:

“The Northern Ireland Assembly and the Oireachtas to consider developing a joint parliamentary forum”.

What is being done to increase the inclusiveness of the North/South meetings beyond the Executive, or certain members of the Executive, to include all those Members who wish to participate in developing matters of mutual interest?

**The Deputy First Minister:** We wish to give as much information prior to sectoral meetings as we possibly can. I am sure that the Assemblyman will agree that sometimes it is very difficult, if not impossible, due to time constraints. I understand that a meeting of the British-Irish Council is taking place today and a report will be made on that. However, I assure the Member that the First Minister and I will do everything that we can to give that information.

On the consultative forum, the Member is right — paragraph 18 does come before paragraph 19. The Member refers to the inter-parliamentary aspect of it. As one of the founder members of the British-Irish Inter-Parliamentary Body, I remind the Member that it is a parliamentary body and it is a matter for the Assembly, the Oireachtas and the Westminster Parliament. I note with some satisfaction that a meeting of that inter-parliamentary body is to take place, or has taken place, in Galway. The Assembly has nominated people to attend and I welcome that. I also welcome the study. We can replicate the expectations that we have for the Civic Forum in the North in the consultative forum North and South.

**Mr Dallat:** I welcome the positive outcome of the North/South Ministerial Council plenary session. I am particularly interested in the tourism company because it is to be based in Coleraine, which is in the Minister for Regional Development's constituency. Will the Deputy First Minister tell us more about the remit and timetable for this body, which is critical to the development of tourism internationally?

**The Deputy First Minister:** I note the Member's interest in this body. The tourism company will be responsible for marketing the island of Ireland as a tourist destination. It will also provide marketing and promotional services to the two tourist boards. A publicly owned company will be established by the Northern Ireland Tourist Board and Bord Fáilte to provide international tourism marketing programmes and information on the island of Ireland as a tourist destination, reflecting the diverse traditions, forms of cultural expression and identities in the island. Ministers and officials have been discussing the future arrangements for the company with a view to decisions being taken at the NSMC tourism sectoral meeting scheduled for 27 October 2000.

**Mr Poots:** In the absence of the Regional Development Minister, the Deputy First Minister could seek advice from the well-known West Belfast MLA who is an expert on motability. Are the Irish Government satisfied that 13 sectoral meetings have taken place? Are they satisfied with the level of participation by Unionist Ministers?

**The Deputy First Minister:** Regrettably, I cannot answer on behalf of the Irish Government, but with regard to the Executive, every Minister who has attended sectoral meetings and meetings of the implementation bodies has performed satisfactorily. Things are progressing harmoniously. We should recognise that when we collectively, as a political process, undertake these types of meetings and the type of problems involved in them, we do it well. On behalf of the Northern Ireland Executive, I would like to go on record as saying that. As for the Irish Government, the Member has read the communiqué, in which both Governments state their satisfaction clearly.

**Mr Weir:** I note in the statement that reference is made to two independent studies, one dealing with the independent North/South consultative forum and the second dealing with mobility. What budget has been allocated to these two studies? When is the mobility study due to report? There is a reference to when the first study on the independent North/South consultative forum is due to report. Thirdly, will the Deputy First Minister give an assurance that when those reports are completed they will be made available to the House?

**The Deputy First Minister:** First, we will subject them to debate and scrutiny and seek agreement in the Chamber, because neither of these studies is a matter for anybody in isolation. I understand from the question that the Member recognises the validity of both studies. In the mobility study we are seeking to ensure that for citizens North and South, the obstacles to mobility can be identified and removed. Those of us who live in border areas know the problems that exist and we have to try and find ways of reducing those obstacles.

Such areas include health, housing, education, childcare, taxation, social security, pensions, vehicle registrations, telephones and banking — I could go on for some time. In this context, we have asked for an examination of procedures in other European border regions. The North/South joint secretariat will support a steering group of officials from OFMDFM and DFA to carry out the study.

4.00 pm

**Mr Weir:** The specific question I asked was what budget is allocated to each of these, and it was not answered.

**The Deputy First Minister:** I refer the Member to the last part of my response. The North/South Ministerial Council's joint secretariat will support a steering group of officials from OFMDFM and DFA in carrying out this study, and there will be expenditure accruing to all of those.

**Mr McMenamin:** I welcome the statement. Will the Deputy First Minister outline what areas of the economy the competitiveness study will encompass, and will he ensure that spatial and regional planning for areas such as the north-west are included?

**The Deputy First Minister:** Both North and South share the objective of developing and sustaining a competitive economy in the face of increasingly wider competition in the rapidly evolving global economy. We feel, therefore, that the time is right to focus on how economic co-operation can enhance competitiveness in both parts of the island. At the North South Ministerial Council, the two Governments, North and South, by mutual agreement and for mutual benefit, asked the sectoral meeting of the trade and business development format to consider the matter and bring forward recommendations for specific action to our next meeting early next year. Some of the crucial areas to be addressed are physical infrastructure to secure energy at an affordable cost, a responsive skill and labour supply, the provision of advanced telecommunications, key components of innovation, research and development investment, supply of venture capital, technology foresight initiatives and regional and spacial planning.

Again, the peripherality of areas which are furthest from either Belfast or Dublin must be considered in all of our forward planning. They affect all of us, and as someone who represents a border constituency, I know that those elements are needed. We should complete this study, discuss it and then try to deal with people living in those border areas.

**Mr Shannon:** I will ask the Deputy First Minister questions on the new tourism company, which he refers to in paragraph 5. The Deputy First Minister has already affirmed that the new tourism company will be located in Coleraine. Can he assure us about where the strategy

and the policy for tourism will come from? Will it come from Coleraine or elsewhere? How many staff from the Northern Ireland Tourist Board will be among the core staff to be located at Coleraine? Will there be equality in the promotion of tourist destinations in Northern Ireland — for example, Strangford Lough? What guarantees can be included in the new tourism company to ensure that Northern Ireland tourism can be promoted suitably, fairly and positively? What will be the breakdown for finance for the promotion of Northern Ireland and the Republic of Ireland?

**The Deputy First Minister:** Staffing will be the responsibility of the Minister concerned. I cannot, at present, indicate those figures, but I will write to the Member to indicate what the Minister dealing with this area will be deciding. I imagine that everyone involved in this company will ensure that Northern Ireland tourist destinations are promoted fairly. Through the Minister representing this Executive and through the new tourist company, we will be insisting that Northern Ireland tourist destinations receive the attention they require and that the North of Ireland tourism will be properly and fairly promoted.

It is not possible to think of tourism in terms of one destination. The worldwide tourism pattern is that people go from place to place. The more tourist companies promoting the whole of the island of Ireland, the more people will come to the North of Ireland. When they do, we will convince them by our services, facilities, and all of the tourist factors we have, that this is a place that they will come back to. That is the essence of tourism.

**Mr McFarland:** In light of discussions on the action needed to remove barriers, what mention was made of the difficulty many in Northern Ireland in seeking jobs in the Republic, if they do not have the Irish language?

**The Deputy First Minister:** I thank the Member for the question. This is one matter that was not discussed formally at the North/South Ministerial Council meeting — it was discussed informally. The regulations in the Republic of Ireland have now changed so that there is a five-year period within which someone appointed within the educational sector would have the opportunity to make themselves sufficiently proficient in the Irish language. It is essential that teachers from the North of Ireland do teach in the Republic of Ireland and vice versa.

We should ensure that there are no barriers to that type of communication. Ultimately, whatever the language, communication is about dealing with new situations and different structures in both educational systems and with the young people concerned.

**Ms McWilliams:** What difficulties does the Minister foresee in informing the Assembly about the agenda of forthcoming meetings? I note that the Minister of Education had to retract a comment he made before the Assembly



in response to the Chairperson of the Education Committee's question if he would be consulting him about the sectoral meeting in that area. Initially, he said he saw no difficulties in doing that, but then he had to report to the Assembly that he could not do that. Does the same apply to the North/South Ministerial Council meetings? Although I receive information on what matters might arise at the next plenary meeting and the report of the two studies that had been commissioned, I am not aware of the form of the agenda. Four parties with Ministers on the Executive Committee would be well informed of what happens at these plenary meetings, but the rest of the Assembly would occasionally like to be proactive rather than reactive to what happens at these meetings.

**The Deputy First Minister:** I stated that the agenda, along with other information, should be circulated to Members in advance. I take the point she makes, which has been made previously. The more communication there is within the Assembly, and between Ministers and the Assembly, the better it will be for the entire process. I will take that question on board and we will look at it very carefully.

I do not think there is a legalistic reason for why this is the case or why not, or a definition of Minister may or may not do. In relation to the sectoral meetings, there are areas of confidentiality in relation to their discussions. I can think of at least one at the moment which could be of enormous benefit to the North of Ireland and I am quite sure the Assembly Member would agree that it should not be dealt with in public, on account of related commercial aspects.

**Mr McCartney:** The Deputy First Minister refers, in his report, to the issue of competitiveness. It states that there was a useful exchange of views between Ministers from North and South. Did that exchange impinge, in any way, on the recent fuel crisis? And did the representatives from Northern Ireland make any case for improved surveillance, by the Republic of Ireland Government, of the enormous amount of illegal fuel — estimated to be 30% of all fuel used in Northern Ireland — which is passing across the border into the North? While hauliers in the North, as the Deputy First Minister will be aware, have to tighten their belts and compete with the relative rates of duty, they ought not to have to compete also with illegally imported fuel, about which the Republic appears to be doing absolutely nothing.

**The Deputy First Minister:** This matter was discussed. It has been raised by the First Minister and myself at every opportunity — at the first plenary session of the British-Irish Council and, separately, with the Treasury in London. The reality is — the Member is correct — that it is the rates of duty which we have got to try to deal with. That is the core element of the problem. I

agree with him that those who are selling fuel in the North of Ireland are being disadvantaged on a daily basis. As the Member knows, this is a matter that does not fall within the competence of the Assembly or the Executive, but he can be assured that it will be raised at every opportunity with those who do have that responsibility.

**Mr McCartney:** The Deputy First Minister should answer the real questions, which he has avoided.

**Ms Lewsley:** I also welcome the statement from the Deputy First Minister, in particular with regard to the mobility study. I ask for his assurance that it will be a meaningful study to the people on the ground and, if possible, could he give us an outline of the timetable of this study?

**The Deputy First Minister:** The study has to be meaningful because these problems are meaningful to people who live either north or south of the border. I listed some of the areas, and I know from personal experience of dealing with constituency issues that these problems can be huge. The difficulty is that you are dealing with two jurisdictions and, if I may say so, two sets of bureaucracy. It is not always easy to resolve these factors.

It has to be meaningful, and a study on its own is not enough. A study should result in proposals, which should, and will come from the study group to the North/South Ministerial Council and to the Assembly. When they do come, it will be for us to judge if they are worthwhile, meaningful and able to contribute to the lives of the people we represent. I believe that on those three counts they will.

**Mr Dodds:** Can the Deputy First Minister please give us the figures that were asked for earlier on to the cost of the two studies mentioned in this statement. It is a straightforward question. Perhaps he could give us a straightforward answer.

Secondly, can he confirm that decisions of the North/South Ministerial Council, whether in plenary or in sectoral form, are incapable of being overturned by challenge in the Assembly.

Thirdly, can he, in the absence of the First Minister — I notice that the Deputy First Minister is on his own today — shed any light on the other key aspect of last Tuesday's events? I know that it was not part of the North/South Ministerial Council meetings specifically, but I refer to the First Minister going cap in hand to ask favours on Patten from the Dublin Prime Minister. I wonder did the Deputy First Minister pick up anything in the corridors on that particular issue? It dominated the news reports, as he may be aware, to the exclusion of reports on the North/South Ministerial Council.

4.15 pm

**The Deputy First Minister:** The Assemblyman is quite right. The focus should have been on the North/



South Ministerial Council. I was not behind the door in making that point. The First Minister and the Taoiseach decided, in their wisdom, to have that meeting on the same day. So be it.

As for the second part of the question, at this point I will not be able to answer it. I will write to the Member and give him that factual information as soon as it is available to me.

**Mr Dodds:** There was another aspect to that question, relating to the ability of this Assembly to either confirm or overturn the decisions of the Council.

**The Deputy First Minister:** I apologise for omitting that. The matters will be agreed, and have to be agreed, within the Executive. That is part of the agreement. Executive business is subject to the Assembly. That is the way in which the Assembly's opinion can be given. The Member is asking a very direct question: can this Assembly overturn a decision made by a Minister, either in sectoral format or in implementation form? I think reference should be made to that through Executive decision. I would welcome him to that Executive.

**Mr Deputy Speaker:** There are no further questions on the statement of the First and Deputy First Ministers.

## LOCAL COMMUNITY NURSING

**Rev Robert Coulter:** I beg to move

That this Assembly calls on the Minister of Health, Social Services and Public Safety to ensure that appropriate funding for local community nursing is available for those patients in acute hospitals for whom nursing care is appropriate, so that bed blocking is removed and consultants can treat additional patients currently on waiting lists.

I bring this motion before the House because of the Health Department's figures on waiting lists for acute hospitals. At present, nearly 50,000 people are waiting for admission to hospital. Moreover, those waiting in excess of 18 months — 12 months for cardiac surgery — now number 6,009 or just over 12% of the total waiting.

The thought of 50,000 people in our community knowing that they require surgery or hospital attention waiting day after day, hoping to get a call to go in to hospital, and day after day being disappointed, fills me with sadness. I ask Members to imagine being told that you have a health problem that requires cardiac surgery. You wait a month, six months, a year, and still there is no call for treatment. Imagine your mental condition as you wonder if, when the call does come, it will be too late. Imagine the agony of worrying, which you endure day by day and the stress on your family. If you have seriously imagined yourself in that position, can you say that the figure of 50,000 people waiting for hospitalisation is acceptable?

If there is one aspect of health provision in our Province that needs to take priority over all other, it is the current problem of bed blocking and its effect on the unacceptably high numbers on hospital waiting lists. The Minister needs to give this democratically elected House her utmost assurance that she will do all in her power to avoid falling into the trap of centralisation created by previous Health Ministers in Northern Ireland.

The trend has been to close the local hospitals and to create acute area hospitals. The arguments for such a centralised strategy are convincing, and I agree that the people of Northern Ireland do not mind travelling long distances to get the acute surgery they require, nor do their loved ones mind travelling to see them in those circumstances. It is waiting for the acute treatment, and the aftercare, that is the problem.

**Mr Savage:** Let me reinforce Mr Coulter's point. The situation in my constituency relating to Craigavon Area Hospital has now reached a critical level. I understand that very little elective surgery is now being carried out at that hospital, and that there are now over 5,000 patients waiting for treatment.

**Mr Speaker:** Order. It is not appropriate for a Member to intervene during the opening speech of a debate to make a prepared statement in regard to it. If the Member

so wishes, he is perfectly entitled to speak in the debate. He can make his point then. We are only at the beginning of the debate. Because of the ministerial statement, our timing has been cut short for today. However, there is no reason why this debate should not continue tomorrow morning as a considerable number of Members want to speak. We have the choice of either cutting Members very short — which I am hesitant to do on a matter on which they quite clearly feel strongly — or continuing the debate tomorrow. I would prefer to continue the debate tomorrow to give all Members the chance to speak. Thus they would not feel compelled to make interventions which are rather close to the wind in terms of the Standing Orders. I ask the Member to restrain himself. If he wishes to speak he should put his name down. The debate will continue tomorrow morning.

**Rev Robert Coulter:** I was saying that the real problem is waiting for the acute treatment, and the aftercare.

When the plan for hospital closures was devised in the 1980s and 1990s, and the services of many others reduced, not enough planning or provision was made for aftercare. Today people can be discharged from acute care much earlier than in the past, but many require 24-hour professional nursing help for days or even weeks afterwards. If this nursing care is not available at home or in the community the patient must be kept in hospital, thereby blocking a bed for another person on the waiting list. In this respect, the Minister needs to give serious consideration to the development of a network of community convalescent hospitals throughout the Province in the main centres of population. There is a pressing need to review the level of post-operation care facilities in their local areas.

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

Very recently, I talked to a general practitioner about the problem of waiting lists, and I am sure that my comments will be reinforced by the Chairperson of the Health Committee. An extension of the problem emerged during that conversation. The burden on the GPs, which is already great, is amplified. Let me explain. A patient goes to his GP, and is referred to a consultant. The consultant is unable to take the patient into hospital because there are no beds available. The patient returns again and again to his GP, asking when he will be dealt with. The GP can give him no assurance, and a tension is created between the patient and his GP, with the patient blaming the GP for negligence. There is also the loss of time experienced by the GP's support staff in answering continual telephone calls, and by the GP himself, as well as the cost, in many cases, of interim medicine. It is vital that the Minister adopts the core principle that when people are sick they should receive the correct treatment in the correct place, delivered by the correct people at the correct time.

The borough of Ballymena is an example of the situation which may arise, and may already have arisen, in many towns across Northern Ireland. When the Waveney Hospital was closed, the people of Ballymena were left without even a minor accident and emergency facility. People with, for example, a cut finger must go to the acute area hospital in Antrim.

If the injury is minor, patients will sit for four or more hours, waiting for attention. Ballymena urgently requires a new purpose-built community convalescent support hospital, in which minor accident cases can be treated by properly trained nursing staff. If the accident was more serious, or if the nurse is in doubt, there should be no hesitation, in this age of tele-medicine, in getting in touch rapidly with the relevant specialist at the acute hospital.

In 1998 the Northern Ireland Health Minister, John McFall, declared that none of Northern Ireland's hospitals would close and that local hospitals would be the cornerstone of the new hospital service. It may be argued, of course, that we now have a new administration and that politicians and civil servants who were not elected by and not accountable to the people of Ulster made those old decisions. We now have a Minister who is accountable, not just to the people of west Belfast but to all the people of Northern Ireland, and civil servants who are accountable to the democratically elected Members of the Assembly.

It is not enough for the Minister to say that she will cut waiting lists: she must outline precisely how she proposes to do that. She must not just say how much money will be set aside to meet the need.

We might also ask how long it will take to remedy the defects. I remind the Minister that media headlines have been warning the community that Ulster's hospitals are already £20 million in the red and that they face a further £20 million-plus overspend in the coming year. Given these grim statistics, I am sure that Members will agree that the Minister and her Department are faced with serious decisions in the days ahead. Perhaps the Minister could begin by cutting the fat cat bureaucracy in the health trusts. The reported payments of around £1 million in so-called golden handshakes are downright scandalous. How many acute beds could have been made available for that cash? The Minister must move with haste to ensure that such a haemorrhage of taxpayers' money does not happen, either now or ever again. She can demonstrate her commitment to the people of Northern Ireland by ending the fat cat syndrome in our health service.

Similarly, in eradicating the bureaucratic duplication in our health service, it will be necessary for the Minister to ensure that an effective health policy is devised and implemented and that it is lean and efficient. Much-needed finance for patients' requirements can be obtained by eliminating some of the levels of bureaucracy in our health service. Practically speaking, this may be achieved

by scrapping the administrative duplication of the health boards and health trusts. We now have our own Department of Health, Social Services and Public Safety. Do we need those fat layers of expensive administration? Do we need four boards, 19 trusts and I do not know how many layers of administration underneath all of that? The Minister should ensure that everyone, and in particular the elderly, regardless of race, class, creed or wealth, should have an automatic right to proper medical access. It has been a disgrace to this generation that so many elderly people have had to sell their possessions and give up their savings to qualify and pay for such care. They have paid their health contribution all their working lives and now they are being made to pay again for a service that they were assured would be free.

Do we not feel somewhat ashamed that we have not acted before now to rectify that wrong? It is time we recognised that, just as our education system is being threatened by the American-style pay-as-you-learn mentality, we must not allow our health system to adopt a pay-as-you-heal approach to the needs of our people.

The guiding ethic of funding for local community nursing must be health first, not wealth. The elderly — indeed, every section of society — should be able to look on our Health Service as a welcome provider, not a bureaucratic piranha. In view of the seriousness of the situation and the great number of people affected, I call upon the Minister and every Member to support the motion. It is something which affects, or which will affect, us all sooner or later.

4.30 pm

A short time ago I received a call from a constituent in North Antrim. The young woman had weighed 18 stone and, with great willpower, reduced her weight to nine stone. However, this created a problem. The abdominal skin was too slack and was hanging in an uncomfortably large pouch. Her GP referred her to a consultant, and she has been waiting for over a year for an interview. She does not know when she will be called, and her doctor can give her no further information. She cannot go to social functions, she cannot purchase new clothes to suit her slim form, and she is now suffering from depression as a result of the delay in getting a minor operation. On top of all that, her family is suffering because of her suffering. The whole system is wrong and needs to be reviewed.

I beg the Minister to set in motion a review group, accountable to the House and containing Members of the House, to look at the problem of bed blocking and the difficulties which arise from it. I hope that every Member will agree that such an initiative should be progressed in the immediate future; I am sure that all of the 50,000 people on the waiting lists for our hospitals will plead with us to do so.

**Ms Hanna:** I welcome and support this motion. Having worked, as a nurse, in the assessment of domiciliary care, I recognise the urgent need for the debate. It is particularly timely because today is the first working day of the new human rights legislation. From now on, citizens will have rights, not just liberties. All public bodies, including acute and community health trusts, will be required to ensure that equality of opportunity is central to their work. Patients will be able to challenge decisions in court if they believe that their basic human rights have been breached.

I do not like the term “bed blocking” as it can conjure up a picture of an elderly person taking up a really sick person’s bed. We do not have properly resourced care in the community. The people who require care when discharged from hospital cannot get it. Primary care in the community must be fully resourced and carried out by well-trained professionals. The financial resources are not in place to provide adequate care for patients — especially elderly patients in the community.

I acknowledge that there are many conflicting priorities for the Health Minister’s budget, but we need a hierarchy of priorities. We need to know the Minister’s view on this. We are all aware that we have a rising elderly population; in the next 20 years one in four of our population will be classed as elderly. In South Belfast we have the highest proportion of elderly people in Northern Ireland. We urgently need an assurance from the Minister that finance for care in the community will be ring-fenced, because it has a history of losing out to the acute sector. Care in the community can no longer be the poor relation — we must have an equitable distribution of funding. We know that most health care takes place in the community, and a more equitable relationship and better communication with the acute hospitals would give more efficient service all round. It is also important to recognise the amount of voluntary care provided in the community, particularly that provided for elderly and frail relatives by family members.

We are only beginning to recognise the huge contribution they make, and we must look at ways of recompensing them adequately for the care they have provided. I welcome an innovative pilot scheme conducted by the South and East Trust, which guarantees an eight-week period of domiciliary care for patients suffering from chronic illness who have high levels of dependency.

This means, for example, that patients who have suffered a stroke can have an eight-week period to decide whether they want to stay at home or go into a nursing home. Patients are extremely vulnerable and may not make appropriate decisions when they are very ill.

The Government did not fully accept the Royal Commission’s main recommendations there on long-term care. Differentiating between nursing and



personal care is not sustainable. If an elderly person is ill in hospital with cancer, all care is free at the point of delivery, and rightly so. Why should it be any different for patients who require care in the community?

We must ask ourselves whether it was a wise decision to close most of our statutory homes. If we are going to use nursing homes for interim care, for care between hospital and returning to the community, they must be geared towards the rehabilitation of patients and the encouragement of independence. This would entail a lot of specific training as well as a culture change, but if we are to start to meet the challenge of caring for a large elderly population, we must start thinking creatively around this.

Private homes must also be well monitored to ensure that they provide the highest standards of patient care. Every winter, there is media coverage of increased hospital admissions, particularly among the elderly.

Community services are active throughout the year, not just in times of crisis. They are the first bodies to take action by helping and supporting people in their homes, and by helping to prevent unnecessary hospital admissions. This in turn keeps beds free for those admitted with an acute illness. The elderly must be among these admissions, and there must be acute, geriatric beds in all our general hospitals. We need to move away from the idea that the elderly are taking up beds which they should not be using. They are equally entitled to acute hospital beds.

All this provision requires resources — an integrated twin-track or dual strategy, which involves proper resourcing of both community and hospital care. This would provide us with the comprehensive health and social service care that people have a right to expect.

**Mr Berry:** I thank Mr Coulter and Mr McFarland for giving us the opportunity to debate this motion today. It draws to our attention the issue of waiting lists and suggests that bed-blocking is the main factor.

As the entire country knows, our waiting list problem is the worst in the United Kingdom. Sadly, it is a growing problem. According to Health Service figures quoted by Mr Coulter, over 50,000 people in Northern Ireland are on the waiting lists here.

Sadly, there are just two options for patients in our Health Service. They can die or be cared for privately. Our constituents often contact us to complain, not about funding but about the serious problem of the cancellations of their operations. Appropriate funding is important, but the Department of Health, Social Services and Public Safety and the departmental Minister must take an overall look at the strategy and structure of the Health Service. At present, Health Service officials are running around like headless chickens. You can pour millions of pounds into the Health Service in Northern Ireland, but the proper

structure is not in place to manage the crisis affecting today's society.

Over the past year, the Minister of Health, Social Services and Public Safety has issued four press releases in which she announced initiatives to deal with the waiting lists. She issued a statement in January in which she vowed to deal with all these problems, but nothing concrete happened. She repeated herself in June when the figures rose again, and so far her initiatives have failed to accomplish anything. The continuing rise in waiting lists shows that. We see some 600 cardiac patients on a waiting list. We see people lying in hospital for at least two weeks before they get fracture operations. We could go on citing examples. When we see this and nothing is being done in the hospitals about it, we can come to only one conclusion: that the Minister of Health, Social Services and Public Safety is not up to tackling this problem.

Certainly we need an assurance from the Department that appropriate funding is being provided. Another part of the problem is the cancellation of operations. The rate of cancellation is alarming; indeed, there are times when it reaches almost 30%. I can think of one constituent who phoned one of the hospitals in Belfast to see if his operation was set to go ahead the following day only to be told "Sorry, but your operation has been cancelled." He had to make the call himself to find out exactly where he stood. Patients are continually fasting for operations only to be told the next day that their operations have been cancelled. This can occur five or six times before they get their operations.

This is a matter that the Minister needs to look at urgently and, I hesitate to say, review. Until now, all we have been getting from the Health Department the Minister is one review after another. Next, we will find that the review itself is going to be reviewed, and I dread to think what will happen after that. It frightens me to think of the money that is being wasted in the Health Service at present. The acute hospitals review group that has recently been set up is another waste of money. The chairman receives £400 per day when the review group is sitting, and the other members receive £200 per day. Why not go back to the 'Fit For the Future' document which included starting points and parts which could have been implemented in full? The Health Department and the Health Minister are wasting a lot of money that could be used for such services as community nursing.

The motion also draws the issue of resources to our attention. This too is a big problem, but there are many instances when resources are wasted. Look, for example, at the thousands of pounds being frittered away on the Republican gravy train in the Minister's Department. It has spent over £25,000 to date on the Irish language.



In other words, the political agenda matters more than the Health Service. The cost of the Minister's political agenda would supply the very nurses that the motion calls for, and in the motion she should have been condemned for putting herself before the Health Service. Let me underline that: she puts herself before the health of the community in Northern Ireland.

What sacrifices is her Department making to demonstrate her interest? Where are the announcements that her Department is cutting back to free up these resources for the nation's health? There are none. What we get instead is ever-growing expenditure on her political agenda. If the people want to know why there are not enough resources to supply the nurses that are needed, they must look to where the money is being spent by the Health Minister: on double advertising, on cross-border trips, and so on. The list goes on, and all around the Minister of Health there is pure wastage.

4.45 pm

These are not the actions of a Minister of Health, Social Services and Public Safety but of someone who has other interests at her heart and at her door. It is important that appropriate funding be provided, but there must also be a proper strategy and proper structures to take forward this health service. At present, it is in dire straits, and action must be taken as soon as possible.

We often overlook the tremendous work done by local GPs and nurses on the ground, who are often stressed out — although we should not be surprised at that. I am sure that everyone in this House would like to commend the tremendous work done by all the local medical staff. We are aware of the dire straits they are in and the difficult times in which they find themselves. Often their hard work and dedication goes unnoticed. As a House, we must commend — and I have no doubt that Members will commend — the staff, community nurses, local GPs and the members of staff, including the medical staff, in the hospitals in Northern Ireland.

As local representatives, we must not only ensure that proper and appropriate funding is supplied for community nursing and other parts of the health service, we must also strive to do our best to lobby and ensure that the proper structures are delivered to the Health Service in Northern Ireland. If this does not happen, things will get worse — perhaps out of hand — in the days ahead.

**Ms Ramsey:** Go raibh maith agat. While I too welcome the ethos that underpins the motion put forward by two of my Colleagues on the Health, Social Services and Public Safety Committee, part of me believes that it has been poorly thought out.

I agree — and I am sure that those who have yet to speak will concur — that there is a need for community

nursing to be properly funded, but nobody should be under any illusion about the current state of the health service. Everyone in this House, in the Health Service and in the community knows that we have a serious problem in the hospitals throughout the year and that it peaks in the winter months when there is much media publicity.

I agree with Rev Robert Coulter when he says that to have 50,000 people on a waiting list is unacceptable and that it should not happen. But to think that these problems can be addressed solely by calling for appropriate funding for community nurses shows a lack of understanding of the causes of the problems. Community nursing certainly has a role to play in tackling the problem, but does the motion refer to health visitors, district nurses or school nursing? The problems in the acute sector are broader than just community nursing; they are about community care and acute care, and a balance between them is needed.

I also welcome the Minister's recent statement and the budget proposals that she brought forward, in which she pointed out that an additional £274 million was needed. That money will not sort out the Health Service's problems. It will only make a start, although £274 million will make quite an impact.

The years of underfunding by previous British Ministers needs to be raised, and the Barnett formula that is used to calculate and distribute funding needs to be examined. I do not think that it has worked for many years, and it has had a damaging impact on the health service — an impact which all of us witness every day.

Members pointed out the various problems in their constituencies. The financial allocation is only 54% of the amount that is allocated per head of population in England. That is an overall shortfall of 46%, so where is the equality of opportunity? There are also other areas in the Health Service where we are being short-changed.

I agree with Mr Coulter that the golden handshakes that have been given to chief executives in the Health Service, when viewed alongside the serious underfunding of that service, send out a completely wrong message to people who are on a waiting list for an appointment. They see the chief executive in their trust board area getting loads of money and, at the same time, whistling 'Dixie'.

That is a serious problem. We must look at where the money is not coming from, and especially at the Barnett formula, because the underfunding is serious, and 46% is not to be sneezed at. It will make a great impact if we achieve even the English per-capita level. People should not merely call on the Minister to provide appropriate funding, for we must tackle the issue on another tier and call on the Department of Finance and Personnel, its Minister and the Executive to argue that additional money be made available. In this way, underfunding in

our hospitals and the problems of community nursing can be tackled.

We must also deal with delayed discharges, bed capacity in hospitals and the shortage of additional nursing, which have already been revised. It is very hard to get nursing staff. We must tackle the issue of primary care, and preventative work must take place to ensure that fewer people end up needing acute services. While I welcome the ethos of the motion, the Assembly and those who moved the motion should support the Minister in her fights and arguments for additional money for the Health Service as a whole. None of us agrees with the idea of taking money from one service to prop up another. The entire service must be properly funded. Mr Berry said that the Minister wanted to follow a political agenda. Health should not be a political agenda, for health is the only thing which affects each one of us, whether sitting here or out in the community. Be it underfunding of hospitals or children's services, a health issue will affect everyone of us in our daily lives. Once again, I wish to say how I welcome the ethos of and the thinking behind the motion.

**Mrs Carson:** I support the motion before the Assembly today which ask the Minister to ensure appropriate funding for local community nursing. I must agree with what Mr Berry said about our enormous debt to the staff in local hospitals, general practitioners and community nurses. Nothing said here today is intended to be detrimental to them. It is the system under which they are forced to work that we are critical of.

It is simple to call for more funding. From the very beginning of the Assembly, there has been a cry for funding from every Department, and the Minister herself has told us that central funds have underfunded health. The Department of Health, Social Security and Public Safety is a bottomless pit, and money will not put it right. The Health Department has grown. If there was a problem over the years, the remedy was to form a committee. This part of the United Kingdom, with a population of 1,600,000, has a proliferation of boards, trusts and quangos, all with extremely well-paid senior staff doing administrative work that could be done centrally.

We are all too aware of the problems facing health services, and particularly acute services. My area has seen the demise of the South Tyrone Hospital. I use the term "demise" although the closure has been deemed temporary, for who has ever heard of temporary death? This "temporary" closure has placed tremendous pressure on Craigavon Area Hospital. Last year, in the midst of the winter crisis, South Tyrone's doors had to be opened and the hospital fully utilised, since Craigavon Hospital could not cope with the bed shortage. I have heard that, over the summer, beds have been removed from South

Tyrone. We have even been told that they have been sold, although we are not quite sure to whom.

This morning I received a letter from Craigavon Area Hospital Group HSS Trust. It is a horror tale of disaster, and I do not know how the people of Northern Ireland, and south Tyrone in particular, are going to cope with it. They catalogued their problems with South Tyrone Hospital. It is going to be utilised again and the beds have gone — they are not even in the building. Will we see patients lying on the floors of South Tyrone hospital, in Third-World conditions?

The Minister announced her acute services review group in August, conveniently during the recess. The review group sounded good. It showed that she was doing something. However, she was only using the method for dealing with problems that has always been used in this particular area of the Health Service — by forming another committee. The remit and the language used in her announcement was woolly. It took me six weeks to elicit a reply to my concerns. I obtained details of the membership and pay of the group from the Minister. It will be £2,000 per day for 50 days — that £100,000 could be better spent on community services.

If our Health Service needs critical appraisal to sort out this bed blockage, why were the chief executives and the administrators, who have all the information and statistics at their fingertips, not brought together to initiate a think-tank to sort out the hospital crisis? They are the people, along with senior civil servants, who have been running the health service during direct rule. We cannot blame British Ministers, and our Minister is only doing what she is told. The responsibility to sort out this mess is being diverted to another quango, wasting even more money in the process. If the Minister wants to do something, why can she not make sure that the administrators are doing their job in the first place?

A Department think-tank could have reported to the Health, Social Services and Public Safety Committee — a body that seems to hear about events or decisions only after they happen. If the proper sequence had been followed, the Committee could have reported the findings from the think-tank to this Assembly. The Civic Forum — another super-quango — could have its first debate on the subject of local community nursing. It would greatly interest elected Members to hear its suggestions.

Last week at Question Time the Minister implied that I was pursuing her for an answer to the different questions I have raised about expenditure because of her political affiliation. That is totally untrue. I was making representations for the people of Fermanagh and South Tyrone, regardless of race, religion or creed, and urging the Minister to ensure the efficiency and effective running of the Department. I urge the Minister to fund the necessary home care programme to eliminate the pressure of bed blocking in hospitals.

Today's letter from the Craigavon Area Hospital Group (HSS) Trust says that their ability to meet demand for services is now critical; that the demand on urgent admissions has been unrelenting all year; that GPs cannot get patients into hospital without first sending them to accident and emergency; and that demand for services far outweighs available resources.

The letter also says that, despite all the discussions regarding contingency plans for dealing with winter pressures, which were required by the Minister, the trust is no further now on than they were this time last year. This is an indictment of the Northern Ireland Health Service. It is a total disgrace.

As regards bed blocking, we in Fermanagh and South Tyrone do not have enough beds — the people will be on the hospital floors this winter. It is imperative for the well-being of the people in my constituency — indeed, in Northern Ireland — that this problem be treated with urgency. Somebody has to do something to get this bed blocking sorted out, once and for all.

I support the motion.

5.00 pm

**Mr Deputy Speaker:** I have been fairly indulgent in allowing some Members to stray from the content of the motion, and I must ask others to bear that in mind.

**Mr O'Connor:** I support the motion moved by Mr Coulter and Mr McFarland. As Mr Coulter pointed out, there are four boards and 19 trusts for 1.6 million people. We are overburdened with bureaucracy. He also mentioned the £1 million in golden handshakes given out to certain trusts' executives, as detailed in a report by the Comptroller and Auditor General last week. I refer Members also to the previous report, in which the Chief Executives of these trusts gave themselves whopping great pay rises, and bonuses on top of that, which were then consolidated into their pay.

The reality is that there are people at the bottom end who are out doing the spadework on a daily basis, while these chief executives get five-figure pay rises — which is more than the former earn in a whole year. The chief executives give themselves a rise and a bonus and consolidate it in so that they get it again the following year. A lot of money is being wasted at present. Non-executive directors receive over £1 million in bursaries, or whatever the correct terminology is. How much money does it cost to employ a nurse? Starting off at £12,500, that would pay for 80 nurses for a start. Do we really need this bureaucracy?

Ms Ramsey mentioned the need for more money in the Health Service. We agree. However, savings could be made with the money that is already there. We need to look now at this issue in a completely new way. We have democracy. We have a locally elected Minister. We

have a Health Committee. Do we really need 19 trusts and four boards in the future? I believe that we do not and that that money could be much better spent on providing the type of care we are talking about.

I know from my own experience the truth of the part of the motion that says

“and consultants can treat additional patients currently on waiting lists.”

It is a sad situation when a person goes to visit a consultant and is told that he will have to wait 10 months for an operation. However, if he had £1,800, that same consultant could take him into a National Health hospital and operate the following week. That is totally wrong.

Also, in the community sector, people are going into hospital for gall-bladder operations, for example, and they are out in two days. That places additional strains on GPs, nurses, occupational therapists and physiotherapists who have to come to these people's homes to care for them. For people who have had strokes, speech therapists are also required. We need to look at how we can provide a better service. There are examples of best practice operating in England.

In the Exeter area there are a number of community hospitals. This may well be a model of best practice where, with the type of innovations suggested earlier, people will be able to have their operations, move to the community hospital closest to their homes and be visited morning and evening by their GPs. A nurse-manager would also look after them. Larne has lost its hospital. We were given all sorts of promises about developments at Antrim Hospital, but these promises have fallen through. We cannot even get public transport to the hospital. We need to bring care back to local communities because people prefer to be near their families. We can get the services we need at community hospitals.

In the City Hospital a fortnight ago, a person who had had a heart bypass the previous day was put onto a chair because the bed was needed. He sat on the chair all day because there was no ambulance available to take him to Antrim Hospital. That is the sort of thing that is happening in the Health Service in Northern Ireland now. Something has to be done about this. I hope the review group that the Minister has set up will address these problems.

While we appreciate the need for extra funding, throwing money at things is not always the answer. It is important to take a complete look at what we are doing and how we are doing it. In future, as the population of this country gets older and life expectancy increases, there will be more elderly people who will continue to need community support. Sometimes it is not just about the money — sometimes they cannot get enough people to provide the services.



I support the motion. I hope we will start to see changes shortly, because the people expect to see them. They expect us to deliver change. We need to set our spending priorities. Earlier it was suggested that you cannot take money from one service to prop up another. Further, we cannot take money away from one Department to prop up another. We need to have a realistic approach to these problems. We need to examine whether the money currently in the Health Service could be better targeted to provide the type of care that people in Northern Ireland need and deserve.

**Mr Deputy Speaker:** The Speaker's Office has allowed a further hour for debate tomorrow morning. All those people who have put their names down will be given the opportunity to speak. I will be calling people strictly according to party strength.

**Mr Neeson:** On a point of order, Mr Deputy Speaker. Normally in a debate the Speaker goes round all the parties. Is this a new practice for the Speaker?

**Mr Deputy Speaker:** There is no new practice. The method has been used since the day the Assembly began.

**Ms McWilliams:** On a point of order, Mr Deputy Speaker. It is news to me also that you have departed from this. I raised this earlier in the debate. It has been the custom for all the different views — particularly for the views of those who consider themselves to be in Opposition — to be represented. The Speaker has used a protocol whereby he goes round each party first, before considering party strength. This is particularly important when four of the parties are represented in the Government.

**Mr Deputy Speaker:** I assure you that a further hour will be given tomorrow and that all parties will have an opportunity to speak.

If we continue this we will create difficulties for ourselves.

**Ms McWilliams:** Further to that point of order, Mr Deputy Speaker. You may not have understood the point. There is not going to be a debate if you continue to call only the parties that are represented on the Executive and leave those parties which consider themselves to be in opposition to the last. By that stage, I imagine, many Members who will already have spoken in the debate will have left, and the differences that we have will not be dealt with.

**Mr Deputy Speaker:** All the parties present will be given the opportunity to speak this afternoon.

**Mr Kane:** In support of this motion I am compelled to inform the House that without a considerable increase in funding for community nursing and the accompanying care packages, we are risking the danger of triggering what is potentially a disastrous chain of events. Bed

blocking is the first consequence of underfunding. I am sure that everyone knows what that is, as it has unfortunately been around for some time. The term refers to non-acute patients who must remain in hospital because there is a lack of resources to care for them at home or to allow them to be placed in private residential or nursing homes. A further demand is often placed on Health Service resources. While in hospital these patients can contract infections, such as Methicillin Resistant Staphylococcus Aureus (MRSA), which increases the demand for scarce medical beds.

The second stage in this chain of events is that the system becomes so overloaded that there is an overspill of medical patients into surgical wards. This not only hampers the delivery of surgical procedures but also increases the risk of the super-bug infection through these medical outliers.

Ultimately, as a result of continued underfunding of community nursing and the accompanying care packages, we may arrive at a point, particularly during peak demand, when the Health Service is so inundated that it fails to deliver. We only have to cast our minds back to the bed crisis at the beginning of the year. By way of illustration, in my health trust area there is an estimated six-month waiting list for placements in nursing homes for non-acute medical patients.

The story is similar for care packages involving community nursing. I call upon the Minister and her Department to increase funding immediately and make community nursing a reality rather than an ideal. I unreservedly support the motion.

**Mr M Murphy:** Go raibh maith agat. I support the ethos of the motion. It is important that appropriate funding for community care is available, but let us make sure that it goes to the services most in need to maintain proper health care. Patients in acute hospitals must have an accessible, acceptable, efficient and effective service delivered as close to them as possible. Those services must be convenient, effective and efficient in delivering the fundamental right of access to health and social care. Waiting times should be short for outpatient appointments and for admissions to hospitals. Emergencies should be dealt with immediately, and urgent cases should not have to wait for treatment, with proper nursing care. Patients and their relatives should find it easy to understand how the Health Service works.

At the same time, the service must have sufficient caseloads to establish and maintain the expertise of services and staff. Services should facilitate further staff training, and we should aim to maintain the pool of locally qualified and suitably trained staff who are able to deal with the vast bulk of patients concerns and needs.

5.15 pm

We have to ensure that the quality of service is maintained. More routine procedures should be provided



locally, which would provide local community nursing for patients in hospitals and in aftercare. In order to maintain the service that is required, appropriate funding needs to be given to the Minister of Health, Social Services and Public Safety, and £274 million should be forthcoming from the Minister of Finance and Personnel. Go raibh maith agat.

**Mr McCarthy:** I support the motion. This afternoon has been interesting in that three of the major parties have said publicly that they would do away with the boards and trusts. That is either a new way forward or hypocrisy, for it is the first time I have heard of that policy. I hope that when the next election comes round those parties will put that policy to the people.

For far too long many of our people have had to suffer totally unnecessarily because past authorities did not, or could not, provide the appropriate funding to carry out the Government policy of care in the community. We heard recently of vast sums being paid out of the health service budget to senior officials in the form of retirement or redundancy payments. There was a public outcry, and rightly so. Rev Robert Coulter has already mentioned that. Perhaps if less money had been paid to those officials, there might have been money available to enable convalescent patients to vacate their hospital beds and return to their homes and community to be looked after and properly nursed back to health. That would have freed hospital beds for new patients. We have all heard about patients having to lie on trolleys for hours on end, and in many cases they cannot be admitted to hospital at all because of the severe lack of beds. There is still a big bed blocking problem. Our hospitals and authorities should be ashamed of themselves because of that intolerable situation.

We must have proper funding, including the resources to recruit and retain professional staff such as occupational therapists, physiotherapists, social services staff and many others, so that the Government's policy of care in the community can be properly carried out. Any new resources must be on a recurring basis.

We are all aware of the disasters in hospitals, surgeries and elsewhere last winter. The Assembly should act now so that there is no repetition of last winter's fiasco. The health of our community should be the number one priority, and I support the motion.

**Ms McWilliams:** First, I would like to take up a point raised by Mr Berry, who unfortunately is not now present. He seemed to be incredibly critical of our Minister of Health, Social Services and Public Safety. He attacked her for not having made enormous changes in this area. Despite what I said earlier about parties in opposition, I am with the Minister on this issue. We cannot sit as responsible Members of this Assembly and put the entire blame on our Minister.

I have several reasons for saying this. In 1992 the British Medical Association (BMA) said that community care funding should be ring-fenced and sufficient to allow the most appropriate use of NHS resources. The BMA also said at its meeting in 1992 that it was concerned about the inadequacy of provision for community care for vulnerable groups. It urged the Government to develop protocols to promote co-ordination between the various agencies involved, to provide adequate resources and to monitor the process. In 1995 the BMA again expressed grave concern about the arrangements for the long-term care of patients, the ambiguity surrounding the finance of long-term care, and ageist attitudes towards the provision of healthcare funding for the elderly, encouraged by the competitiveness of the NHS.

At the 1996 meeting the BMA said that the problem of hospital bed blocking by patients awaiting social services assessment needed to be addressed urgently. In 1997 the association demanded that there be no premature discharge of long-term institutionalised patients into the community without adequate resources and support, in 1998 it said that it wanted the underfunding of community care services to be urgently addressed by the Government.

The only issue that applies is the BMA's 1999 statement that the Government should implement rapidly and in full the recommendations of the Royal Commission on long-term care for the elderly.

Therefore Mr Berry should look back over the years and check what has happened with regard to underfunding, and he should look at the criticisms voiced and the crises that have occurred in the interaction between acute hospitals and community care.

I will return to the matter of the elderly, but for the moment I will move to another issue. When Mr Coulter put down the motion I am sure that he did not intend our focus to be simply on the elderly; indeed he emphasised that in his opening remarks. The need for more specialist nurses in the area of child and adolescent mental health also needs to be urgently addressed. It is a tragedy that in Northern Ireland there are young people in adult psychiatric wards.

We also need more nurses — midwives in particular. They have to cope with an increasing workload from patients who are discharged earlier and earlier from the maternity beds. We know that there has been a reduction in in-patient maternity beds over recent years, but I do not want to revisit that dispute.

Good-quality innovative practices could be introduced to address some of the issues. One of these innovative practices would be to increase the number of specialist nurses who are empowered to prescribe. A Touche Ross consultancy report shows that this would save £20 million. I assume that this is a UK figure — it would be good to see the figure for Northern Ireland. It

would be beneficial if health visitors, and district nurses in particular, were increasingly able to prescribe, and I am glad that we are moving in that direction.

I also note from this report that £7.3 million could be saved from GP time if nurses were able to prescribe. A 24-hour nurse telephone consultation service known as NHS Direct is another proposal from the Royal College of Nursing. The British Medical Association, the district nurses' and health visitors' associations and the Royal College of Nursing are all at one on this issue.

The South and East Belfast Trust gives some idea of the direction that we could be moving in. It has a rapid response service which is in operation 24 hours a day, seven days a week. It has catered for 2,000 seriously ill local people in their own homes, and it is argued that only 0.1% of them required a planned admission as a result. In other words, 99.9% have been successfully treated at home and have avoided admission to hospital.

I agree with the old slogan that Gardiner Kane mentioned (and it is sad when you think about it) — "The operation was a success; it's too bad the patient died." This is particularly relevant, given the increased incidence of the hospital-acquired infection MRSA.

From personal experiences reported to me by constituent, I know how demoralising it can be when people are moved into hospital and out of their familiar environment. If they are in hospital for a long time, it is hard for them to regain their independence when they return home. We should remind ourselves that the elderly have contributed to society and it is our responsibility to give them dignity and the quality of services that they require.

I remain very concerned about the deficits in community care budgets. I know that the Minister has addressed the issue in her current bid. On the Health, Social Services and Public Safety Committee, I urged her to earmark funds. Year after year those funds are raided. One in six delayed discharges is due to lack of alternative care arrangements. Let us save the money, rather than make it an increasing economic problem. We need to get the services in the right place. We have also heard today that some of the problem is due to boundary disputes. I remain extremely concerned about the allocation of funding for addressing waiting lists and for community care. I gather from the Eastern Health and Social Services Board minutes for August that the money had still not been allocated at that time.

**Mr Beggs:** We all know that waiting lists in Northern Ireland are unacceptably long. In my constituency, which is covered by the Northern Health and Social Services Board, it is worse than average. The board area covers 24% of the Northern Ireland population, but it now contains 39% of what the Health Service describes as excess waiters. I should explain that an excess waiter is someone who has been waiting more than 18 months

for elective surgery. I would also like to highlight the unacceptable fact that 1,190 patients from the Northern Board area have been waiting on these lists for between 12 and 18 months for elective surgery, according to the July 2000 figures.

In assessing the gravity of the situation, we must bear in mind that these waiting lists are the final stage. First, patients have to queue to see the consultant. Then they have to queue for tests, X-ray, MRI or blood tests. Then they come back to see the consultant, and when they are diagnosed they join the final waiting list. So people in Northern Ireland could be waiting two to three years, or even longer, on waiting lists for urgently needed treatment.

Although everyone supports additional health spending, there is a need to ensure that the money that has been allocated is wisely spent. Members have referred to areas where there is a need for improvement. The motion identifies one area, and I agree that there may be other target areas. The bed blocking referred to in the motion is a result of the lack of a health policy in Northern Ireland. Why does the money not follow the patient? Why is money not automatically available to patients who have finished their acute hospital treatment and are ready for discharge into local community unit nursing care? I do not understand. One of my constituents was pressed for seven weeks to organise the movement of her husband from an acute hospital in Northern Ireland, although no funding was available from the local health board and she did not have private money to finance it. She felt that she was blocking a bed and that she was at fault. It was not the patient's fault. The fault was with health policy in Northern Ireland. It is staggering that this happens when we are supposed to have an integrated health and social services system.

5.30 pm

Such instances have an impact on the Health Service, the community and, indeed, the individual family involved. In this case a senior citizen was placed in an unnecessary stressful situation. She was also forced to make daily lengthy journeys to visit her husband in the acute hospital in Belfast, rather than much shorter journeys to the local nursing home.

When we consider the effect of this situation, there is also a cost to health management involved. In reply to my letter of 14 August the Health Minister advised me that treatment in an acute hospital such as the Belfast City hospital costs the Department £665 per week, whereas treatment in a nursing home costs £333 per week. On a simple economic basis, money should be following the patient to a more conveniently located nursing home closer to the home and family.

Patients are being faced with unnecessarily lengthy stays in acute beds when nursing care closer to the family is more appropriate to their needs and would cost half the price. It has been estimated that approximately

50% of patients in some wards are awaiting relocation to nursing homes. If that is the case you can begin to appreciate the unnecessary waste of public resources that is leading to this problem.

I wrote to the Health Minister about the number of patients in the Northern Health and Social Services Board area awaiting discharge from acute hospitals. I was advised that in February this year 145 people had been waiting for more than three weeks for such a move. Of that number, 88 had been waiting because of a shortage of community care funding. There is a clear need to address this issue and I will be listening closely to what the Minister has to say.

Patients are being stranded in expensive acute beds and there is need for a policy change. It means that others needing urgent treatment face prolonged waiting periods, and that consultants are not seeing the patients who need their attention. Consultants are inspecting patients who no longer require their expertise and who simply need community care nursing.

As regards waiting lists, I had one constituent who, while waiting for urology treatment, was forced to make 20 visits within a six-month period to the emergency services because of the painful situation that he was in. That was due to a waiting list. Another elderly patient was denied specialist antibiotic treatment for two weeks because no bed was available.

The Minister, in 'A Framework for Action on Waiting Lists' is still talking in vague terms. Under the heading 'Management Action' the health boards and trusts have to develop waiting list action plans. Come on. The time for developing action plans is past. What have they been doing? What do they do on a weekly and monthly basis? Surely this is something that should have been addressed constantly?

The situation requires firm decision-making and clear direction to ensure that beds and resources are used efficiently and that funding is available for nursing care, which will then enable consultants to treat those on waiting lists.

For too long the focus has been solely on the acute services. The community health care sector clearly interacts with elective surgery and I urgently ask the Minister to address the lack of funding for community nursing as part of the solution to solving the unacceptably long waiting list.

I support the motion.

**Dr Hendron:** I am very pleased that the Minister is present for this important debate. I wish her well in making her bid within the Executive for proper resources for health and social services for the people of Northern Ireland.

I also want to congratulate Rev Robert Coulter and Mr McFarland for bringing this very important motion before

the Assembly. I note the comments made by Mr Coulter and other Members on waiting lists. Almost everyone in this Chamber could go on for an hour on that alone. However, I am very conscious about using my medical and public representative hats. We find this right across the board, not just in cardiac surgery but in dermatology and psychiatry. People who require outpatient appointments may not be seen for several months, and even then the appointment may be cancelled or postponed for another couple of months.

The Comptroller and Auditor-General's report is amazing. I think that many of us were aware to some extent that these things were happening, but we did not know the figures. It is morally wrong that people who leave the Health Service and are given a pay-off can then take up a new job in the health service here or elsewhere.

I look on the community nurse as the very bedrock of the Health Service in Northern Ireland. They are dedicated professionals who are overworked and underpaid. I totally support what most Members, especially the proposer of the motion, have said in this discussion about bed-blocking, waiting lists and community nurses. You cannot talk about community nurses in isolation; Ms Ramsey and Mr Berry made that point very strongly. You must also include the other primary-care professionals. We need a multidisciplinary approach to the delivery of primary care, which would be in the best interests of the public in Northern Ireland. We need a radical change, not only in the resourcing of community nursing, but in the resourcing of primary health care, guaranteed quality parameters and financial accountability.

Reference was made to the Royal Commission on Long-Term Care for the Elderly. Some of us recently met with Prof Robert Stout, Professor of Geriatric Medicine at Queen's University Belfast. While some of the recommendations of the Royal Commission on Long Term Care of the Elderly have been carried out, the most important have not. Again, a quality multidisciplinary approach in the care of the elderly would make sense.

We need an integrated primary-care service. I welcome today's debate — first, because of the importance of the community nurse in the Health Service and, secondly, because of the wider debate on the future of primary care which is now taking place and which will increase in pace over the next few weeks. Reference was made to 'Fit for the Future'. I appreciate that the Minister started out with a clean slate. She also has the benefit of the massive consultation which took place across this land over a couple of years and led to 'Fit for the Future – A New Approach'. I mention that in passing. It is very important that the Minister has asked for people and groups, including the Assembly's Health Committee, to respond to her.



We need an integrated primary-care service with appropriately resourced primary-care teams. The community nurse would play a pivotal role in such a team, and esteem between disciplines would be essential. The aim of health and social services in Northern Ireland should be to enable people who live in the community to receive as much care as possible at home or in their own locality if they so wish. Secondly, specialist services should support these services and provide responsible consultancy advice to patients should they remain at home.

The debate is about waiting lists, discharges from hospitals and community nurses. It is therefore relevant to make reference to the debate that is going on at the moment on Muckamore Abbey. As Members know, there is a move to discharge many of the people there into the community. Friends and parents of patients in Muckamore raised this when I paid a visit there on Thursday of last week, and I know the Minister has recently been there.

The point was made, very strongly, that community care is totally under resourced at the moment. How can friends and relatives be confident that patients in the secondary settlement wards, when they are discharged into the community, will be looked after as well as they were in the hospitals? This being Human Rights Day, I should say that the principle is for people with a learning or physical disability, or who are elderly, to stay in the community. Those who look after them need our total support to do that.

One poor lady who died in July. Much has already been said about that. When people with a fractured neck or femur are hospitalised there is usually an attempt to operate on them within 24 hours so that their general condition does not deteriorate and they do not contract terminal pneumonia or renal failure, as happened to the lady whom I mentioned.

It is so important that people who go into hospital with a fractured neck or femur are not left lying around for several days. Most of them do survive and are eventually operated on, but when they are discharged there is a longer period of convalescence and their quality of life is reduced. Apart from the suffering of the patients and their carers, the community nurse, a pivotal person in the recuperating stage, has her workload increased.

A further point is that community nurses are human beings who are part of a most noble profession. They are not just workhorses expected to carry every load that is thrown at them. We want people discharged early into the community, but it is important to remember that while community nurses are carrying out their work in health centres and so on, they are also running well-woman clinics, well-men clinics, for which I am thankful now, diabetic clinics, immunisation clinics, cessation-of-smoking clinics and drug and alcohol addiction clinics.

In recent times we have had new and very expensive drugs, like Zyban, to help people stop smoking. It is not a question of just writing a prescription and, hallelujah, the person stops the next day. It is an expensive drug and there is a protocol associated with dispensing it which community nurses are involved in. We also have drugs like Orlistat to help with obesity. Community psychiatric nurses are worth their weight in gold, and I want to pay tribute to them as well as to health visitors, midwives and everyone involved in primary care.

Any community nurse in Northern Ireland will tell you, and I know every Member of the House will agree with me, that we really depend upon the work of the carers in Northern Ireland to look after the elderly and the physically handicapped. I mentioned Muckamore before, but there are also many people in the community with learning difficulties, and we pay tribute to those carers who work alongside the community nurses.

Let us resolve to ensure that, along with the Minister, the Department and every Member of the Assembly, in our new integrated and primary-care services, community nurses play a pivotal role with the other members of the primary-care teams.

**Rev Dr William McCrea:** May I put on record my thanks to both Mr Coulter and Mr McFarland for the motion before the House. It gives us the opportunity to deal with something that goes to the very heart of the community.

Every one of us, at some time or other in the life of someone in his family, will have known what it is to have serious illness in the home.

I listened with care to the opening remarks of Ms Monica McWilliams of the Women's Coalition about my Colleague Mr Paul Berry. It was interesting to hear how she started her remarks. Just a matter of weeks ago there was the matter of the bug in the water in the Lisburn area, and the swords were out for the Minister who was responsible. He was practically blamed for putting the bug into the water. However, there seems to be a slight difference in how Ministers are handled. Perhaps that is because that Minister happened to be a member of the DUP and the other belonged to IRA/Sinn Féin.

5.45 pm

**Ms McWilliams:** On a point of order, Mr Deputy Speaker. The Member has named me. I can assure him that I was not involved in the debate on that occasion.

**Rev Dr William McCrea:** That may be a point of information, Mr Deputy Speaker, but it is not a point of order. Nevertheless, I am happy to accept the information. However, many of the Member's Colleagues were very happy to be involved in the debate. Of course, Ministers bear the responsibility of their Department.



This is an important matter to the people of Northern Ireland. The Health Service is in crisis — not just a part of it, but all of it. Rev Robert Coulter talked about trying to imagine the situation and about the stress in the family circle, but unless you have been in that situation you cannot understand the stress that families go through, especially in cases where a loved one needs heart surgery or is suffering from a life-threatening disease and is simply told that his name will be put on a waiting list and is likely to be there for a long time.

The family of one person in my constituency was actually asked if they thought that that person would be around to get much-needed adaptations done to his home. That is the reality of the situation. The family was asked if the person was liable to die before the work was carried out.

There is much talk about care in the community. It sounds ideal, but it is not in reality. Many people feel completely deserted. There is a vital need for nursing care or any other type of care in the community.

The situation is not helped by £1 million golden handshakes, fat-cat syndrome and the increases of thousands of pounds for trust senior officers. This all brings the Health Service into disrepute.

With regards to the £1 million golden handshake, surely a Minister could have intervened in that matter. It is absolutely disgraceful that a person can get a £1 million golden handshake and then go on to get another job in the Health Service. Bearing in mind the great lack of finances available to deal with the Health Service at present, I am sure that nobody here believes that this is an acceptable situation.

Unfortunately, whilst we have been facing this crisis in the Health Service for many years, those at the top of the Department were encouraging an answer to it, namely the closure of hospitals. The people of south Tyrone have been faced with what is described not as a terminal but a temporary closure of their hospitals. I listened to Mrs Carson talking about a temporary death, but I wonder how that fits in.

We have the situation at the Mid-Ulster Hospital and the Whiteabbey Hospital, where, under the new plans, and despite the present crisis, there is nowhere for people to go. These hospitals are filled with people, both throughout the winter and during the summer.

They are filled with people at this very moment. Yet it is planned that these hospitals will close down and other acute services will be done away with. That is also a disgraceful situation, and I trust that the mindset in the Department — for it is a mindset in the Department — will be changed and that there will be a radical rethink of the situation.

In talking about the appropriate funding that is necessary for community nursing, I have to point out that the complexity of this issue goes much deeper than the brief comments contained in the motion. I know that the motion is the catalyst to allow us to deal with many of the issues.

However, the Department has commented recently that services in the Province have been underfunded and that an additional £275 million is needed to rectify existing problems. This statement may be accurate, but, with an increasingly ageing population in Northern Ireland, it is important that measures are put in place to ensure that existing funding, and any additional funding, is used in the most effective way. The old adage when there is a problem is “Throw money at it.” That is not the answer. Money could be thrown at the Health Service, and except it were used in the most effective way, it would only bring the service into further disrepute. That should not happen, but we do urgently need money for the Health Service.

In relation to bed blocking, waiting lists and the effective use of consultants’ time, it would be inappropriate not to draw the attention of the House to the fact that the acute hospital budgets and the community nursing budgets are operated independently in most cases across the Province. There is often, therefore, a conflict of interest between acute hospital needs and community care trust needs. Unfortunately, the client often becomes of secondary importance in the equation.

Such budgetary concerns, alas, have caused blockages and prevented the provision of additional services to those currently on the waiting lists. Additional funding to community nursing alone will not solve the fundamental problem in the delivery of quality and effective health care. It is time that the Department tackled the glaring inefficiencies in the management of budgets and instructed the health boards to develop strategies that take an overview of the effective delivery of good and efficient services.

Although identifying the weaknesses in the system, everyone today — and I know that this applies right across the House — has applauded the work ethos of the nurses and the social workers in trying to overcome the apparent downfalls of the system. I join with each Member who has congratulated the excellent staff that we have in the service. Let it be abundantly clear that although there is criticism of the Health Service and of management — especially top management, and perhaps overweight management — and administration, no criticism whatsoever is being levelled at those who work in the system, and who are giving an excellent service to the people.

Sadly, I must forecast that the crisis of last winter — which resulted in the abuse of patients seeking admission to hospital, and of those who waited patiently

for discharge while attempts were made to put arrangements in place — will undoubtedly happen again this winter unless some urgent measure is taken.

Such abuses must be stopped. I ask the House to ensure that the boards, the trusts and the Department are held accountable for not tackling the fundamental issues which prevent alternatives from being effectively developed in the Health Service.

I support the motion.

**Mr Deputy Speaker:** There remain a small number of Members wishing to speak. The Standing Orders require the interruption of business at 6.00 pm, so I propose to suspend business now. The debate will be resumed at 10.30 tomorrow morning.

*The debate stood adjourned.*

*The sitting was suspended at 5.53 pm.*







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# NORTHERN IRELAND ASSEMBLY

Tuesday 3 October 2000

*The sitting begun and suspended on Monday 2 October 2000 was resumed at 10.30 am (Mr Deputy Speaker [Sir John Gorman] in the Chair).*

## LOCAL COMMUNITY NURSING

*Debate resumed on motion:*

That this Assembly calls on the Minister of Health, Social Services and Public Safety to ensure that appropriate funding for local community nursing is available for those patients in acute hospitals for whom nursing care is appropriate, so that bed blocking is removed and consultants can treat additional patients currently on waiting lists. — [Rev Robert Coulter]

**Mr Shannon:** I want to pick up on some of the points raised yesterday. First, however, I must mention a case that came to my attention this morning. It highlights the problems that exist with regard to funding for community nursing and is an example of the domino or knock-on effect. A lady from Donaghadee who had telephoned for an ambulance waited for four hours for it to come. She then had to wait in the hospital for eight hours before she was seen. She had to wait 12 hours in total. This illustrates the problems in the Health Service. It is no reflection on the staff as they do an excellent job; it does reflect very badly on the funding and finances available.

Rather than witnessing an increase in the quality of service to the local population over the past few years we have seen the National Health Service and the health care provision undermined and reduced. Many facilities, including the accident and emergency services have been withdrawn from hospitals such as Ards, Bangor and South Tyrone. There are similar plans for the City Hospital, while services at the Downe Hospital look set not to go ahead at all. No provision has been made at the Ulster, or any other hospital, which will compensate for such loss.

Consider the knock-on effect to local community nursing as a result of that. Much is made by the Government of the £15.1 million allocated for new sites such as Downpatrick, yet this large sum of money is only a fraction of what is required to provide a full range of services. To put this apparently generous offer in perspective, it would cost more than half this figure again to bring the Ulster Hospital up to a satisfactory standard.

We in Strangford and North Down do not have a monopoly on poor health care provision. The picture is the

same all over Northern Ireland. I agree with the assessment that the Government never had a long- or short-term strategy for the future of health care services in Northern Ireland. The Government are and have been involved in a campaign of cutting funding and services to all areas of this country without any thought for the negative effects upon the standard of living for local communities. The Government's plan over a number of years has been to decimate the Health Service and let the Assembly pick up the pieces and take the blame for the state of affairs.

We are aware of the delays for occupational therapist visits and those people who are waiting for work to be done on their homes. Rev William McCrea said yesterday that some of these people will unfortunately be dead before that happens. That is the reality. Is there a policy of waiting for a wee while to see what happens? Those people meantime are suffering in the short term. It is disgraceful that there are such delays in occupational therapy and even worse delays in getting the work done. The crisis currently emerging from the Ulster Hospital, for example, had been predicted by many over the past few months, only for those warnings to fall on deaf or unwilling ears. It was not a case of if, but when, this crisis would be manifested.

I take this opportunity to congratulate every member of staff for the good work that they have done. They have shown 100% commitment to fulfilling their duties. Many were called away from their families over the holiday period without any cajoling or encouragement. They are committed to their work — to them it is a vocation rather than just a job. These people endeavour day and daily to maintain the Health Service. At the same time they have witnessed a profound lack of movement from Westminster to address the situation.

The Health Service was set up and exists to provide each and every member of society with a proper and adequate level of health care. For years we have witnessed a rundown of services not only in Northern Ireland but also across the whole of the UK, and especially in our area. Warnings and demands about the Ulster Hospital in particular have been overtly ignored. As a result the problems of last Christmas, which cost lives, were inevitable — just as inevitable as the problems which will be witnessed in the coming months. This morning's news was such an example. People are now dying because of the inadequacies of the Government. The situation has been allowed to drag on for far too long, with the result that the local Health Service has been stretched well beyond breaking point.

There have also been delays in relation to community nursing. A number of people have come to me over past months and they have all put forward the same case, they are all experiencing the same difficulties. They are trying to get people out of the hospitals and into community care, but cannot because the funding is not there. It is frustrating

for us, as elected representatives, but it is more so for the families who want to move their family members to somewhere where they can be closer to them and look after them better. That opportunity is not there as long as the finance is not available. The community nursing system has fallen down and does not deliver what our constituents want. It does not deliver either the care or the commitment that the families want.

**Mr Carrick:** Is the Member aware that in some of the community health trusts there is a cap of £200 on the care package? When that figure is exceeded, the patient must go into residential care, putting the personal assets of the family at risk. Does he find that iniquitous?

**Mr Shannon:** We are all aware of cases such as that mentioned by the Member. It has become increasingly frustrating. We have to tell people that the money is not there and that it has been capped. That does not deliver the care that we wish to see. There have been delays of 16 to 20 weeks in getting people out of hospital and into care in homes. It is all down to finance, and I think that that is absolutely disgraceful. We must give credit to the staff. They work hard and are committed to the job, but Government policy has led to a decrease in technical and personal support, fewer beds and no movement towards improving the general provision of health care. The Government offers only excuses to explain the present debacle. Patients are still treated on trolleys; non-urgent operations are postponed; and the seriously ill are sent home when they should have been admitted for tests and observation. The Department of Health at Whitehall used the flu epidemic last year to cover up the serious cracks and flaws within the Health Service. Such a crisis was always on the cards; it was just a matter of time before it hit us here in the Province and elsewhere.

People are dying unnecessarily because of the Health Service's profound inability to respond to the problems. It is mostly down to finance. It is very hard to convey to people the true seriousness of the matter. The Health Service is crumbling around us, and, unless something is done promptly, the NHS will soon be a thing of the past, in ruins. On the news yesterday morning, we heard warnings about how the Health Service is preparing for another difficult winter. Whenever we hear that coming directly from Government, it creates discontent amongst the staff in the Health Service. If the necessary resolute action is not taken now to address the problem, things will continue to worsen. Therefore, it is essential that sufficient funds be sourced in order that local community nursing can meet the demands of those who are ill, both at present and in the future. Any move to free up the ever-decreasing number of available beds in our hospitals must include increased investment in the local community nursing sector. We must do all in our power to maximise what health care provision we have left.

**Mr J Kelly:** Go raith maith agat, a LeasCheann Comhairle. I support the motion, even though I find it a bit ambiguous. I wish the Minister well in making her bid to the Executive. It is a pity that such a serious debate on community care has, at times, degenerated into a slugging match and, from some quarters, an attack on the Minister. Perhaps it is timely to remind the House that all parties had the chance to grasp the nettle of Health.

All parties had the chance to grasp the poisoned chalice of health. Sinn Féin was the only party to grasp that nettle and to accept that chalice. Others, in an act of fright or political cowardice, let the chalice pass from them. Because of our different political philosophies on social issues, consensus on the politics of health may not be achievable. However, there ought to be consensus and generous acknowledgement that the terminal state of the Health Service is the result of 30 years of Westminster neglect and indifference. It has been left to Ms de Brún to attempt to redress the imbalance of 30 years, a task which any objective observer would agree cannot be carried out within weeks or months.

There has been much debate over whether Northern Ireland's four boards and 19 trusts are a waste or misuse of scarce financial resources. The recent rise in golden handshakes to trust executives reinforces the view that the boards and trusts need a root-and-branch review that is both radical and just.

Community care is an attempt to deliver care in the community, a service which has been neglected to the point where it is almost non-existent because of a lack of funding and, perhaps, misguided policies. Society also has an obligation in this regard. People who feel that they cannot mind their elderly parents at home, because of social constraints or for other reasons, find ways of putting them into institutions. There is a social dimension to community care.

Insufficient effort and resources are being channelled into community care at the cutting edge, where it is possible to make both a meaningful difference and an attempt to alleviate the crush on hospitals. A Leas Cheann Comhairle, this area is separate to the broader issue of the abysmal state of wider aspects of the Health Service hospitals, operations, geriatrics, orthopaedics and coronary care. Community care involves more than just the nursing profession the district nurse, or the nurse in the clinic. It is carried out by carers who are not fully qualified but who take on many of the responsibilities of nurses by attempting to deal with situations that require medical attention. They are underfunded. Adequate compensation is not given to carers who stay at home to look after an elderly parent, aunt or uncle, and mostly in rural areas. In many ways, the health system is using their generosity to avoid situations it might otherwise have to attend to.

One of the ambiguities of the motion is that it does not seem to focus on care in the community as a major problem in our society. Community care aims to provide comprehensive health and social care and to retain individuals in their homes as non-hospital residents for as long as possible. It also aims to provide an integral package of care, allowing people to achieve maximum independence. Such an approach requires adequate resourcing. The system for managing care has been fully implemented since the mid-nineties, but this occurred in a climate of efficiency savings and cutbacks. Evidence indicates that the cutbacks have had an adverse effect on the provision of health and home-nursing care to such an extent that it is often difficult for individuals, family and informal carers to cope at home. Particular hardships are evident for elderly or disabled persons living alone. Without the support of families and informal carers, the system would collapse. Families are being expected to do work that should be being done by the Health Services, and they are doing that work as a matter of conscience.

10.45 am

There is a lack of resources for community care and acute hospital beds, and waiting lists and occupancy are encroaching more on home beds. We agree that all of those things have to be addressed and redressed. We ask — and we support others in asking — for some means to be devised to examine closely what is happening in the community care area of health today. If funding is a necessary part of the solution, we should work as assiduously as we can to ensure that it is provided.

**Mr Savage:** I commend my Colleagues the Rev Robert Coulter and Mr McFarland for tabling this important motion. I am grateful to them for having had the foresight to enable us to deal with the issue as we head towards autumn rather than in the middle of winter when our hospitals will again be crisis point. I hope the Minister shows equal preparation. The downside of this situation is that we have just come out of what is regarded as the quietest period for hospital admissions, and yet we are already heading towards another crisis.

I am aware that so-called bed blocking — and the Department may have its own interpretation of this — is contributing to rising waiting lists and increasing waiting times. That that is a contributing factor at all, in this day and age, is disgraceful when we consider the massive advances that we have made in medical science in this modern era. If those advances cannot be delivered to patients, in part because we cannot recycle beds properly, we must despair of the way in which we order our society.

Three groups of people are affected significantly by the situation: those in hospital beds for whom funding for adequate community nursing is not available; those on waiting lists who do not get beds in the first place; and the medical profession. It must be so demoralising

for any doctor, nurse, or consultant to have to put up with this situation. Bed-blocking and other factors contribute to growing waiting lists throughout Northern Ireland and these problems must be resolved on that scale.

I support those who have called for a proper review group to be established and to include Members of this House. As a Member representing Upper Bann I have more confidence in such a group's ability to address the problems facing Craigavon Area Hospital than in any of the arrangements made by the Minister thus far. I ask the Minister to consider the situation in Craigavon. If budgetary stipulations made by her Department are to be satisfied, it has been estimated that two 36-bed wards at Craigavon Hospital would have to close. This would mean a reduction of around 3,500 in the number of patients being treated, and I ask the House to bear in mind that there are already 5,000 people on the waiting list of the Craigavon Area Hospital Group Trust.

We have already reached the point where little elective surgery is being done, and my fear is of the knock-on effect that that is having. I am particularly concerned that pressures will increase on the accident and emergency wards as patients find they are having to go through that channel to get treatment. In such a situation, GPs are placed in an impossible situation. They know only too well the pressures that their colleagues are under, yet they have a moral responsibility to ensure that their patients receive treatment.

I do not believe in scaremongering. Those of us in public office have a duty not to frighten people. We have a responsibility to deal with this issue both urgently and rationally. Telling people that they are not going to get better is not the way for responsible public representatives to conduct themselves, but making constructive suggestions is. Having said that, the Minister must recognise that we are facing a serious crisis of confidence in health provision, and bed blocking, as it is termed, is contributing to that crisis.

Six months ago the Minister's Department published a report called 'Facing the Future', which addressed the issues raised during last winter's hospital crisis. That report acknowledged that in the winter of 1999-2000 health and social services in Northern Ireland faced the most severe challenge experienced in recent decades. It proposed a number of means to ensure that those problems will not be experienced again. The Minister has a duty to come to this House and tell Members how many of the report's target dates for action have been met. We need to be assured that the issue of bed blocking is being dealt with within the context of those areas identified as requiring action.

In terms of the motion before us, we particularly need to know the extent to which this bed blocking is being addressed in the development of both the waiting list action plan and the joint review of existing winter pressure plans.



In conclusion, it seems that the problem is best summed up by the spirit of today's motion: everyone who needs medical treatment should get it, and get it promptly. This will mean freeing up beds, and, in order to achieve that, we must ensure that there is appropriate funding for local community nursing. If the Minister really wants to achieve a reduction in waiting lists then she should establish a suitably resourced programme to address the problems, especially while bed blocking continues.

Finally, thanks are due to members of the nursing profession for their dedication to patient care. The professionalism that they have shown over the years is something that can not, and will not, be allowed to go unnoticed.

**Mr Neeson:** I wish to make a brief contribution in support of the motion. Members have given graphic details of the existing problems in the Health Service, and I am reminded — as you may well be, Mr Deputy Speaker — that we dealt with this same issue in the Northern Ireland Forum. That body bestowed no powers at all on its members. All that we could do was air the problems that existed in the Health Service.

I have sat through a fair portion of this debate, and I am concerned at some of the personal attacks made on the Minister. We are only a fledgling Assembly and we are still on a learning curve. I am extremely concerned, since this Assembly, unlike the Northern Ireland Forum, has powers to deal with the issues before us, including the problems in the Health Service. Over the past few months, I have been confronted with some of those problems such as delays in the examination of accident victims' that never happened 20 years ago. The problems that we face today, not only in the Health Service, but with the railways and a whole raft of issues, stem from the underfunding of those public utilities over the past few years.

It would be wrong to point the finger exclusively at the Northern Ireland Office Ministers; we were dealing with a serious conflict situation, and moneys were diverted. There was underfunding, however, and it is now up to the Assembly to address that. Those who say that they want to bring the Assembly down are doing a great disservice to the people of Northern Ireland. The people want to see their politicians making decisions about their future, including the Health Service. Therefore, I appeal to those who wish to wreck the Assembly: the only people who can deal adequately with our current problems are those who have been elected to the Assembly. Bringing the Assembly down will make the situation much more difficult.

**Mr Berry:** On a point of order, Mr Deputy Speaker. Is the Member sticking to the motion?

**Mr Deputy Speaker:** Has the Member finished?

**Mr Neeson:** The Assembly has a responsibility to address the problems outlined in the motion. The future of the people of Northern Ireland lies in our hands.

**Mr McFarland:** We have heard examples today and yesterday of the parlous state of the NHS in Northern Ireland. A substantial number of those affected are elderly. It is of note that nearly a third of the population is over 50 years of age — 450,000 people — and the figure is rising. Of those over 65, nearly two thirds have a long-standing sickness.

Care in the community, which was introduced seven years ago, was supposed to deliver a better quality of life, but only 33% of suitable care packages are delivered at home, making institutional care the only option for many. The drama of last winter alerted the Department to the bed blocking crisis, and it does not appear that much has been done since to sort that problem out. The community care sector is in crisis. I use the term "bed blocking" deliberately, for it describes the problem more clearly than the politically correct term "delayed discharge".

Nursing homes have difficulty recruiting qualified nursing staff, and it is disturbing to find that nearly 80% of the social care workforce have no formal qualifications. Community care funding is consistently insufficient to meet demands. In 1999-2000, £25 million was allocated to community care, but only £13.2 million was actually spent on it. As with the children's sector, the Department diverted the funds to meet other pressures. Given that history, can the Minister assure the House that such funding will in future be ring-fenced?

11.00 am

It is interesting that during the winter crisis a co-ordinated effort managed to move 140 bed-blocking patients from hospital into nursing care over a 30-day period.

The social services inspectorate, as a result of the winter crisis, carried out a review of community care in February this year. Its outline recommendations were that the Department should produce an effective method of funding and strategic planning to deliver community care; an infrastructure which facilitates all-year-round planning and resourcing to deliver the most effective use of resources; and a set of standards regarding assessment, care management, discharge arrangements and recommendations of previous inspection reports to be carried out.

It also recommended greater collaboration across hospital, primary and community care, so as to develop a co-ordinated approach to the planning and management of hospital admissions and discharges to ensure care pathways for patients and clients, with appropriate thresholds and settings to meet the needs of carers; schemes such as 'Home from Hospital' and 'Rapid Response Service',



which prevent unnecessary hospital admissions and facilitate early and appropriate discharges; and an eligibility criteria and charging policy to provide consistent and fair access to care services for all people in Northern Ireland.

Also recommended were outcome measures to demonstrate the impact and effectiveness of schemes to address emergency pressures and their impact on the quality of care for patients and clients; and information systems to enable the Department to more effectively monitor community care and care management arrangements, and to inform resourcing decisions.

It stated that information on waiting times, cost of referrals, assessments and packages of care in the community should be developed as a matter of priority, and called for accountability arrangements sufficient to ensure that all recommendations made as a result of inspections are fully implemented. I wonder how many of its recommendations have been actioned.

Indeed, boards and trusts should have given action plans for this winter to the Minister by 30 September. Mrs Carson informed us that one organisation has not even started yet. Can the Minister assure us whether these have been received? Without a serious co-ordinating effort and additional funding for community care, it is difficult to see how the present crisis in waiting lists, block-beds and nursing care in homes will be solved. I commend the motion to the House.

**Mr Deputy Speaker:** Before calling on Rev Robert Coulter to make the winding-up speech, I, as Chairman of the Northern Ireland Forum for Political Dialogue from 1996 to 1998, would like to echo what Mr Neeson said. We have a totally different situation from that which existed then. We have the Minister, with power and responsibility, present — a very different situation.

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom buíochas a ghabháil leis an Oirmhinneach Robert Coulter agus leis an Uasal McFarland agus iad a thréaslú as an tsaincheist thábhachtach seo a thabhairt go hUrlár an Tí. Tá áthas orm go raibh mé in ann freastal ar mhórán den díospóireacht, agus d'éist mé go cúramach leis an iomad pointe luachmhar a thóg Teachtaí.

Dála go leor eile dár seirbhísí poiblí, tá cuid mhór de na fadhbanna atá romhainn sna seirbhísí sláinte agus sóisialta ag carnadh leo le blianta fada. Agus beidh gá le hobair in éineacht sna blianta seo chugainn le rudaí a chur ina gceart.

I congratulate and thank Rev Robert Coulter and Mr McFarland for bringing this important issue to the Floor of the House. I am glad to have been able to attend much of the debate, and I have listened carefully to the many valuable points raised by Members. I have been

moved, as have other Members, in listening to the personal impact on those waiting to go into hospital or waiting in the community for packages — the graphic details of the problems facing the community. I also echo what Members have said in praise of staff throughout the health and personal social services. The staff are working, with tremendous commitment, to deliver services of the highest possible standards with the resources given to them.

I also agree with the points made about the need for resources for both community care and hospital care — in fact, for resourcing the whole integrated system. The debate threw into sharp relief the interdependence of all our services. For our hospitals to work effectively, they are dependent on community-based services delivering the right care. Our task, in modernising health and social services, must be to develop community care and hospital care. We must provide the levels and quality of care in the appropriate settings that our people need.

To improve acute services in our hospitals, we need to develop and expand complementary services in the community — services such as community nursing — which dovetail with the necessary hospital development. We also need to remind ourselves that community care is not important only because of the impact that it has on acute hospital care: we also need to look at the position of those waiting in the community for care packages that will allow them to live their lives in the way that we would all wish.

I was also struck by the cross-party recognition of the need to fund urgent improvements in our health services; I welcome the support that Members have expressed. Health is a key priority for the Assembly, and I share Members' belief that health and social care are simply too important to our people to be allowed to decline through continuation of the historic underfunding that we have seen. We also need to look for efficiencies, and that is at the core of my consideration of how to meet the ever-growing demands for care and treatment. Much has already been achieved in this area in recent years, but we need to consider how much scope we have for substantial further efficiency gains in this service.

The growth in demand for hospital care is only too apparent. Over the last decade, although the number of beds was reduced by more than a third, 23% more in-patients and 166% more day-patients more have been treated. Similar pressures are apparent in the community, and we need to remember that £190 million in efficiency savings were taken out of our services in the last decade. I certainly have no quarrel with setting the service such targets, or with ensuring that savings are made, and that the services operate efficiently. However, it is a pity that such substantial funds — £190 million in efficiency savings — were taken by the

Treasury, instead of being reinvested in the Health Service. In future, I want to see savings ploughed back into the service.

I acknowledge freely that money alone is not the answer but I am convinced that we will require significant additional funding to improve performance. That view was strongly reflected in my statement to the Health, Social Services and Public Safety Committee, which I addressed last week on the question of the budget and of the present bids. I have already made — and will continue to make — a strong case to the Minister of Finance and Personnel and to all my Executive colleagues for the extra funding that is needed. I have taken on board many of the points that have been made by Members.

Many current problems have been building up for years, and it will take a strong, focused effort, over a number of years, to turn things around. Tackling such long-standing and deep-seated problems will require energy, imagination and sustained commitment of resources. I am determined to deal with these challenges; I am determined to seek the extra resources; and I am determined to ensure that, across the entire range of services, we make the necessary improvements, undertake the challenges, and make a focused, sustained and carefully monitored effort to ensure that we have the kind of services that our people deserve.

I would also like to pick up some specific points raised during the debate. I appreciate the calls from all parts of the House to increase funding for community nursing and wider community care; that is a key element in my bid for additional funding for 2001-02.

I am in no doubt that community care must be expanded to cope specifically with the growing numbers of frail elderly people and other vulnerable groups — as some Members have mentioned. This will include providing services to all of these valued members of society who deserve them.

The additional £11 million which was provided for community care this year will support an extra 450 community-care packages. These will directly contribute to reducing delayed discharges from acute hospitals. The politically correct term “delayed discharge” reflects a key point which was mentioned yesterday. The blame for a bed’s being blocked should not be placed on the shoulders of the elderly person who is occupying it but on the system which is supposed to ensure that places are made available. The idea of delayed discharge focuses on the system, rather than highlighting bed blocking, which focuses on the individual. However, I agree that the term “bed blocking” is much more graphic.

In the next few months the boards will be targeting delayed discharges to ensure that beds are free for emergency admissions during the winter. I share the Members’ concerns that waiting lists for hospital care

are too long. This is a consequence of a growing demand coupled with historic underfunding over a number of years. We need to invest time and money in the long term in order to improve this situation.

The framework for action on waiting lists, which I published last month, provides a comprehensive programme for reducing waiting lists over the next three years, and I assure Members that careful monitoring of the outworking of this framework, and of the actions detailed in it is taking place.

The measures outlined here include the adoption of best clinical and managerial practices, the running of pilot schemes designed to manage admissions more effectively — which was mentioned in the debate — and the purchase of additional procedures.

An extra £5 million being made available this year would support initial action — and I stress initial action only — under the framework. Reflecting Members’ recognition of the integration and interdependency of services, this programme takes a systems approach which covers community care and hospital care. It is, of course, crucial that we develop a sustained and focused programme, which will need to be funded recurrently and which will tackle these problems effectively and progressively.

I appreciate the concerns expressed about whether services can cope with winter pressures. Since coming to office I have initiated a thorough review of winter pressure arrangements for this year, and I have taken urgent steps to boost key services such as intensive care provision. Members have referred to the reviews that I initiated after last winter, which began in February. These reviews were given public focus in that the media focused on the situation in the hospitals, but simultaneously I initiated a review of community care because I understand that the integration and the interdependency of services is a key factor.

I have received detailed board plans, which set out the arrangements for this winter. These plans confirm that a great deal of preparatory work has been undertaken across the whole health and personal social services range. As a result, initiatives that worked well last year will be repeated this winter. There will be more intermediate care, step-down beds, increased rapid-response community nursing, more hospital-at-home schemes and more hospital bed managers and discharge co-ordinators. In addition, new initiatives will include the provision of fracture rehabilitation beds, dedicated elderly-care beds, hospital discharge lounges and action to reduce the number of cancelled operations.

To support these initiatives arrangements are in place for the increased provision of ambulance services and GP and pharmacy out-of-hours cover. I can not guarantee that the Health Service and our social services will not be

put under severe pressure this winter. What I can guarantee is that the lessons of last winter have been learned. In the interim, people have spent time addressing the questions that Members have so rightly raised during the debate. I am content that every effort has been made, and will continue to be made, to ensure that the service will be much better equipped this year to cope with peaks in demand.

11.15 am

I listened carefully to Members' outrage over the payments made to former Health Service staff, as detailed in the recent Audit Office report. I share your unhappiness over these substantial payments; they were made at a time when a British Conservative Health Minister occupied the office that I now hold. I will certainly study this report with a view to ensuring that such circumstances do not recur.

The debate has been centred on the pivotal role of community nursing which is a key element of our primary care services. It provides a real alternative to hospital admission for many vulnerable people who would otherwise be admitted inappropriately to acute hospitals. Importantly, as part of our community care services, community nursing also provides part of the bridge back to community life for many older or chronically sick people who have completed their hospital treatment, but who need additional support to regain their independence.

I touched upon the role of community nursing in responding to wintertime health pressures. It is particularly important when it offers a better alternative to hospital admission, such as through the hospital-at-home and rapid-response teams. I note the praise that was given to these schemes by Members who spoke yesterday, and I share their wish to congratulate those who have developed such schemes. It is a development that I support as part of the necessary growth of community care.

There are also important developments in nursing care. I announced last week my approval for new nurse consultant posts. That is an important initiative, which will enable senior expert nurses to remain in clinical care and still advance their careers. I recognise the concerns expressed by some Members regarding the needs of older people and those with mental illness, or learning disabilities. Two of the new posts that I announced will address the needs of the elderly in intermediate care, and smooth the transition between home and hospital. A further two posts will boost mental health and learning disability services. I look forward to these post holders, as expert nurses, making a real difference for patients. I am also pleased to say that we are making good progress in establishing nurse prescribing in all the community trusts. All district nurses and health visitors will be trained for prescribing,

we hope, by 2002. I expect a further extension of nurse prescribing to other specialist nurses in the next number of years.

I welcome this important debate and appreciate the attention that the Assembly is giving to such a crucial service. I thank the Members who brought the debate to the Floor of the House. I reiterate that the problems aired today cannot be resolved overnight, but all of them can, and must, be addressed urgently as part of the sustained process of modernising and improving our Health and Social Services. I have initiated a process of change and development, and I am committed to developing a longer-term programme, as well as immediate action. I look forward to your support in driving the necessary changes through. Our aim must be to provide a family of services that takes a holistic and integrated approach and provides efficient, effective, timely and responsive care to all who need it. That is the challenge facing me, my Department and the Assembly. I look forward to working closely with all of you in meeting that challenge.

**Rev Robert Coulter:** This is perhaps one of the most important of our debates for the people. I realise that, in the space of a six-line motion, or a short opening speech, it is impossible to cover every aspect of the subject. I therefore thank all the speakers who supported the motion for their valuable contributions to the debate. In particular, I thank the Minister for coming here today to reassure us about what is happening in her Department and her plans for the future. I do not expect the Minister to rectify the problems overnight, but I ask that the problem be recognised, and that an immediate start be made to rectifying the defects in the system. I lay no blame at anyone's feet, and I make a plea that all Members, for the sake of our people, work together to achieve a lean and efficient service.

I am reassured that savings made in the Health Service will be ploughed back into it and not put into a general budget. I am also reassured by the pledge to bid for more funding for community care. However, I am disappointed that the Minister has not addressed my plea for a review group to be set up to look at the problem of bed blocking; a group which would be comprised of Members and which would be accountable to the House.

I use the term bed blocking deliberately so as not to lay blame on elderly people. The core principle required — and I said it in my speech yesterday — is that people should receive the correct treatment, in the correct place, delivered by the correct people at the correct time. That should be the guiding principle of any action that is taken in the future.

I thank everyone who has taken part. We have had 100% support. I am disappointed to see the empty Benches in the House today. For a motion that affects

every family in our country, it is a shame that there are so many empty Benches. I plead with the Minister to look again at what I have asked for — that this House be accountable and be the repository of the accountable system for the efficiency of our Health Service.

*Question put and agreed to.*

*Resolved:*

That this Assembly calls on the Minister of Health, Social Services and Public Safety to ensure that appropriate funding for local community nursing is available for those patients in acute hospitals for whom nursing care is appropriate, so that bed blocking is removed and consultants can treat additional patients currently on waiting lists.

## PENSIONS

**Mr McCarthy:** I beg to move

That this Assembly calls for an immediate increase from the Chancellor of the Exchequer's package of £5 per week in retiremant pensions and for restoration of the index-linking of pensions to earnings.

I am extremely grateful to be able to bring the plight of our senior citizens and pensioners to the Assembly. I am also ashamed that they are forced to live in almost primitive conditions half-surviving on an outdated and totally inadequate pension system.

Senior politicians, particularly those across the water, should hang their heads in shame when they see how many of our senior citizens cannot even afford to keep warm during the winter months. Regrettably, many people end up on a hospital trolley as there are no beds nowadays, not even for our elderly folk — although I am slightly encouraged by the remarks of the Minister of Health, Social Services and Public Safety this morning. I hope that what she has said does come to fruition during the winter months.

The appalling treatment of our senior citizens has got to stop now. Elderly people have served their community and country well. Last week, on behalf of a cross-party group of Assembly Members, I was privileged to sponsor a visit by a group of senior citizens representing over 15 different age-sector groups from all over Northern Ireland. I pay tribute to all those groups who are working quietly in our community without publicity. Their only role is to provide that something extra or useful for their elderly fellow citizens. I want to see senior citizens getting support from all elected representatives to provide them with a decent income and a decent environment in which to enjoy their latter years. Remember, fellow citizens and fellow Members, it is them today and us tomorrow.

I am proposing the motion for a number of reasons, not least fair treatment and responsibility. Members need to ensure fair treatment for older citizens. We must fulfil our responsibilities as elected politicians. It is fashionable, particularly in New Labour circles across the water, to talk about responsibilities that people owe to the state. Today I want to talk about the responsibility that we who represent the state owe to the people, particularly the elderly.

The motion urges the Chancellor to raise pensions immediately and to restore the link between pensions and earnings. The basic pension is currently £67·50 for a single person and £107·90 for a couple. Would anyone in this House, or any Member at Westminster, in the Scottish Parliament, the National Assembly for Wales or Dáil Éireann, like to live on £67·50 per week? I think not. Let us treat everyone equally.

This useless low pension, recently raised by the derisory amount of 75p, is the most important single



element of income in retirement. Seventy per cent of pensioner households depend on state benefits for 50% of their income, and 13% receive all their income from state benefits. Therefore, pensions are crucial to our older citizens. However, many people, particularly older women, do not have a full contribution record due to having earned less than the lower earnings limit, spent time out of the labour market caring for and raising a family, or paid the reduced National Insurance stamp. Even if someone has a full basic pension, it is not sufficient to live on. Its value in relation to average earnings has fallen since the link with earnings was broken in 1980. Maggie Thatcher was the one who broke the link. She can supplement her pension with book tours, tobacco advertising and suchlike. The majority of our pensioners do not have that luxury.

I agree with Barbara Castle, who only last week said that a wealthy country such as the UK could afford to give dignity to its pensioners. She also said

“breaking the earnings link is tantamount to a fraud since contributions into the national insurance fund are based on earnings, but the value of the pension is linked to prices.”

That is what Barbara Castle, a woman of 90-odd years of age and with much experience, has to say on the subject. I agree with her that we should restore the link with earnings. A leading trade union official warned last week that restoration of the link is no longer an economic necessity, it is a political imperative.

Had the policy that linked increases to earnings rather than prices remained, as Barbara Castle argued and we now propose, the basic pension would now be around £30 higher. We acknowledge that the new minimum income guarantee represents progress. Work carried out by Age Concern and other groups recommended a basic level of pension adequate to support people. Based on their research they recommend at least £90 per week for a single person and £135 for a couple.

In the long term the Government must seriously consider raising pensions and ensuring that they remain adequate. That is why the link to earnings must be restored. Until pensions are raised, this low rate — which is lower than the main weekly income support rates of £75 for a single pensioner aged up to 74 and £116·60 for a couple — will keep far too many elderly people in poverty.

11.30 am

Assembly Members should be aware that average weekly earnings in 1999 were £384. Using either the rate of pension or the rate of income support, pensioners receive less than one fifth of the average weekly earnings amount. However, they spend a high proportion of their income on the bare necessities such as housing, rent, fuel and food. For pensioners living alone, more than half their

expenditure is on these essential items. The criminally low pension rate insults the elderly and keeps them deprived of comfort and dignity. It also keeps them isolated from society.

Members now have an opportunity to put this right. Fortunately, we are not powerless in the face of this situation. The Assembly has the ability to effect change and improve the lives of this large group of citizens. We have the responsibility to act, and it is our duty to see that we protect and care for vulnerable groups in society, such as the elderly and children. I propose this motion, and I appeal to Members for their support.

The Assembly must send a clear message to the Chancellor that our pensioners deserve more and that the politicians of Northern Ireland are determined to provide for them. Unlike the Labour hierarchy, we do not need pensioners from other nations to lecture us — we know our duties without having to be told them in the august presence of the former President of the Republic of South Africa, Nelson Mandela.

I want to assure, and perhaps warn, the Assembly that this is just the beginning, and it is part of a greater action. The motion seeks to influence the Chancellor in the clearest way possible. However, raising the pensions is not enough to ensure equality for the elderly in society. The Assembly has a wonderful opportunity to create the kind of society we desire to live in. I want a society that includes all sections and that promotes the sharing of resources with the vulnerable, thus enabling everyone to enjoy their lives to the fullest. Greater pensions are just a part of this.

I will also be asking the Minister for Regional Development to provide free transport for pensioners. I totally oppose the Minister's plans to pass the financing of free transport on to ratepayers through local councils. If the Republic of Ireland's Exchequer can provide free public transport for pensioners, then surely a wealthy country such as the United Kingdom can do likewise. Only 14% of pensioner households have a car compared with almost 70% of the population as a whole. Public transport that is easily accessible, clean, safe and timely is essential for the older population. This will ensure that they can move freely around Northern Ireland, and be given equality of access to shopping, leisure facilities and health resources.

My Alliance Party Colleagues and I will raise the issue of the winter fuel allowance with the Minister for Social Development. We want to ensure that the value of the allowance keeps pace with the price of fuel. We all know the astronomical heights that fuel prices have now reached. We welcome the £150 winter fuel payment for this year, and I hope that every pensioner who is entitled to it gets it. I will also work to provide free television licences for older people generally — not just for those over 75.

As a member of Ards Borough Council, I have already proposed the free use of council community centres for older people's organisations during less-used periods of the day or evening. These are the things that can improve senior citizens' quality of life.

Now that the Assembly is operational we have the power to effect changes and apply policy. As I have already said, I believe it is our duty to use this power to help the elderly. In the Alliance Party we use words like "integration, respect, pluralism, sharing" — not "separation", and today there is an opportunity, not only for the Alliance Party, but for every party in this House to show what is meant by those words.

Northern Ireland is a society beset by division — or at least it was. Let us hope we have moved on. It is a place where politics is too often about somebody being "anti-" this or "opposing" that. This motion challenges that mindset and that manner of doing business. Instead of saying "No", we can all say "Yes". We can say that we do not want pensioners cut off or isolated. I do not want to express this motion in negatives; I want to be positive. I want to use this Assembly to make the changes we need and deserve. I want to say to the older citizens of Northern Ireland "You are valued and respected; you deserve a decent pension, because you deserve to live in dignity; you deserve to decide how to spend your own money; you deserve to have options; you deserve to make up your own minds." Elderly people are a very important part of society and should not be shunted off to one side as a group who has had its day. They should be regarded as a vibrant segment of the community — people who still have so much to offer every one of us. This was witnessed last week in this very building when, as I have said, we met 15 different groups.

No less of an authority than the Secretary of State for Social Security, Rt Hon Alistair Darling, has admitted that in the UK the latest statistics show that a further 100,000 pensioners are living below the breadline. That is shameful. The total has now risen to the scandalously high figure of 2.3 million. Tessa Harding of the Help the Aged organisation said that it shows that the pensioners' situation is more desperate than ever.

This Government must heed this as a warning that their policy on pensions is simply not working, and because of that, I want to end this speech with an appeal. It is not an appeal for a change in policy or a motion offering further advice to Ministers in London. I want to issue a personal appeal — a challenge — to everyone in the Chamber today.

Every one of us knows a pensioner, and every one of us owes something to pensioners. The Assembly should be sending out its message of support and encouragement, and we, as individuals, can do this by saying thanks to pensioners by saying "You are important", by saying "You are valued and remembered", but mostly by saying "You

are part of us. As individuals and as a society we will not let you down".

This motion was proposed for a variety of reasons, but chiefly because we must ensure fair treatment for the elderly. As elected representatives that is our responsibility.

In the days of Toryism and Thatcherism — thank God, they are a thing of the past, never to return — we referred many times to that Government's being an uncaring Government, probably because of their uncaring policies towards pensioners, amongst others. Those pensioners have endured such misery over the years that we appeal to this New Labour Government never to abandon or treat senior citizens with such contempt again. Thatcher was dubbed "Thatcher the Snatcher". It was her party which left pensioners in the abominable state they are in. Shame on her!

"Hague the plague", who is now on his knees pleading for the pensioners, would be no better. Members can be assured that Mr Hague is looking for votes — once a Tory, always a Tory. I appeal to those parties with Members in the Executive to do their duty. There is no use in empty promises. Now they have a chance to prove their worth and their commitment.

**Mrs Carson:** The motion is very topical and important for all those approaching, or over, 65 years of age. It matters to them. Younger people think it does not matter, but it catches up very quickly, and they all have to think about pensions. Whereas I would support any increase, it is difficult to plump for a nice round figure of £5 without considering its relevance to inflation and to the redundant earnings related pensions level. There is some debate as to whether state retirement pensions should reflect and protect against inflation or set out to reward retired people on the basis of the earning levels of the workforce. This is further complicated by the large number of people who have been able to contribute to occupational pension schemes — for example, Civil Service, local government and company schemes.

The Chancellor of the Exchequer told us that one in six pensioner couples retire on more than £20,000 per year, but this is mainly due to the contribution being made from their occupational pensions — and that is two people, do not forget. The Public Service Pensioners' Council is concerned with a widening gap between what pensions are and what they would have been had the wages index not been dropped in 1980. We heard a lot of grief there about Mrs Thatcher, but as a woman I have to protect her. I agree, with the way things have gone, that dropping of the index link was a mistake. When it was dropped things were level and not too bad, but they have now been overtaken by inflation.

The Public Service Pensioners' Council has commissioned the trade union research unit at Ruskin College Oxford to undertake a study on the effectiveness of

pension provision for former public service employees. This study will assess the extent to which these pensions provide adequate financial means as the recipients get older and draw their pensions for a longer period. With our increased ageing population pensioners will depend more and more on other services — for example, the home care service and care in the community.

Labour has made many statements in an endeavour to retain pensioners' votes. On 7 February, in the House of Commons, Mr Darling stated

"Our objective is to make sure that retirement is a time to look forward to".

The Rt Hon Gordon Brown said in his Budget speech that a strong caring society takes seriously its obligations to the elderly, but 75p is hardly serious. It would be better perhaps if the £150 tax-free fuel allowance were paid out at £3 per week — it might help a wee bit in that way.

This is a quote from a speech given at the Labour Party Conference on 27 September by Alistair Darling:

"No pensioner should have a weekly income that is so low they cannot meet their basic needs and we plan to increase the Minimum Income Guarantee to £90 per week."

That is another promise we should hold the Labour Party to.

I urge the Government to develop a scheme that will help those with modest occupational pensions and savings and not penalise those who have worked hard and saved for their retirement. That is an important issue that has not been touched on yet today.

The Government should listen not only to those with occupational pensions but to the increasing base of pensioner power and treat it with respect. I have great sympathy for the motion, but I remind the proposers that this is a reserved matter, and the Assembly has no power to initiate change. We can, however, send a strong message and make representations to the Chancellor in the hope that he will make changes in his next Budget and thus hold the Labour Party to its promises.

11.45 am

**Mr Deputy Speaker:** Many Members have put their names forward, and, reluctantly, I am going to have to hold them to their time of six minutes. That will allow the Minister, whom I am glad to see here, a chance to respond and for the winding-up.

**Ms Lewsley:** I start by applauding Dame Barbara Castle's superb speech to the Labour Party conference in Brighton last week, where there was a moral victory over the Government in the debate over the proposed 75p increase in the basic state pension. Many people were moved when she accused the Government of

"revealing that instinctively they belong to that group of people who believe only the deserving poor should get their rights."

She went on

"But I think all the poor are deserving. It is not just about money: it is about human dignity."

The Government were embarrassed at the scale of attack by campaigners on this issue, prompting Mr Gordon Brown to make some concessions in his speech to the conference. However, in those concessions there remain many pitfalls and anomalies for pensioners in that package. The minimum income guarantee will rise from £78.45 to £90 to ensure that no pensioner has to live on less than £90 a week. However, the gap between the basic state pension and the minimum income guarantee would be wider than at present. Therefore we could have the situation where a pensioner who saves up to £20,000 — which would generate an income from a private pension of about £20 a week — would gain nothing. The first £20,000 of a private pension saving could be wasted.

For every £1 of pension income, pensioners will lose £1 in minimum income guaranteed benefit, and if you add to this the fact that the minimum income guarantee will always rise faster than the basic state pension, the gap between them will grow year after year. This is a disincentive to save into a private pension. Although there will be a new pension credit — which means that for every £1 of pension income, only 50p will be lost in the minimum income guarantee benefit — this will not come into place until 2003, and pensioners will have no respite from their current financial difficulties until then.

Mr Gordon Lishman, the director general of Age Concern in England, summed up Mr Brown's pledges last week by saying

"The Chancellor has missed the opportunity to put the minds of millions of today's pensioners at rest on the future of the state pensions."

I am sure that many in this House would agree. The main issue is that the annual increase in pensions is in line with prices and not the annual increase in wages, so many pensioners find themselves caught in a poverty trap, as they find their income continuously eroded, and they experience a reduction in real buying power.

I do not believe that any one in the Chamber today is unaware of how difficult it is for elderly people to manage on a state pension. Even with the winter fuel allowance of £150 and a free TV licence, many people are merely existing on the breadline or using their life savings to attain a basic standard of living. Each year many of our pensioners die of cold-related illnesses, because they cannot heat their homes. That is a proven fact.

Yesterday we supported the First Stage of this Bill. While I commend the proposal in the Child Support, Pensions, and Social Security Bill for an additional pension for carers, long-term disabled and people on low incomes, this legislation makes little or no provision for pensioners, who have worked hard and done without to save for



their old age. Those efforts will mean nothing if they are to be disenfranchised and penalised for their prudence. It is essential that there be adequate pension provisions for this section of the community, which has been ignored for a long time.

There are particular benefits for women who have given up the prospect of employment to care for an elderly or disabled relative. It is right that they receive recognition for the invaluable community service that they have provided, caring for the elderly and people with disabilities. For a long time these people, mainly women, were disenfranchised because they did not have the necessary national insurance contributions to claim their pensions, and were forced to rely on social security benefits for their income, which kept them in the poverty trap.

I support the motion because I, like many others in the House, want to see change for the better. However, when voting on this motion, we must also face the reality of our own agenda. This afternoon, we will probably agree the accelerated passage of the Child Support, Pensions and Social Security Bill proposed by the Minister for Social Development. In doing this we will effectively be voting to accelerate Gordon Brown's new package as it stands, which renders this motion irrelevant. As legislators, we have a responsibility to bear that in mind during this debate.

**Mr Hay:** I support the motion, at least in principle. This is only a start. I think we would all agree that many senior citizens are living on the breadline. One thing that surprises me is that the proposer of the motion, in many cases, contradicts himself.

For example, as public representatives, we have all, over the years, been trying to do what we can for senior citizens. I remember sitting on the council in our own city of Londonderry when many motions came in about free travel for senior citizens. Over the years, all the parties in the Province did that quite well. It is sad, then, to hear the proposer saying that he expects the Department for Regional Development to foot the whole bill for free travel for senior citizens. He and his council now have an opportunity to look at providing some money. I do not think the Minister is asking for all of it from local authorities. He is saying very clearly that a scheme has been announced. He is looking to local authorities to pay for part of that scheme. That is a unique opportunity for public representatives across the Province to get involved with the Department and ensure that our senior citizens avail of the facility of free travel.

The proposer was quite clear — correct me if I am wrong — that he expected the Regional Development Department and the Minister to find the money. That is what he said. There are councils in Northern Ireland that have taken up, and will be taking up, this scheme. Councils that support the scheme will probably be allowed to go ahead with it. Neighbouring councils will

be complaining because senior citizens will not be able to afford the free travel. That is the tragedy.

As public representatives — and especially as councillors — we have an opportunity to avail of that scheme. I encourage those Members who sit on local authorities in Northern Ireland to take up that scheme, and not to expect the Department of Regional Development to pay entirely for it.

There is no doubt that over the years both the Labour Party and the Conservative Party have used this issue as a political football. For senior citizens, today is only a start. Some of them live on the breadline. This is the year 2000, but some of them still have to choose between putting on a fire and buying food. That is a tragedy. It is an indictment of both Governments. For 15 years, the Conservative Government did absolutely nothing for senior citizens. Now we have a Labour Government which, for whatever reason, sees it as politically correct to try and give our pensioners a reasonable amount of money to live on. I support the motion in principle, but it is only the start of what we need to achieve for senior citizens.

We should also welcome the decision by the Minister for Social Development to increase the winter fuel allowance by £50 per week. I heard some public representatives complaining about even that. There is no real means test for the winter fuel payment. It is only necessary to establish that a certain number of benefits are being received. Some of those benefits are far-reaching and very wide. Most people — and not only senior citizens — who are seriously on the breadline, or who are socially disadvantaged, will work very closely with the department to make sure that that money is paid out. That is £50 per week on top of what was already there. That has to be welcomed.

We all have a responsibility as public representatives to make sure that senior citizens are well off. I visit many homes in my own constituency, and many senior citizens are not living at all; they are only existing. That is the tragedy of it all in this year 2000. I am surprised by the way the proposer contradicts himself. It is the responsibility of all of us to try, when we get the opportunity, to help our senior citizens. Through local government, we now have that opportunity. In principle, I welcome this motion. At least we can have a full debate on what we need to do for senior citizens.

**Mr M Murphy:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion. We talk about pensions, but it is about those in our society who are in need of help. The very people who have given so much to the fabric of society are, in retirement, treated with contempt. Instead of having the dignified life and comfort that we owe them, elderly citizens are left out in the cold with £67.50 for a single person, and £116 for a married couple. How did this come about? The former



British Government linked pensions to earnings, which meant that pensions were related to inflation and not to how much our wages increased each year. We all know how Governments love to keep inflation — that is, the growth of the economy — down. Pensions have to be related to wage increases. In the meantime, the pension should be massively increased to bring it up to an acceptable standard. £5 per week is an insult. Give retired citizens a dignified and comfortable life.

12.00

I would ask the Minister for Regional Development to put free transport for senior citizens into his programme. In the South of Ireland, pensioners benefit from over IR£100 per week as well as having free public transport, free television licences and free telephone rentals.

A pensioner in the Republic can board a bus or train and travel from one part of the island to the other free of charge. However, a pensioner from the Six Counties has to travel to the border at their own expense in order to avail of free travel in the South of Ireland.

Some would say that a proper pension and free transport would not be in line with the Chancellor of the Exchequer's plans to keep down inflation. We must remember that ten years ago when Germany was unified the East German citizens who had not paid into a pension fund were immediately given full pension rights under the new Government policy. It is time we were brought into line with other nations.

I support the motion.

**Mr Hay:** I would correct something. I mentioned £150 per week. This relates to a one-off payment of £150 to pensioners for winter fuel.

**Ms McWilliams:** I feel a bit like the person who telephoned 'Talkback' last week and said that he was fed up with people saying that Ulster was at the crossroads. He said that Ulster is not at the crossroads — Ulster is at the roundabout. I assume he meant that we were going round in circles. In many ways I feel like that in relation to this debate.

For a number of years the Labour Government have had the opportunity to address this issue, and we saw, at their party conference last week in Brighton, what happens when they do not seriously address it. They are now going to have to go back and address the policy seriously.

I was concerned — and when the old Assembly was sitting I made a submission to the Social Security Committee, as it was then called — about the changes that were going to happen to supplementary benefit, which is now known as income support. In those days there was the state earnings related pension scheme, and it was treated like a disease. I always thought SERPS was a funny name because it sounded like HERPS — herpes. They treated it just like a disease and got rid of

it without giving any consideration to what might happen. We then saw Thatcher — the pension snatcher — taking away what people rightly deserved. The Labour Government have not done anything different.

Help the Aged tell us that 50% of the telephone calls they receive are about money problems. If this issue is not addressed then Help the Aged and Age Concern will continue to receive telephone calls from the elderly about their quality of life and their inability to pay for the cost of living increases out of their pension which is not index-linked to earnings.

Last week, Chancellor Brown continued to talk about the enormous disparities. He suggested that there were wealthy pensioners. If that was the case then it should be tackled in terms of taxation. He needs to know that one in three pensioners — 70,000 out of a total of 225,000 claiming retirement pension — are on income support. Another 15,000 are not even claiming what they are entitled to and are below the income support threshold. We have 20% on the poverty line and two thirds of those aged over 70 now make up the poorest 40% of our population. Is that the kind of dignity that we want for our senior citizens?

Let me turn to what we can do in Northern Ireland. I feel a sense of frustration about this debate. It would be easy for Members to agree that this is a Westminster responsibility. It is right that the Assembly should send out a message of consensus, showing that this is an issue that we are concerned about in Northern Ireland, but there are issues that we need to lobby loudly on. The cost of living is higher in Northern Ireland, so we do not benefit fully from the standard fuel allowance. I remember the days when we had an extra fuel allowance to take account of the higher fuel price in Northern Ireland. That was done away with under the parity regulations, but our Minister and others should lobby to try and get that back.

In addition, we get no advantage from housing benefit that is established at the same rate as elsewhere. Pensioners who are owner-occupiers have, in many cases, already paid out for their mortgages. They may be asset-rich but cash poor. However, pensioners in receipt of housing benefit are not getting any advantage from that, because the rate is standard across the UK. Therefore where our costs are lower we are not getting any assistance, and where our costs are higher we are actually losing out. Will the Minister for Social Development address that?

We do not want minimum income guarantees in Northern Ireland. Let us make that clear. We want the earnings link for all pensions, not means-tested benefits. Last week I addressed the National Pensioners' Convention in the City hall. A spokesperson there said that the elderly are fed up being made to think that they are getting something for nothing. The elderly contributed to

schemes when they were earning money and paid their National Insurance contributions; they deserve to have the index link restored. The Government, including our own Ministers, talk constantly about getting people into work and off welfare, as if some stigma is attached to welfare. At the same time, we drive the elderly in the direction of welfare: either there is a stigma attached to welfare or there is not. If the Government think that there is, and want people off it, then why are they saying to the elderly that more of them should go on it? They are increasing the number of means-tested benefits, which the elderly are increasingly unlikely to take up. This is not an old-age problem but an age-old problem.

I am sick to death of the Labour Government writing reports such as 'Building a Better Britain for Older People'. It is mostly rhetoric. We should set up an inter-departmental committee for the elderly. The Minister for Social Development is here, as are the Minister of Health, Social Services and Public Safety — who has a lot of responsibility in relation to home-helps et cetera — and the Minister for Regional Development. We have discussed transport, meals on wheels, home helps, basic pensions and basic allowances. Let us get that committee off the ground as soon as possible.

**Rev Robert Coulter:** I speak as perhaps the only Member on the Floor of the House who is in the group called the elderly. Mr Deputy Speaker, you and I are in a unique position today. The learned Clerk might clarify whether that puts me in an awkward position — do I need to declare an interest in the debate? I thank Mr McCarthy and, on behalf of the elderly, all the young ones in the Assembly who have supported the motion. We, the elderly, are not asking for hand-outs; we are asking for dignified treatment. We are asking the Government to take seriously the fact that we have, through a lifetime, paid our subscriptions. We are in our twilight years and ask to be treated with dignity.

Ms Lewsley raised the point that the Government's proposition is not straightforward. Those who have invested in private pension schemes are being penalised. We must not simply call for pensions to be increased by £5; we should examine these issues also. Indeed, I take exception to the proposition that £5 should be added. The proposition should have said "at least £5 should be added" because to introduce a finite figure of £5 is to limit the effectiveness of the proposition.

I do not want to take up time as most of the points I was going to make have already been made very eloquently. As a member of the elderly sector — and the elderly make up a third of the population — I thank the House and ask all Members to support the motion.

**Mr Deputy Speaker:** Before calling the next Member I must declare an interest in this matter. Not only am I slightly above retiring age; I am also on the board of Help the Aged.

**Mr Attwood:** I want to address this issue in a slightly more "targeted" way — if that is not an appropriate use of the word. This issue is about the income that pensioners enjoy and, more particularly, the income that pensioners in poverty endure. That is the theme that I want to address in the context of giving my support to the letter and spirit of the motion.

Figures quoted earlier indicate that over two million pensioners in Britain are now living in poverty. There are approximately 10 million pensioners in Britain so we have a duty to everyone, but particularly to the most disadvantaged. My comments are made in this context. We are debating this issue because for many decades pensioners have not been treated as they should have been, and that was particularly so over the last two decades of Tory rule. During that period the highest one fifth of pensioner incomes rose by 80%, but the lowest one fifth of incomes grew by just 30%. Particular attention must be paid to this disparity of income, and especially to the incomes of pension claimants living in poverty or on low incomes.

There are a number of responses to the motion itself and to the general problem of poverty among pensioners. First, there must be a guaranteed minimum income for all pensioners, which must benefit those living in poverty the most. The Government have announced the introduction of a guaranteed minimum income, which will increase to £90 by next April. A minimum of £90 is not an adequate answer to pensioner poverty.

The family budget unit has produced a low-cost but acceptable income standard which, it claims, is needed by households with people aged between 65 and 74 to maintain a healthy diet, material security, social participation and a sense of control. The unit thinks that the acceptable standard of income for a single person is £123 and is £184 for a couple. Under these criteria, neither the single person nor the couple would have the benefit of a car.

12.15 pm

We should also support an increase — indeed, a very significant increase — in the guaranteed minimum income, because that would benefit the two million people who are pensioners and who are in poverty.

Secondly, the Government have made the welcome announcement of pension credit for those who have saved over the years, but who have not saved as much as others might have been able to do. We need to have that pension credit introduced earlier than the Government's projected date of 2003. In that way, those who have been in work and have the benefit of savings will also have their incomes increased because their pensions and savings are not adequate to meet their day-to-day living costs.

**Ms McWilliams:** This is all extremely complicated. More and more pieces are being added on, and that is just making the system worse when we should be making it simpler to combat the low take-up. Does the Member agree?

**Mr Attwood:** We accept that the state pension should be made to reflect increases in earnings. That is the simple solution, and I am saying “Yes, let us take that step.” However, if you are still living on £90 a week as a poor pensioner, the fact that you are going to get an increase in your pension based upon a link to income will not address your difficulties or your poverty. Even if your pension is now related to income, how can you undo the fact that for 18 years that has not been the case? Linking pension to incomes is a help, but it is not a solution—there may be no simple solution. The problem has arisen over 18 years of disadvantage and discrimination against pensioners and the poor, and it will therefore require a complex and systematic solution over a number of years. That is what I am trying to flag up.

This motion goes down the road of fairer provision for pensioners, but if we are to address the multiple layers of deprivation among the poor, we have to go further down that road. We should move to compel all employers to contribute to a pension for their employees. We should also have all employer and stakeholder schemes provide a minimum income at retirement, based either on a portion of final earnings or on a career average.

This is a multi-layered problem that requires a multi-dimensional answer. The motion contains two answers, but more are required.

**Mr M Robinson:** All of us will one day be pensioners so we have a vested interest in this subject. As the issue of pensions is currently making the headlines, the motion is timely. I do, however, hope that the proposer is aware that, because this is not a matter for the Assembly, it is unlikely to sway the Chancellor of the Exchequer. We must also realise that it is unlikely that either of the main political parties will restore the link as suggested in the motion. Nevertheless, it sets down an important marker for the people of Northern Ireland that we Assembly Members do take an interest in our pensioners.

I recall the clear and definitive remarks made by Alistair Darling when he put his proposals in the Commons in December 1998 for the reform of pensions. These were said to herald the beginning of the most radical pension reform ever. The idea that the young and middle-aged workers would opt out of SERPS (state earnings-related pension scheme) was thought to be essential to maintaining some form of pension strategy. It is evident from the lack of opt-outs that people still prefer the state pension. Mr Darling suggested that companies be given greater powers to force people to get out of SERPS. This did not prove very popular either. He also told us that there would be

a new round of means-testing to target the less well off. As we all heard at the recent Labour Party conference, this proved equally repugnant.

In place of these changes it was proposed to set up the stakeholder pension. Most of us consider what we have paid into the National Insurance scheme to be our stakeholder pension. We have witnessed civil government being prepared to let the state pension wither on the vine and then blame those who have pensions for causing the problem, although a growing body of evidence suggests that the problem is being deliberately exaggerated in order to force through some very unpleasant policies.

The ongoing figures in respect of pensioners have produced the expression “pensioner poverty”. The long-term outlook is that by 2050 the state pension for pensioners will be £44 less than the minimum income guarantee level. That is hardly a fact to make all future pensioners cheerful, and it is why we need to make things right for our existing pensioners.

When we look at the present state of Northern Ireland’s 220,000 pensioners we see that not only do 10% fall below the poverty line but a further percentage are discounted because they live on the poverty line. At least 20% of pensioners are in poverty; nationally, the figure is over 22%.

Since the removal of SERPS, pensions have decreased, in real terms, by over £30 per week. A recent survey showed that two out of three pensioners have an annual income of less than £6,000 a year. It is little wonder that most pensioners live with constant worry about money and about losing their independence.

In supporting the motion I cite an old slogan, which has never been denied: how we treat the elderly is indicative of the kind of society we are.

**Mr J Kelly:** Go raibh maith agat, a LeasCheann Comhairle. I have to declare an interest because I am on the threshold of joining the old-age pension group and I might have a double-vested interest in this motion.

Going back to the 1950s, ours used to be an idealistic society, but socialism, and the Labour Party, have been decried this morning. One motto at that time was “from the cradle to the grave”. Ours was a society that attempted to look after its people from the cradle to the grave. Today one is lucky to get as far as the cradle, never mind the grave. There is no doubt, a LeasCheann Comhairle, that we owe a debt to our older people — a debt that they paid to society in their own way during their lifetime.

Although I imagine that growing old can be very dignified, there can be nothing more undignified than growing old with a sense of insecurity, wonderment or bewilderment about how you will be provided for. It is OK if you are surrounded by your family — your sons



or daughters — who will, in difficult times, or perhaps at all times, support your lifestyle or give you some comforts in your old age.

As Mr Attwood said, there is real poverty among old-age pensioners; poverty that we do not see and that is suffered by those who are too proud to come forward and avail of social security benefits. These are people who were reared with an independent mind and means, and who have a degree of pride within them. They suffer in silence and continue wanting and needing, but no one takes up that want or need.

In supporting the motion — I will not quote statistics, for they have already been discussed — I have to say that, while the debate is welcome and that £5 is a notional value, it is totally insufficient. I accept that pensions should be income linked, but many people did not have an income during their lifetime. Many people have no index-related earnings, and we should be looking at the generality of elderly society. That is why the notional idea of £5 is insufficient.

I believe it was last week that Gordon Brown mentioned a figure of £100, which seemed to go off the screen. Even during the Labour Party conference, I do not recall — apart from Barbara Castle's brave and worthwhile intervention — that the notion of £100 came back onto the table. However, we should look at that kind of sum.

It is not enough to put a figure on old age, saying that if a person is 65 we shall quantify it by giving him £100. But doing so gives us a base from which we can work. It takes up the slack for those whose incomes are not related to earnings or who do not have people around them to support them in their old age. It is unfortunate that there was a degree of negativity from one side of the House, but I suppose that is to be expected. I find it difficult to be negative about any motion which attempts to relieve the hardship of the elderly.

Free transport should be looked at very seriously. Let us take the example of what is happening in the rest of Ireland. We talked about the cost, but if empty buses are travelling round our streets, it costs nothing — or perhaps only a negligible sum — to put people into them. In the Twenty-Six Counties, free travel is not available at peak times, when people commute to and from work in the mornings and evenings. That point should be examined when the barrier of costing is raised.

In conclusion, a LeasCheann Comhairle, I should like to mention a friend who, when discussing the elderly, spoke of “walking slow and going fast”. This is true, and we have an obligation and duty to ensure that we are allowed to live out the latter days of our lives in dignity and free from poverty.

*The sitting was suspended at 12.28 pm.*

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

*2.00 pm*

**Mr Dallat:** I support the motion, although it stops far short of the overall needs of our senior citizens. It is nevertheless very welcome and provides an opportunity to appeal for a fresh approach to how we treat our pensioners. We must work towards an end to the begging-bowl syndrome, which is unacceptable and unnecessary in the modern society. After a lifetime of contributing to that society through work, bringing up a family and caring for the previous generation, our senior citizens deserve better treatment. If they need financial help, and are brave enough to ask for it, they are bombarded with multi-coloured forms which look more like large novels rather than sincere attempts to establish need.

Many of those now retiring lived through the war, experienced the poverty of the 1950s and helped reconstruct the country in the 1960s, building new roads, ships, houses and working on farms. They brought home minimum wages and had little, or no, protection under employment laws, such as they were. They had no equality legislation, and human rights was only an international issue. They scraped together what they could to educate the next generation, believing that generation would have a better life, proper skills and secure jobs. Many succeeded, but those who failed are not to be condemned.

Money was hard to come by — very hard — and the idea of private pension schemes was beyond the reach of most people. Superannuation was attached only to the best jobs, and certainly not a word in the vocabulary of most working-class people. For many, paying national insurance was a luxury, open only to those in permanent or long-term employment. For others it was work when they could get it, with employers who did not always live up to their responsibility of paying those national insurance contributions. We must not condemn those people to a second round of hard times in what should be the sunset years of their lives. We should not, and must not, allow another round of hardship for the very people who rebuilt this country in the post-war years.

Supporting an across the board increase is fine. However, there is genuine concern that those who do not have private pensions or savings, and have not contributed to superannuation schemes, will cease to be targeted for benefits. That must not happen. It is the job of the Government to ensure equality for its citizens, to target social need and to ensure that all are protected by human rights legislation. No section of our community is more deserving of those ideals than our pensioners, who ploughed the furrows that we now reap.



I speak from personal experience, as do other Members. We must not let our pensioners down. There has been too much dilly-dallying over free transport. Despite the pilot studies and all the promises made by Lord Dubs, latterly by Peter Robinson and more recently by Gregory Campbell, I still do not have a free transport policy in place, which would allow our senior citizens to retain their mobility, stay active and, without doubt, extend their natural life in a healthy way.

Many of the other issues relating to pensioners were dealt with in the debate on local community nursing. That was a very good debate and showed that the Assembly really cares about senior citizens. What a pity there are those who want to pull it down.

Many of the people referred to earlier, who are suffering ill health, might not be in that position had they the proper resources to remain mobile, eat healthily, avail of affordable leisure facilities and continue to feel important and valuable members of society. A society that cannot afford to care for its citizens now in retirement is one that has failed all its people. To neglect yesterday's working population is to do the same to the present working population tomorrow. As life is short it soon becomes everyone's turn. It is in all our interest to address this issue now and not perpetuate the inequality of the past. Let us get rid of the notion that, because we are an ageing population, it is somehow permissible to skimp on support for the retired.

On the contrary, the issue is all the more important, not less important. I support this motion, because affording equality to all is one of the underlying principles of this Assembly, and pensioners should most certainly be included.

**Mr Shannon:** I support the motion. Some of the comments made by Members this morning may be slightly at variance, but the thrust of the motion is clear.

Pensioners need help, and that is why this motion has been put forward. If physically the Assembly cannot put any more money into their pockets, it is up to us to at least try to support them. As the cost of living continues to rise the people who are most affected are those of pensionable age. Increases in taxes, cuts in services, increases in retail prices affect us all in one way or another. But these economic developments affect senior citizens even more.

As the cost of living has risen, the true value of the state pension has miserably failed to keep pace. Yet the Government have consistently ignored the resulting plight of those who depend on this income to survive. The announcement by the Chancellor of the Exchequer that he was to give each pensioner an extra 75p a week is laughable when one considers the pressures and hardships endured by many older people throughout the

community, and at the recent Labour Party conference this was acknowledged as a *faux pas*.

A Member referred to Toryism. Whether the Government of the day are Conservatives or conservatives, whether they call themselves New Labour, or whatever, there is an onus on them to do their best. Senior citizens have spent their entire lives working in this community and contributing to its wealth, and it would be true to say that without their collective endeavours, we would not be where we are today. We must acknowledge their efforts: it is their taxes, their sweat, their tears and their blood that have made this country what it is. Senior citizens deserve more than to merely survive on the state pension. They also deserve better representation from elected representatives. Successive Governments at Westminster have seen fit almost to punish senior citizens with legislation. Stripped of their life savings, those who have worked and striven to contribute positively to society are then forced to pay for care. It is about time they got a fair deal from life and a fair deal from the Government.

Another factor which directly affects senior citizens is the price of home-heating oil. It was recently announced that the cost of home-heating oil in Northern Ireland has risen by some 150% over the last two years. This will obviously affect the elderly even more when winter comes. For a number of years the issue of how our pensioners meet the cost of heating their homes over the winter months and during cold periods has been highlighted in both the local and national press. However, the cold-weather payments cannot keep up with and do not take account of such huge rises in the price of oil. This problem must therefore be tackled as a matter of urgency. The cold-weather payment of £150 is a drop in the ocean, when you consider that the cost of oil has risen by 150%. Results which have been published show that the average cost of 900 litres of home-heating oil is now £208, which is a record in Northern Ireland — a record we would rather not have. The reason being stated for this huge jump in the cost is the ongoing price variation of crude oil, which, at the start of last year, cost 10 dollars a barrel, and now costs 32 dollars. The situation is currently so bad that prices seem to be escalating weekly, often by as much as 5%. That will give Members an idea of the impact that this is having on society.

While the rise in the cost of home-heating oil affects all those who have oil-fired central heating, the impact will be most felt by those who have the least amount of financial stability and flexibility, which inevitably includes the elderly. It is estimated that about 600 lives are lost each year due to illness connected with the cold. That should make the severity of the situation hit home, and I have no doubt that the price of fuel was a major contributing factor in the loss of many of those lives. It is therefore logical to assume that further increases in the cost of fuel will inevitably lead to increased

financial burdens being put on the elderly. Many people have to decide each week whether to purchase food or fuel, as they do not have the financial wherewithal to do both. They have to decide on a Monday, or on the day they get their pension — usually a Tuesday — whether to buy food or fuel. What a decision to have to make. In a society like ours, proper care should be given to those people who need it most.

There have been discussions about the current opportunities for free travel. Councils have the opportunity to contribute to this scheme, and indeed many have. It is important that all councils realise that this is an opportunity to get involved and to contribute to free travel for senior citizens. The councils that have not yet contributed should do so.

Statistics show that by the year 2020 the over-65s will constitute the majority of our population. It is essential that the Government take action now to cater for that. Older people deserve the right to live life to the full. On reaching the age of 60 or 65 people should not be forced to just survive, or to go through the motions of living. Life should not be over for them; it should be just starting. For many people retirement should be a chance to do things that they have not done before. It is important that society acknowledge that at the age of 60 or 65 people are not finished — life is beginning. Many people of that age and above contribute greatly to society. We must acknowledge that. They should be able to live their lives to the fullest, whether that means becoming involved in education, sport, or community activities.

Where would we be without the senior citizens who make a valuable contribution to society in a voluntary capacity? They help in community groups and organisations, and help younger people in their jobs. Through education, we should give our senior citizens the opportunity to become involved in activities that they may not have had the chance to do when they were working or bringing up families. In our society, people of all ages should be treated with equal respect and attention. We must strive to give senior citizens the same degree of freedom of opportunity as everyone else.

In conclusion, I congratulate groups such as Age Concern — particularly Age Concern — on the work that they have undertaken and the assistance that they provide. Their work is tremendous. That has been acknowledged by many in society and has been welcomed by the recipients of its services. The work they carry out is invaluable and their efforts should be recognised. I support the motion.

**The Minister for Social Development (Mr Morrow):** I have listened with interest to the contributions from around the House. There seems to be some confusion as to the role that we play here. In my opening submission, I hope to clarify that.

I appreciate the strength of feeling on this issue. We all want the best for pensioners, and we want to ensure that every pensioner has a decent income in retirement. Nobody will disagree with that. Social security and pensions are transferred matters and fall within the competence of this Assembly. Northern Ireland has its own body of social security and pension law. Indeed, yesterday the Child Support, Pensions and Social Security Bill had its First Stage. However, this is underpinned by the long-standing policy of parity between Great Britain and Northern Ireland in such matters.

This long-established policy is based on the principle that since people in Northern Ireland pay the same rates of taxation and national insurance contributions as people in the rest of the United Kingdom, we have access to the same range of benefits, paid at the same rates and subject to the same rules and conditions. Parity has served Northern Ireland well. For example, contributory benefits such as retirement pensions are funded from national insurance contributions. The amount raised through these contributions in Northern Ireland has for many years been insufficient to meet the cost of those benefits. The Northern Ireland national insurance fund is topped up with a transfer from the Great Britain fund.

Similarly, non-contributory and income-related benefits are financed from taxation revenue. Expenditure is demand-led and is outside the managed block.

Under section 87 of the Northern Ireland Act 1998, the Secretary of State for Social Security and I are under a duty to consult one another with a view to maintaining, to the extent agreed by us, single systems of social security, pensions and child support for the whole of the United Kingdom.

2.15 pm

Since 1980, state pensions have been uprated in line with the annual rate of inflation. The Secretary of State for Social Security has a statutory duty to review the rate of pensions annually to determine whether they have retained their value in relation to the general level of prices, represented by the increase in the retail price index (RPI) at the end of September. The Secretary of State is then required to lay an Order before Parliament to increase pensions by at least the percentage increase in the RPI. Whenever the Secretary of State makes an uprating Order, my Department is empowered under section 132 of the Social Security Administration (Northern Ireland) Act 1992 to make a corresponding Order for Northern Ireland. Current legislation does not allow my department to pay different rates of pension.

The rate of inflation in September 1999 was 1.1%. That resulted in the 75p increase from last April that Members have identified as a source of great disquiet. I fully appreciate that to many people 75p seems a paltry

sum. However, we must remember that although in previous years the increase was higher, that was due to the higher rate of inflation. The purchasing power of the increase was the same.

While the basic state pension is the foundation of retirement income, it cannot, and was never intended to, provide everyone with a decent income in retirement. In some ways, increasing the basic state pension is not an effective way of targeting resources on those who need help. Over the last 20 years the incomes of the richest fifth of pensioners have risen by 80%, while those of the poorest fifth grew by only 30%. The proportion of pensioners with incomes below 40% of average income rose fivefold. Simply increasing the state pension would not necessarily help those who need it most. The poorest pensioners would lose it, pound for pound, from their income support.

In recent years the priority has been to tackle poverty among pensioners and respond to the growing inequality between the poorest and the richest. The minimum income guarantee (MIG), payable through income support, is designed to tackle the problem of pensioner poverty. Under this guarantee, no pensioner has to get by on a weekly income of less than £78.45 for single pensioners or £121.95 for pensioner couples. No pensioner should have to survive on the basic pension alone. The minimum income guaranteed will be increased to £90 per week from April next year. Also from next April, the amount of savings that a pensioner can have without affecting the guaranteed payment will be increased from £3,000 to £6,000. The upper savings limit at which there is no entitlement to MIG will increase from £8,000 to £12,000. These changes are designed to tackle the problem of pensioner poverty head on.

The introduction of the minimum income guarantee has been backed up by the launch of a take-up campaign to try and ensure that help gets to those who need it most. The new tele-claims service means that pensioners can claim over the phone. The early indications are that many more pensioners are now receiving extra help as a direct result of this campaign.

The result of the minimum income guarantee is that the poorest pensioners are now, on average, £8 per week better off, over and above inflation, than they were in 1997. While the priority, quite rightly, has been to tackle the problem of pensioner poverty — and I am sure that Members would agree that that has to be our number one priority — the concerns of the wider pensioner community have been, and continue to be, addressed.

A series of measures aimed at helping pensioners in general has been introduced. This includes the reintroduction of free eye tests, the introduction of winter fuel payments, and the introduction of free television licences from November for people aged over 75. I

recently confirmed that the winter fuel payment is to be increased from £100 to £150 this winter. The payments will start to be made next month. Pensioners have also benefited from the reduction of VAT on fuel and the more generous income tax allowances — both of which are matters beyond the competence of the Assembly.

There are still problems that need to be addressed. For example, we have the problem of pensioners who have a modest occupational pension, or savings, that puts them beyond the limits of income-related benefits. Many of those pensioners feel — and I have sympathy with their view — that they are being penalised for being prudent during their working lives, when they paid into a pension scheme or put money aside for their old age.

It is important that people are allowed to benefit from having been prudent during their working lives and for them to share in the rising prosperity of the nation. We have already moved to improve the situation by doubling the lower capital limit and by increasing the upper capital limit to £12,000 from next April. This allows pensioners with savings of up to £12,000 to benefit from the minimum income guarantee. That is only a first step.

Work is under way to develop the new pension credit. The new pension credit will ensure that not only do we remove the penalty for savings but that we actually reward savings. The proposal is to abolish the capital limits and to instead take into account the income received from savings. For every pound saved, the person receiving the pension credit will get a cash addition. I hope to publish detailed plans for consultation on a new pension credit later in the autumn.

While many pensioners currently enjoy the benefits of second pensions, whether from the state earnings-related pension scheme or from occupational or personal pension schemes, we want to ensure that as many people as possible can build up a decent second-tier pension by the time that they retire. The new stakeholder pensions to be available from next April will offer the option of a safe, flexible low-cost way to save for a pension for those people who do not have access to an occupational pension or for whom a personal pension is not a cost-effective option. They will also allow those who cease work to continue to pay contributions or to take a break from paying contributions without incurring any financial penalty.

While the state earnings-related pension scheme has served many people well, it is solely earnings-related and so gives least help to those with the lowest earnings and who need help the most. It also gives no help to carers or to disabled people.

The Child Support, Pensions and Social Security Bill, which is currently before the House, contains provisions to reform the state earnings-related pension scheme and to



have a more generous state second pension to give more security in retirement to low and moderate earners and to carers and disabled people with broken work records.

It will significantly increase the additional pensions of low earners. For example, a person earning £120 a week will get £40 more from the state second pension than they would have got from the state earnings-related pension scheme. Many carers and disabled people will get a second pension for the first time. The review to determine the rate of increase for next year's pension is currently under way, and the rate of basic pension from next April will be announced as part of the pre-Budget report.

I understand Members' feelings on restoring the earnings link. However, it may be helpful if I explain the background to the current method of operating. Successive Governments, both Conservative and Labour, have resisted calls for the restoration of the earnings link. This is not purely on the grounds of the cost of restoring the link. In UK terms, £6.5 billion extra is being spent on pensioners over the course of this Parliament. That is £2.5 billion more than would have been spent on restoring the earnings link.

Half of this £6.5 billion is going to the poorest third of pensioners — those most in need of help. There are problems with restoring the earnings link. First, it does not target resources where they are most needed, and secondly, there is the long-term sustainability of funding in the light of projected demographic changes. By 2010 the cost of earnings link in the United Kingdom would rise to £7.5 billion per annum, and by 2040, it is estimated, there will be 43% more people over pension age than there are now.

There are also wider implications. It will result, for example, in increased health and service costs, all of which will have to be met by a falling pensioner support ratio. That is the number of people of working age compared with the number of people of pension age. This problem, no matter how unpalatable, can not be ignored.

I appreciate the depth of Members' feeling on this issue. However, there are those who would say that it is easy to call for increased pensions if you do not have to pick up the bill. As I said, social security and pensions are transferred matters, and if the House feels sufficiently strongly about this issue, and I emphasise this point, it is free to consider providing for a different increase for Northern Ireland pensioners. This would require an amendment to the existing law, and I would be under a statutory duty to consult with the Secretary of State for Social Security before such a change.

More importantly, in such a scenario the additional costs would have to be borne out of the Northern Ireland block. Preliminary estimates suggest that the net benefit costs of a £5 per week increase would cost £40 million. The Department for Social Development would also have to fund the

associated administrative costs as it does not have any computer infrastructure to allow it to pay a separate Northern Ireland-only increase. But from where in the Northern Ireland block would we find the necessary £40 million? That is the stark reality, the big question, that we face. I did not hear anyone address that point.

We want to do all that we can to help older people, and I have set out the context of current pensions policy and outlined the legal framework within which the underpinning policy of parity operates. I am sure that Members will agree that the costs, not to mention the implications, of breaking parity would be considerable and not a step to take lightly.

I have outlined the short-term efforts to help poor pensioners and the longer-term steps being taken to ensure that future pensioners retire with a decent second pension. However, if it is the will of the House, I am very happy to make representations to the Secretary of State for Social Security.

I will now deal with some of the points raised by Members. I have no problem with Mr McCarthy's motion that is before the House today. It might be a little unreal, but sometimes we have to go through that sort of a world. The issue of free transport for pensioners is not a social security matter, as I am sure he would acknowledge. It is being dealt with by the Department for Regional Development.

Joan Carson said that she wants those with most savings to be protected. I am sorry that she is not present to hear my answer, but that matter will be covered by the pensioners' credit proposal. She also said that the Assembly has no power to deal with the £5 change.

2.30 pm

It may come as a surprise to some Members, but the Assembly could change things if it wanted to do so. However, it would need to be fully aware of the costs if it were to go down that particular road. To pay the additional £5 mentioned in the motion would cost approximately £40 million. The administrative costs and those for the change in the computerisation infrastructure would also have to be met. I look forward to other Ministers saying that they will give up £40 million or £50 million so that we can do that. Some people are saying that it is Gordon Brown's problem. If the Assembly wants to make a change in people's lives it can do so — but it will cost money. If we go down that particular road we would be departing from parity and I would be under an obligation to take the matter up directly with the London Minister.

Ms Lewsley referred to 75p as being an insufficient proposed increase. That was last year's figure — and I want to put that on record.



Mr Murphy talked about pensioner benefits in the Republic of Ireland. To put it a bit more succinctly, what was being asked was how do social security benefits in Northern Ireland compare with those in the Republic of Ireland. A broadly similar range of benefits is offered in the Republic, however, it is difficult to make comparisons. We must take into account the exchange rate and its variations. It is also important to compare how the benefits are funded, for example, the differing taxation levels. Many of the benefits such as free electricity, telephone and gas allowances and free public transport are not generally regarded as social security benefits and would not be funded by the social security system.

I was asked if the Department has undertaken any work to compare the social security systems in Northern Ireland with the Republic of Ireland? A comparison of benefits was carried out in the late 1980s. Benefits are, by their nature, complex and in many instances they are tailored to meet individual needs. General comparisons are therefore difficult to make and may not be helpful. Some of the help given to specific groups such as free or reduced transport may not fall into the traditional definition of social security.

Ms McWilliams raised the issue of 15,000 people not claiming income support. The take-up campaign is under way and to date 5,000 claim forms have been issued, 4,000 have been returned and 2,000 people are now getting the minimum income guarantee, MIG.

The retirement pension scheme is not one in which people build up a fund. It is a pay-as-you-go scheme and what was paid in last week has been spent this week. Regarding the Member's suggestion of an inter-departmental Committee that would be a matter for the Assembly.

Rev Robert Coulter said that those paying into private pension schemes are being penalised. Most members of private pension schemes have their contributions enhanced by national insurance rebates and tax incentives throughout their membership of the national insurance scheme. Pension credits will also help these people. The retirement projection cost for the year 2000-2001 is £885.7 million. For 2001-02 the projected figure is £929.4 million.

I trust that I have covered all the points, but if, after reading Hansard, any should come to light that I feel have not adequately been dealt with, I will certainly take them up further in writing.

**Mrs E Bell:** My Colleague and I have been very impressed by the speeches, and I thank Members for their support. This may be a reserve matter to a certain extent but that should not stop us debating the issue here, and let Hansard declare our concern and support. As the Minister pointed out, we do have some mechanism to make that more than just a vocal concern of support.

The confidence in this issue is reflected in the consensus and in the content of the speeches. It is said that a sign of good government is that the young and the elderly are treated properly, fully and effectively — from the cradle to the grave. I have to say that the elderly of our society have a lot to be concerned about. They have been ignored for years. Health and benefits have been inadequate and recently, people have felt it necessary to come together all over the United Kingdom and bring their concerns to the attention of the Government of the day, and even more recently to the attention of this Assembly.

Perhaps Ms McWilliam's idea is not actually "pie in the sky". Nobody said that anything we deal with will be easy. The fact that we would have to break parity should not entirely knock us of the idea. We should consider the idea of an inter-parliamentary committee to be overseen by the junior Ministers. As the Minister rightly said, that is something for the Assembly to consider. We should not let the idea that we are breaking parity put us off.

**Mr Taylor:** Can the Member confirm whether she supports the principle of parity?

**Mrs E Bell:** I do support the principle of parity, but, like any rule, it can be looked at to see if it can be amended in any way.

This Assembly is about responsibility and accountability to the people of Northern Ireland, and we must be seen to be doing that, difficult though it may be. Pensions, like other benefits, are extremely complex — as was outlined in several speeches — and very difficult for the average senior citizen to understand. Anyone who has been in the citizens advice bureaux, or any other voluntary area, would tell you that that is an everyday happening.

Our first concern should be to draw up a clearer and more structured application system for pensions. Why is the rate of pension not sufficient of itself, and why should people have the additional stress of applying for other benefits to bring their income up to an adequate level? The Minister said that retirement pension was never designed to be a one and only pension, but I really do think that we need to look at that issue.

I also know that the present Labour Government have refused to link pensions to wages, saying that it would not improve the lot of the poorer pensioners. That may be right, but the transitional moves that Gordon Brown announced last week at his conference to increase the overall level of pensions has started with the princely sum of 75p last year. Incidentally, I must express disappointment for, as far as I know, there was no Northern Ireland MP in the House of Commons who opposed that increase.

Last year, Gordon Brown promised to raise the basic state pension dramatically next April, and again in

2002. Can we believe him, or do we take it with a cynical pinch of salt, remembering that next year could be an election year?

I am concerned that this transitional arrangement will again involve cash credit schemes that people have talked about, and the income guarantee. They are again going to add to the complexity of the application system. I must also tell Members that our Westminster colleagues from all parties are still getting massive mailbags containing loads of queries and fears from elderly people in spite of Government promises. As was stated in 'The Guardian', they have conceded the cash — well, hopefully they have — but they have not conceded the principle of linkage.

In recent years, people such as Jack Jones and organisations such as Age Concern and Help the Aged have brought the issue of proper treatment of our elderly citizens to the attention of the Government; the Member for Lagan Valley (Ms Lewsley) said last week, they have no better supporter than Barbara Castle. At last, politicians are realising that there are votes to be gained from this large section of the electorate. I hope that they will remember the contribution made by those people over the years when they consider pension entitlement.

I know that the Minister has dealt efficiently with several comments that were made. I would like to make a comment about free transport, because we are not just talking about income we are talking about quality of life. As it is local authorities have problems with their budgets. They give as much as they can, within their remit, to their borough or area, and the Government are passing the buck by saying that local authorities should pay part of the cost. We will find ample opportunity to help our senior citizens and we will ask the Minister for Regional Development to do the same.

I want to reaffirm Rev Robert Coulter's statement that pensioners are looking for dignity, not handouts. The Minister referred to take-up rates. One of my first jobs — it was over 20 years ago — was something similar to the take-up campaign. I hope that the people involved do not come across the level of ignorance that I found among people sitting in their homes, not realising that they could claim, regardless of all the television coverage.

Ms Lewsley and Mr Attwood mentioned the minimum income guarantee and said that that would benefit low income family budgets. I hope that it does, but I must stress again my concern about the complexity of the whole thing.

The Minister's comments were formal and objective, and rightly so, but one of the main reasons that we are having this debate is that people are still living on or below the poverty line. That is the real fact, and it does not matter how wonderful the Government's ideas for the next year are. People need a basic rate of retirement

pension that will keep them going, and that is not happening. That is why we are having this debate.

I would like the Minister to say whether the take-up campaign has started in Northern Ireland. If it has, what numbers will we get? Only then will we know that the people in Northern Ireland are getting their full entitlement.

As Mr McCarthy said, the message from the Assembly is that we will not fudge the issue. We will support the people who have already made their contribution to society. We have a duty to support them, and we will fight on this issue. It may be a reserved matter, but we must try to influence the Government however we can through the Committees. It is not just a question of liking income and pension; it is about the quality of life that we want to uphold. That should be the right of senior citizens. As Mr Attwood said, it is a multi-layered scheme and a multi-layered issue. We must start today by loudly proclaiming our support and working towards a better pension and a better situation for all of us, including the future pensioners.

*Question put and agreed to.*

*Resolved:*

That this Assembly calls for an immediate increase from the Chancellor of the Exchequer's package of £5 per week in retirement pensions and for restoration of the index-linking of pensions to earnings.

## CHILD SUPPORT, PENSIONS AND SOCIAL SECURITY BILL

### Accelerated Passage

2.45 pm

**Mr Deputy Speaker:** We move to the motion for accelerated passage. I should like to remind Members that a Bill shall receive accelerated passage only if there is leave of the Assembly. If any Member objects the motion will fall.

**The Minister for Social Development (Mr Morrow):** I beg to move

That in accordance with Standing Order 40(2) this Assembly grants accelerated passage to the Child Support, Pensions and Social Security Bill.

The Child Support, Pensions and Social Security Bill is an important piece of legislation which will make provision for Northern Ireland corresponding to that made for Great Britain by the Child Support, Pensions and Social Security Act 2000. There is a long-standing principle of parity between Great Britain and Northern Ireland in the fields of social security and pensions, and latterly to child support. Given that people in Northern Ireland pay the same rate of income tax and national insurance contributions as those in Great Britain, they are entitled to expect changes in the legislation in Great Britain to apply in Northern Ireland with minimal delay.

The Great Britain Act received Royal Assent on 28 July 2000, and some of its provisions came into force on that date. The corresponding Northern Ireland Provisions Act cannot come into operation until this Bill has completed its passage through the Assembly. The remaining provisions of both Acts will be brought into operation by a series of Commencement Orders. For instance, section 41 of the Great Britain Act, which allows for the making of regulations relating to the sharing of State Earnings Related Pension Scheme (SERPS) rights has been brought into operation from 28 September 2000. The regulations made under that section will come into force on 1 December 2000. The Northern Ireland equivalent is clause 37 of this Bill.

Clause 37 provides powers to enable my Department to set out, in regulations, how the cash equivalent of SERPS rights is to be calculated under pension sharing at the time of divorce annulity to give a former spouse a pension in his or her own right. Pension sharing comes into operation for petitions for divorce annulity made on or after 1 December 2000. Therefore it is vital that the regulations under clause 37 be operative from that date. Otherwise there would be no legal authority to make the necessary calculations to facilitate the sharing of SERPS rights, and former spouses would suffer as a consequence.

Another Commencement Order soon to be made will bring further provisions of the Great Britain Act into force progressively from 1 November 2000. These include the powers to make regulations providing for the introduction of the new decision-making and appeals processes for housing benefit. I can not stress too strongly the importance of making the corresponding Northern Ireland regulations as soon as possible after their Great Britain counterparts.

The processes for deciding claims for housing benefit provided for in the Bill will differ substantially from the present method. The detail will be set out in the regulations and the staff of the Housing Executive and the Rate Collection Agency, who will operate the new arrangements, need to be able to familiarise themselves with these processes before their introduction next April.

Welfare rights bodies, which advise and represent appellants, will also need time to prepare for the new system. Although the full implementation of the child support reforms is not due to take place until April 2002, the Minister responsible in Great Britain, Baroness Hollis, has drawn my attention to some aspects of the changes which could be introduced at an earlier date.

The provisions, all of which can be introduced with minimum disruption, relate to fines for failure to provide information on the provision of false information; removal of the requirement to appoint an inspector for individual child support cases; the presumption of parentage where the man is named on the birth certificate, or where he and the mother of the child were married at any time between conception and birth; and removal of driving licences for failure to comply with child support maintenance requirements.

With the exception of the provisions relating to driving licences, which she hopes to introduce in April 2001, Baroness Hollis would like to bring these changes into operation in January 2001. She has asked me to do everything possible to implement the corresponding Northern Ireland provisions from the same dates.

I am therefore seeking leave of the Assembly to the use of the accelerated passage procedure set out in Standing Order 40(2), so that we can bring Northern Ireland law on these matters into line with that in Great Britain with minimum delay. The granting of leave for the accelerated passage procedures means that there will not be a formal Committee stage. However, my predecessor, Mr Nigel Dodds, discussed the content of the Bill with the Social Development Committee before the summer recess. Committee members are therefore aware of the broad thrust of the proposals. There will be an opportunity for all Members to make their views known at the Second and further Stages.

**Ms Gildernew:** Go raibh maith agat. The Child Support, Pensions and Social Security Bill is a very detailed and complex piece of legislation. Given that it became available only yesterday, it is difficult to identify possible areas of contention.

While I take on board what has been said and accept that this legislation will simplify the benefits system — particularly for child support — I have reservations about it. The tool of accelerated passage often takes through time-consuming pieces of legislation that make small or cosmetic changes, thus freeing up Members for other activities. However, I would not advocate this as a means of avoiding work. The only chance Members get to scrutinise Bills is at Committee Stage, so I do not favour setting the precedent of using accelerated passage in the Assembly. However, I am not objecting to this particular Bill going through accelerated passage.

Members must carry out their role in going through the details of Bills, however time-consuming, to ensure that constituents are not worse off as a result of a piece of legislation that has been rushed through. Go raibh maith agat.

**Mr Taylor:** I have been intrigued while listening to this debate and the earlier one. The Minister is quite correct in his presentation. We accept the principle of parity, and it is important that we accelerate this particular piece of legislation so that we are in line with what is happening in the rest of the United Kingdom. The principle of parity is one of the benefits of being part of the United Kingdom. I was intrigued to hear the Sinn Féin Member say that she was against the procedure to accelerate, but that she was in favour of it in this case. Mrs Bell, on behalf of the Alliance Party, said that she was in favour of parity, but she wanted it reviewed. One cannot have these things both ways. Either one is in favour of parity or one is not, and one is either in favour of the accelerated procedure or one is not. Most of us support the idea of parity and the urgency of having this legislation brought into line with the rest of United Kingdom. I fully support what the Minister said.

**Mr Morrow:** Mr Taylor has put the point very succinctly. This is a parity Bill. It is in no one's interest in Northern Ireland to drift behind on these matters. There will be an opportunity for Members to ask questions or express reservations about the Bill at a later stage.

**Mr Deputy Speaker:** I again remind Members that a Bill gets accelerated passage only by leave of the Assembly.

*Question put and agreed to nemine contradicente.*

*Resolved:*

That in accordance with Standing Order 40(2) this Assembly grants accelerated passage to the Child Support, Pensions and Social Security Bill.

## Private Notice Question

### COUNTY FERMANAGH ECONOMY

**Mr Gallagher** asked the Minister of Enterprise, Trade and Investment to specify the steps he has taken to underpin the economy in County Fermanagh in light of the recent loss of over 130 jobs and the effect of the value of exchange rates with the Republic of Ireland in the light of the Danish referendum on joining EMS.

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** I very much regret the recent job losses experienced by the people of County Fermanagh. My Department, through local active involvement by agencies such as the Local Enterprise Development Unit (LEDU), the Northern Ireland Tourist Board (NITB) and the Industrial Development Board (IDB), continues to do everything possible to support local economic development in the county.

**Mr Gallagher:** I thank the Minister for giving his time to this topic. I know that he recently visited County Fermanagh, and I am sure that, like myself, he got a sense from all the people right across the community that the best hope of tackling and resolving our difficulties is through a locally elected Minister.

I want, through my question, to re-emphasise the dire economic situation in County Fermanagh. Members will have heard the names of Daintyfyt, Desmond & Sons Ltd, Blue Paths Industries, Plastofilm Ltd, and Malton Foods. All these industries in Fermanagh have closed in recent times. Already this year we have had 350 job losses. Five hundred jobs have been lost to the area within the last 18 months. The people most directly hit are those who have lost their jobs, and their families. Throughout the entire community in Fermanagh there is a palpable sense of hurt at this series of losses.

At the same time, retailers in the border areas, and particularly in County Fermanagh, have been trying to survive in the face of a currency advantage of 25p or 30p for the Southern side of the border.

*(Madam Deputy Speaker [Ms Morrice] in the Chair)*

**Madam Deputy Speaker:** I advise the Member that this is a supplementary question, not a statement.

**Mr Gallagher:** All right.

That has brought about a massive drop in trade on the Northern side. In view of all of that, I want to ask the Minister about initiatives. The Intec Centre has recently opened. The Minister, or at least the IDB and LEDU, will be aware of that. There was an investment package of £2.1 million for phase 1. That included money from the International Fund for Ireland, the Special Support Programme for Peace and Reconciliation, and Fermanagh District



Council. The purpose is to improve the effectiveness of local industry and to make the area more attractive for

**Madam Deputy Speaker:** I would like you to get directly to the question.

**Mr Gallagher:** This is all very relevant to the question, because we are talking about inward investment. This initiative, is making the area more advantageous for that. In view of that investment, I want to ask the Minister if the IDB is prepared to back that up by forming a partnership with this local community initiative, which I believe deserves a Government response. Would that response be to use the space set aside for research and development by the IDB? Would it include the delivering to Fermanagh of more investment in technology? And the second part —

**Madam Deputy Speaker:** I think we should let the Minister respond to those questions.

**Mr Gallagher:** There are three parts, and I will come to them very quickly.

**Madam Deputy Speaker:** I cannot allow a supplementary question with three parts. I prefer that you choose the one question that you want to put to the Minister.

**Mr Gallagher:** Do I have an opportunity to do that now?

**Madam Deputy Speaker:** I would appreciate it if you were to ask the Minister one direct question.

**Mr Gallagher:** Will the Minister now be an advocate for intervention packages for the border constituency of Fermanagh and South Tyrone?

3.00 pm

**Sir Reg Empey:** I am very conscious of the unfortunate series of announcements which have been made over the last couple of months. This morning I met with the chairman and the chief executive of Fermanagh District Council at IDB headquarters. We assembled there a team representing IDB and the Training and Employment Agency, and I had briefings with the Northern Ireland Tourist Board, LEDU officials from the western area and all persons within and without my Department whose views I considered relevant to the position the county finds itself in. I have also had communications from Mr Gallagher and from Minister Sam Foster; I have had a conversation with Minister Morrow; and I have looked very closely at the whole picture in the county.

The basic position is this: the IDB currently has 25 client companies in Fermanagh District Council area, employing 3,237 people. Since April 1995 IDB has offered client companies in the constituency assistance of £28.9 million in support of projects involving a total

investment of £111.5 million. These projects anticipate a total of 1,000 new jobs and safeguard a further 727.

The Member describes the situation as dire. The situation is, undoubtedly, very difficult for those who have been directly affected, but I can assure the Member that tomorrow staff from the Training and Employment Agency will be visiting the Desmond factory. They will be counselling each individual there with regard to the number and nature of vacancies that currently exist. In addition, they will be establishing re-training needs, and I have been given an assurance that everyone who wishes to do so will be given the opportunity to immediately enter into the New Deal procedures. I have also been advised that a number of local companies have indicated to the Training and Employment Agency that they have needs for labour. The officials from the Training and Employment Agency will have full lists of all of those companies and vacancies to offer to the people.

To put things into perspective, as at August 2000 the number of unemployed persons in Fermanagh was 1,879. This represented 7.1% of the workforce — a drop of 14% in unemployment there in the last 12 months. That means that, in terms of unemployment, Fermanagh still has a 1.5% fall-off from the mean, compared with the rest of Northern Ireland.

Our colleagues in LEDU have also been active. Members will be aware that following the Unipork closure, the considering self employment programme has joined forces with Unipork at the site, and LEDU and the Fermanagh Enterprise Centre are working together with the former workforce to see if they can help. LEDU is going to extend that to include the workforce at Desmond and Sons Ltd. LEDU will extend funding but will be looking for matching funding, and I have already opened discussions with the council in that regard.

People need to be aware that the business formation rate in County Fermanagh is 50% above the Northern Ireland average and is, in fact, the highest amongst all district councils in Northern Ireland. There is therefore a higher start-up rate than average. This is partly due to the fact that there is a very sophisticated and highly-developed enterprise culture, which is assisting the county to counteract these matters.

Unemployment in County Fermanagh is falling; the number of people in work is rising, but inevitably, the dependence on one sector of the manufacturing economy, namely textiles, and the particular dependence on apparel, which is linked directly to the Marks and Spencer situation, has left the county vulnerable in some areas. The announcement from the company came as a surprise to us because there was no advance warning of it. I can assure the Assembly that nothing that the company asked IDB for was refused and the company will confirm that it is satisfied with the service that it has received.

We are aware of the situation and would be very happy to sit down with the council and others to look at the long-term strategy that needs to be applied to ensure that downward pressure continues with regard to unemployment. If we can be of any further assistance to the county, we will. I have already been there on two occasions. I visited a number of companies and I have plans for further visits.

There has been progress on the tourist side as well, but I am conscious of the agricultural problems surrounding the amount of disposable income. Against that backdrop, there are difficulties.

I am aware of the difficulties that a border county has with the 25% to 30% barrier in terms of currency, but as I said to the business community, that is outside our control. The problem is that the Euro is undervalued, not that the pound is overvalued. We are going to have to live with the consequences of that currency differential for the foreseeable future because I do not see any prospect of the United Kingdom joining the European single currency for at least three years. We will have to bear that in mind. I am very conscious of the difficulties for petrol retailers and others, but I do not see any immediate prospect of a change in that particular policy.

**Mr Taylor:** I think the hon Member for Fermanagh and South Tyrone, Mr Gallagher, should be roundly congratulated on having asked one of the longest questions in parliamentary history, and clearly it should be referred to the Guinness Book of Records.

On the issue of exchange rates, which the hon Member mentioned and to which the Minister has referred, it is not a matter of us having no influence on this subject, nor is it a matter of the United Kingdom joining the Euro. Surely the Republic of Ireland should leave the Euro. We do have a competence and a role in this matter. I ask the Minister, at the next North/South Council meeting, to draw to the attention of the Southern Irish authorities that only one third of their trade is with the Euro and two thirds is with sterling and the dollar. They have opted for the wrong currency, for the collapsing currency, and they are thereby creating problems for themselves in inflation, social unrest and eventually unemployment. Will he therefore recommend that they leave the Euro and, if possible, rejoin sterling? That would certainly be well received in County Fermanagh.

**Mr Gallagher:** Is Mr Taylor trying to break the record?

**Madam Deputy Speaker:** Yes, I was noting the record in the Guinness Book of Records might have been changed.

**Sir Reg Empey:** I acknowledge the point that the Member makes about the statistics on the economy for the Republic and the Euro. There is a large currency

area made up of 11 or 12 different economies which are all at different stages and moving at different speeds. It is perfectly obvious that what we are seeing in the Republic now is the re-emergence of significant inflation. This is due to the fact that it does not control its interest rates. The lower interest rates which are appropriate for economies such as that of Germany, which has been sluggish, are totally inappropriate for the Irish economy, which has been growing strongly. We all see the consequences of that around us.

What it does with regard to its monetary policies is entirely a matter for the Irish Republic, but I do accept that the irony of the situation is that the currency differences between us are proving to be an infinitely more significant border than the constitutional border. A wall has been erected which has divided our economies as never before. I was opposed to the Republic joining the Euro because of the fact that it was losing control of its own economy to the European Central Bank. Anybody who knows anything about economics would know that the Republic should have a much higher interest rate than it currently has. That is why such a huge gap is being created. I will be happy to mention this matter at any future meeting of the North/South Ministerial Council.

**Mr McHugh:** A Leas Cheann Chomhairle, in light of the situation in Fermanagh, where over 600 jobs have been lost in the past two years, does the Minister believe that the amalgamation of the Industrial Development Board (IDB) and LEDU would benefit areas where there is a trend towards small businesses? These could be expanded to create more jobs by developing businesses of with between five and 10 or up to 50 employees. Development in this area is not always catered for. There is a cross-over between the IDB and LEDU which is wasteful.

**Sir Reg Empey:** A number of questions are to be directed to me next week on the matter referred to by Mr McHugh. I will fully address the issue at Question Time next Monday.

With regard to the fundamental point, Mr McHugh is right to say that County Fermanagh is very good at self-help and at generating small businesses. In the western area, there is a scheme run by LEDU and the five different councils to support business start-up. County Fermanagh is excelling in that group. It has reached the stage where it needs some of the money allocated to other councils if it is to continue to develop. Obviously, that would create difficulties. We have indicated today that LEDU is prepared to make more money available but, because of the existing partnership, we need the support of the other local councils.

As far as other activities in the area are concerned, I cannot ignore tourism. There is an excellent strategy document containing a substantial plan for work for the

next few years. Progress is being made, in spite of the continuing difficulties being faced by tourism.

Although difficulties exist in the Fermanagh/South Tyrone area, there are currently job vacancies with some of the more significant employers. There is also a high start-up and a high growth rate among small companies, and more jobs have been created in the last two years in County Fermanagh than have been lost. If this were not the case, unemployment would not be falling and employment would not be rising. That is a very significant point which we should not lose sight of. Undoubtedly, there are difficulties which we will tackle as best we can, in co-operation with the district council, the enterprise boards and the very effective partnership system that exists in the county. It is a member of the Regional Tourism Organisation; it is linked with councils in the Republic; and it takes part in significant cross-border activity, supported by a large variety of funding bodies.

Given these factors, I am still optimistic about the economy in County Fermanagh, in spite of the enormous difficulties with farming. County Fermanagh has shown resilience against a background of very significant loss, and its gains are still outweighing that loss. Some positive developments are taking place. The Rye Valley Foods Development is still ongoing and although it has not yet reached its employment target, it is well on its way to doing so. Significant investments have been made by the Quinn Group whose glass plant I have visited, and there are other interests which have led to growing employment. Acheson and Glover Ltd. also has expansion proposals, and it has accepted £240,000 towards a £2.5 million investment to create 27 jobs. Treacy Concrete is another such company, and we hope that there will also be continued progress by Belleek Pottery Ltd. All in all, I do not consider that the position is by any means hopeless, and I am quite confident that the people of County Fermanagh will weather the storm.

3.15 pm

**Mr M Robinson:** If I was not aware of the dire economic situation in Fermanagh before, I am certainly aware of it now. Bearing that in mind, any announcement that the Minister or his Department can make on jobs, whether they be signed, sealed and delivered or simply prospective, is to be welcomed. The Minister referred to the Marks and Spencer situation in a previous answer. In the wake of the recent announcement about Marks and Spencer, is he in a position to confirm the category of jobs which those 100 jobs fall into? I understand that no planning application has been granted for Marks and Spencer's ongoing development.

**Madam Deputy Speaker:** May I remind the Member that we are discussing the economy in the Fermanagh area and that his question should relate specifically to that.

**Mr M Robinson:** Thank you for that clarification, Madame Deputy Speaker. It was my view that Lisburn was only up the road from Fermanagh, but I accept your judgement on the matter.

**Ms Gildernew:** Go raibh maith agat. Given the comparative population sizes of Belfast and Fermanagh, had this flow of jobs occurred here, there would have been a hue and cry about it. Is the Minister committing himself to skewing resources for Targeting Social Need (TSN) to two constituencies west of the Bann, namely Fermanagh and South Tyrone? This would ensure that these jobs were replaced immediately and that job losses on this scale would not happen again.

**Sir Reg Empey:** County Fermanagh is a TSN area, and targets have been set by IDB for visits from potential inward investors. The last TSN year, which ended in June, was the best year County Fermanagh has had for visits. Let me give the House the statistics. In 1997-1998, there were four first-time and two second-time visitors; in 1998-1999 there were two first-time and one second-time visitors; and in 1999-2000 there were four first-time and two second-time visitors, and six visits from potential investors who had already visited the area three or more times. As far as Fermanagh is concerned, IDB is more than meeting its requirements by bringing companies to TSN areas. The target quotient of all visits which should be brought to new TSN areas is 75%; that is happening in Fermanagh, and IDB met its target for last year in that regard.

However, bringing people to an area is one matter it is for the companies themselves to decide that it is in their economic interests to invest there? We can help and encourage them; we do that and will continue to do so. I must remind Members though that while individual companies may take the additional funding that might be available to them into account, the decision that they make is a commercial one.

I understand fully that in population terms this is a significant announcement. Perhaps the idea that something is being done differently here than has been done in Belfast was behind the Member's question. May I point out again that, following the Unipork closure, LEDU and the Fermanagh Enterprise Organisation considered a special programme for the workforce made redundant at that time, but rather than create an additional organisation or taskforce, we decided to extend the remit of an existing one to avoid the complications of additional organisations. All the organisations and agencies were round the table this morning with representatives from Fermanagh District Council; all gave account of themselves when questioned by the chairman and the chief executive. I am therefore satisfied that at this stage sufficient organisational backup exists to enable a coherent response to the situation. Should there be a feeling in



the county that further work needs to be done to create a structure to deal with this, I will be prepared to consider that. I took the view that, at present, we should work with the firms we already have, when they can do the job, rather than create new organisations.

**Mr Bradley:** I come from the border region of Newry and Mourne, which is similar in many ways to Fermanagh. The Minister quoted a reduction in the unemployment figures. Would I be correct in surmising that those figures are affected by the number of people who live in the North and who have taken up employment south of the border? Might that have a bearing?

Not being too well acquainted with the situation in Fermanagh, are there any further threats to similar types of jobs there? Could we see a repeat of that situation in any other factories or firms?

**Sir Reg Empey:** As the hon Member will know, his last question is a dangerous one for me to answer because one can never be 100% satisfied. I have already pointed out that this latest announcement came completely out of the blue and without any forewarning. I repeat that the company, Desmonds, had not asked any departmental agency for any support that was not forthcoming. We were never asked for help; it was not the case that we refused something, which triggered an announcement. We were not asked for anything that has not been responded to, and I want to make that particular point clear.

With regard to the unemployment position, there are five district councils in Northern Ireland that have worse unemployment situations than County Fermanagh, and I am sure that the Member will know them off by heart. They are: Moyle; Strabane; Londonderry; Carrickfergus; and, I think the other one is Omagh. Some people obtain work in the Republic but that applies across the whole of Northern Ireland, although I accept that, perhaps, it applies to a greater extent in the west of the Province.

It was planned that the Xerox plant in Dundalk would attract a significant number of its workforce from the Northern Ireland side of the border; from the Newry and Mourne area. That has not happened to the extent that Xerox had anticipated. The reasons why there are not more people working in the Republic is down to the euro, the currency differential and the tax regime. It has not proved to be necessarily economic for individuals to work across the border. The unemployment statistics are based upon the actuality at the time.

By the way, I said earlier that the fifth council area was Omagh. I should have said Limavady. I see a Member behind Mr Bradley nodding his head.

Those working across the border play a part but that is taken into account. If people are working in the Republic then they are not claiming unemployment benefit in Northern Ireland — or, at least, they should not be. One

assumes that the figures are accurate and that they take the position into account. That applies to a number of local authorities along the border and further afield.

I take the view that there has been a genuine improvement in the situation within the county over the past while. Undoubtedly, if the currency differential was reduced then retailing would pick up and, as the Member knows only too well, one of the main problems suffered by agriculture is that the low euro and high pound are hitting the green pound. As a consequence farmers are getting less money, retailers are unable to benefit from cross-border trade and businesses like petrol stations are being slaughtered.

Clearly, the figures take into account those who work in the Republic.

**Madam Deputy Speaker:** I call Mr Gallagher to put a final question, which must be brief.

**Mr Gallagher:** In relation to the advocacy role, to which my last question referred, we have to take something positive and encouraging from what has been said by the Minister in a serious situation. I was a little disappointed when he mentioned fiscal matters; that had nothing to do with us.

What he is saying is right but we must strongly advocate changes, particularly for people in the border areas. Advocacy is also needed within this Executive and the Assembly for the decentralisation of Government jobs to areas where it is difficult to get inward investment.

**Madam Deputy Speaker:** What is the Member's question?

**Mr Gallagher:** Will the Minister advocate alternative fiscal arrangements and the decentralisation of public-service jobs?

**Sir Reg Empey:** I am not personally convinced that there is long-term stability and benefit in the single European currency. I can understand the theory perfectly clearly, but the reason the euro has lost so much of its value is that it was formed on the basis of political fudge. Some countries should not be in the Euro zone, for their economies have not converged to the extent that they are compatible. Investors have left the Euro because they believed that it would be dominated by political rather than economic considerations. The economies of Germany and the Irish Republic, for example, are in no way compatible, for they need different interest rates, not the common level they currently have. It is a major problem.

On the question of advocating other fiscal matters, there are things which we can do and have done. We fought hard to win derogation from the climate-change levy, which affects the gas industry in Northern Ireland, and while this does not currently impact on County Fermanagh, there is always the chance that certain finds



might emerge in the county to change things. However, we succeeded in winning that derogation from the Treasury for Northern Ireland as a whole. The Treasury has also substantially increased its customs-and-excise activity with regard to the smuggling of illegal fuels.

There has been a certain amount of decentralisation, but one must bear in mind that this needs to be undertaken cautiously. If one takes a group of people currently working in one part of Northern Ireland and moves them to another, that in itself does not create employment in the place to which they move, for staff turnover in many Government offices, particularly in the west of the Province, is virtually nil. The information I have suggests that in many Government offices people apply to be located as near as possible to their roots, since they do not wish to travel.

The Executive is currently looking at this whole picture. No decision has been reached. The Minister of Finance and Personnel has announced a review, which is currently underway. We expect a response to it by the end of the year or, at the latest, early next year. The Member will have to wait until that review takes place.

However, I maintain that, while such an approach may help somewhat, the long-term twin track that must be followed in County Fermanagh is to persist in the creation of new businesses. This is an area in which the county has major momentum, with tourism-related activities, where the potential is enormous, but which, unfortunately, has not been fully exploited because of circumstances beyond the county's control. Northern Ireland as a whole has problems with visitors.

I must congratulate people in Fermanagh on the resourcefulness and tenacity with which they have attacked their problems — something they continue to do. We shall do everything in our power and give them every support to enable them to surmount this difficulty.

#### *Motion made*

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

### **TRAFFIC CONGESTION (SAINTFIELD ROAD, BELFAST)**

**Dr McDonnell:** I wish to speak on the issue of general traffic congestion on the Saintfield Road in and out of south Belfast. I raise the issue because of steadily rising anger, not only on my own part, but on the part of a whole range of people living on or adjacent to the Saintfield Road — and, indeed, most of County Down, for they must travel along the Saintfield Road to reach Belfast. There appears to all concerned to have been a total failure on the part of the Roads Service to manage the traffic on the Saintfield Road and its approaches adequately.

There are problems along the road, from Carryduff roundabout in the south, down the Saintfield Road to the Ormeau Road and into the city centre and north Belfast. I accept that the problem arises from many factors and is complex in its origins. However, it is hard to believe that it is beyond the ingenuity of our road engineers to produce a workable solution to the road problem in south Belfast, one that is tolerable for those who have to use it.

*3.30 pm*

There are many aspects to the problem and they have not been helped by massive housing over-development in the area, with all the relevant implications. The most obvious aspect is the massive congestion on the Ormeau Road itself, both into and out of the city. In the morning there are tailbacks stretching back to Carryduff. In the afternoon, there are tailbacks right down into the city centre, including Cromac Street, Ormeau Avenue and all the other roads that join onto the Ormeau Road and, ultimately, the Saintfield Road.

Most of this congestion comes directly from the junction with the dual carriageway at Sainsburys. There was a bit of expensive cosmetic tinkering at the junction a few years ago, which reduced the pressure by about 10 to 15%, but the problem is still there. The relief has been short-lived and we are back to square one again. That junction requires major reconstruction. The only long-term option that I can see is the elevation of the dual carriageway over the Saintfield Road to allow adequate free movement of traffic in and out of town and along the dual carriageway.

The second aspect of the problem is directly related to the congestion. People sit for up to an hour getting out of town in the evenings and, when they reach the junction of the Cairnshill Road, around Purdysburn Hospital, the frustration of having sat in traffic leads to speeding when the road opens up. The stretch of road from Purdysburn to Carryduff becomes a speed track. There are multiple

accidents every month. Fortunately, most are not fatal. However, from time to time, there are deaths.

While the development of a small commercial village at Brackenvale, on the Saintfield Road, has provided a number of useful services to the local community, it has recently become a focal point for accidents. There have been three deaths on that stretch of road in the last few months. I want to ask the Minister how many deaths we must have before there is control of that speed track.

It would be disingenuous of me to raise such acute aspects of the traffic problem without mentioning other pertinent issues. There is the major issue of public transport. All I can say is that we need public transport. It is time that somebody took Translink by the throat and told them to manage our public transport system or leave it to somebody else.

If they spent half the time on managing and solving our problems that they do on public relations and complaining about this and manipulating something else, we might get a solution. Translink is grossly over-managed and overmanned. They spend a lot of their time going round like a magic roundabout, achieving nothing. We need solutions. We need public transport and we need an effective public transport system that works. Constantly whingeing about more money will not make it work if the basic attitude and approach is not there in the first place. The money will only help if the foundations are right. I would like some assurance that we will get some sort of public transport in due course, particularly on that busy stretch of road from Cromac Street and Ormeau Avenue to Carryduff. That might go some way towards reducing the number of cars there.

It would be remiss of me to pass by the overall road plans for south Belfast without referring to that long-running sore called the southern approaches. It has blighted large swathes of south Belfast, yet various visiting Ministers have been unable or unwilling to come to any decision about it. Big lumps of Sandy Row, the Markets, Donegall Pass, lower Ormeau and lower Ravenhill are blighted and strangled by land — precious land — that is laid waste and held in reserve for a possible road development that we will probably never see, referred to as the “inner box”.

As a typical example of the damage that that is doing, I refer you to the gasworks. That development has perhaps been a success story in Belfast, yet between a fifth and a quarter of the land available there — land that could accommodate 1000 or 1100 jobs — is laid waste because somebody somewhere wants to keep open the option of a highway running from Sandy Row through Hope Street, down Bankmore Street, through the gasworks and on to the Ravenhill Road. That creates uncertainty, loss of community confidence, loss of economic confidence — I could go on all day, but it would be selfish. I think I have made the point.

In summary, there is an urgent need for the Roads Service to get to grips with long-term planning and some activity schedule in south Belfast, because the disaster is steadily getting worse. Not only does local traffic use that road to access schools, work, leisure, and so on, but a large volume of traffic from County Down travels that route to get into Belfast.

I appeal to the Minister — and I thank him very much for being here this afternoon — to give us some sort of answer on the southern approaches, to get to grips with Translink and their inability to provide adequate public transport, and to get to grips with the issues that are beyond funding. If there are management issues or other issues there, let us try and sort them out. I appeal to the Minister to use whatever powers and resources he has to ensure that the speed track between Purdysburn and Carryduff roundabout does not cause any more deaths. I appeal to the Minister to deal with the desperate need to relieve the hour-long tailbacks, morning and evening, both north and south of the junction of the dual carriageway and the Saintfield road at Sainsbury's.

**Mr McCarthy:** I must apologise, for I was almost asleep. There are very few people in the Chamber.

I support all efforts to eradicate traffic congestion on the Saintfield Road. I am told that 5,000 vehicles use the Saintfield Road every day. To make matters worse, planners have allowed major housing developments to go ahead. Many thousands of houses have been built in the past 10 years, and that has added considerably to traffic congestion in the area.

Public transport is minimal, but owing to the efforts of a Castlereagh Alliance councillor, Geraldine Rice, Translink has increased the number of buses on the road, including the new “Go Bus”. That is a start, but many more changes are needed. A quality bus corridor is not enough; properly managed traffic lights are urgently required. A proper park-and-ride scheme should be introduced in the hinterland of Carryduff and an E-way system, or something similar, should be developed as a matter of urgency. Money must be invested in the southern approach roads to alleviate this growing problem. If not, the Saintfield Road will be totally gridlocked very shortly. That is totally unacceptable.

That bottleneck, which carries so much traffic into Belfast has been a disaster for too long. Action must be taken to rectify this mess immediately. Dr McDonnell welcomed the fact that our Minister is with us in the Chamber this afternoon. I call on the Minister for Regional Development, who is responsible for our road service, to act as soon as possible. There are other issues — the Comber bypass, funding for roads on the Ards Peninsula, the bridge over Strangford Lough, and the

new ferry. I consider such issues to be of vital importance to the constituents of Strangford.

**Madam Deputy Speaker:** I remind the Member that the subject is the Saintfield Road.

**Mr McCarthy:** I am aware of that. If the Minister gives a reasonable answer to the Saintfield Road problem today I shall be happy.

**Mr Taylor:** I enjoyed the last contribution, and I agreed with some of it. I must congratulate the hon Member for South Belfast (Dr McDonnell) for securing this adjournment debate and for highlighting the major traffic problems on the Saintfield Road. Much of his speech was dedicated to parts of my own constituency, from Purdysburn up to the Carryduff roundabout. The Strangford ferry is important, but we have no ferry on the Saintfield Road, so far.

We must consider carefully whether planning permission can be given for future housing developments in Carryduff, Saintfield and Ballynahinch, as these areas all feed into the southern approach down the Saintfield Road and into the Ormeau Road. The Member was somewhat critical of the new junction at Forster Green. I was closely involved in the work done behind the scenes to achieve that objective, because that was in my constituency at that time. I worked with Sainsbury's and the Department of the Environment, as it was then called. The project was financed by Sainsbury's, at a cost of £2 million to £3 million, and has helped to ease the traffic at that junction. I travel through it every day, when I am in Northern Ireland, and it is much easier now than it was.

The situation will rapidly get worse again, as the Member said, because of those major housing projects in Carryduff, Saintfield and Ballynahinch. One problem is the consultation process for planning decisions. When planning applications, made by Frasers or companies connected with the Fraser family, come before Castlereagh Borough Council — I am sorry to have to say it — the DUP councillors generally support any major housing projects in the Carryduff area.

3.45 pm

There was a major public meeting in Carryduff a few months ago. Lough Moss community centre was packed to the doors — there was standing room only around the walls — and the people of Carryduff voiced major criticism of these monster housing schemes that are being planned for the area. If these schemes get the go-ahead, they will make the congestion which the hon member for South Belfast described today look like a picnic compared to what will happen. The whole area from Carryduff right down the Saintfield Road and on to the Ormeau Road will be congested.

I congratulate the Minister for being here this afternoon to respond to this debate. He should listen to those members of Castlereagh Borough Council who represent the Ulster Unionist and Alliance Parties, particularly those representing the Strangford constituency. We are saying on behalf of the people of Carryduff that there must be a moratorium on any major housing projects in the Carryduff area until a new traffic scheme for the Saintfield and Ormeau Roads has been put in place.

**Mr M Robinson:** In raising the question of traffic congestion in the Saintfield Road area, Dr McDonnell has quite rightly highlighted an issue of appalling magnitude. Given the considerable number of housing developments built in recent years, not only in the outlying area of BT6 and BT8 but also in Carryduff and as far south in County Down as Kilkeel, it was inevitable the severe traffic congestion would only get worse.

The ongoing housing development and the subsequent increase in road traffic — estimated to be growing at a rate of 5% per annum — results in the daily horror of a journey of one hour or more just to get into the city centre via this engorged artery. Members will undoubtedly agree that the basic problem has been the failure of both Labour and Conservative Administrations to address this problem over numerous decades. They failed to provide the necessary level of funding required to maintain the standard of provision to which the public were entitled. This is certainly true of roads and transport, and, I am in no doubt, other vital areas of Northern Ireland's infrastructure were deprived in like fashion.

As Members may know, this road lies within the area of Castlereagh Borough Council's area. At the beginning of 1998, calls for a Castlereagh area plan had been ongoing for some years. The ludicrous situation existed whereby, although the Planning Service, the local council and the general public were concerned about the road traffic problem, a commissioner of planning appeals could override such concern and glibly grant permission to inaugurate further commercial enterprises, which only served to exacerbate the already disquieting, not to say dangerous, situation. An area plan to co-ordinate the future of the borough was, and is, an absolute necessity. Limited resources were suggested as being the reason for the absence of such an area plan, together with the need to consider the overarching regional strategy. Meanwhile, traffic congestion, like Topsy, just "grewed and grewed", as did the concern of the residents in the area with regard to the destruction of wildlife and the environment of Castlereagh borough.

In February 1998 concern was again voiced by Mr Peter Robinson MP, the Member for East Belfast, that considerable development in Carryduff had caused severe traffic congestion on this southern approach to the city. It is the recorded view of Castlereagh Borough



Council that decisions should have been taken to reduce the number of cars on our arterial routes, and on this one in particular. The council advocated park-and-ride schemes and the zoning of industrial land outside the city centre to reduce car traffic at peak periods.

'Shaping Our Future', which included a provision for 200,000 houses in Northern Ireland, was accorded the right of examination in public — a sharp departure from the established procedure of a public inquiry. Lack of time was the reason given for the absence of consultation with the public. Again, in February 1998, the Minister stated that this southern approach would be considered as part of the overall regional strategy as a primary transport route. At that time the official hope was to alleviate traffic by a combination of measures including light railway, priority bus routes; park-and-ride schemes and bus lanes among others.

I must suggest that the priority of most of these remedies clearly illustrated the lack of commitment to the easing of congestion whether by area plan or by an overarching strategy. In the continued absence of a Castlereagh area plan and with the lack of both strategic planning for the area and the massive funding needed to rectify the situation, it behoves the relevant Departments to introduce meaningful legislation to discourage the single motorist of today, and tomorrow, in tandem with stringent motor traffic regulations.

Staggered starting times, especially for schools and shopping areas, deserve serious consideration. Future siting of schools, factories and shopping outlets must be such as to avoid adding to the congestion of arterial routes. Industrial zoning and careful and environmentally sound housing development must be in the forefront of any future planning strategy.

**The Minister for Regional Development (Mr Campbell):** First, I thank the Members who contributed to the debate, and Dr McDonnell for introducing the subject. I will deal with the series of concerns that were raised with regard to congestion on the Saintfield Road.

First, let me state some obvious facts. In the mornings the Saintfield Road is a very busy commuter route into central Belfast. There are an increasing number of vehicles using that road on a per annum basis, and the number increases by about 1.5% per year. Currently there are approximately 32,000 vehicles using the Saintfield Road each day. Additional traffic is generated by the large housing developments along the Saintfield Road and in Carryduff — a number of Members have referred to that. The worst examples of traffic congestion are at Newton Park, Rosetta and the lower Ormeau Road.

There have been two documents brought into the public domain in the past two years. The first — 'A Better Way' — was issued in October 1998 with the

headline "What are we to do about traffic on the Saintfield Road?" That was circulated to homes along the bus corridor, and there was a very positive response to it. It indicated that the Department would be prepared to look at a number of factors.

At that stage there was the possibility of a park-and-ride facility at Cairnshill, and there was also the suggestion that a super route — a potential bus way, which was first suggested five years earlier in 1993 — along the line of the proposed Annadale to Grahamholm road scheme would be contemplated and a quality bus corridor opened. Then in June of this year another 'Better Way' document was issued with the heading "Belfast's First Quality Bus Corridor Opens on Saintfield Road". My predecessor, Alderman Peter Robinson, officially opened that bus corridor on 27 June.

Those are the plans that the Department has to deal with the congestion. I understand from Dr McDonnell's comments, as a public representative in that area, that he would prefer that the Department simply build an additional lane to the Saintfield Road. I was at a transportation conference in Manchester last month, and the experience recently throughout the UK has been to try to encourage a modal shift particularly amongst commuter traffic.

That is why the Department for Regional Development has concentrated on this threefold assault on the problems in the Saintfield Road area. The Department is hopeful that the park and ride facility at Cairnshill will be operational in the next two years. There may well be difficulties. Objections to the planning application for the site have recently been heard at a public enquiry. The Commission's recommendations are expected in the near future.

The super route, the potential bus way originally envisaged in 1993, is some distance away. The overall cost for that development, and this is a guesstimate, is £25 million. But that is some way off yet. There is a "before and after" study of the quality bus corridor that opened four months ago underway at present, and I hope to have the outcome of that study within a matter of weeks — certainly before the end of the year. That will give us a clear indication of what beneficial effects there have been since the introduction of the quality bus corridor.

I understand Dr McDonnell's frustration which he indicated when he said that I "should take Translink by the throat". That frustration is felt not only by him, but also by those who use the Saintfield Road in the mornings and evenings. It is hoped that these measures will go some way towards responding to the problems over the next few years.

Mr McCarthy, the Assembly Member for Strangford, indicated that he would like to see action as soon as possible. As I have already said, in a few weeks' time we will be better able to judge the success of the quality bus



corridor's first few months in operation. It is the first of a number that we are contemplating in the Belfast area.

The other Member for Strangford, Mr Taylor, made a major criticism of what he termed were "monster housing developments". I am sure that the comments will be taken on board by the Minister and the Department of the Environment who have responsibility for that. He also made what I think were political references to occurrences in Castlereagh Borough Council regarding such developments. As Mr Taylor is no longer a member of Castlereagh Borough Council I will pass on his comments to those on the council and they may be in a position to respond.

Mr Mark Robinson, the Member for South Belfast, made a number of references to the major developments that have occurred in Carryduff and are continuing in that area. There are a number of schemes underway in relation

to road accidents that have occurred, particularly on that stretch of the road. It is hoped that they will be in place in this financial year. At the Hillsborough Road junction at Carryduff a scheme is envisaged which will provide traffic signals. It is being carried out to reduce accidents, reduce queuing on the side roads and enhance pedestrian facilities. There is another accident remedial scheme at Ivanhoe Avenue. It is also programmed to be constructed in this financial year.

I do not come to the debate today, as very few Ministers do, with a magic wand that will resolve these issues overnight. They are issues that should be and will be taken with the utmost seriousness by my Department. We will address them, and it is hoped that we will soon see improvements on that major arterial route into Belfast.

*Adjourned at 4.00 pm.*



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## NORTHERN IRELAND ASSEMBLY

Monday 9 October 2000

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

*Members observed two minutes' silence.*

### ASSEMBLY COMMITTEES: QUESTIONS OF ORDER/PROCEDURE

**Mr Speaker:** At the sitting of the Assembly on 2 October Mr Dallat asked for a ruling on matters which he described as having taken place during the meeting of the Committee on Agriculture and Rural Development on Friday 29 September. I have looked into these matters and have no reason to believe that any breach of Standing Orders took place. However, I report this as a matter of fact and not as a ruling from the Chair. Indeed, my only ruling on the matter raised by Mr Dallat is that it would not be proper for the Speaker to rule on matters which take place in Committees. At a number of points in Standing Orders mention is made of a Chairperson's role in exercising the same powers as the Speaker with regard to managing business before the Committee. Ordinarily, I would expect that this also extends to exercising judgement on upholding Standing Orders.

Members may, of course, refer matters of order to me at any time — not just in the Chamber. I will endeavour to advise them as best I can. Members may also feel free to raise matters by way of motions, refer matters to the Committee on Standards and Privileges, or take whatever is the proper course in any particular dispute. However, in some situations the problem is simply that Members do not like the outcome rather than how it was arrived at. That, of course, is not a matter of order. That is a matter of politics, and Members have to take responsibility for such matters.

I hope that this helps to clarify the situation.

## CHILD SUPPORT, PENSIONS AND SOCIAL SECURITY BILL

### Second Stage

**The Minister for Social Development (Mr Morrow):** I beg to move

That the Second Stage of the Child Support, Pensions and Social Security Bill (NIA 1/00) be agreed.

The Bill will make provision for Northern Ireland corresponding to that made for Great Britain by the Child Support, Pensions and Social Security Act 2000, which received Royal Assent on 28 July 2000. It is therefore a parity measure. There has always been parity in social security legislation between Great Britain and Northern Ireland; that is how it should be. People in Northern Ireland pay the same national insurance contributions and taxes as people in Great Britain and should receive the same benefits. Parity also enables us in Northern Ireland to use the computer system in Great Britain for both child support and social security. That is more cost-effective than setting up separate computer systems here. This is a parity measure not only in the content of the legislation but also in the timing of its implementation. New provisions have always been introduced here at the same time as they have been introduced in Great Britain, and that arrangement should continue.

Part I of the Bill deals with the reform of the child support system. I am determined that my Department will do everything that it can to ensure that children get the best possible start in life. The primary responsibility for the support of children lies with parents — and that means both parents, whether they live together or apart. My Department is responsible for ensuring that, if parents live apart, there is an effective system of child support.

The failings of the current system, with its complex formula, are well documented, and I will mention them only briefly. It can be months before a decision is made and, as a consequence, the Child Support Agency (CSA) spends too much of its time on chasing information and not enough on chasing up missing payments. The result, not surprisingly, is a system that fails children. The Child Support Agency faces formidable problems. It is required to administer a hugely complex formula that parents do not understand. Parents with care go for months without seeing any maintenance, and, because of the delays, non-resident parents, usually fathers, begin with large unanticipated maintenance debts. Faced with such a cliff to climb, some of them choose not to pay up at all. The income support for parents with care was reduced pound for pound, so parents see the main purpose of the Child Support Agency as being to reduce benefits rather than

to ensure meaningful support for their children. Such a situation cannot be allowed to continue.

Going back to the courts is not the answer. The failure of the courts to deliver a fair system led to the introduction of the child support scheme in the first place. The measures in the Bill are designed to remove the obstacles in the current scheme and to give the Child Support Agency the powers it needs to deal with parents who seek to avoid their responsibilities. Under the new system, mothers and their children — and it is usually mothers, though not exclusively — will get what they are due and get it quickly.

The present system is also failing those parents who live apart from their children but want to support them. The agency often needs so much information to work out what payment is due that it can be months before a decision is made. As a result, parents can face huge debts, through no fault of their own. The reforms will change all that, and as a result, many children who miss out today will receive help.

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

The first objective is to address the complexity inherent in the current scheme. In my opinion setting a fixed amount would be grossly unfair. Children are entitled to a share in their parents' income, and it would be wrong to allow those who are earning a good deal of money to pay a flat rate when they could well afford to pay more. The Bill introduces a simpler system, which will be easy for parents to understand and for the Child Support Agency to administer. Under the new arrangements, non-resident parents will pay a flat rate percentage of their net income — after tax, national insurance and pension contributions — 15% for one child, 20% for two children and 25% for three or more children. Ready reckoner, easy-to-read booklets containing that information will be widely available in post offices and libraries. So, even in the case of a couple who have broken up, a parent will know what maintenance he or she may be expected to pay and can make arrangements for it. This approach will mean that decisions can be made in days rather than months, getting the money flowing faster.

The second objective is to ensure that children see the benefit of the maintenance paid. Currently, families on income support or income-based jobseeker's allowance get no benefit from the payment of maintenance. As part of the new arrangement, if both parents are on benefit, £5 will be deducted from the non-resident parent's benefit and paid to the parent with care towards the support of the child. If the non-resident parent is in work and the parent with care is on benefit, there will be no reduction of benefit for the first £10 of maintenance. I am sure Members will agree that it is right for people to have an incentive to co-operate with the CSA and that they should receive some benefit from their co-operation.

The third objective is to provide the CSA with the means to ensure that parents cannot avoid their responsibilities. The Bill will simplify the present bureaucracy so that the CSA will need to know only who the absent parent is and how much that person earns; it will do the calculation. The amount will be 15%, 20% or 25% of income depending on the number of children and whether those children are in a second family. The CSA can say that this is the amount that the non-resident parent is due to pay. That parent should enter into the agreement immediately, and if he does not, or does not stick to it, the money will be deducted from his wages. There will be new powers to tackle those who continue to try to avoid those responsibilities. Parents who misrepresent or withhold information from the CSA will face fines of up to £1,000.

The agency will also have new powers to appoint specialist inspectors, allowing it to gather information more quickly and effectively than now. Parents who deliberately delay paying money for their children will face a penalty of up to 25% of the money due. The amount of child support maintenance arrears will remain due, and a financial penalty will be imposed. The penalty will not be maintenance and will not be passed on to the parent with care. Persistent non-payers will still face jail, but in addition the courts will have the power to take away their driving licences.

There will also be powers to get access to the Inland Revenue's records of a self-employed person who refuses to tell the CSA how much he or she is earning. Clearly the agency will not want to do that routinely, but it needs to be able to take action to stop self-employed, non-resident parents living an opulent life and making no contribution towards the upkeep of their children. That will stop under the new system.

At the same time the Bill will allow maintenance payments made by a non-resident parent before which the assessment of child support maintenance to be offset against arrears in respect of the period before the non-resident parent was notified of the maintenance calculation. This means that a non-resident parent who has been paying towards the upkeep of his or her children will not be faced with a mountain of debt by the time his or her maintenance has been worked out.

The Bill will also close a loophole that allows some fathers to delay an assessment of their liability by denying paternity. In future, if the father is married to the mother at any time between the conception and the birth of the child, and if he is named on the birth certificate or refuses to take a DNA test, the burden will be on him to prove that he is not the father.

These reforms pave the way for an improved service from the CSA. Nevertheless, it is essential to avoid the failures of the current system by introducing reforms too quickly. The new scheme requires significant changes in



the way that the agency works, including new computer systems. It is crucial that the reforms are right from day one in order to build parents' confidence. To ensure that the new system beds in properly, it will be introduced for new cases first, so that it can be up and running with a manageable caseload. I expect this stage of the reform to be introduced by April 2002. Existing cases will be transferred at a later date, once my Department is sure that the new system is working well. Although all existing cases will be transferred to the new system at a single date, the change to the new rates will be implemented in stages so that no parent will suffer a significant drop in income overnight.

10.45 am

All these changes will bring about an easily understood system for child support — one that is fair to parents with care, to non-resident parents and, most important of all, to the children.

Part II of the Bill deals with pensions reform. Projections show that by the year 2050 one in three pensioners will be dependent on means-tested benefits if nothing is done now. Many older people are reluctant to claim such benefits, and it is essential therefore to put pensions on a sound, sustainable and affordable footing for the future. Of course, everyone who can save for retirement ought to do so, but many people, through no fault of their own, are not able to do that.

The Welfare Reform and Pensions (Northern Ireland) Order 1999 provided for the introduction of stakeholder pension schemes. Due to be introduced in April 2001, these are designed to give moderate earners who do not have access to an occupational pension scheme, or for whom a personal pension scheme is unsuitable, the chance to get a funded pension. The reforms in this Bill go further. It contains provisions that will help low-paid earners, carers and long-term disabled people with broken work records. These groups have the least opportunity to save for retirement. Generally speaking, even if they are working they do not have sufficient earnings to make worthwhile savings through a personal pension.

The state earnings related pension scheme (SERPS) does not do much for them, simply because it is earnings related. A person on low earnings does not receive much on retirement and is forced to rely on income-related benefits, such as income support. Too many people are headed for a life on low income in old age because they are unable to build up a decent second pension. Women, on whom the role of carer falls most often, are especially disadvantaged. The reform of SERPS by way of the state second pension will, in some cases, triple the amount of additional pensions to which low earners will be entitled. For example, under SERPS someone earning £6,000 per year after a lifetime of employment gets £14 per week on top of the basic state pension.

Under the state second pension that sum will rise to £54 per week — £40 per week extra for that low earner. No one can say that this is not a substantial improvement on the present position. It is right to say that the state second pension will take a long time to mature as pensions, by their very nature, take some years to build up. However, because of the way in which the state second pension is structured, people will begin to see improvements very shortly after it is introduced — probably in 2002. Many will see a substantial difference in the amount of pension that they will receive as a result of these changes. For example, by 2025 a couple, one of whom is on low earnings while the other spends half of his or her time caring, will get £30 more because of the operation of the state second pension.

While the introduction of the state second pension will have the greatest benefit for low earners — someone on £6,000 per year will be £40 per week better off — even someone on £15,000 a year will be £17 per week better off. It will take 14 years for that person's income to fall to the level of the minimum income guarantee. Any fair-minded person looking at the system will see that the state second pension is infinitely better than the present system because it will allow people on low earnings, carers and disabled people to build up substantial pensions. That would not otherwise be the case.

This system is not complex. It recognises that people earning less than about £9,500 per year will never earn enough to go into a funded pension of their own. The state second pension also gives disabled people and carers a pension that they would not otherwise get. This is a substantial improvement.

The extra help which these groups need will be provided by reforming SERPS through the introduction of the state second pension. The extra help will be provided by changing the way in which the additional pension is calculated.

First, everyone earning above the lower earning limit but less than £9,500 in any year will be treated, for the purpose of calculating their additional pension, as if they had earned £9,500 in that year. Secondly, the rate at which the additional pension accrues on this figure of £9,500 will double to 40%. This higher accrual rate will apply to earnings of up to £9,500 for all earners. To ensure that the extra help is targeted towards those on lower earnings, the extra benefits of the state second pension will taper away on earnings between £9,500 and £21,600. Those earning more than £21,600 will receive exactly what they do now under SERPS. Low earners — those earning under £9,500 — gain the most. Someone earning £6,000 will see his additional pension go up by 400%. Moderate earners gain on a sliding scale. The position of high earners is unchanged.

For the first time, carers and the long-term disabled with broken work records will receive help to build an additional pension. The state second pension will treat them as if they had earned £9,500 in each relevant year, giving about £1 per week in extra pension for each qualifying year.

The second stage of the state second pension will be a flat-rate scheme. It will be introduced once stakeholder pensions have become established, and it will only apply to those who have a significant part of their working life remaining. In stage two, everyone will be treated as if they had earned £9,500. This will provide a strong incentive for moderate and higher earners to contract out, as rebates will remain earnings-related. This is a further step in encouraging those able to do so to provide for their retirement.

The Bill also reforms the rules governing occupational and personal pensions to encourage employers to provide access to pension schemes for their employees. It extends the jurisdiction of the Pensions Ombudsman to allow him to investigate disputes between trustees of schemes. It also extends the role of the Occupational Pensions Regulatory Authority in relation to the winding-up of schemes and allows it to make its register of disqualified trustees available to the public for scrutiny. It provides for combined pension forecasts, to allow everyone the opportunity to get a better idea of the pension rights they have earned from both the state scheme and their private pensions.

The Bill makes a number of technical pension amendments — for example, to facilitate the calculation of transfer values for sharing SERPS on divorce. Part III deals with a number of social security matters, including sanctions for people who fail to comply with the terms of a community sentence imposed by a court (a probation order, a community service order or a combination order); the alignment of inspectors' powers across the benefit system and child support; and the extension of the decision-making and appeals arrangements introduced last year for other social security benefits and child support to housing benefit and discretionary housing payments.

I shall deal first with the sanctions for those who fail to comply with the terms of a community sentence. Failure to comply with these terms demonstrates an offender's unwillingness to make reparation for the offences committed, yet many of these offenders continue to claim benefits from the state as a right. The rest of society has to pick up the bill for those benefits. The provisions in the Bill will change the conditions for receiving benefits by linking benefit payment to compliance with community sentences. The courts and the probation service will warn offenders at the outset that they will lose benefit if they do not comply. Offenders will be warned after one unacceptable failure to attend. This will send a clear message to offenders that rights have to be matched

by responsibilities. There will be no sanction imposed if those responsibilities are taken seriously and offenders comply with the terms of their sentence.

The corresponding provisions of the Child Support, Pensions and Social Security Act 2000 will be piloted in several areas in England and Wales. These pilots will be fully evaluated before they are implemented in Great Britain. Although I do not intend to run a similar pilot exercise in Northern Ireland, I can assure Members that the Northern Ireland provisions will only be implemented at the same time as the corresponding provisions are applied fully throughout Great Britain.

At the moment there are piecemeal provisions to deal with the appointment of inspectors and their powers. The provisions in the Bill set out clearly the purposes for which the powers can be used and contain safeguards to prevent their abuse. The categories of people from whom information can be obtained are extended to take account of modern commercial practices, such as people who are self-employed or employed on a franchise basis. This extension allows for closer working between the Social Security Agency and the Housing Executive.

The measures in the Bill which relate to decision-making and appeals for housing benefit will bring procedures for that benefit into line with the procedures introduced last year in relation to child support and all other social security benefits. Clearly defined procedures are provided for changing decisions on housing benefit entitlement, and they place greater emphasis on claimants' responsibilities for exercising their rights promptly and ensuring that information held about their claims is correct.

These provisions will also bring housing benefit into the mainstream appeals system. There will be a right of appeal to an appeals tribunal, administered by the Appeals Service, against the decision of a relevant authority and a further right of appeal on a point of law to a social security commissioner. Housing benefits review boards, whose decisions can only be challenged by judicial review, will be abolished.

The Bill also provides a power for the Housing Executive to make discretionary housing payments to provide people who are entitled to housing benefit with additional financial assistance with housing costs. These payments are designed to help alleviate exceptional hardship when housing costs are above those met by housing benefit. They will not be part of housing benefit and will be paid in addition to any housing benefit entitlement. However, they will be cash limited so the overall financial constraint must be a factor in the decision of the Housing Executive in any individual case. The conditions and circumstances in which these payments may be considered will be set out in regulations.

The Bill is an important step in the ongoing process of welfare reform, which has as its guiding principle “work for those who can, security for those who cannot”. Child support will be reformed so that it will deal fairly with parents and, above all, with children. The pensions reforms will be aimed at the low-paid, carers and long-term disabled people with broken work records, and the provisions dealing with benefit sanctions will be fair to people who meet their responsibilities and equally tough on those who are not prepared to do so. The Bill provides an opportunity to build a fair society.

**The Chairperson of the Social Development Committee (Mr Cobain):** As Chairperson of the Social Development Committee I welcome this Bill and the long-overdue reforms it brings to the child support system. I also welcome the Bill’s introduction of the second stage of pension reforms, which will help low-paid earners, carers and long-term disabled people with broken work records. For the first time these people will receive help to build an additional pension. I welcome the Bill’s strengthening of the link between the benefits people get and their responsibilities to society.

The first part of this Bill brings in much needed reform of the current child support system. The failure of the present system, with its ludicrously complex formulae, is well known and has been very widely reported. In June of this year I visited the Child Support Agency to see the problems it faces in trying to cope with the current system. Because of the complexities, it can take months before a decision is made on someone’s child support.

11.00 am

This is a scandalous situation, particularly in this day and age when we are dealing with people who are already on the margins of society. It is a totally unacceptable position. Clearly there are problems with a system that operates in such a fashion, and there is a need to sort this out once and for all. We are dealing with a situation in which a Government agency is trying to administer a formula so complex that many of its own staff have difficulty in getting to grips with its mechanics. What chance have ordinary people to understand the complexities of such a system?

Parents with care needs go for months without receiving any maintenance. Non-resident parents are often faced with large unanticipated debt. Not surprisingly, the result is that we have a system that is totally and utterly failing one of the most vulnerable groups in society — our children.

While I fully agree that it is the responsibility of both parents to support children whether they live together or not, nonetheless there is a responsibility on each of us in the Assembly to make sure that an efficient, practical system of child support exists. We must therefore use

every means at our disposal and make every effort to provide a more secure, stable future for our children. For that reason I support this Bill.

I welcome the Bill’s introduction of a much simpler assessment system, making it easier for parents to understand and for the Child Support Agency to administer. I also welcome the introduction of a flat rate percentage liability as a means of simplifying an otherwise complex, scandalous and laborious assessment procedure. I have no doubt that this new system will make it easier for parents to understand and know precisely the amount of maintenance they can expect to pay or receive. I am looking forward to seeing assessments being made in a matter of days rather than the ludicrous number of months they take now.

Another aspect of the current child support system, which greatly concerns the Committee and me, is that families on benefit get absolutely no help from the payment of maintenance. This is a scarcely unbelievable and totally unacceptable. It is my understanding that almost 70% of the Northern Ireland live load are income support cases. This is directly hitting the people who are most in need of help. People who are already facing difficulties do not need to be further burdened by a system that promises to deliver a fair and more efficient means of child maintenance. The reality is that it delivers no such practical help, and it is these people we must try to help. If the system is to be changed it must be changed to provide as much assistance as possible to these people. The Committee and I therefore welcome the introduction of a child maintenance premium, which will mean that parents with care needs on income support will see real and practical benefits from this new system.

While I welcome this Child Support, Pensions and Society Security Bill, I am also concerned that the Social Development Committee will not be given its due place and the opportunity to scrutinise in depth the mechanics of the Bill. I do accept that this legislation will simplify the benefits system in relation to pensions and social security as well as child support, but I still have grave concerns about its accelerated passage. I fully understand the need to maintain parity between social security systems in Northern Ireland and Great Britain — not only in legislation, but also in timing and implementation — and I strongly advocate that this be an exception rather than the rule. I also advocate that the Social Development Committee — and any other Statutory Committee of the Assembly for that matter — be given its rightful place in scrutinising in detail legislation that will have a direct impact on the people whom we represent.

**Ms Lewsley:** I welcome the opportunity to speak on the Second Stage of this Bill. The main issue for me concerns pensioners. Because of the annual increase in



prices and because pensions are not kept in line with the annual wage increases, many pensioners find themselves caught in the poverty trap with their incomes being continuously eroded. They are, in fact, experiencing a reduction in the real buying power of their pensions.

Many pensioners lose out on the minimum income guarantee because they receive an occupational pension, which is a disincentive to save — those who have saved for their old age find they gain nothing from extra pension income. The Government's publicity campaign for the minimum income guarantee resulted in 5,000 claims being initiated this year. Of that number, 4,000 claim forms were returned of which 50% were successful, with the average payment awarded being £23·50 per week. This campaign was successful in some respects, but it should be ongoing. There should be a mechanism in place whereby when people are contacted prior to retirement with a pension forecast, all aspects of their circumstances are taken into account including the minimum income guarantee, so that they can get an overall picture of their personal needs. An accurate assessment could then be made and advice given on all the benefits to which they may be entitled. This should be done automatically.

The Social Security Agency should look at ways of improving its service to pensioners at a local level. There should be an earnings disregard for those on occupational pensions similar to the disregard for people on income support where the first £15 of earnings is disregarded before the benefit entitlement is affected. There should be an increase in tax allowance for pensioners with occupational pensions. The pensioner credit is due to be in place by 2003. This means that when people apply for their retirement pension assessment, the minimum income guarantee will be assessed at the same time, but this will not alleviate many of the problems with which pensioners are faced and the poverty that they find themselves in now.

I commend the proposal for a state second pension in the Child Support, Pensions and Social Security Bill, which will make provision for an additional pension for carers, the long-term disabled and people on a low income. This legislation makes pension provision for a section of the community which has been ignored for a very long time. There will be particular benefits for women as these are the people who have given up their employment prospects to care for an elderly or disabled relative. For a long time they were disenfranchised because they did not have the necessary national insurance contributions to enable them to claim a pension and had to apply for social security benefit as their source of income.

There is an initiative in Britain called Better Government for Older People in which there is a cross-

agency approach to retirement, to which pensioners have some input. There are eight pilot areas in England at present, and I ask the Minister to consider a similar approach here as it would be of benefit to pensioners in Northern Ireland.

I turn to the proposed changes to child support which mean that there will be a similar method of assessing an absent parent's income. It will be a percentage of the net income, and the amount will depend on the number of dependent children and whether the absent parent has a second family. This should help to reduce the unacceptable delays, which have already been mentioned, in assessing claims for maintenance. I know of parents with care who have had to wait up to a year before their cases were properly assessed, and in that time these families have had to rely on benefits to make ends meet. This is totally unacceptable. Children have to be fed and clothed, and they cannot wait for six or 12 months. None of us can. The parent with care should not have to wait for a long period before the maintenance payments start. The Bill states that more resources for the Child Support Agency will be devoted to ensuring that maintenance is paid and is paid on time. I would like to see a proper level of enforcement to make sure that absent parents make their payments on time. This would reduce the hardship for their families.

For those families dependent on benefits such as income support or income-based jobseeker's allowance who previously did not benefit from contributions from the absent parents, the introduction of child maintenance payments will mean that they will gain an extra £10 per week on top of their benefit. I commend this support. It is long overdue and will alleviate some of the hardship caused, in particular, to single parent families.

Finally, I ask the Minister to review the delivery and management of all benefits for which his Department is responsible to ensure that those who have not been claiming benefits to which they are entitled have better access to those benefits in the future. This will help take them out of the poverty trap that many of them find themselves in.

**Rev Dr Ian Paisley:** I welcome the speech made by my hon Friend and also the legislation before the House. I congratulate the Minister on escaping the wrath of Mr Cobain, who was ordered by his party Leader to "have a go" at Mr Morrow during the party conference. If this is what was meant by "having a go" at someone, it is, to quote a prominent politician, "like being savaged by a dead sheep".

I particularly welcome the reconsideration of how the Child Support Agency operates. Those of us who have been in politics for many years have never found an agency more inclined to act like the Gestapo than to help people.



Mr Deputy Speaker, I do not know if your wife opens your letters or you hers, but one of my constituents was opening her husband's letters one day, as was usual, when she was met with an accusation from the Child Support Agency that her spouse was responsible for a child. You can guess how this affected the woman — it almost caused her to have a terrible nervous breakdown. When her husband contacted me I spoke to the agency bosses, from whom I had a terrible time extracting an apology. It was only after the man was able to prove that the child had nothing to do with him, that he was the wrong man altogether, that they got an apology. But this happened over the course of a month, during which time the woman and her family went through a veritable hell.

I am therefore glad that, at long last, it will be possible to have these matters resolved in an amicable way and without the high-handed tactics employed by the agency, and I could give the House more illustrations of this problem.

We would all like to see more done for those in need, and particularly for the senior citizens, in support of whom I hope action will soon be taken. This particular legislation is a definite step forward. I sympathise with Ms Lewsley who called earlier for an inquiry into how benefits are paid. There is room for an overhaul of pension payment methods and for more effort to be made to contact those entitled to payment. Some people in Northern Ireland still do not want support from the state and they need to have the benefits system explained. Money is set aside for those in need, and claimants are therefore merely receiving the benefits they deserve. I would welcome an investigation into this matter by the Minister. This may require a very expensive inquiry which will diminish the amount of money that he has in his pocket, but this is an issue to which we must pay attention and apply ourselves.

I welcome the proposals. I hope that they will be put into effect as quickly as possible, and I hope that the priority will be to make money available to people with maximum speed. If we do this, the proposed legislation that we are discussing today will be very beneficial.

11.15 am

**Ms Ramsey:** Go raibh maith agat, Mr Deputy Speaker. Ms Lewsley and Dr Paisley have pointed out that the Bill is a complex piece of legislation. I want to touch on something that the Chairperson of the Social Development Committee mentioned earlier: we need to recognise that, because of its accelerated passage, the Committee will not get a chance to consider the Bill in detail. The Minister dealt with that last week during the accelerated passage motion. Though I want to give the Bill a guarded welcome as well, this point needs to be noted.

I also welcome the Minister's statement about the child support section of the Bill. I agree that the present system is

not only failing children, but failing parents too. We have all seen and read of cases where the Child Support Agency has hounded people to the extent that severe stress has been experienced and lives have been taken.

This is a complex and very confusing formula. People feel very intimidated when they are going down the road of child support. As the Minister pointed out, it takes months for applications to be processed. I welcome his commitment to cutting down the waiting time.

I have concerns about DNA testing when a father has to disprove parenthood. Will the Minister give an assurance, mainly to fathers, that any DNA sample taken will be destroyed? We are all aware that people are concerned about DNA testing and about the retention of samples. I want to be able to assure fathers that the DNA sample will be destroyed at that point.

Another concern is that the Child Support Agency has tried to change its system a number of times, and this has not worked. I shall be paying close attention to the outcome of this Bill and look forward to seeing the system simplified.

The Bill provides that non-resident parents will pay less. That will mean a loss of income for a parent who is caring for a child. We are told that the level of payments is expected to rise. Is that simply an expectation, or will the level definitely rise?

While I give a guarded welcome to the Bill, I hope that we will not find later on that the Committee should have looked more closely at its provisions. Go raibh maith agat.

**Mr Ford:** The Minister went through the Bill in some detail, but he more or less told us that this was the Second Stage of a parity Bill on social security and that there was not much for us to talk about. That is something which we need to be very careful about given what we mean by devolution in the Chamber. A number of Members have spoken about Part I (child support) and Part II (pensions). While I have some doubt about how a Bill of 133 pages is going to simplify the system, we have to accept the maintenance of direct parity in social security matter across the UK.

There do seem to be some improvements, although I suspect not as many as other Members have suggested this morning. Can the Minister explain how Part IV — specifically clauses 65 and 66 dealing with paternity tests — relates to the Family Reform Bill which will come before the Assembly shortly?

There is a major issue in Part III which means that we need to start to consider what parity means for us. There is no point in our having an Assembly with legislative powers if all we do is slavishly ape everything that is done in Westminster. We have to consider what the most

appropriate system is for the people of Northern Ireland. It is not true that we have the same tax regime and the same social benefits across the UK. Look at local taxation. We still pay rates. Scotland, and subsequently England and Wales, had the poll tax and now they have the council tax. It is not true that we pay the same rate of VAT; we may pay the same rate, but, given the higher energy costs, our constituents pay significantly more than people across the water do. Let us not think that we are all paying the same taxes, because we are paying different taxes.

In the wider field of social benefits, major changes are already being implemented across the UK. English university students have a system of loans and tuition fees. Scotland is already seeing the benefits of the Cubie report. The Welsh partnership programme, announced last week, suggests changes similar to those included in Cubie. What do we have? We have student loans and tuition fees and possibly some change, and what do we do? We waste time in this Chamber on endless votes of confidence instead of discussing the issues that ought to concern us.

The issue of parity is a very simple one. Parity means that we pay the same income tax, corporation tax, national insurance and excise duties and receive the same mainstream social benefits. The wider fields of social benefits and taxation are different, and for that reason we should consider this Bill in detail and examine its provisions.

I particularly want to look at clauses 53 to 57, which introduce a fairly squalid set of changes to benefit regulations. These are the provisions for what is elegantly termed the "loss of benefit for breach of a community order". There is no evidence that these provisions would benefit anyone. Offenders who are on a minimum living income would have that income reduced. This is an attack on claimants in general. If people are going to breach community orders, probation orders, community service orders and so forth, we need sanctions, but the provisions here are illiberal. For some Members the word "illiberal" does not necessarily mean that something is bad. These provisions are totally counter-productive. What happens to the young lad who is on probation because he broke into a house down the street and stole an old lady's handbag? He loses his benefits, so he goes into the next street and steals another old lady's handbag. We need to give this issue serious consideration.

The Minister said, and the notes say, that these provisions will not be introduced until the results of pilot schemes in England and Wales are known. They should not stand part of our legislation until the Minister can give Members evidence that they will work. We should not simply ape Westminster.

It is a pity that there will be no formal Committee Stage. It is also a pity that Mr Cobain is not in his place

to hear what I am about to say. There is a case for the Committee to examine these clauses, whether or not there is a formal Committee Stage. It would be good to hear the views of the Probation Board, the National Association of Probation Officers and others. I would be happy to give my views to the Committee: latitude is available, and we should take advantage of it.

I have not read the entire Westminster proceedings on this Bill but I have seen the part of the House of Lords Hansard where Earl Russell and Helena, Baroness Kennedy led a major attack on these provisions. It ended in compromise, which is the best we can expect from an unelected Chamber. The compromise is, I think, that in clause 53(1)(a) the words "without reasonable excuse" were inserted in the Bill. That may be the best we can get from the House of Lords, but it is totally inadequate. If Conrad Russell and Helena Kennedy are in one corner on a human-rights issue, and Jack Straw is in the other, I know where I stand, and it is certainly not with Jack Straw.

Devolution does not mean that we have to ape Westminster in every respect. We are here to work for the benefit of our constituents, to consider what is best for society in Northern Ireland and not to follow automatically things we do not need to follow automatically. We have moved on from the days when integrated Ulster Unionists could steer us all in that direction.

This is a grubby and offensive change in legislation. It is an example of New Labour in its worst Poujadist mood, playing to the gallery of the cheap popular press in London. Having accepted accelerated passage, we have no choice at Second Stage but to accept the principle of this Bill. However, my Colleagues and I will seek to amend it at Consideration Stage.

**Ms McWilliams:** I am also alarmed that the Committee allowed this accelerated passage. There are major issues in this Bill, and, while I welcome some of its provisions, David Ford is correct in raising concerns at this stage. It would have taken only one Member to stop accelerated passage, and it was indeed unfortunate that those of us who are concerned were not in the Chamber to raise our voices at the time. However, the Chairperson and Deputy Chairperson of the Social Development Committee should have demanded that the Bill go through their Committee, for there are huge concerns about the human rights implications of the current proposals.

Clause 16, which suggests the removal of driving licences for failure to comply with child support maintenance, is extremely prohibitive. I note that the Minister suggests that this may take some time to process. I should, however, like to tell Members of my experience of what happens with child support.

Women in Northern Ireland do not separate from their partners lightly. However, often as a result of extensive

abuse and violence against them and their children, they may finally come to the conclusion that it is time to leave their partners. In doing so in the past they would automatically have been entitled to income support. However, it is now the case that they must name their partners and, when pressed to do so, women become very frightened. When they have named those people some of them have had even more violence visited upon them.

I welcome the fact that the onus will be on the Department to track down the parent who should be maintaining a child or children but refuses to do so. If the Department will be taking on that responsibility — as it is increasingly recognised it should — we should welcome that, for it will lessen the other parent's fear. However, if this individual's driving licence is removed, I have no doubt that he will blame the partner — most likely the person with whom he cohabited — for having sought support for the children. I am extremely concerned that women may be placed in even greater danger as a result of this.

My second concern is that removing an individual's driving licence is extremely punitive; there must be other ways in which an absent parent can be made to take responsibility. He may lose his job as a consequence of having lost his driving licence, and if that happens, he will be less likely to be able to pay the support and more likely to end up on state benefits. I cannot for the life of me believe that no one thought that through in the first place. To lose one's job has human rights' implications, for the ability to work must be such a right. Many of us would not be able to work if we did not have our driving licences.

This is a huge concern, and I never thought that I would see the day when new Labour would introduce such a proposal. Indeed, this sounds more like a proposal that the most right-wing element of the Conservative Party would introduce to emulate the methods used to seek absent parents in the United States. The fact that this is part of draft legislation and that Members allowed it accelerated passage is of huge concern to me.

I welcome clause 21, which extends our jurisdiction in respect of those from whom we seek support. We know from the statistics that over 10% of those pursued are women, but the vast majority are male. In cases where the father leaves the country, it is very difficult to pursue him, and I am glad that the authorities will be able to do so if he is employed by a company registered under the Companies (Northern Ireland) Order 1986.

11.30 am

I also welcome the variation orders, but I am not convinced that that will make the system simpler. I remember a cartoon where Andy Capp was saying something to Flo — actually, given the distribution of

income within that household, it was probably poor old Flo who was saying it to Andy Capp: "First of all they told me I was deprived, then they told me I was underprivileged, then they told me I was disadvantaged. Now they tell me I am in need of income support and child support. I still do not have a dime, but I have one great vocabulary." That is exactly what we have done. We have simply addressed the language, the terminology, and, perhaps, a little bit of the complexity. It is still an extremely complex and time-consuming system. Having helped constituents pursue this, I know that from experience.

A better way to go about getting child support is through the clause that speaks of a child maintenance premium. The disadvantage in the past was that those who were entitled to support did not get it, because if they were originally on benefits it made no difference to them. As Patricia Lewsley pointed out, the fact that they now are entitled to a premium of £10 is a much better way of introducing proposals that increase incentives rather than threatening huge penalties.

I also welcome the pension reform proposals. For many years, we have campaigned for the low paid, the carers — predominantly women — and the long-term disabled, who were extremely disadvantaged by our pension system. The sharing of benefits under the state earnings related pension scheme (SERPS) is also to be welcomed. I note that that will be introduced in December 2000, while some of the other proposals will not be implemented for four to five years. This one will be introduced rather rapidly and will allow for the pension sharing of SERPS, in particular after divorce or annulment. That is something that women, who have suffered greatly through divorce, will be pleased to see.

I also welcome some of the proposals in Part III on social security, but I am extremely concerned about clauses 53 and 54, which remove benefits from those who breach orders, particularly community service orders and probation orders. I cannot believe that we are suggesting putting an increased onus on the very stressed and predominantly under-staffed probation service. We are asking it now to tell clients on probation who breach orders that they will no longer be entitled to benefits.

I see in the explanatory notes that it may not be all of their benefits — it may be part of their benefits, and it may be time-limited. Nonetheless, what advantage is this, as David Ford rightly pointed out? You take someone who is on benefits who has breached an order and make him destitute and homeless. I predict that undoubtedly anti-social behaviour will be the only outcome of that proposal. It is not sensible to suggest that someone who is on benefits should have those benefits partly removed.

I note that they are arguing that the jobseeker's allowance and the joint claims can be addressed. I have enormous concerns, and I hope they are addressed. I ask the



Minister to reassure me that if a person who breaks or breaches an order is married and has children, those children and his partner will not be made worse off as a consequence of his being denied part or all of his benefits.

**Mr Ervine:** Does the Member see any potentially divisive issues between parents when liabilities are reduced on the basis of increased access?

**Ms McWilliams:** Can the Member explain that?

**Mr Ervine:** My understanding is that if a parent accepts children for a large number of overnight stays, his liability is decreased. That suggests to me that there is a financial measurement of access.

**Ms Mc Williams:** This is a difficult issue at the moment. I am currently dealing with a case in respect of one of my constituents who is in receipt of child benefit. There are, however, enormous difficulties between the two parents, because the partner has access to the child and may have a residence order. One of the parents — the one who gets the child benefit — is arguing that she is the main custodial parent. There are huge disputes over that. This legislation will undoubtedly increase that type of dispute. I hope it does not. I would like to think that it will make matters simpler.

Undoubtedly the Member is referring to the child support part of those provisions as opposed to the social security part. I was commenting on the fact that a criminal offence — which a breach of an order is — will automatically lead to social security benefits being stopped, yet people have rights in terms of income. There are enormous difficulties with that.

The Minister tells us that this scheme will be piloted in seven areas of England and Wales. I suggest to him that it might have been better to carry out the pilot exercises first, and once these had been completed, monitored and evaluated, proposals for legislation could have been introduced. The Minister has no idea whether this will work. This is the first time I have come across a situation where it has been suggested that something be piloted, after it is included in legislation. My experience of social policy tells me that you normally carry out a study, do the research based on the findings and recommendations of the study and then introduce proposals for policy or law.

The Government have jumped the gun. They say they will wait until the evaluation comes out, but why are they saying that on the one hand, while on the other making the proposals here before the pilot exercises have been completed? Baroness Hollis at Westminster hopes that after those pilot exercises are completed, Northern Ireland will simply follow suit. I simply hope that Northern Ireland will do no such thing.

Finally, had this gone to the Committee stage we might have heard from the Northern Ireland Social

Security Advisory Committee, one of whose members sits on the UK Social Security Advisory Committee. I have no doubt that Prof Eithne McLaughlin would have had something very serious to say about the consequences of this scheme for Northern Ireland.

**Mr O'Neill:** So far as child support is concerned, the Minister is quite right to describe the present system as being made up of a set of hugely complex formulas. It has created great difficulties for all involved, and not least for the staff of the Department, who have had to spend their time working in areas which were obscure and difficult to follow, and which led to a great degree of job dissatisfaction and resentment. There is no one keener than the Department to see improvements and reforms in the system. I have no doubt that what is being suggested will help. However, I am not certain, just like Ms McWilliams, whether it will make the impact that we would all like to see. A number of areas remain cause for concern. We will watch the situation and monitor it as it develops.

There is the issue of assessment, in particular. We need to ask the Minister for an assurance that the Department will take a sympathetic and sensible approach to the areas of assessment where difficulties arise as well as others that have already been so ably pointed out about driving licence removal, et cetera.

I urge the Minister and his Department to be cautious in respect of people who are on irregular or seasonal incomes and whose net income is assessed. During those periods when they are at their lowest income level, they may be unable to meet their hire purchase or mortgage obligations. Because the outworkings of the system are done on a net basis, these people may be disadvantaged and could be in grave difficulty. I ask the Minister, particularly on this issue, to assure us that some sympathy and sense will be employed in the outworkings of the system to ensure that such people are not disadvantaged. I am unclear about how this could be done, but there needs to be a sympathetic approach. I have some experience in this area, particularly with parents who are willing to pay and work with the system but who, because of their income irregularities, cannot do so at certain times without impinging on their established commitments.

Many comments were made about accelerated passage. All of us, including myself — a member of the Committee — share the concerns that were voiced. There are many different aspects to this package; some parts of it are very good and some are urgent and need to be implemented immediately. We are torn, however, between the need to implement changes for the benefit of those affected and the need to be cautious and to examine the details that have caused concern here today.

Can the Minister give us an assurance that the Department, at least here in Northern Ireland, will



ensure that any information that goes out to the public — to the people on the ground — is presented in an understandable manner. That could be applied to all his Department's activities, but it is particularly important in respect of information on this topic. Plain English is a major requirement here. Even the explanatory notes outlining these changes are difficult to read; I guarantee that any Member would have to read some sections three or four times just to begin to make sense of them. What about the people on the ground? What are they going to think of such convoluted language? Please let there be some common sense here; please produce information that people can understand.

I also welcome the proposals in the Bill for the creation of an appeals system for housing benefit. This is to be greatly welcomed, because the previous system was totally inappropriate and unacceptable. One issue that we have been concerned about for some time is to do with instances where a magistrate is appointed as chairmen of an appeal board. This goes across the Department. Is there not a conflict of interest between being a chairman of an appeal board and later serving in a court of law when the same applicant may appear before him? The Department should ensure that this does not occur in order to protect all concerned — including the magistrate.

I also welcome the reforms to the structure of the pension scheme. I hope that when the outworkings for these are produced, people will find them easy to follow, easy to understand and of benefit.

**Mr M Robinson:** This most detailed and comprehensive statement in respect of future child support in the Province is very welcome. The assessment of child support, according to the Prime Minister, is

“one of the most complicated operations within the broad field of social security.”

11.45 am

That assessment could have involved over 100 pieces of information, leading to long, wearisome and often non-productive lines of inquiry. We are very quickly into one of the most feared, indeed hated, monsters of the 1990s that signally fails to provide maintenance for, or on behalf of, many children. A simplified method of calculation to replace this sprawling monster is to be welcomed.

The lack of enthusiasm for the machinations of the CSA can be traced back to its first year of operation. Fifteen million pounds was paid for children via the CSA in 1993/94, but £200 million had been paid through the previous system in 1992/93. The introduction of the CSA produced frightened, apprehensive mothers and angry, fearful fathers and caused 70% of lone mothers to strive to avoid making child support applications. The result was ever increasing child poverty — with over

three million children in the United Kingdom living in poverty and with over 50% living in one-parent families.

It is incumbent upon the Assembly to give this matter the priority it deserves. It is reasonable to expect that this new Bill will create a fairer system. It will certainly be simpler to understand, but will it deliver? Can the CSA be revolutionised, and can the position of 90% assessment, 10% collection be changed? Will we have a situation in which there is fair, simple, reliable child support for all and not just for 40%, as at present?

Will the remodelled CSA have the means at its disposal to ensure that parents face their responsibilities for the complete care of their children? We do not just want a re-shake of the moneys involved. Will the red tape and bureaucracy be reduced when we contemplate the recalculation that has to be done? Any such reduction has to be welcomed.

Finally, there is perhaps a question concerning the feasibility of collecting the £5 payment from non-resident parents on low incomes.

**Mr Shannon:** This issue has previously been before the Assembly. It is quite timely to reconsider this issue given the amount of correspondence I have received in my constituency office. We have to find a balance between parental accountability and making the system simpler so that people do not feel crucified by it. Many of my constituents wish to contribute to their partners and children but are being crucified by the CSA. It is vital and, indeed, right that a father should support his children, and I have found great frustration within the system when there has not been enough power to make fathers more accountable. Is it simpler to make a parent pay towards his children's upbringing if he continually moves address, or if his job is of a nature that makes it hard to find him?

I disagree with Ms McWilliams's comment about disqualifying people from driving because that is one of the areas where the system has fallen down. I agree with and welcome the commitment because having that driving licence option at least will ensure that a parent is more accountable. I have seen cases where people have been taxi drivers and the CSA could not locate them. We have to have a system to make such people accountable.

**Ms McWilliams:** Will the Member give way?

**Mr Shannon:** I will give way in a second. The Bill provides that if, but only if, a court is of the opinion that there has been wilful refusal or culpable negligence on the part of the liable person, then, and only then, will he lose his licence.

**Ms McWilliams:** If the taxi driver to whom the Member referred loses his licence how will he earn an income? Will he not just go from being self-employed to being dependent on the state?

**Mr Shannon:** The whole purpose of the child support changes is to try to stop those people who are trying to get out of the system. We have people trying to avoid their responsibility to support their children. This is one way of addressing that.

If a person were making an effort to fulfil his commitment to his children, there would be no need to take that step. The important words are “if, but only if”. In other words, there will always be an opportunity for a person to address the issue, make himself accountable and make the correct payment towards his children. That option should be contained in this legislation. It is not a matter of taking a licence from somebody in a willy-nilly way.

Some fathers have been pursued by the CSA and threatened with hellfire and damnation even though they have been paying a large amount of money to their wives. On the other hand, there are parents who have made a straight financial contribution towards their children quite apart from the CSA, but find themselves unable to meet the new commitments set by the CSA when it steps in.

The system is blatantly unfair to those parents who want, and intend, to pay for their children but who find that the CSA's system often constitutes one of the worst purges there has ever been. A great problem has been the time that it takes to sort out an enquiry. I suggest to the Minister that he should try to shorten the time taken for enquiries. A four-week period is a fair length of time in which to complete an enquiry, but that is not the time being taken at present. I have spoken to the Minister on the matter, and he has said that the commitment to staff and finances is there.

One case, sorted out last Friday, took 20 weeks, and that was an absolute nightmare for the father involved. He is a parent who wants to pay for his children and who made an agreement to do so before the CSA came on the scene. But when the CSA got involved, he had to wait for 20 weeks before the matter was sorted out. He was almost persecuted and worried sick about the whole procedure.

There are parents who dearly love their children and whose only crime was to fall out with their partners. Every day they worry about making CSA payments and its inability to sort their cases out quickly. We need a system that is faster and more positive.

I welcome the Minister's comments on access to Inland Revenue records, which will be especially helpful. It will make those who try to avoid making payments for their children more responsible.

I would ask the Minister to look at the threshold for an appraisal of the circumstances. A reduction from £10 to £5 would be more appropriate, thereby making sure that an enquiry could be pursued and changes made if necessary.

Although the financial change may sometimes be small, it can certainly help a claimant. This is referred to on pages 7 and 8 of the Bill under the heading “Agreement to a variation”.

I would like the Minister to look at the distance that a person travels to work. Nowadays people travel further distances to work. The threshold for the fuel allowance is so high that, unfortunately, many people do not qualify for this relief. The route that a person travels to work is measured as the crow flies. It would be more appropriate to use the bus routes as measurements, thereby ensuring that a better evaluation of the distance a person travels to work was made.

I realise that the Minister is trying to address these issues, but some of them are quite complicated. We have an opportunity to reach a happy medium between the legal requirement to deliver on CSA payments and the existence of a system that does not persecute the parents. Sometimes the overzealousness of an official can push a parent to the point that he quits his job. I know this has happened, and in some cases people have been driven to contemplating suicide.

Parents must pay for their children, and we want to make sure that that happens. The Minister has tried here to get a balance, and it has been difficult to achieve. We want to ensure that a parent pays for his children, but we also want to ensure that the system is such that it does not persecute him either.

**Mr Morrow:** I have listened to all the points made during the debate. Most have been thoughtful, if not always positive, and sometimes there has been a degree of confusion. However, I will try to address that in my winding-up remarks.

Members concentrated for the most part on the child support aspect of the Bill. The problems with child support are well documented, and it is important that everything possible is done to resolve them. The provisions in the Bill are aimed at doing just that. If Members have concerns about individual cases, they can write to me about them.

I am aware of the concerns regarding the introduction of a percentage assessment. It has been said that those who are well off will be required to pay a lot of money because of it. I want to make it clear that the figures of 15%, 20% and 25% for one, two and three or more children apply only to net incomes of above £200 and below £2,000 per week. There was only one oblique reference made to that. Anyone earning between £100 and £200 per week will pay a lesser percentage, and those earning up to £100 per week will make only a token payment. These are net incomes.

There is an upper limit of £2,000 per week, and there is also a percentage limit. The limit of 25% of net income is less than that which can be reached under the present system. Under the current system the limit can hit 30% of net income. That must be taken on board.

It is not possible to produce a genuine assessment of losers and gainers. Given that there have been such problems with the current system, it is impossible genuinely to assess changes in people's behaviour. The Bill is endeavouring to redress the problems of the existing system by learning from the errors of the past. While it is impossible to attain perfection, I am confident that it will be a system that will meet public demands, is fair and transparent and can be operated by the Child Support Agency.

It is necessary for the old and new systems to operate together initially — albeit for as short a time as possible. There must be two systems; there cannot be a “big bang”. It will not be possible to switch off the old system on Friday, put the existing caseload on the new system the following Monday, accept new cases from that date and expect the system to work effectively. That will not happen, and it is irresponsible to suggest otherwise. The overlap will be for as short a time as possible. The important thing is to ensure that everything works.

New information technology is required, and it will take some time for it to be up and running. The delay is unavoidable, but the system with the new formula cannot be implemented before it is certain that it will work. There is no benefit from rushing it. This is the last chance for the Child Support Agency — it has to be right this time.

It has been said that the new system will lead to high deduction rates. I hope I have made it clear that there is a percentage limit of 25%, not a cash limit. That is fair. However, that will not destroy private arrangements. Partners or parents who want to make private arrangements are free to do so as long as they do not involve the benefits system. That was the bottom line for the institution of the Child Support Agency in the first place. The new formula is fair. It can be made to work with the existing system and with new information technology.

There is concern about the driving licence provisions. Those provisions will be an alternative to a prison sentence if the courts do not want to impose one. In most instances, especially in cases of debt, prison sentences are a ludicrous sanction. The driving licence provisions will offer the courts an alternative sanction; they will not weaken the measure. It is hoped that the threat of losing their licences will cause motorists to pay their dues — that is all they are being asked to do.

I must make it clear that all children in a relationship will be covered by the child support system. If the payment is necessarily split with, for example, a requirement to pay 20% for the children of two parents, 10% will go to each. It has also been suggested that mothers should be able to choose to pursue maintenance. It is right that, where income support is being paid, parents with care should co-operate wherever possible in seeking

maintenance for their children. They will have to opt out rather than opt in, but they will be informed of that when they make their initial claim for income support.

12.00

I wish to make some points about pensions. The state pension will benefit many people, including the long-term disabled, who have never had such provision in the past. People are living longer and, if the system is not changed, one in three pensioners will retire straight on to a means test. Arrangements must be put in place now to prevent this. Waiting until it happens is not the answer. It is necessary to operate a twin-track policy to cover today's pensioners and the pensioners of tomorrow. The same policy will not work for both as the cost implications make that impossible. This does not mean that there is apartheid in pensions. It is true that high earners have no difficulty achieving a decent pension and that modest earners may or may not be able to be in occupational pension schemes. Those who are not in occupational pension schemes will want to choose another option, and that is provided for by low-cost stakeholder pensions. For low earners it is not tenable to expect carers, disabled people with broken work records and people with long-term low incomes to organise funded pensions. That is not possible.

*(Mr Speaker in the Chair)*

With the introduction of a state second pension, the pension that these people will receive, compared to the existing state earnings related pension, will be doubled — in some cases more than doubled. SERPS was good when it was introduced, but the world has changed since then. As SERPS is earnings related it does not, by definition, help the long-term low paid. For the average male retiring today SERPS provides about £40 a week. Twenty years ago people complained that they would have to wait a long time for that sum. That time has passed, but it takes time to build up a pension pot. Members will agree that it is important to direct available cash to where the need is greatest, and that is what the second state pension will do.

There is concern about the community order provisions. Anyone who complies with such an order will have nothing to fear from these provisions. They will only apply to people who breach the terms of their sentences. The remedy is therefore in the hands of the offenders. The provisions of this Bill are aimed at encouraging people to comply with their obligations to society and at providing assistance to those in the community who need it most.

I hope that the Assembly will forgive my confusion regarding those Members who expressed concern about the accelerated passage. None of that concern was expressed on the day that we asked to go down that route. If Members felt then as they feel today they



should have said something about it then. All we needed was one person to get to his or her feet and object. That would have ensured that the Bill could not have proceeded with accelerated passage.

I am puzzled about why Members are so confused. They must have had more important things to do and so were not present. The fact that they feel there are more important things than being here to stop a Bill going down the accelerated passage route is acceptable to me. That is entirely a matter for them, but their lamentations are a little belated.

**Ms McWilliams:** Will the Minister give way?

**Mr Morrow:** Time is not on my side, and the Member has had her opportunity. She had her opportunity last week and did not take it. However, I will give way if she is brief.

**Ms McWilliams:** I thank the Minister for giving way. There is an issue that we will need to look at. This matter arose on Tuesday afternoon, and unfortunately on Tuesday afternoons Committees are sitting. The Higher and Further Education, Training and Employment Committee sat in order to meet the deadline on student finance. We noticed that we did not have an annunciator in the room. To avoid a recurrence, it has been proposed that an annunciator be available where a Committee must meet at the same time as the House is sitting.

I did make the point when I was addressing this issue that some of us could not be here but have that concern. Because of a lack of business that day, that issue was taken ahead of its timing on the agenda.

**Mr Morrow:** I am sure that the Member does not hold me accountable for organising the business of the Assembly. If there is not an annunciator in a room, or if there is some other failing in the Assembly, no doubt Ms McWilliams will take that up with the appropriate authorities. However, it would have taken, I think, about 30 seconds to do the business that she refers to. I regret that she was so busy that she could not afford 30 seconds to come to the Chamber. It was on the Order Paper too.

I want to deal with some of the points that Mr Cobain, the Chairperson of the Social Development Committee, raised. He asked why the Committee did not have an opportunity to scrutinise the Bill. The accelerated passage procedure must have the leave of the Assembly, and in this case it was necessary to enable parity to be maintained — that cannot be overemphasised. Also, the Social Development Committee did have advance warning through a detailed presentation by my predecessor, Mr Nigel Dodds, so it is not strictly true to say that it did not have an opportunity for scrutiny. There were plenty of opportunities, or at least one anyway, and more than one.

Patricia Lewsley mentioned fair Government for older people. I am aware of the pilot schemes in Great Britain. These will be taken into account in the development of any policies. We will, of course, look at these very carefully and try to learn as much as we possibly can. She also raised the matter of an increase in tax allowance for occupational pensions. I understand the Member's point. Tax matters are, of course, outside the jurisdiction of the Assembly.

Another point that Patricia Lewsley raised was that the success of the minimum income guarantee campaign should be built on. That campaign is ongoing, and my Department is alive to the need to do all that it can to answer those who are entitled to claim benefit. The Member also said that there are delays in maintenance assessment. Under the new system, much more of the Child Support Agency's time will be spent on the proper enforcement of maintenance arrangements once they are reached. Once the new formula is in place and the agency is running at full speed, maintenance assessments will be made in four to six weeks instead of the current six months. By anybody's standards that will be a considerable improvement.

Patricia Lewsley also made a point about the delivery and management of all benefits. I am very much aware of the need to ensure that the benefits system meets the demands made upon it. This is a matter which I keep under constant review with the Social Security Agency.

Sue Ramsey asked if I could give an assurance that DNA samples will be destroyed after use. The honest answer is that I cannot give that assurance at this moment, but I will have an in-depth study done on the matter and write to the Member. Sue Ramsey also asked if I could give an assurance about payments to parents with care. No, I cannot give such an assurance. Each case will be looked at individually, so it would be quite untruthful to state otherwise.

Dr Paisley said that there is a need to make sure that people are aware of their benefit entitlements. The Social Security Agency is continually doing everything possible to advise people of their benefit entitlements, and it co-operates with the voluntary sector to get the message across to needy groups. I also listened attentively to the point that he made about the wife opening the husband's mail, and I am sure that did come as a very big shock. I appreciate that such a thing would cause great consternation in any family if it happened.

Mr Ford referred to clauses 65 and 66 and to the Family Law Bill. I will have to write to the Member about that, for I am unaware of the relationship. I will come back to him with a more detailed answer. He also raised clauses 53 and 57 and the breaching of community sentences. This is intended to match rights with responsibilities. An offender can avoid sanction by



complying with the terms of the probation order or community service order.

Mr Ford also raised a very important point that needs to be dealt with clearly: the matter of parity. The overriding point is that any difference in cost would have to be met out of the Northern Ireland block. Some Members will recall that there was a debate here last week about an additional £5 for pensioners. Some said that the Assembly could not do that, but the truthful answer is that it could do that but would have to find the money. I say to Mr Ford that we could do this, but we would be breaking parity and the difference would have to be met out of the Northern Ireland block.

Monica McWilliams mentioned clause 16 and the removal of driving licences. I would like to take a moment or two to elaborate on that point. The child support system is not working at the moment. That has to change. A study has been made of what other countries do to get non-resident parents to pay maintenance. Some confiscate driving licences and others confiscate the passports of persistent non-payers. Other countries have found that the threat of removing a driving licence can be very effective in encouraging increased compliance. The availability of this sanction alone will not make non-resident parents think twice about trying to evade their responsibilities, but it will be up to the courts to decide whether a licence should be taken away or not. All of that will be considered before that final decision is taken. I imagine that one of the things that would be paramount in their thinking is how much an individual depends upon a driving licence for his work.

Ms McWilliams also mentioned accelerated passage. Maybe she will accept the answer that I gave earlier. Anyone could have stopped that by standing up in the Assembly. She had some reservations about pilot schemes too. The purpose of the pilot scheme is to determine whether the proposal is effective. Evaluation will take place. The power to do something must be in legislation before it can be used.

The Member raised the role of Social Security Advisory Committee. The Social Security Advisory Committee has no role in primary legislation, either in Great Britain or in Northern Ireland. The arena for consideration of these proposals is Parliament at Westminster or the Assembly. Ms McWilliams asked if the Minister could assure the house that the benefits of dependants would not be sanctioned for breach of community sentences. I can give that assurance today.

Mr O'Neill raised a point about seasonal workers whose income is irregular and whose earnings fluctuate. The Department can take into account earning patterns over a longer period when making its assessment. The Member also raised the appointment of an appeals tribunal chairman. Appointments are a matter for the Lord Chancellor's Department.

He asked that information be so presented to the public as to be understandable. Social security, child benefit and pension legislation is complex. The Social Security Agency and the Child Support Agency try to use plain English, but plain English often comes at the expense of brevity.

The Member for Strangford (Mr Shannon) mentioned absent parents who move house. Absent parents are encouraged to pay by direct debit or standing order making it easier to deal with changes of address.

Mr Shannon and the Member for South Belfast (Ms McWilliams) mentioned the position of taxi drivers. A court has to consider whether a person needs a licence to earn a living. The person must be present in court where he will have an opportunity to state his case. Mr Shannon also mentioned travelling to work. Under the new simplified system which works on flat rates, there will be no mileage allowance.

12.15 pm

That covers most of the points. If others need to be dealt with in more detail I will come back to Members after we have read Hansard.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Child Support, Pensions and Social Security Bill (NIA Bill 1/00) be agreed.

## FIRST MINISTER

**Mr P Robinson:** I beg to move

That this Assembly has no confidence in the First Minister.

First, it might be useful to say something about procedure. The censure motion is a standard feature of parliamentary democracy. ‘Erskine May’ refers to it as an “established convention”.

‘Erskine May’ refers to the regularity with which it has been employed in the House of Commons and to its legitimacy. Such a motion represents a challenge that must be faced up to immediately and fully by the Government. It was something of a surprise, therefore, that when this standard procedure was adopted in the Assembly, it received the reaction that it did from some sources.

I note that the poor scriptwriter used by the Chief Whip of the Ulster Unionist Party has, again, been repetitive: almost every answer to the questions arising from the DUP motion suggests that it is a stunt. That is interesting, because that stunt has been played out in the Waterfront Hall week after week. On many occasions the expression of “no confidence” inside the higher echelons of the Ulster Unionist Party has been overwhelming. I note that the Ulster Unionist Party Whip said exactly the same thing when we proposed a motion to exclude Sinn Féin from Government, even though the Leader of the Ulster Unionist Party had given that commitment to the public and even though it was recorded in Hansard that he had said at the previous Assembly sitting that he would do that. It was called a stunt, because the Democratic Unionist Party was doing it. Once again his poor scriptwriter has come up with the same response.

However, I expect a full debate with a lot of participation from the Members from the Ulster Unionist Party, because their Leader deserves the support of his Colleagues — according to their Chief Whip. Member after Member will be standing up from the Benches of the Ulster Unionist Party to list the merits of their Leader — according to their Chief Whip.

I was somewhat surprised to hear a Member who is not present today say that he would be opposed to discussing this motion because it might lead to a Unionist cat fight. Was he watching the ding-dong between Jeffrey Donaldson and David Trimble almost every day last week? Did he consider that to be a cat fight? Did he tune in to ‘Hearts and Minds’ at the end of last week and watch Willie Ross and Michael “the Mortician” McGimpsey slug it out on television? Was he present at the Ulster Unionist conference on Saturday, listening to the catcalls, the booing, the hissing and the heckling? I would have thought that a dignified debate in the Assembly would be less of a cat fight than some of the events he himself

has taken part in. Another Member, who I think is also absent today, said that she would not support the motion, effectively because it was not the business of the Democratic Unionist Party to say whether or not it supported the Leader of the Ulster Unionist Party. Well, of course it is not. What the Leader of the Ulster Unionist Party says and does is a matter for the Ulster Unionist Party. The motion, however, is not about the leadership of the Ulster Unionist Party; it is about the First Minister of the Northern Ireland Assembly.

I consider that his stewardship of his position as First Minister is a matter for the Assembly. He is answerable to the Assembly and, ultimately, to the people of Northern Ireland. After all, it is our Province that he is destroying. It is our liberties that he is undermining. It is our democracy that he has endangered. Therefore it is appropriate that the Assembly consider this issue. Indeed, there could be no more appropriate body to consider it.

In that context, we have to look at what a confidence motion means. Confidence is about trust: whether we can trust the word of the First Minister; whether we can trust him to keep his promises; whether we can trust the First Minister to achieve the aims that he has stated he wants to achieve; whether we can trust him to provide wise leadership; and whether we can trust him to exercise sound judgement. I will be examining his record under each of those headings to determine whether, indeed, he can be trusted and whether the Assembly should have confidence in him.

I start with the subject of policing, because the First Minister considered the subject so important that he devoted some space to it in his “News Letter” article on Saturday and some time during the course of his remarks at his party conference. Indeed, it is a subject on which he has been attempting to rewrite history for many months. Let us look first at what he said about policing before Patten had actually reported. He said that the police had nothing to fear from a commission of inquiry. Had they nothing to fear? We can judge whether he obtained his stated aims, whether he kept his promises, in this case to the rank and file of the Royal Ulster Constabulary, what leadership he provided and how sound his judgement was.

The first thing is that it was the First Minister who provided Patten with his remit. He is the architect of the Belfast Agreement and he subscribed to the terms of that agreement. The remit is clear in the Belfast Agreement. It indicates that there will be a new policing service. It cannot, therefore, have come as any surprise to him when he read those aspects of the report that sought to set up a new policing service.

As the remit that he gave Patten dealt with the composition, recruitment, training, culture, ethos and symbols of the RUC, the First Minister could hardly be surprised at the proposals that came from Patten. In

terms of structure — and he has made much of his unhappiness with some of the local police boards — the remit that he gave Patten was that the police service should be delivered in constructive and inclusive partnerships with the community at all levels. It is very clear that each aspect of the Patten Report came directly from the remit given to Patten.

I do not like the Patten Report. I am opposed to it. I am justified in being opposed to it because I opposed the remit that Patten was given in the Belfast Agreement. However, it is utter hypocrisy for those who supported the Belfast Agreement, and who agreed to giving Patten this remit, to complain when Patten carries that remit out. They cannot even complain about the person of Chris Patten, because they applauded his appointment. They said that the commission that was set up could not have been better. Having approved the terms of reference, applauded the appointment of Chris Patten and extolled the virtues of the commission, it ill becomes them now to say that they are unhappy with the result.

Is it any wonder, therefore, that when the First Minister referred to the police in his address on Saturday, when he said “We know who to blame”, the voices of his party members came back: “Yes, you.”? For he is the guilty man. He is the person responsible for the destruction of the RUC that we are now seeing. I noted that in his article in the ‘News Letter’ he had the audacity to say that Patten breached the terms of reference he was given by the agreement. In his speech on Saturday he said

“Patten asked ‘What did we expect when we signed the Agreement?’ I’ll tell him what we expected. We expected his report to be acceptable to the greater number of people in Northern Ireland. It wasn’t.”

12.30 pm

Why did he expect that Patten’s report would be acceptable to the greater number of people in Northern Ireland? I did not expect it to be. His one excuse has consistently been that the remit required the report to have widespread acceptance. But it does not, and either — I do not know whether I am allowed to suggest that he was either a fool or a knave, but certainly one of those must be true — he knew the remit he had given to Patten, in which case he would be a knave, or he did not know, in which case he would be a fool. The remit given to Patten does not require the proposals brought forward by the Commission to be acceptable to both sections of the community. Nowhere in the remit does it say any such thing. If the Member is rushing for a copy of the Patten Commission’s Report I will read to him the section which he has sought misinterpret or he cannot understand. It says

“The proposals on policing should be designed to ensure that policing arrangements including composition, recruitment, training, culture, ethos and symbols are such that in a new approach

Northern Ireland has a policing service that can enjoy widespread support from, and is seen as an integral part of, the community as a whole.”

Some people are saying “There you are now — it shows their lack of capacity to understand what they read and hear.” I will test them on it, and we will see whose interpretation is accurate. Nowhere does it say that the proposals have to be acceptable to widespread sections of our community. It says that the police service arising from the proposals has to be acceptable.

Let me illustrate the difference. Will any member of the Ulster Unionist Party stand up and say “I will not support the Police Service after these proposals go through”? Is there one of them? They have been chiding the SDLP for years and saying “We know you do not like the police set-up in Northern Ireland. We know you do not like its symbols. We know you do not like many of the arrangements, the composition of the force, but as responsible elected representatives you have to give your support to the instrument of law enforcement in Northern Ireland.” That is what they expected from the SDLP; that is what I expected from the SDLP. I suspect that there is not one of them in a post-Patten era who will stand up and say “This new Police Service is not going to have my support.” Of course they could say they do not support the proposals, but when implemented they will give support to the new Police Service.

That is the reality. That is the difference. The Leader of the Ulster Unionist Party has sought deliberately to misinterpret that by saying that the proposals required widespread support when they did not. Because of the First Minister’s ineptness and incompetence, Patten carried out the remit that he had been given and then the Ulster Unionists turned on him. No wonder a frustrated Chris Patten said “What on earth did they expect.” They are responsible for the destruction of the Royal Ulster Constabulary, and they know it. The community has no confidence in them because of their role in giving Patten his remit.

I want to examine the issue of decommissioning. I know it hurts them when this subject is under discussion but, nonetheless, it has to be dealt with; it is a key issue. For evidence that paper and ink refuse nothing, I read Mr Trimble’s comments on decommissioning in the Belfast ‘News Letter’. He said

“the Ulster Unionist Party has never abandoned its pledge on this matter to the Unionist people.”

Well, let us see. The first significant pledge made by the Leader of the Ulster Unionist Party was in a feature article in the ‘Belfast Telegraph’ on Friday 7 June 1996. Members will remember that at that time we were about to enter a talks process. The Government were angling to have the representatives of Sinn Féin/IRA present. The Leader of the Ulster Unionist Party came out thumping his chest. The heading says it all:



"I'll stop talks if decommissioning of all arms doesn't start right away".

The requirement was there from the very beginning. I see the First Minister shifting around in his seat. I am not surprised; it would be difficult for him to sit still with such condemnation being heaped upon him. He was going to stop the talks from proceeding if the decommissioning of all weapons did not start straight away. He says in this article

"But our position is quite clear."

Well, at least for that day.

"The issue must be tackled at the beginning with clear commitments given which will be honoured by actual decommissioning beginning in a short period thereafter."

He then defines decommissioning:

"According to the Communique of February 28, the opening session includes the issues of Mitchell, the agenda and the procedures. I would not be surprised if, without any timewasting on anybody's part, the opening session takes several weeks. If towards the end of that session, paramilitary parties have not established their good faith by beginning decommissioning, we will insist that they be excluded from further participation in the negotiations, and we will not allow them to proceed to substantive negotiations."

The Ulster Unionist Leader, who has never abandoned his pledges on decommissioning, made it clear that, in order for Sinn Féin/IRA — and I assume he meant others as well — to participate in the talks, it was necessary for them to have begun decommissioning. He broke that pledge. He entered substantive negotiations; he continued and ended those negotiations, without any decommissioning from beginning to end.

Then there was the Assembly election. Proudly, the First Minister released his election manifesto. Once more, he gave a commitment — a pledge — to the people, as far as decommissioning was concerned:

"Before any terrorist organisation,"

I can understand some people not wanting to hear their election manifesto, but it might be good if they were to listen to what they actually stood on when they went to the people and asked for their support.

**Mr Mallon:** I thank the hon Member for giving way. At the outset, he was at pains to lay down his terms of reference, those being that this motion is one of no confidence in the First Minister. So far, he has dealt with matters that do not fall within the responsibility of the First Minister, the Executive or the Assembly. I ask the Member if the terms of reference are accurate. Is he not dealing with the First Minister's role as Leader of the Ulster Unionist Party rather than with the motion itself? He himself laid down the terms of reference and I wonder when he is going to deal with them.

**Mr P Robinson:** Such bogus interventions are always an indicator of how generous I should be in giving way to people.

Everybody recognises that he should be responsible for the promises he made to the electorate of Northern Ireland during the Assembly election which brought him to this place and, subsequently, to become First Minister. I am surprised at how protective the Deputy First Minister is of his Colleague, given that most of the time he is not even on the same page as the First Minister on issues such as these.

However, he has given me an opportunity to read from the beginning again the First Minister's election manifesto, that brought him — *[Interruption]* No. Well, if it is relevant, yes.

**Mr Mallon:** It is very relevant.

Is it not the case that the Ulster Unionist Party's manifesto was not produced by or on behalf of the First Minister, but was written on behalf of the Ulster Unionist Party? When will the Member deal with this motion in terms of the First Minister's responsibility to the Assembly?

**Mr P Robinson:** That will be the last intervention. I can understand why the First Minister would want to disassociate himself from his party's manifesto. However, it stretches credulity a little far to separate the First Minister from the election manifesto that he published, that he peddled and on which he was elected. The connection is there for everybody to see, and given the line of argument from the Deputy First Minister, I suspect that he may have been in the company of the First Minister for too long.

The manifesto said this:

"Before any terrorist organisation and/or its political wing can benefit from the proposals contained in the Agreement on the release of terrorist prisoners and the holding of ministerial office in the Assembly, the commitment to exclusively peaceful and non-violent means must be established. The Ulster Unionist Party will, therefore, be using various criteria that are objective, meaningful and verifiable in order to judge:

that there is a clear and unequivocal commitment that cease-fires are complete and permanent.  
that the 'war' is over and violence ended;  
that targeting, training, weapons procurement —

does that ring a bell with the First Minister in light of the phone calls he has been making to the USA on the subject? —

and so-called paramilitary beatings cease forthwith;  
that there is progressive abandonment and dismantling of paramilitary structures;  
that use of proxy organisations for paramilitary purposes cannot be tolerated;  
that disarmament must be completed in two years,  
and that the fate of the "Disappeared" will be made known immediately."

The manifesto goes on, but it is abundantly clear that the Ulster Unionist party was committed, through its Leader, the First Minister, to the principle that there would be no entry into Government until actual decommissioning



had taken place. Further to that, it also required the actual dismantling of the terror machine. If anybody was in any doubt, he received a personal letter from the First Minister during the election, saying

“the Ulster Unionist Party will not sit in the Government of Northern Ireland with un-reconstructed terrorists. This issue must be comprehensively addressed to our satisfaction. Paramilitary organisations must decide that the war is over, dismantle, disarm and stop the beatings”.

Yet the Leader of the Ulster Unionist Party tells us in the Belfast ‘News Letter’ that

“the Ulster Unionist Party has never abandoned its pledge”.

12.45 pm

In a debate in the Assembly on 15 December 1998 the First Minister replied to the Member for North Down, Mr McCartney. He said

“If the issue of forming an Executive should arise without there having been a credible beginning to decommissioning, as required by the agreement, we would have to table a motion for the exclusion from office of those who had not begun the process of decommissioning”.

Yet we are led to believe that the Leader of the Ulster Unionist Party has never broke his pledges on decommissioning.

On 17 May he said

“there must be a credible and verifiable start to a process of decommissioning, before Sinn Féin can participate in government.

The Ulster Unionist Party will not change its position on this matter now, during or after the European election. This issue goes right to the heart of the Agreement and to the commitments to peace and democracy that Government Ministers must abide by”.

Yet the Ulster Unionist Party has never broken its pledges on decommissioning.

On 28 June he again said

“No Recognisable, quantifiable, decommissioning before any Executive is established remains the only way in which democrats can safely see that the war is indeed over”.

It has not happened, but they are in the Government, their commitment broken again.

I have read a transcript of a television interview he had with John Humphrys, who suggested that the First Minister

“could, for instance, say ‘Let’s find a way whereby we can set up an executive in Northern Ireland before the IRA actually begins a process of physically getting rid of any weapons’.”

Mr Trimble responded

“Well, what would be the point of doing that. What would be the point of bringing about a situation where people are in Government by day and involved in terrorism by night. Wouldn’t that be an appalling state of affairs? Isn’t that likely to lead to a complete collapse of confidence in this process if you’re going to undermine and destroy the integrity of it? I can’t see the point of even thinking in those terms. I’ve made it clear all the way through this that words

are not enough, and they are not enough; they are not going to carry credibility”.

John Humphrys laboured the point:

“Right, but what you’re not saying this morning in this rather ugly abbreviation that is used occasionally, you’re not saying categorically ‘No guns, no government’.”

Mr Trimble responded

“Oh I am, I am. I would regard what you’ve said as being precisely that. There’s no question of people being involved in the administration without decommissioning. That has to happen.”

Yet the Ulster Unionist Party has kept its pledges on decommissioning.

I made reference earlier to events over the last number of days following an Ulster Television programme which revealed that rather than decommissioning, the IRA is supplementing its arms stockpiles. Rather than getting rid of guns, it is bringing them in. What was the response? Does the leader of the Ulster Unionist Party, our First Minister, rush to the Assembly and say “This is preposterous and unacceptable. Here we have a party in government. One of its Ministers is a member of the IRA Army Council that has sanctioned the bringing of guns into Northern Ireland. I cannot tolerate this situation.”? Is that what he says? No, it is not. He attempts to get it covered over. According to newspaper reports, he was the first to get in touch with Sandy Berger to see if the matter could be resolved. Then the American pressure started on Ulster Television to pull the programme. Instead of facing up to the issue and recognising the folly into which he had entered, the First Minister’s answer was to sweep it under the carpet.

This is the heart of the issue. Some might say the guns are silent, but there have been occasions when the Provisional IRA’s guns were not so silent. It is accumulating more weapons. What for? If it is committed to exclusively peaceful and democratic means, why is it supplementing its stockpiles of weapons? It is very clear that it has no intention of decommissioning. The people realise it, and we realise it in this House. How sad that it has not dawned on the First Minister that he has been suckered once again into believing the words of Sinn Féin/IRA.

The next issue is the release of prisoners. The commitment of the First Minister was that the RUC would not be disbanded and that only prisoners linked to paramilitary groups observing a ceasefire would be released — and then only on licence. The requirement to decommission before taking Executive posts would be underpinned by legislation, thus giving it the force of law. Prisoners were not to be released until violence had ended and decommissioning had taken place. Now, however, they are on our streets and re-engaging in racketeering and terrorist activity. They are back to their old haunts and in their old organisations, all with the

permission of the First Minister, who, in effect, turned the keys to release them from their prison cells.

I could spend some time dealing with the First Minister's commitments on all-Ireland institutions and how he said they would be made accountable to the Assembly. However, on the very first occasion that my Friend Dr Paisley attempted to make them so accountable, he was told — and I do not question the Speaker's ruling on this matter, for he had no alternative — that he was out of order and that the Assembly could not ask such questions. No vote could be taken on those issues. These bodies, set up with full Executive authority, are accountable to themselves, not to the Assembly.

I note that, over the last few days, the First Minister's claims are becoming even wilder. He has told us that the Republic's claim has been removed, that the Anglo-Irish Agreement is gone, that there is no Maryfield Secretariat and that Unionists are now on the inside. What he does not tell us is that, as far as the Republic's claim is concerned, one need not claim something one already has. If one is effectively operating joint sovereignty, one need not claim that one has any authority in Northern Ireland, for one is exercising it every day. That is why the First Minister, as soon as he gets in trouble, hotfoots it to Dublin to speak to Bertie Ahern. That is why one of the few people to express confidence in the First Minister over the last few days has been the said Mr Ahern. The only three of whom I can think are a has-been the former Prime Minister, John Major, the Secretary of State, Peter Mandelson, and the Dublin Prime Minister, Bertie Ahern.

**Mr McCartney:** Is the hon Member aware that John Major publicly stated that the Belfast Agreement was his framework with knobs on, while the Unionist document explaining the agreement says that they have destroyed the framework?

**Mr P Robinson:** Indeed. No wonder the former Prime Minister is one of the few cheerleaders for the First Minister of the Northern Ireland Assembly.

**Rev Dr Ian Paisley:** The Agriculture Committee had a high-ranking civil servant from the Department of Agriculture giving evidence about the LEADER + programme. He was asked whether, after the Assembly had decided what it wanted to do and voted on it, that was the final decision. He said that the decision had to go to the joint council, which can change it. I asked if we could see the proposals made by the South of Ireland representatives on LEADER +; he said "No". So that body can overrule everything, although we were told that it really had no power. Now, the leader of the Unionist Party is suggesting that he might pull back a little from this body.

**Mr P Robinson:** The point is well made. Each time the First Minister runs off for succour from Dublin he

emphasises the role that he has given them in the affairs of Northern Ireland. He tells us that the Anglo-Irish Agreement is gone, but he does not tell us that something far worse has been put in its place. He tells us that there is no Maryfield Secretariat, but does not bother to say that it has just moved its address to the centre of Belfast. He says that Unionists are on the inside but does not tell us that they are subject to a Nationalist and Republican veto on all that they do.

It is no wonder that, in this confused state, the First Minister tells readers of the 'The Daily Telegraph' that he did not sign up to this agreement. It seems to have taken him several years to discover that he did not sign up to it; as a letter writer recently asked, "If he did not, who did?" He did sign up to all of this. After the South Antrim by-election he sought to blame the media, the SDLP and Alliance, the candidate, the weather and even the electorate. So, on this issue, he tries to pass the buck again: "This is not the agreement that I signed." That is why people cannot have confidence in the First Minister — he does not even know what he signed up to. The First Minister has an interpretation of the Belfast Agreement that nobody else shares. In his own wee world, he still believes that his interpretation is the only possible one. He talks about "constructive ambiguity" — an admission that he signed a document that could be read in any number of different ways, was open to any number of different interpretations and, therefore, was open to many different forms of implementation. He signed up to an agreement without knowing what the outcome would be. Now he says "I did not sign up to this agreement". He did, and he has no excuse. Over and over again, in elected bodies and, indeed, in public, he was told precisely what the effect of the agreement would be. There was no shortage of people, from all of the parties on the Unionist side, telling him exactly what would be the outcome. But this trainspotter would not listen to advice from anybody. He was not prepared to take counsel from anyone; he knew it all. He had the correct interpretation of the agreement and knew what the outcome was going to be. Now, when we are proved right, he puts up his hands and says "I did not sign up to this agreement."

**Mr Speaker:** Order. The Member will be aware that the Business Committee allowed three hours for the debate. I understand that he may have a lot to say, but the Clerks advise me that many other Members also feel that they have a good deal to contribute. If he could draw his remarks to a close, it would facilitate me in ensuring that as many other Members as possible are able to speak.

*1.00 pm*

**Mr P Robinson:** I shall attempt to bring my remarks to a conclusion reasonably soon.

I also noted in 'The Daily Telegraph' that he had the shamefaced affrontery to face the Prime Minister of the United Kingdom and accuse him of surrendering to terrorists. What was the trigger — if that is not a pun — that caused the First Minister to make these remarks? There was a package announced fairly recently, part of which amounted — although the Secretary of State does not like the terms being used — to providing an amnesty for on-the-run terrorists. In addition, some army bases were dismantled. The First Minister makes direct references to these matters and accuses the Prime Minister of surrendering to terrorism for making those concessions. Nobody on these Benches would disagree that this is a further surrender to terrorism.

How does the First Minister remove from himself the same accusation of surrendering to terrorism when he lets their prisoners out, when he puts their frontmen into government, when he destroys the police force that is protecting society and when he gives them their goal of setting up all-Ireland executive bodies? If that is not surrendering to terrorism, then nothing is. He should therefore remember that when he next decides to try to pass the buck to the Prime Minister of the United Kingdom he is more guilty than Tony Blair, for he, living here, professing his Unionism, should have known better.

**Mr Foster:** The hon Member refers to terrorism and what took place during the height of the troubles, but what active service did he give against terrorism during those years? Is this all lip-service today instead of active service? Can he also tell the Assembly what success he had with his foray into Clontibret some years ago? How beneficial was it? Did he underpin the Eire Exchequer to a great extent?

**Mr P Robinson:** It actually cost about £0.5 million, but I do not suppose the facts will make much difference today.

**Dr McDonnell:** Mr Foster should know that Mr Robinson was in Clontibret.

**Mr P Robinson:** The Member obviously cannot keep track of events; the Minister already made that remark. Perhaps if the Member reads Hansard, he will see for himself.

**Mr Speaker:** Will the Member please draw his remarks to a close. He has been on his feet now for 46 minutes, albeit with some interruptions.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. The Business Committee is dominated not by the Democratic Unionist Party but by other Members of this House. If they want to limit the time for debate, that is their business. Mr Robinson is quite right, within the Standing Orders to have his say. If the Business Committee had wanted a six-hour debate, it could have had it. If, it had wanted the sitting to run on until tomorrow, it could have done that, but it wanted to

guillotine this debate, and so Mr Robinson needs to be told from the Chair that he can go on all day, and you, Mr Speaker, can do nothing about it.

**Mr Speaker:** The Member is incorrect on two grounds. First, he will well know that, under Standing Orders, it is for the Business Committee to decide what will be debated, whether it will be debated and for how long, and it has ruled. Secondly, it is for the Speaker to decide whether a Member may continue speaking, or whether, in the view of the Chair, he has become repetitious or is taking too long — *[Interruption]* Order. The Member may be permitting too many other Members to intervene, thus lengthening — *[Interruption]* Order.

The interventions came from a number of Members, including members of his own party. As Speaker, I must ensure that the argument is balanced, as would anyone else in the Chair.

Please continue, Mr Robinson, but please bring your remarks to a close.

**Rev Dr Ian Paisley:** On a further point of order, Mr Speaker. If you intend to facilitate the First Minister, who wants to get the debate over before lunch, that is between you and him. We have a right to be heard. Do you want to silence us? That is all right because this is not a democratic Assembly anyway.

**Mr Speaker:** Dr Paisley needs to be careful that he does not put himself out of order in his remarks about the Speaker. It is my responsibility to ensure that a range of Members have the opportunity to speak. There are three hours for debate, and 46 minutes have been taken by one Member. Please bring your remarks to a close, Mr Robinson.

**Mr P Robinson:** I am bringing my remarks to a close, Mr Speaker. If I am accused of anything, it should be generosity in giving way to other Members.

If there is one Member of the Assembly who outdoes the First Minister in making U-turns, it is the Minister of the Environment, Mr Foster. Members might like to look back to Hansard from December 1998. The Member who is now Minister of the Environment — I will let somebody else deal with this in greater detail later, rather than take further time — made it abundantly clear then that he would never sit in an Executive with Sinn Féin/IRA unless decommissioning had taken place. He was so adamant that he was almost ready to stake his life on it. Everybody has seen his acrobatics and his about-turning on that matter. It is no wonder that he is treated with contempt in his constituency.

We have a First Minister in whom most of the other Ministers in the Executive have expressed a lack of confidence at one time or another. Here is a First Minister who has proved on many occasions that his party lacks confidence in him. Here is a First Minister in whom a



majority of his Members of Parliament have no confidence. The First Minister has no confidence in himself. He and the Minister of the Environment are attempting to get the local government elections put out of the way so that he does not have to face the electorate. He has no confidence in the outcome of that election. It is hardly surprising that we on these Benches have no confidence in him either.

The First Minister has done greater damage to the Union, democracy and the liberties of people in Northern Ireland than any other figure in history. He has ushered corruption into the heart of government in Northern Ireland. He has sought to conceal his betrayal and evade the consequences. History will record the judgement of each Assembly Member today on his stewardship. At the end of the debate Members can show their disapproval of his tenure as First Minister. They can tell the First Minister what people up and down this country are saying: "We have no confidence in you".

**The First Minister (Mr Trimble):** I hope to make my remarks before it is necessary to go for lunch, although, as you rightly hinted, Mr Speaker, it did appear that the opening speech was more in the nature of a filibuster than a serious contribution to debate. Indeed, one wonders what the object of the exercise really is.

There is one thing which I should say right at the outset: what we have heard today demonstrates quite clearly the wisdom expressed by my Whip when he described this as a stunt. It is simply a stunt. It is a stunt which is patently and obviously choreographed with other events. That is clear from the timing of the announcement of this motion, what was said the next day and what happened the day after that. This is no coincidence, as they say, but there is another purpose behind this stunt, which is perhaps more significant. It is another attempt to mislead and deceive people. It is an attempt to mislead and deceive the supporters of the DUP, to try to persuade them that the Democratic Unionist Party is in some way opposed to this agreement, the Assembly and the Executive. They should ask some of the people who sit close to them about this matter, and they might like to go back to Portavogie and ask the people there as well.

The other thing I want to say by way of introduction is that Mr Robinson would be well advised, once he has calmed down and is in a more stable frame of mind, to read through his speech and ask himself if he is really proud of some of the appallingly stupid statements that he made. There was a suggestion that joint sovereignty is actually functioning in Northern Ireland today. That is the statement of someone who is not in contact with reality. I notice that at one point he suggested that Deputy First Minister was suffering from folie à deux because of his association with me. While it is possible that the Deputy First Minister and I have rubbed off a bit on each other,

it is absolutely clear from the comments of Mr P Robinson that his prolonged association over decades with the people around him has rubbed off on his mind and his ability to think straight.

There is one small point of detail that I want to pick up — I think that he has been misled by the print media here — and that was the reference to telephone calls after the recent UTV programme that arose from the Miami gun-running. I want to make it quite clear to him that I made no calls to the US Administration.

**Mr Dodds:** Some of his staff did it.

**Mr C Wilson:** Will the First Minister give way please?

**The First Minister:** No, I will reply to the sedentary interruption from Mr Dodds, who suggested that, rather than make the call myself, I had one of my minions — I did not know I had any — make the call for me. That is also untrue. I hope that Mr Dodds is relieved to have the truth pointed out to him.

**Mr C Wilson:** I find this hard to understand or believe. I have it on very good authority — no less than that of the American Consul General in Belfast, Ms Fort — that it was a call from Mr Trimble to Mr Sandy Berger's office in the United States that instigated American interest in the programme. They had no prior notion that such a programme was being made, let alone any knowledge of its content. Mr Trimble was in a position to know as he had been interviewed by Mr Trevor Birney. Mr Trimble made a call to Mr Sandy Berger in the United States, and if he disagrees with that statement he should take the matter up with the American Consul General in Belfast, who also seems to be under some illusion on this matter.

**The First Minister:** I said what I did because I was aware from the print media that some people evidently believed what Mr Cedric Wilson has just said.

1.15 pm

I said what I said quite deliberately, and I will say it again. I placed no call to Mr Berger, and neither did any of my staff. I received a call from him. *[Laughter]*

What an incredibly silly reaction — it is almost as if we are dealing with a crowd of children.

I received, late that afternoon, a call from Mr Berger in which he endeavoured to tell me some things about the Miami investigation that I did not believe. I will not go into detail.

Many of Mr Robinson's comments referred to the agreement and to the negotiations that led to the agreement. He made a lot of selective quotations. Mr Robinson and his Colleagues are well aware of the truth of these words with regard to any process that leads to an agreement:



“When you go into negotiations, you do not get your top asking price. I cannot go further than that.”

Everybody knows that the process of negotiation involves setting out a position and endeavouring to achieve it. Everybody knows that in such a process, one does not always achieve what one wants. In any agreement there will be things that one does not like, but perhaps one can thole them. I wonder if the words are familiar.

**Mr P Robinson:** You are meant to haggle and get something.

**The First Minister:** We got plenty of things. Mr Robinson referred to manifesto positions. He will recall this from a DUP manifesto: “The team you can trust”.

**Mr Dodds:** Hear, hear.

**The First Minister:** “Hear, Hear”, says Mr Dodds.

I quote from the DUP manifesto:

“We will not be talking to IRA/Sinn Féin before, during or after any election.”

They are not just talking to Sinn Féin after that election. They are in government with Sinn Féin, they are sharing power with Sinn Féin, and they are communicating with Sinn Féin day in, day out, in the Executive and in the office they hold. We see the letters before every meeting. They come in every week.

They are working. Those Ministers come here and proudly declare that they are fulfilling all the offices that they have to, delivering their functions and carrying out their functions as Ministers in an Administration where they share power with Sinn Féin. That is the truth. They know it in Portavogie; they know it throughout Northern Ireland. They know too that there have been 500 Committee meetings. The DUP Members have sat beside Sinn Féin and communicated with them. We are seeing here an exercise in barefaced hypocrisy. *[Interruption]* We listened in silence to Mr Robinson, but Mr Robinson’s friends try to shout down the truth about themselves.

We also had a discussion about policing — an interesting subject. Mr Robinson tried to give us an exegesis of the agreement and the need for widespread acceptance. Mr McCartney said in the House of Commons in January of this year

“Is the Secretary of State aware that the remit of the Patten Commission was to produce proposals that would find broad acceptance and support throughout the community?”

I agree with Bob on that one.

**Mr P Robinson:** Will he now read from the remit where it says that?

**The First Minister:** I listened to Mr Robinson’s attempt to argue that there was no need for the proposals to achieve widespread acceptance — *[Interruption]* It was

a fairly good effort in terms of Jesuitical reasoning, but it did not carry conviction.

Let us get to the substance of the policing issue. Who has tried to support the RUC, and who has not? Newspaper headlines stated “Paisley threatens the RUC”. “Every decent, honest citizen should refuse to co-operate with the police; if their homes are attacked, then they should not come crying to me” said Dr Paisley. After the Patten Report was published the DUP —

**Rev Dr Ian Paisley:** It is amazing that he does not give the content to the report. The DUP and the Official Unionists were dragged out of this very House. Outside there were a number of womenfolk whom the police called “Orange bastards” and “whores”. That is what they said. It is on the record. I made an official complaint to the police and told them if that was the type of people they were I would not support them. I stand over that, and I have submitted myself to this electorate over and over again. The Official Unionists have dragged this up, and the electorate has said “Nonsense.” I have topped the poll in every European election that I have entered. The same matter was dragged up in South Antrim, and South Antrim gave its message loud and clear.

**The First Minister:** I am sure that the House is glad to learn that due to alleged insulting remarks by some policemen, Dr Paisley considers the attacks on policemen’s homes in Northern Ireland to be acceptable. He says that the policemen should not come crying to him because he objects to some insulting remarks that have been made. There is a serious question here about attitudes to criminality. Dr Paisley’s statement clearly endorses attacks on policemen’s homes. Criminality directed against the police is OK because they have been offensive. That is what Dr Paisley clearly said.

The House and the community will see that Dr Paisley supports the position that he then adopted: it was all right for people to attack policemen’s homes because he was offended by them — *[Interruption]* I am responding to an intervention. This is the reality of the matter if we are talking about who has supported the police and who has not.

Then there is the matter of how the DUP has handled the policing issue and the way that Mr Robinson has handled it. It is clear to me and my Colleagues that the Patten Commission report departed from the agreement in a number of significant ways. The question of proposals that have support has been mentioned. We could mention the issue of discrimination. We could mention the constitutional provisions of the agreement which were not respected. However, there are also other matters.

Before the Patten Report was published some people argued that the police should be disbanded. There were people arguing that the police should be split up and that Northern Ireland should have several police forces.

On all those matters the arguments that the Ulster Unionist Party put forward succeeded and, consequently, have preserved the existence of a single police force and also preserved its effectiveness.

The place to ensure the appropriate outcome of Patten and the legislation for it is in Parliament. It was in Parliament that my Colleagues worked very hard indeed, with considerable success. Where was Mr Peter Robinson? My party was represented on the Committee, and the DUP did not even ask to be on the Committee.

**Rev Dr Ian Paisley:** On a point of order, Mr Speaker. Is it appropriate for the right hon Gentleman to mislead the House? He and his party know perfectly well that we made representations to be on that Committee. It was through his influence that we did not get on the Committee.

**The First Minister:** Dr Paisley should make further enquiries because his last comment is untrue. There was no obstruction to his party being represented from me or my Colleagues. Indeed, when the matter was being considered I said to Mr Ingram that a seat should be given to the DUP or to Mr McCartney if he wished to be on the Committee in place of the DUP.

The second statement made by Dr Paisley is not true, and I ask him to accept the truth of what I have said. I hear what he has said. I was informed to the contrary by the Government. However, if he assures me that the DUP made an effort to be on the Committee but failed to do so, I will accept what he says. But it still does not deal with the issue of Report and Third Reading, where the opportunity was there to make representation. I was present throughout the debate, and I saw Mr Peter Robinson and Mr McCartney come in for a short while before they slipped away. The pages of Hansard show how little they contributed to the debate, and the record shows that they could not even table one amendment.

**Rev Dr Ian Paisley:** The First Minister knows perfectly well that it is nothing to do with the Government. They do not appoint the Committees of the House. The Committees of the House are appointed by the nominating Committee of the House of Commons. It was always accepted that the DUP should have a seat on that Committee, but the decision was taken not to put us on it. It was said that the Official Unionists did not want us on it. He can argue with that, but to mislead the House by saying that it had something to do with Adam Ingram is absolute nonsense.

**Mr Speaker:** Order. What are being raised as points of order are, it seems to me, disputes of fact and points of view but not points of order. I rule that we should not have any further such points of order or I will have to intervene and stop them. The arguments can be made in speeches or interventions, but unless they are actually points of order I will not be able to take them as points of order.

**Mr P Robinson:** On a point of order, Mr Speaker. The First Minister has been speaking for 17 minutes and 22 seconds. Is it in order for him to speak about the actual subject some time before he sits down? This is a motion of no confidence in the First Minister, but he seems to have nothing to say in his defence.

**Mr Speaker:** Order. In fairness, when the Deputy First Minister raised a question of that kind he raised it as an intervention rather than a point of order. We must continue and let the First Minister speak.

**The First Minister:** I was endeavouring to reply to some of the points raised by Mr Robinson, but apparently he does not want that. We have just a few minutes before lunch, and I do not want to prevent other Members from speaking when the debate resumes.

1.30 pm

In reality, most of Mr Robinson's comments were about policing and decommissioning. With regard to policing, the DUP has done nothing. It makes criticisms of us, but it does not actually do anything to make things better. The same is true of decommissioning. It makes criticisms of us, but does it actually do anything itself? The truth of the matter is that, both on policing and on decommissioning, the DUP does not actually do anything. It "takes" with regard to decommissioning — it complains about it, but it takes its seats. It takes its offices, it takes its ministerial posts, and it cheers all those in my own party who would want us to resign.

If, just for the sake of argument, we did resign from the Executive, would it take up — *[Interruption]*

**Mr Speaker:** Order.

**The First Minister:** I was going to ask whether in that situation the DUP would take up the extra ministerial posts that would come its way. I did not hear any answer to that one.

Again, the truth of the matter again is that in February — as a result of what the Ulster Unionist Party was doing because there has been no progress in decommissioning — this body was suspended as a result of our pressure over the failure to decommission. That week, did we hear a cheep from the DUP? We did not hear a cheep from the DUP — clinging to its offices all the time. And why? Because the primary objective of the DUP is simply to gain office and advantage for itself.

As for decommissioning, Mr Robinson told us the whole story. He said that the priority is not to get decommissioning. Speaking for his party, he said that that is not the priority. That is Mr Robinson's position. Our position, as I stated on Saturday, is to achieve devolution and decommissioning, and we continue to be committed to that. Mr Robinson should reflect on what I said on that matter on Saturday.

Of course, as we know, the object of this exercise is not to achieve progress. The object is for the DUP to try

and pretend that it is fighting hard against the system, when it is fully part of it, fully within it, and in its heart it knows it wants it to succeed — but it leaves it to us to make the effort. It leaves it to the Ulster Unionist Party to make the effort to achieve progress, and it sneaks along behind us, taking advantage of all our hard work.

**Mr Speaker:** This debate will be resumed at 4.00 pm.

*The debate stood adjourned.*

*The sitting was suspended at 1.33 pm.*

*On resuming (Madam Deputy Speaker [Ms Morrice] in the Chair) —*

## Oral Answers to Questions

### ENTERPRISE, TRADE AND INVESTMENT

#### Deasung Circuits Ltd

2.30 pm

1. **Mr Paisley Jnr** asked the Minister of Enterprise, Trade and Investment if he will confirm that Deasung Circuits Ltd, Woodside Road Industrial Estate, Ballymena, has gone into liquidation; to outline the amount of funding allocated to this company by the IDB and/or LEDU during the last three years; and to explain what plans there are to deal with any redundancy claims.

(AQO 113/00)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** The creditors meeting took place on 6 October to consider a creditors voluntary arrangement proposal. The proposal was accepted, and a supervisor was appointed to implement the arrangement and the subsequent winding-up of the company. The supervisor will deal with redundancy claims. No selective financial assistance has been allocated to the company in the last three years.

**Mr Paisley Jnr:** Can the Minister go on to assure the House that he is doing everything possible, in general terms, to secure investments and jobs in the Ballymena area? In particular, does he accept the fact that rumours are rife about the future of this company, that has haemorrhaged employees. This could have a knock-on effect on how redundancies are treated and managed by this company and, indeed, by others who are watching it and who may wish to treat their staff in a similar fashion. Can he assure me that he will investigate the matter further and that he will do more to ensure that the rights of employees in this part of my constituency are protected?

**Sir Reg Empey:** I intend to visit the Ballymena area later this week when the LEDU offices there will be celebrating an anniversary, as I am sure the hon Member is aware. I also intend to visit other locations during the course of my visit.

With regard to the general situation, the Member may be aware that this company has struggled to be successful since it opened, and, indeed, for the last three years, it has not been possible for the IDB to advance any further selective financial assistance. The IDB did, however, contribute towards the cost of a consultant to work with the company from November 1996 to September 1999 on marketing and manufacturing improvements.

In addition, the IDB met the company on a regular basis and monitored its position. A very small number of people remain — in single figures, I believe — and, as I pointed out, the supervisor will be responsible for dealing with redundancy claims. However, if the Member is suggesting that members of staff have not been treated properly with regard to redundancy matters, I would have no hesitation in consulting with my Colleague, the Minister of Higher and Further Education, Training and Employment, Dr Farren, to investigate any matters that particularly pertained to that. Having carried out that investigation, I would then write to the Member accordingly.

**Mr McHugh:** Does the Minister agree that Ian Paisley Jnr should have used a recent opportunity to speak to potential investors and look for a replacement industry for Ballymena, rather than giving the total —

**Madam Deputy Speaker:** Order. This is not a question about Mr Ian Paisley Jnr. Please put a question directly to the Minister.

**Mr McHugh:** The question is in relation to the Deasung plant. Instead of saying that the agreement is a failure and is not going to work but come and invest with us anyhow, the Member for South Antrim should have taken the opportunity to speak to investors or potential investors in an effort to look for a replacement industry.

**Mr Paisley Jnr:** I am a Member for North Antrim.

**Sir Reg Empey:** I am not exactly clear, Madam Deputy Speaker, what I am being required to respond to. What an individual Member does or does not do in his constituency with regard to seeking investors is, of course, a matter for him, although from correspondence and contact I have had with the questioner, I understand that he certainly appears to have an interest in these affairs.

#### Adria Ltd

2. **Mr Hussey** asked the Minister of Enterprise, Trade and Investment if he is aware of the current short-time working at Adria Ltd plants; and if he will make a statement.

(AQO 108/00)



**Sir Reg Empey:** I am aware of the short-term working at Adria plants. I understand it is a temporary measure implemented by the company in response to current demand for its products.

**Mr Hussey:** I am slightly disappointed that the Minister is not aware that the problem has been overcome, particularly in Strabane. At the same time I welcome the internal task force which has been set up by the textile industry with the help of the Department. The Minister will be aware that there is growing concern in the textile industry. Does he agree that a Harland & Wolff-type initiative is needed in those areas where there is an over-dependency upon one industry? Does the Minister also agree that an inter-agency action plan on diversification of the industrial base of such areas would be advantageous?

**Sir Reg Empey:** I am aware that the situation at Adria's plants, some of which are in the Member's constituency and some of which are not, varies. There is short-time working, certainly in Newry, and I understand the situation is connected largely to Marks and Spencer-related issues, which, of course, apply to more than just this company.

On the wider front, may I say to the Member that since I came into office I have been very conscious of the difficulties in the textile industry. The Department, through the Industrial Development Board (IDB), has appointed international consultants, Kurt Salmon Associates, in partnership with the Northern Ireland Textile Association (NITA). This is not just another consultant's report; this is an interactive working party made up of companies associated with the industry and the consultants. It is not simply a matter of consultants sending down a report. They are working together trying to prepare not simply a general report but a new strategy looking at our markets and our strengths.

The fact is that despite all the negativity there is still a very good textile industry in Northern Ireland, employing upwards of 16,000 people. It is the apparel side that has come in for the greatest difficulty. Stitching operations in particular have been extremely vulnerable to low labour cost economies in the Far East and in North Africa. What we are trying to do with the industry at the moment is focus on those areas where we have strength — areas where significant capital investment has been necessary. The Member will know that in his own constituency Adria is a highly organised capital intensive business, and it is difficult for people to get into that business from the Far East and other locations.

The type of action plan I expect to emerge from this co-operation between the industry, the companies and the consultants is a strategy which will require a response from the Government. The IDB stands ready and waiting, and the report is targeted, at the moment, for the end of next month. I suspect that we will be hearing more. I

will certainly wish to make a statement as soon as possible thereafter.

**Mr McMenamin:** I concur with my council Colleague, Assemblyman Hussey, and share his concerns and fears. I am very concerned about the textile industry in Strabane and particularly in West Tyrone. The textile industry should receive the same kind of support and enthusiasm as the information and communications technology sector. It is easier to retain an existing job than create a new one. I ask the Minister if he would consider adopting a "buying Northern Ireland" campaign for all Government contracts so that people could be encouraged to check the labelling for country of origin and try to fight back against the multinationals flooding our retail market with foreign produce.

**Sir Reg Empey:** First of all, the Member has written to me on these matters before, and there is no lack of support or enthusiasm in my Department for this industry. I have spent a lot of my time dealing with it, interacting with the consultants and attending workshops for the industry and the consultants.

We are very focused on this because, as an industry, it is one of our largest employers. We must see it in a broader context than simply a Northern Ireland one, albeit our reliance on the industry is proportionally greater than that in the rest of the UK.

I have no difficulty with a "buying Northern Ireland" campaign, but the Member knows — and he is a strong advocate of membership of the European Union — that there are limitations to what we can do. We cannot direct contracts to any particular company unless it is in the European Union. We are prohibited, as you will know, Madam Deputy Speaker, better than I, from engaging in that sort of market direction. However, it is not impossible to devise mechanisms by which we can encourage people to buy locally.

The fact is that the bulk of the apparel is made for UK high street stores. That is where the difficulty arises. The Member knows, as well as I do, the pressures and competition that affect those multiples. Our ability to direct or encourage people is limited to what we are allowed to do under European Union regulations. I would be prepared to consider and support anything short of a breach of those regulations.

**Mr Savage:** I am very encouraged to hear the Minister's comments today. Can he give me an update on the factories in my own constituency at Lurgan and Donaghcloney?

**Madam Deputy Speaker:** That is not a question that would be considered in order in this context.

**Sir Reg Empey:** The Member for Upper Bann, Mr Savage, is referring to the recent Courtaulds announcement. It is true that some of those factories are up for sale. I understand that nobody is applying pressure to make



that sale be at a rate above what the market will stand. I hope that the response from potential buyers will be positive.

### Small Businesses

3. **Mr McCarthy** asked the Minister of Enterprise, Trade and Investment if he will outline his plans to draw up a small-business charter to promote and protect the interest of small businesses. (AQO 139/00)

**Sir Reg Empey:** I have no plans to draw up a small business charter specifically for Northern Ireland. However, earlier this year the Council of the European Union endorsed a European Charter for small enterprises. The proposal for a charter originated in the United Kingdom, and it largely reflects our priorities for Northern Ireland.

**Mr McCarthy:** Small businesses are a very important part of our economic well-being. Does the Minister acknowledge the high level of bureaucracy faced by small businesses? Many hours of valuable time are taken up by form filling of one sort or another. Has the Minister any plans to reduce this heavy burden on small businesses, thus giving them more time to generate, and go after, extra business?

**Sir Reg Empey:** I have heard that point made on a number of occasions, and I agree. Having been in business myself I know only too well that time spent filling in forms for someone else is time spent not making money for yourself. I agree entirely with that point. However, the vast majority of the work that companies are currently engaged in relates to national issues. Work needs to be carried out on National Insurance, VAT and PAYE requirements, which are the responsibility of the Westminster Parliament. Frankly, I see no immediate prospect of a reduction in that particular workload.

However, to ensure that no new unreasonable regulatory burdens are imposed on business, Northern Ireland Departments are required to complete a regulatory impact assessment on all legislation brought forward which affects business. When every piece of legislation is proofed for equality and such issues, it is also proofed for its regulatory impact.

One thing that will impact is the equality legislation and the issues therein. There flows a natural workload from that, particularly for companies above a certain size. While we have no plans to do something specifically for Northern Ireland, I can assure the Member that we are conscious of the point that he is making and we do proof, and will continue to proof, any proposed legislative activity. There is also a Government office, based in Whitehall, looking at regulatory requirements across the entire spectrum of government to see what can be simplified. The Weights and Measures Bill brought before this House was designed as one small measure in

that direction. However, there are others, and there will be a flow of those over the years ahead.

2.45 pm

**Ms Lewsley:** The majority of small businesses in Northern Ireland are run by women, and across the board they have lacked support. LEDU is usually in charge of that sector, and it is very selective in whom it supports. Would the Minister and his Department consider the Small Business Administration in America, which gives support to any type of small business? That could probably cut down on some of the bureaucracy.

**Sir Reg Empey:** I am conscious of the role played by women in small businesses. In fact, one of Northern Ireland's successes has been in its creation of new small businesses. Our economy is dependent on them to a much greater extent than any other economy in these islands.

Therefore I am acutely aware that, while LEDU has to support selectively any business, it goes through a process of selection as to what constitutes a good project. The Member will be aware that a number of campaigns with European backing have been run that were specifically aimed at encouraging women into business. As a former member of Belfast City Council, she will also know that the economic development section specifically proposed and pursued a women in business programme, aided by the European Union and backed by the city council, directed at encouraging women to be in business.

The Member will also know that I invited Aida Alvarez, the administrator of the Small Business Administration, to come to Belfast. She came over in December 1998, following a visit we made to Boston, and she spoke with her officials and explained their proceedings. The Member will also be interested to know that in August, when I was in the United States with the Enterprise, Trade and Investment Committee, we had a meeting with Mr Charles Tansey, her deputy, who went through the procedures as to how they assist people. They are achieving a very high success rate in attracting women into business. So we are very conscious of that.

As we move forward with restructuring we are looking continuously at the best ways of doing things. There is more than one way of moving forward. The Small Business Administration operates a loan guarantee scheme, which some people find more attractive than the particular proposals we currently use. However, I am open to any suggestions that might assist with, and aid, the further involvement of women in business.

## Executive Agencies

4. **Mr B Bell** asked the Minister of Enterprise, Trade and Investment if he would outline his plans to review the organisation of agencies for which he has responsibility. (AQO 117/00)

12. **Dr McDonnell** asked the Minister of Enterprise, Trade and Investment if he has any plans to restructure the agencies for which he has responsibility. (AQO 130/00)

13. **Mr Close** asked the Minister of Enterprise, Trade and Investment if he will outline his plans to create a single development agency. (AQO 138/00)

**Sir Reg Empey:** I will answer questions 4, 12 and 13 together.

Further to the announcement in the Agenda for Government this July of the reorganisation of the economic development agencies, I am currently considering options for change and will consult as appropriate in the near future.

**Mr B Bell:** Will the Minister assure the House that he will have regard to the need for increased co-operation between the various regions of the United Kingdom in any reform he undertakes in his departmental organisations? Furthermore, in carrying out the review of these agencies, will he take into account the criticism of the IDB by the Public Accounts Committee at Westminster earlier this year in its report into inward investment?

**Sir Reg Empey:** With regard to the need for increased co-operation with other agencies in the United Kingdom, the Member will be interested to know that our Department is in contact with the Department of Trade and Industry in London on some matter or other every day. There is regular correspondence between myself, Ministers in the Department of Trade and Industry and other Departments.

He will also be interested to know that we have set up a restructuring branch within the Department to look at the question raised in the Agenda for Government. Researchers have been seconded to that branch. Detailed research has included a study of the methods adopted by and how they deliver service to industry in other regions of the United Kingdom, the European Union and further afield. In time, the results of this research will, it is hoped, influence the recommendations for the restructuring of our businesses which we make to the House.

**Dr McDonnell:** Will the Minister undertake to ensure that whatever structural changes take place, the Industrial Research and Technology Unit (IRTU) will be expanded and strengthened and will not be buried under a heap of other larger organisations? We desperately need proactivity in innovation and development, and we run the risk of losing IRTU in one massive monolith.

**Sir Reg Empey:** May I apologise to Mr Bell for not dealing with the second part of his question? Perhaps I may slip it in before I respond to Dr McDonnell.

I am aware of the criticism of the IDB in the House of Commons report. A statement was issued by the IDB in response to that. The Minister of Finance and Personnel and I formally responded to the House of Commons on that matter. I can assure the Member that all of those lessons have been taken into account and learned.

Dr McDonnell knows my views well. I accept entirely that innovation and associated matters are the spine that must run right through the way in which the Department and its agencies deliver their service. If we are intending to have an innovative, knowledge-based economy, innovation issues, be they information-age matters or others, must be central to everything we do. I can assure the Member that whatever proposals come forward, the intricate systemic involvement of innovation and its related activities must be at the core. I do not intend to discuss the intricacies of what effect that may have on IRTU or on any particular part of the agency's business. The clear principle is that innovation must be at the very genesis of whatever we do, otherwise we will inevitably fail to meet our other objectives.

**Mr Close:** Does the Minister agree that having a single development agency would be a much more efficient use of public money? Does he also accept that this would help to redress the lack of confidence on the part of clients who feel that they are bounced from one agency to another and that their ideas and aspirations are strangled by red tape and bureaucracy?

**Sir Reg Empey:** The Member is inviting me to anticipate the outcome of the review, and I do not wish to do that. Our current agencies have developed over time — LEDU is 30 years old; the IDB is almost 20 years old; and IRTU is almost 10 years old. Industry, commerce, the economy and the nature of the businesses that we are operating have changed, as has methodology. There are developments today that we could not have imagined in the past. I am certainly taking that into account. I have heard criticisms about a lack of client confidence, and we have to listen to them. When our proposals are brought forward and put to the Committee, I have no doubt we will have the opportunity to thrash them out there and subsequently in the House. I am conscious of the points that he has made but regret that I am unable to give a more detailed answer at this stage.

**Mr McHugh:** My question has been pre-empted. I was going to ask whether the amalgamation of the IDB and LEDU would better fill the gaps in relation to small industries than the present set-up does.

**Sir Reg Empey:** Again, the Member is inviting me to be more specific. I am conscious that responsibility for inward investment is exclusively in the hands of IDB,

which tends to deal with the larger companies. LEDU, which deals with the smaller companies, does not have a defined role in inward investment. I am aware of those points. There is, of course, the role of local authorities, as the Member knows. These are all matters that will be taken into account as the review goes forward, and I assure the House that there will be adequate opportunity for Members to express their views and to give advice on our proposals. The point that the Member makes is, undoubtedly, one of the central points that have to be taken into account.

### Superhighway Telecommunications

5. **Mr McGrady** asked the Minister of Enterprise, Trade and Investment what steps he will take to ensure that the asymmetric digital subscriber line (ADSL) form of superhighway telecommunications will be extended to rural areas; and if he will make a statement.

(AQO 112/00)

**Sir Reg Empey:** Detailed work is nearing completion on identification of the most appropriate technologies to ensure an internationally competitive, broadband infrastructure in Northern Ireland in terms of capacity, access and cost. ADSL is only one form of broadband technology so very careful consideration of technical, legal and consumer issues will be required before decisions are taken in the context of a privatised and independently regulated market.

**Mr McGrady:** I acknowledge that there are many other forms of superhighway that may be constructed, but the Minister wrote to me at an earlier stage and said that by September, which has now passed, he would have a report on this issue from the Industrial Research and Technology Unit. Has the Minister received that report and will he ensure that, when he gets it, there will be budget provision to enable this part of Ireland to keep abreast of modern developments in the telecommunications strategy? Will he follow the example of his counterpart in Wales, who arranged a partnership between local government, central Government and the private developer to provide such an exchange throughout the country, including rural areas? He probably knows that the intention is to have it in only the most urbanised areas, but that would be detrimental to the whole concept of targeting social need and the development of our countryside.

**Sir Reg Empey:** It is not my intention to have it confined to the most urbanised areas. That goes against the whole purpose of the facility, which is to create a level playing field for all parts of the community. Nothing could be further from my mind. I have not yet received the report; I am told that it is imminent. I want to study it carefully. As the Member knows, we are engaged in the exercise of budgetary provision right now. I have made appropriate bids to allow us to carry it

out. I believe that it should be an integral part of our Programme for Government.

The Member will be aware that we have had a number of initiatives such as the Leapfrog Information Age Initiative. There is a range of technical matters. I do not have sufficient information at my disposal to say that ADSL is necessarily the right thing for Northern Ireland, but I can say to the Member that we are endeavouring to ensure that it goes outside the greater Belfast area. The Member will be aware that a network is developing and that it includes Downpatrick. The question of other provincial towns is one of great concern; we need a loop that goes round our major towns because if there is no access there, rural areas will have very little opportunity. I accept that there are equality and social issues. There is an opportunity to have an impact on the rural areas, particularly against the backdrop of the difficulties in agriculture. I assure the Member that it is a top priority issue in my Department.

3.00 pm

### Long-Term Unemployment: New TSN Proposal

6. **Mr Beggs** asked the Minister of Enterprise, Trade and Investment if the new targeting social need proposals identify and target areas of long-term unemployment; and if he will make a statement. (AQO 123/00)

**Sir Reg Empey:** Having considered the consultation responses to the 'Vision into Practice' document, I have decided that the Department of Enterprise, Trade and Investment will continue to use its option of multiple-deprivation indicators to define areas of need. These indices have been supplemented with data on the long-term unemployed and will be reviewed next year when new deprivation indicators are developed.

**Mr Beggs:** Does the Minister agree that as well as the number of long-term unemployed, the total number of unemployed would be an appropriate factor? Is he aware that as part of the draft criteria, 11 district council areas were selected and that Carrickfergus, which has the fifth-highest incidence of unemployment, was not included?

**Sir Reg Empey:** The Member and the Deputy Speaker have written to me on these matters on a number of occasions. I am very conscious of the fact that simply relying on the number of long-term unemployed is a particularly blunt instrument. I therefore supported a major review, which is due to be completed in the first half of next year. This will provide us with what we believe will be a more up-to-date mechanism for measuring disadvantage. I am also very conscious of the unemployment in the Carrickfergus area, particularly male unemployment, which is at a very high level.



In the meantime we will be confining ourselves to using the Robson criteria supplemented by data with regard to unemployment. By so doing, we hope to have as broad a measurement tool as we can at this stage. Clearly this measure is not the end of it; clearly it is not entirely satisfactory. I look forward to receiving the new proposals early next year as they will give a rise to more equitable distribution of assistance.

### Higher Education: Number of Places

1. **Mr O'Neill** asked the Minister of Higher and Further Education, Training and Employment what steps he has taken to increase the number of places in higher education in Northern Ireland. (AQO 125/00)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** I have taken a number of steps to increase the number of places in higher education in Northern Ireland. My endorsement of the phased expansion based on the outcome of the 1998 comprehensive spending review, and my announcement in the spring of this year of Government support for the Springvale educational project, were main initiatives. These measures should see some 4,200 additional higher full-time education places, phased in over the period from 1999 to 2004. I am also seeking resources for further increases in the current spending review, but, of course, I cannot prejudge the outcome.

Of the 4,200 places, some 1,600 have been allocated to the universities; 400 have been split evenly between the two former teacher education colleges, now St Mary's University College and Stranmillis University College; and 600 have gone to further education colleges. The Springvale project will add a further 1,600 higher education places. I emphasise that all those figures are full-time equivalents.

**Mr O'Neill:** I thank the Minister for his reply. It is really good to see that so much time and effort have gone into this. Can the Minister also confirm for us just what proportion of the increased student places will be earmarked for courses relevant to the economy, and in particular to the IT sector?

**Dr Farren:** I am grateful for that particular question. The bulk of places allocated are indeed earmarked under existing plans for economically relevant courses — for example, over 1,000 of the 1,600 places for the universities and all of the 600 places allocated to further education colleges are allocated on the basis of their relevance to economic development. Springvale, as I think many Members will appreciate, is also expected to emphasise an employment-related curriculum.

As regards the outcome of our current bids, the emphasis is on trying to secure additional places in those areas of the economy that need skills.

As for the allocation to IT courses, I do not have precise figures, but I would like to remind the House and the Member in question that the allocation of places to further education colleges was made on the basis of the colleges' responses to bids that precisely identified areas such as IT as areas for which they would be allocated additional places. In my Department IT has a very high priority when we adopt the criterion of economic relevance when allocating additional higher education places.

### The Chairperson of the Higher and Further Education, Training and Employment Committee

**(Dr Birnie):** I welcome what the Minister has said about additional places, but I would ask him this: does he recognise that the figures which have been outlined this afternoon almost certainly do not go far enough? They do not go far enough, first, if we compare them to the recommendations of the Dearing Report three years ago and the recommendations of the two universities; secondly, if we compare the number of places available here per head of population with the number available in Scotland; and thirdly, and perhaps most significantly, if we address the fact that two thirds of the students from Northern Ireland studying outside Northern Ireland have gone unwillingly. While the 4,000 places are welcome, they do not plug the gap.

**Dr Farren:** The Member himself, and the members of the Committee, will appreciate very keenly what it was that Dearing recommended a number of years ago. The figure 4,200 goes a long way towards meeting the 5,000 target that was set down at that time. As I said in response to the initial question, I am bidding for resources to enable us to go beyond what we had already planned for the period 1999 to 2004, and I trust that these resources will be made available. We have to wait for the outcome of the current budgetary negotiations before we will know what those resources will be.

Many of our young people do indeed go "unwillingly" to pursue further, and in particular higher, education across the water. In consultation with the universities and the colleges of further and higher education we plan to make enough places available in Northern Ireland to ensure that there is as little "unwillingness" as possible and that students do not have to go outside Northern Ireland to pursue further and higher education.

**Mr Dallat:** I welcome the additional places in higher education, but will the Minister assure us that equal attention will be paid to the need for positions in colleges of further education?

**Madam Deputy Speaker:** This is not related to the question at hand.

### Unemployment: Training Programmes

2. **Mrs Nelis** asked the Minister of Higher and Further Education, Training and Employment what plans he has



to reallocate funding from the New Deal programme to alternative training programmes to address the problem of unemployment blackspots. (AQO 141/00)

**Dr Farren:** As I think Members will fully appreciate from the discussion we had here only two or three weeks ago, funding for the New Deal programme is currently ring-fenced. It can be used only for New Deal purposes and cannot be reallocated to another programme. If the situation were to change, this could have an impact on future planning for the provision of training for the unemployed.

It is important to note that alternative programmes such as Bridge to Employment, whereby customised training is provided for the unemployed so they can seek job opportunities in particular enterprises, and Worktrack, which is directed at the needs of female returnees to the workforce, are currently available to help the long-term unemployed back into the workforce.

**Mrs Nelis:** Go raibh maith agat. I appreciate the Minister's response, for we know that £163 million of New Deal money has been ring-fenced and imagine that, with such a huge budget, it is addressing unemployment black spots and new training initiatives. However, have there been any recommendations for change in the allocation of New Deal funding to assist the over-25 age group to access the Education and Training Opportunities scheme without their being in receipt of the jobseeker's allowance for 18 months? I say that in the light of continuing job losses in the Foyle constituency and the need to examine local labour markets and conditions in broad terms to ascertain the level and type of vacancies and the skills required. Does the Minister have any plans to reallocate funding for any potential new investments?

**Dr Farren:** The Member, like all those present when we debated New Deal several weeks ago, will recall that in my contribution to that discussion I said that, in reviewing New Deal, a number of proposals had arisen and are currently being discussed. Among them were questions of how we might better serve and target the needs of the long-term unemployed. Correspondence has been entered into with my opposite number in London, and we should like to think that we will be in a position to take decisions based on those recommendations with respect to programmes commencing next spring.

### Third-Level Students: Financial Provision

3. **Mr Paisley Jnr** asked the Minister of Higher and Further Education, Training and Employment how he intends to ensure a fair deal in financial terms for third-level students; and if he will make a statement.

(AQO 115/00)

9. **Mrs E Bell** asked the Minister of Higher and Further Education, Training and Employment if he will make a

statement on progress made towards the abolition of tuition fees for students in Northern Ireland.

(AQO 135/00)

**Dr Farren:** With your permission, Madam Deputy Speaker, I propose to take questions 3 and 9 together, since they address the same issue.

The review of student finance that I initiated last February will be concluded in the near future. I plan to announce my decisions then, but not before. The House and the Committee will have a full opportunity to deliberate on them.

**Mr Paisley Jnr:** I understand that the Minister does not wish to reveal his hand at this stage. However, when he comes to do so, will he take into account his election manifesto commitment to support young people through education, training and investment? Can the Minister assure the House that that support will be realised not just in the delivery and provision of education, but also in financial terms? Will he support in his review the abolition of parental or spouse's contributions towards undergraduate tuition fees for Northern Ireland students? Will he introduce a grant system to encourage the socially deprived to avail of the educational opportunities available?

**Dr Farren:** The Member asked supplementary questions to which, as he acknowledged in his introductory remarks, I am not in a position to give answers. He said that he appreciated that I could not show my hand, but then invited me to do so. Since I do not have anything in my hand to reveal at the moment, I can certainly show it to him. As I said in my initial response, I shall address the issues under the terms of reference set down when the review was announced, and I am sure that the Member is very familiar with those.

3.15 pm

**Mr Carrick:** The Minister, in his reply, referred to the review that he hoped would be concluded in the near future. Can he confirm that the outcome of the review, whatever it may be, will be in place for the intake of students to higher education next September?

**Dr Farren:** It was my intention to have any proposals which are adopted following this review implemented as soon as possible. I can assure the Member that it is certainly my intention that they be put into effect without delay.

**Mr Dallat:** Will the Minister give an assurance that resources for further education will be on his mind when he eventually makes his report?

**Dr Farren:** If by the phrase "resources for further education" the Member is pointing to the terms of reference of the review, which encompasses the needs of students of further education, full-time and part-time,

I can assure him that it will address their particular needs.

### Harland & Wolff: Redundancies

4. **Mrs Carson** asked the Minister of Higher and Further Education, Training and Employment to outline what action has been taken by the Training and Employment Agency in response to the redundancies announced by Harland & Wolff. (AQO 119/00)

**Dr Farren:** The Training and Employment Agency has established a jobcentre in Harland & Wolff to give immediate and wide-ranging assistance to those made redundant. In addition, to help with job applications, agency staff provide guidance services and advice on retraining opportunities. Specialist advice on redundancy payments, benefit entitlements and self-employment is also available.

By the evening of Friday 6 October, 337 employees being made redundant had received advice. Of these, 77 have already been referred to companies with job vacancies. The Training and Employment Agency is leading the task force, the membership of which was announced by Sir Reg Empey, the Minister of Enterprise, Trade and Investment, and myself.

**Mrs Carson:** I thank the Minister for his comprehensive reply. Does he agree that certain large employers in Northern Ireland are free-riding on the training system? They wait for others to pay the cost of training and depend on other people to train workers to craft skill levels.

**Dr Farren:** I find the question difficult to respond to. I would not accept the suggestion that large employers are freeloading or free-riding on the training programmes. If there are particular instances of any abuse, that the questioner has in mind, I would welcome such evidence and have officials in my Department investigate. The Training and Employment Agency and training providers have been working diligently within the terms of the various training programmes to ensure that we have a skilled workforce.

With respect to sad situations such as that in Harland & Wolff, through the efforts that I have indicated in my initial response, workers who wish to make themselves available for re-employment in other enterprises are given knowledge of vacancies. Those who wish to retrain or obtain additional skills are advised of the opportunities available to them.

**Ms Lewsley:** Can the Minister tell us the make-up of the task force established in the wake of the Harland & Wolff redundancies? Also, what is the input from the east Belfast community to the work of that task force?

**Dr Farren:** The task force is chaired by the chief executive officer of the Training and Employment Agency. There are officials from the Department of Enterprise,

Trade and Investment and from my own Department, and two outsiders, one of whom is a prominent member of the east Belfast community. Through his participation, the general concerns of that community are reflected to the task force and taken into full consideration in its deliberations.

**Mrs Nelis:** Go raibh maith agat, a Cheann Comhairle. Does the Minister agree that his response has created a precedent? Will this initiative be put in place in all areas where major job losses occur?

**Dr Farren:** The Member can be assured that wherever there have been major job losses, the Training and Employment Agency has been very proactive, and that where job losses are being anticipated, discussions have been entered into between officials of my Department and officials in the enterprise concerned. We will ensure, insofar as we possibly can, that the kind of action that has been taken with respect to Harland & Wolff will be taken and has been taken there as well. Careful attention is paid to such situations and there have been several examples of the Training and Employment Agency becoming involved in a similar way to what they are doing with Harland & Wolff.

**Mr Beggs:** Will the Minister ensure that, as well as helping those made redundant from Harland & Wolff, his Department pays close attention to the people involved in some of the specialist subcontractors that are heavily tied to Harland & Wolff? Those people may also find difficulties in future employment.

**Dr Farren:** The terms of reference for the task force will ensure that any concerns such as those highlighted by the Member can be addressed. If he has any particular concerns in this regard, he should draw them to my attention or the attention of the task force.

### Foundation Degree Proposal

5. **Mr J Wilson** asked the Minister of Higher and Further Education, Training and Employment if he will confirm that the foundation degree proposal is appropriate for Northern Ireland. (AQO 118/00)

**Dr Farren:** Having considered the Department for Education and Employment's foundation degree proposals and underlying rationale, I have commissioned pilot schemes, to be led by the university sector, in order to determine the suitability of introducing this type of degree in areas of high skill demand in Northern Ireland. The pilot schemes will be led by the universities, but they will be working in very close co-operation with a number of the further and higher education colleges, and there will be significant employer involvement in the development of courses related to foundation degrees.

**Mr J Wilson:** Many studies have suggested that the main strength of the training systems in continental countries such as France, Germany and the Netherlands, relative to the United Kingdom, lies at the level of the technician, that is to say sub-degree qualifications such as the Higher National Diploma (HND). Why does the Minister not concentrate on developing an existing qualification such as the HND rather than introducing an entirely new one?

**Dr Farren:** The Member refers to the underlying philosophy of the foundation degree proposals. Perhaps if I outline the purposes of the foundation degree, he and the House will better appreciate its particular relevance and significance.

The proposals have several purposes. First, to increase the supply of highly-skilled technicians and associated professionals in areas of the economy where they are needed. There is a strong focus on the supply of highly-skilled technicians to forge new alliances between employers, universities and further education colleges. This includes fusing the academic and vocational paths to high level qualifications, meaning that those exiting from foundation degrees would have the opportunity to proceed to higher degrees — to a full undergraduate degree or beyond. There is a generally identified need for HND and HNC courses which is not being fully met in the current provision, and which the foundation degree will address. Given that there is this three-way involvement of universities, which validate and help to develop the course, the further education colleges, which are involved at the point of delivery and the employers which are involved, along with the universities and the colleges, in the design of the curricula, we will have a new and very important synergy created between all three, which will address the points that the Member is concerned about.

**Mr McMenamin:** How will the introduction of the foundation degrees benefit both the students and the Northern Ireland economy? What are the main features of the foundation degree?

**Dr Farren:** The foundation degrees are intended to have five essential core features. First, as I have indicated, employers will be involved in the design, recognition and review of the qualifications. This is very important. With respect to training programmes, we have gathered a lot of experience from employers in recent years. Regarding vocational programmes, employers have requested involvement, from the beginning, in the design and provision of courses with a vocational dimension — or with vocational objectives associated with them. That is very important. I hope that there will be a very generous and warm response from employers to their involvement in the new pilot degree programmes.

Secondly, technical and sector-specific skills and generic skills should be underpinned by rigorous academic learning. This will be a feature of their delivery, and I

trust that will be ensured by the involvement of the universities.

Thirdly, students should develop work-relevant skills through an understanding of the workplace. As part of the programme of study, students will become part of the workforce in the skill area in which they are being trained. We want to see these degrees made available in a way that will enable them to be transferable. On several occasions I have highlighted the necessity to have ladders of opportunity which will allow students, particularly those starting at the post-compulsory school years, to enter and to transfer across and up various roads, or ladders, of progression to the highest level that their ambition and ability will take them. This characteristic will be part of the foundation degrees from the outset.

Obviously, that will ensure that they can progress through to honours degrees at undergraduate level as indicated, post-graduate studies, and perhaps also to research study. The underlying message has to be that these courses, in the first instance, are intended to be economically relevant, and that is highlighted by the involvement of employers at the very outset. I trust that in that way the courses will meet the needs of Northern Ireland students as the Member suggested they should.

3.30 pm

**Madam Deputy Speaker:** I must move on to the last question, and I advise Members that we have a very short time left.

### Post-Graduate Science Students: Grants

6. **Mr Ford** asked the Minister of Higher and Further Education, Training and Employment if he intends to increase grants to post-graduate science students, in line with proposed increases in England and Wales.

(AQO 134/00)

**Dr Farren:** My Department will maintain parity with the stipend increases announced by the Chancellor of the Exchequer for the 2000-01 academic year. In order to maintain parity beyond that date, my Department will require additional resources, and as Members in the House know, that is an exercise in which all Executive Ministers are currently engaged.

**Mr Ford:** Will the Minister agree — given that a well qualified workforce, particularly in science and technology, is so important to our economic prospects in the future — to maintain the level of grants so that we do not lose students to England and Wales and to make this one of his highest priorities?

**Dr Farren:** I agree. By way of general observation, it is important that we should note that that is not just important here in Northern Ireland, but in the universities of Britain, the South, and those in the United States, as I discovered when I was there last week.



*(Mr Speaker in the Chair)*

There are severe pressures, which make it very difficult to retain research students given the high levels of competition for their skills. Those who are researching in new technologies are in high demand in the economy and difficulty in retaining them is something which universities in many places are also experiencing. We are obviously concerned that we do not lose research students and that we take steps to ensure insofar as our resources allow that we can retain them.

**Mr Speaker:** The time for this group of questions is up.

## SOCIAL DEVELOPMENT

### Fuel Prices

1. **Mr McGrady** asked the Minister for Social Development if he will make a statement on the impact on low-income families of high fuel prices in Northern Ireland. (AQO 109/00)

**The Minister for Social Development (Mr Morrow):** My interest in fuel prices relates mainly to their impact on domestic heating costs. It is estimated that there are approximately 170,000 households at risk from fuel poverty in Northern Ireland. Clearly an increase in fuel prices could exacerbate their situation. I would be concerned, therefore, that a sustained period of high fuel prices could push more people into fuel poverty. The present concern about fuel costs has been brought about by the recent increase in oil prices. I trust that the present high cost of oil is temporary and that the market will stabilise at a lower level.

Fortunately oil is not the main heating source for many of the households at greatest risk. In my written answer to Mr McGrady's question on 5 October about current schemes available in relation to energy conservation in the home, I identified heating and insulation schemes designed to help low-income families. I also referred to the proposals to introduce a revised domestic energy efficiency scheme with effect from 1 April 2001. Additionally, the winter fuel payment has been extended this year to include men as well as women from age 60, and the level of help has been increased to £150. While these measures will not resolve the problem, they will nonetheless lessen the impact of the high fuel prices.

**Mr McGrady:** I thank the Minister for a very comprehensive reply, the second part of which dealt with energy conservation. The question on the Order Paper refers to the impact of high fuel prices on low-income families. Is the Minister aware that many families on low income applying to the Social Security Agency for assistance and loans to pay for fuel, oil and electricity to keep their young families warm are actually refused?

They are very often refused on the basis that there are inadequate budgets to deal with them.

Will the Minister today undertake to instigate an immediate review of this situation? We have due and proper concern for the elderly; we should also have a similar concern for young families in low-income households who cannot now pay for heat, light and fuel for cooking. Please can that be made a matter of urgency?

**Mr Morrow:** I can assure the Member that I very concerned about the whole spectrum of heating and fuel poverty among young people, families and the elderly. My Department is very conscious of their needs, and we will be looking at this on an ongoing basis and keeping it very much under review. I can assure the Member that we do not take the matter lightly and that everything that can be done will be done to ensure that no one falls within the poverty trap of coldness.

Many people die from cold-related illnesses every year, and that greatly concerns us. We have taken steps to deal with many aspects of the problem, and I assure the Member that we are treating it very seriously and will continue to do so in the future.

**Mr Beggs:** Is the Minister aware that some Housing Executive tenants still rely on direct electricity for heating their homes? This frequently happens in flats where there are low-income families. Will he give an undertaking that alternative forms of more efficient heating will be provided, as a priority, to those homes?

**Mr Morrow:** The question that the Member asks is a very wide-ranging one. Nevertheless, as I said earlier to Mr McGrady, I can give the assurance that we will be looking at all aspects of this matter. We are concerned about the whole issue of families on low incomes and the current high cost of heating oil, although we have also stated that that is not the main source of heating for those people. I can give the Member an assurance that we will be keeping these matters under constant observation.

### Social Security Appeals

2. **Mr Paisley Jnr** asked the Minister for Social Development how many social security appeals are upheld (a) at review and (b) at appeal tribunal, and if he will give a breakdown of the statistics for each benefit. (AQO 116/00)

**Mr Morrow:** The new decision making and appeal procedures have been phased in by the Social Security Agency since July 1999. In the year following their introduction, the total number of reconsiderations upheld in favour of the customer at 31 August 2000 was 2,687, or 17.3%. The total number of appeals upheld by the appeals service since the introduction of the decision making and appeals procedure at 31 August 2000 was 1,679, or 27%.



I have prepared a detailed breakdown of these statistics by individual benefit, and with your permission, Mr Speaker, I will place that in the Library. I could go into all the details now, but I suspect that that may not be to the advantage of the Assembly. There are many figures here, and it would take a long time to break them down. They will, however, be in the Library for anyone who wants to have a look at them.

**Mr Paisley Jnr:** I appreciate the Minister's answer and the fact that he does not want to waste the time of the House in going through the lists. I will certainly take time to study his answer in detail because some of those benefits are of great interest to me.

I want to ask the Minister about the panels at appeal tribunals. He is aware that they have undergone some major changes in relation to the lay representation on them. Can he inform the House as to whether he has received any correspondence which indicates alarm at the lack of lay representation on the appeal tribunals? Does he have any intention of examining the operation of appeal tribunals in Northern Ireland?

**Mr Morrow:** I will deal generally with the matter that the Member has raised. It is not an efficient use of resources to have a legally qualified chairman and panel members in respect of all cases. It has made hearings difficult to arrange and contributed to delays in waiting times for appeals. The new system is designed to ensure that appeals are heard by an appropriate number of people who have the relevant expertise to deal with all the issues raised. Flexible tribunal composition will help to shorten the time appeals take to reach a conclusion.

Tribunals are held locally throughout Northern Ireland, and in practice, therefore, tribunals will continue to have links with the locality in which they sit. Tribunals consist of one, two or three members selected by the president of a panel appointed by the Lord Chancellor. All tribunals must have a legally qualified member. Regulations set out the circumstances in which a tribunal shall also have a medically qualified panel member and a financially qualified panel member.

**Mr McMenamin:** Does the Minister agree that there needs to be considerable communication in the process of appeals and reviews? I represent constituents who spend a great deal of time trying to contact by telephone the appropriate bodies and agencies in and around Belfast. The majority cannot afford the high cost of telephone calls. Will the Minister consider setting up a Freefone system or a local rate charge throughout Northern Ireland for people who have difficulties contacting the relevant agencies or bodies?

**Mr Morrow:** The Member has asked a lot of questions, and I may not be able to answer them all. However, I will make an honest attempt, and if I miss anything I will return to the Member.

He raises the issue of a telephone system being introduced. There is no reason why that cannot be looked at, but I cannot give him any assurance as to what the outcome will be. However, it is fair and reasonable for my Department to look at that situation, and perhaps we will come back to it.

The Member raised other matters — I am not sure whether I got the gist of them. Decision making and appeals were introduced to improve the accuracy of decisions and the security of benefit payments, as well as to provide a better, more responsive service to the public. I trust that that is now happening, although I do take on board what the Member said. I represent a rural constituency some distance from Belfast so I have some affinity with the Member's comments. The telephone system that the Member mentioned can and will be looked at.

### Town Centre Reinvigoration

3. **Mrs E Bell** asked the Minister for Social Development when he plans to present the Assembly with the outcome of the Northern Ireland town centre reinvigoration study, along with his policy conclusions.  
(AQO 132/00)

**Mr Morrow:** The former Department of the Environment commissioned consultants to report on town centres to ensure that those outside Belfast and Londonderry were thriving and healthy. The Department for Social Development is taking the lead on this in consultation with other relevant Departments. I have asked officials to arrange a conference in Armagh on 26 October where a wide range of interests will focus on the key issues of the report. I anticipate that consideration of the consultants' report will be completed later this year. I will then consult with appropriate Ministers and decide whether this is a matter to be brought before the Assembly. In the meantime, a copy of the consultants' report has been deposited in the Assembly Library.

**Mrs E Bell:** I thank the Minister for his comprehensive answer, and I hope that the conference will go some way to some concerns. However, does the Minister agree that delays in the outcome of this town centre reinvigoration study is causing problems to some traditional town centres and that full information should be given as soon as possible?

**Mr Morrow:** I accept that in the absence of the report there is some hold-up, or what may be perceived as a hold-up, in towns across the Province. Nevertheless, it is almost impossible to move at a faster speed, and I assure the Member that all due care and consideration is being given to the matter. However, I accept the point, and it will be pursued with due haste.

**Dr McDonnell:** I thank the Minister for his answer. Is there any relationship between the town centre

reinvigoration study and the statement that the Minister issued on 28 September regarding the £8.6 million for inner north Belfast? I see from the notes with the statement — and I welcome the fact — that the Minister is working in conjunction with the North/South committees.

3.45 pm

Is the Minister working with the rest of the Executive on this? Has he consulted his Executive Colleagues?

**Mr Speaker:** I was not aware that this study dealt with any part of Belfast, but I will leave that to the Minister.

**Mr Morrow:** The quick answer to Dr McDonnell's question is "No". It has nothing to do with it. I do not see the relevance of the next part of the question on the North/South body. Can the Member clarify that?

**Mr Speaker:** There is some confusion as to what the town centre reinvigoration study is about. The supplementary question seemed to be on a different matter.

**Mr Carrick:** I note what the Minister says about the town centre reinvigoration study. Perhaps it could be brought before the Assembly at a future date. Does the Minister accept that an important consideration is how we can deal with the antisocial behaviour which is so prevalent in many towns? What consideration will the study give to that aspect of our social structure and the stability of our town centres?

**Mr Morrow:** I do not see that as a function of the study, but I can sympathise with the Member. Antisocial behaviour is a menace right across the Province. It is not confined to any particular town; rural areas are also aware of the problem. Nevertheless, it would be wrong to give the impression that this study will deal with antisocial behaviour.

### Housing Executive Rents

4. **Mr Close** asked the Minister for Social Development when he will stop increasing Housing Executive rents at a rate in excess of inflation. (AQO 131/00)

**Mr Morrow:** I smiled when I read this question. I have never increased Housing Executive rents. It would be difficult for me to stop something that I had never started. I have been in consultation with the Social Development Committee on Housing Executive rents for 2001 and 2002, and I await their consideration before taking a final decision.

**Mr Close:** I welcome the Minister's stout rebuttal of the question and his indignation about Housing Executive rents being increased above inflation. I seek his assurance to the House, but more importantly to Housing Executive tenants, that rents will not increase by a level above inflation for 2001-02.

**Mr Morrow:** I am being misinterpreted. I did not mention any percentages, I simply stated that I have never increased Housing Executive rents because I have never been in the position to do so. At this stage I cannot inform the Assembly what future Housing Executive rents will be. No decision has been taken on the level of rents. I am in consultation with the Social Development Committee, and I look forward to their response.

**The Chairperson of the Social Development Committee (Mr Cobain):** Will the Minister give an assurance that if rents are not increased by GDP plus 2%, there will be no reduction in overall expenditure by the Housing Executive in areas such as replacement grants or fuel poverty schemes?

**Mr Morrow:** I cannot give any assurance at this time as to rent levels. I cannot say whether the level will be GDP plus 2%, plus 1%, plus 4% or zero. I cannot do that. No decision has as yet been made. I keep repeating that I have had a meeting with Mr Cobain's Committee, and he knows what happened at that Committee. He knows the questions I have put down and the response that I am waiting for, and he knows that I want to take on board all that the Committee has said, but as yet I have had no response. That is no criticism of the Committee Members. They are not yet in a position to respond, but until I get their response and see what their priorities are, now that they are in possession of all the facts and know all the implications, I cannot give an answer other than the one I have already given.

**Rev Dr William McCrea:** Does my hon Friend and Minister agree that it would assist him greatly if the Committee and the Assembly agreed to allow his Department to retain the money in respect of house sales that is currently being taken away from it? Last year £13 million was removed from the house sales budget. Would it not help him enormously if this House were unanimously to agree that house sale money be kept by his Department? That would allow him to take many of the necessary actions on fuel poverty, while keeping rents low.

**Mr Morrow:** The quick answer is "Yes, yes, yes, yes", and I thank the Member for putting the question. With regard to looking for extra finance for housing, I am also on record as asking for the support of the Social Development Committee and the Assembly. I take the Member at face value and say "Yes, yes, yes" every time.

### Housing Executive Budgets

5. **Sir John Gorman** asked the Minister for Social Development what will be the impact on Housing Executive budgets if the formula of inflation plus 2% is applied for each of the next three years to Housing Executive budgets. (AQO 121/00)

**Mr Morrow:** The formula of inflation plus 2% is not applied to the Housing Executive's budget. For planning purposes only, an assumption is made on future rental income based on rents increasing by GDP plus 2%. I have not yet made any decisions on actual future rent increases.

**Sir John Gorman:** I thank the Minister for his reply, which sounded to me like another "Yes". May I ask him what plans he has to eradicate the high level of urgent housing need? There are 23,000 people on the waiting list, of whom 12,000 are in urgent need. There are 44,000 homes unfit for human habitation in the Province, mostly in rural areas, although some are in Belfast. He must have some plans to modernise Housing Executive dwellings.

May I mention another point which may or may not have come to his notice? The reduction in the number of unemployed people has led to the fact that a considerable number — Housing Executive tenants mostly — now fall outside housing benefit. Last year there were 4,000. Those people, who are mostly on low incomes, are going to find it extremely difficult to pay their rent, and we may well see a sharp increase in arrears. I would like to know what plans he has to deal with these matters.

**Mr Morrow:** The point that the Member raises is of great concern to me and my Department. He is quite right when he says that there is a very urgent housing need, particularly in places such as north Belfast, Londonderry and some of our rural towns and villages. There is a substantial waiting list. Without resources and finance, we cannot adequately and properly tackle this great need. It is a known fact that there are currently 25,000 people on the waiting list.

We cannot tackle this problem without resources. It will not surprise the Assembly to hear that in recent years housing has moved down the priority list. That is unfortunate, and it is not right, but it is the case. Northern Ireland has the highest proportion of home ownership in any region in the United Kingdom — 71%. It would be a fatal mistake if the Housing Executive were to be penalised because of the lack of funds needed to tackle the problems that Sir John has raised. I ask him, and the Assembly, to support us in getting the funds and the necessary resources to put into housing. We do not want to be penalised because of the good job that the Housing Executive has done in recent years, providing good housing stock.

**Mr Dodds:** I welcome the Minister's comments about Housing Executive budgets. I also agree that, having asked the Social Development Committee for its views, it would be quite wrong — indeed, it would leave the Minister open to criticism in this House by members of that Committee and others — if he were to pre-empt its views and make an announcement today on rents. Does he recall the commitment which I made in this House when I held his position to index Housing Executive rent

increases as closely as possible to inflation? Can he confirm that this remains his intention, indeed his policy?

**Mr Morrow:** I could say "Yes, yes, yes", but I will be a wee bit more explanatory. It is true that Mr Dodds is on record as having said that rent increases would be kept to a minimum, and I am also giving that assurance today. Furthermore, it would be quite ridiculous for me to come to the House and say anything about future rent increases, bearing in mind Mr Dodds's reminder to the House that I have referred the matter to the Committee. It would be very discourteous of me to try to pre-empt what the Committee might say on this matter, and I have no intention of doing so. I am waiting with bated breath for the thoughts of the Committee in the not-too-distant future. I have no doubt that it, like myself, will have the interests of the Housing Executive tenants at heart, and I look forward to its response. I hope that that reassures the Member.

## Urban Regeneration

6. **Mr Ford** asked the Minister for Social Development what plans he has to introduce legislation to enable local councils to facilitate urban regeneration. (AQO 133/00)

**Mr Morrow:** Many district councils are active in facilitating aspects of urban regeneration and partnership arrangements with my Department and others. I have no plans to introduce legislation on their powers and functions. Any such changes would be the responsibility of the Department of the Environment. However, in the first instance they would presumably have to be considered in the context of any future review of public administration in Northern Ireland.

**Mr Ford:** I thank the Minister for his reply, but I am afraid that I cannot thank him for its content. I accept that his answer has perhaps been pre-empted by the Minister of the Environment, who made certain announcements at the Waterfront Hall on Saturday. Will the Minister not agree with me that we cannot have a Liganside in every district council area? There are huge problems with urban regeneration right across the Province in response to which district councils are the best placed organisations to take a lead. Will he give an assurance that he will at least discuss with Mr Foster how the two Departments can co-operate on such legislation?

**Mr Morrow:** On the first point, I can assure the Member that what was said at the Waterfront had no impact on my reply.

Regarding the other points, I am considering a number of options that have been developed by my officials. The Social Development Committee will be consulted shortly. I want to keep the Committee on board because

I see it as a vital part of the whole mechanism that we are trying to put together. Unless, or until, consultation takes place, I cannot give the Member any more assurances, but all aspects of the issue will be looked at, including co-operation with the Department of the Environment.

### **Housing: Legislative Proposals**

7. **Mr O'Neill** asked the Minister for Social Development if he will provide a timetable for the introduction of legislative proposals in respect of housing.

(AQO 126/00)

4.00 pm

**Mr Morrow:** The legislative programme for the current Assembly session includes a major Housing Bill. Later this month I intend to submit a policy memorandum about the Bill to the Executive Committee and I hope that it will be possible to bring the Bill to Committee Stage before the summer recess. It is likely to be spring 2002 before the Bill completes all the legislative stages.

**Mr O'Neill:** Many important issues will be contained in that Bill. One item which is missing from the information that has been provided to Members to date is the role of the Housing Executive vis-à-vis housing associations. It was intended originally that this should be included, and it was to have been included in the Bill proposed in 1998. Can the Minister tell me why it is not being included now?

**Mr Morrow:** I understand there is some disquiet about this matter. I also understand that the Committee is deliberating on this, and I am waiting to hear its views. This matter exercises the Committee as it does

Mr O'Neill, so I can assure him that it will not be glossed over. I am looking forward to hearing from the Social Development Committee and have no doubt that Mr O'Neill has had an input. Once my Department gets that response, I will be in a better position to give a fuller answer.

### **Fuel Allowance**

8. **Mr McClarty** asked the Minister for Social Development if he will extend the £2,000 fuel allowance, payable to people over 60 years of age on income-related benefit, to those below the age of 60 years who are chronically ill, and if he will make a statement.

(AQO 120/00)

**Mr Morrow:** The consultation period on the new domestic energy efficiency scheme proposals has just ended, and my officials are considering the responses received. At this stage I am not in a position to say whether the scheme will be revised in the light of representations made. I will, however, ask that the Member's request be considered along with the responses received.

**Mr McClarty:** Does the Minister agree that this is a moral issue as well as a financial one? Surely it is wrong that those who are over 60 years of age and in good health should qualify for £2,000 while those who are under the age of 60 and have a chronic illness do not qualify. In fact, they qualify for a considerably smaller sum.

**Mr Morrow:** I take the point, and I will look at this again before coming back with more details.



## FIRST MINISTER

### *Debate resumed on motion:*

That this Assembly has no confidence in the First Minister. —  
[Mr P Robinson]

**Mr McGrady:** During the debate this morning, the Gallery was full of school children who had come to learn how to behave in future life, to hear about the problems we have in Northern Ireland and to get some understanding of how we address them. Regrettably, what they were exposed to was another rant around another course, as we have experienced so often in the Chamber. What we were treated to was political internecine warfare among the Unionist parties. That is not the business of this Assembly.

In proposing the motion, the hon Member Mr Robinson took 15 minutes to explain its legitimacy. I thought that the amount of time spent on it quite clearly illustrated its illegitimacy. He dealt with the Ulster Unionist Party in all its works and pomps, and he dealt with policing and decommissioning, which are not matters for this Assembly. He did not promote or propose the motion in relation to any item that referred to the office of First Minister. The purpose of the motion is to declare that the Assembly has no confidence in the First Minister as an officer or as a Minister, not as the leader of a party.

It would have been unsurprising, Mr Speaker, had you at that point ruled the contributions made by the proposer as irrelevant, if not repetitious. They were repetitious and irrelevant, because none of the points made in the motion related to the office of First Minister. Therefore I cannot see how the Assembly could pass a vote of no confidence, as no reference was made to the work of the First Minister. In retrospect, no argument was made at all.

We have heard these arguments before, outside the Chamber and on every political platform. It is quite legitimate for parties to score political points off one another and gain political advantage. It is not legitimate to bastardise the Chamber in the process. The Chamber is representative of all the people of Northern Ireland. We should be — and we are — addressing the bread-and-butter economic and social issues.

Most people outside the Assembly would consider this a repetitious motion. It has been expressed in different forms before, but the purpose is the same. There is internecine political warfare between the Unionist parties to see who will come out as the big chief at the end of the day. There are many little chiefs throughout Northern Ireland who want to get on and live their lives in some sort of peace and stability. They want us to set down the programmes to enhance their economic prospects and provide them with a better social life and way of living. That is what the Assembly

should be about. All that internecine stuff should be kept where it belongs, namely the political platforms outside the Assembly.

The purpose of the motion is to destroy the Assembly. It is not concerned with whether the First Minister is fulfilling his office or not. The purpose is to destroy the Assembly and all that it is trying to do for the people of Northern Ireland, with the support of the majority of the population. The motion brings the Assembly into disrepute, which will be to the advantage of those supporting the motion. Let us not pretend: we see, we hear, and we know what this motion is all about.

We have tried, from our different political perspectives, to establish a new way of life in Northern Ireland. The Assembly, its offices, the Committees, the Ministers, the Chairmen of Committees and all the Members represent the only thing that we have been able to come up with in the past 30 years of most extreme violence. Those who propose such motions have not provided one iota of an alternative that would be viable and could work in this community.

I remember so vividly when peace was declared two years ago. An enormous weight was lifted off my shoulders. I could physically feel it being lifted, and I know that other members of my community and others felt the same. We had hope for a new era of peace. Peace will not come with the turn of a key — it will be a process. I have said many times that after 30 years of violence we could not expect violence to be totally switched off. But we do have — [Interruption] I have only started, and I am not going to give way. [Interruption]

Thank you for listening. I, along with others, felt great relief. It might not have suited your political agenda, but I am sure you were relieved, at least, that violence as we had had it for 30 years had ceased. This institution, with all its attributes, is a result of that peace process. [Interruption] I am not going to give way. [Interruption] I am not going to give way. [Interruption] I am not going to give way until it suits me. The Member may laugh, but I am on a serious tack. I understand his humour, but we are not dealing with a humorous subject. All the jeers and the catcalling will not deny the fact that the DUP, in this motion, is set on a purely destructive course with no alternative, and no hope to offer the people of Northern Ireland.

It is about denial; it is about negativism; it is about getting rid of David Trimble at all costs. You are saying “To hell with the people of Northern Ireland — get rid of David Trimble!” You did it before. You did it with Terence O’Neill. You did it with Chichester-Clark. You did it with Brian Faulkner. Now you are trying to do it with David Trimble. The only one you did not try to do it with was Molyneaux, because he sat doing nothing during all the years of violence when people were being

blown up all around us. You had nothing to offer the people at that time, and you have not offered them anything since.

So here is another target, and you can turn everything into an attack on personalities. We are getting attacks on the personalities of one Minister after another. That is all we are getting. We are getting no constructive proposals for alternatives. There was no mention of the reality of the situation in the contribution made by the hon Member for East Belfast. We have simply been engaged in a political process today. The people out there — and those young people sitting up in those Galleries above us — heard what was going on today. They saw what was going on, and they know what was going on in the negativism of the motion and in the choruses behind, alto and soprano, going “Yeah, yeah” and “Yah, yah”. That is what they saw. That was the example they got of what politics is like at this moment in Northern Ireland.

Good God, can we not give them something better to look forward to? Can we not give them some encouragement to activate the political process instead of having most of them running away from it? Could we not bring them in to the advent of democracy and political representation? Could we not encourage them by the example we give them in this House to make their contribution to our society? *[Interruption]*

You can catcall as much as you like. The reality of the situation is that we have a motion in front of us to destroy this institution and all that it is hoping to achieve. With that institution will go all the aspirations of the people of Northern Ireland for a peaceful and a better economic life. If you destroy this institution, and have nothing to put in its place — and you have nothing — then you are also affecting the whole economic process, the whole economic development to which we all aspire.

We will be left behind. Do not kid yourselves — we will be left behind. But who will pick up the tab? It will not be the gentlemen on those Benches. The ordinary man and woman in the street will pick up the tab of deprived incomes and poorer social situations.

4.15 pm

On top of that you are giving encouragement through this motion to those in the community who are still trying to use violence in the pursuance of political objectives. It is totally indefensible that you have abused this Chamber for purely party political progress and opportunism. I have not heard a single argument as to what was wrong with the Office of the First Minister and the Deputy First Minister, or this Minister or that Minister in terms of the performance of their duties to this House and to the community. That was what this motion was allegedly to have been about, but it failed miserably.

The very day we open the Civic Forum in Belfast — *[Interruption]*

**Mr P Robinson:** It is a waste of money.

**Mr McGrady:** They laugh at the ordinary people of Northern Ireland. They laugh at those sections of the people of Northern Ireland who want to have a say in how they are administered and who want a platform to give us advice from their own experiences as to how they want this country to be run. They sneer, they jeer, they laugh at them. I hope they will reap their political reward for that.

As I was saying, on the day that the Civic Forum was inaugurated, when we were giving hope to and enfranchising another large section of the community, we have this debacle, this hypocrisy on the Floor of the House. What sort of message is that to send to the young people, to the people of the Civic Forum, to the people of Northern Ireland as a whole? This is not opposition; this is just dirty party politics.

My party cannot lend even a whimper of support to this motion because of its sheer hypocrisy and negativism. I do warn that if this motion were to succeed, the next step would be the downfall of this Assembly. You and I know that. Everyone here is your target today — every Minister and every institution. You want to be governed by the peripatetic Ministers from Westminster that you ginned about for 30 years. You want the part-time Ministers from Westminster to come over, to take four Departments each and to try to deal with them. You cried about it for 30 years, and now you want to go back to it because you have damn all else in your political programme but a return to direct rule. That is all you have. *[Interruption]*

**Mr Dodds:** On a point of order, Mr Speaker. For the second time during his rant the Member, who had to be ordered to sit down, has blasphemed and cursed in this House. Will he now withdraw that sort of language and apologise to the Members and the people listening in the Gallery, who are looking for an example from politicians?

**Mr Speaker:** May I raise three points of order. First, there should not be references to the Gallery from any of the Members. Having said that, I see less folk to play to the Gallery. Perhaps they have other things to do. References to the Gallery are out of order in all circumstances, save where the Speaker finds himself having to reprove people there. That is not very common. Secondly, I urge Members, including the Member who was on his feet, to beware of unparliamentary language.

Thirdly, Members should note that when they use the word “you” they are making reference to the Speaker. I have been accused of many things inside and outside this Chamber, and if I were to regard all that the

Member said as being in order, I would have to take unto myself many things that he knows are not my responsibility. I ask the Member to be wary of the language he has been using, both in the sense that some of it may be a little unparliamentary and in that some of it makes references to me which I do not recognise.

**Mr McGrady:** Thank you, Mr Speaker, for that advice. I apologise if I have blasphemed against you. That was not intended, and I certainly was not aware that I was guilty of the heinous crime of blasphemy in the language I used. If in the interpretation of some Members I was, then I willingly and gladly withdraw it. I do not want to give offence in that sense; I only want to give offence in the political sense, and say that the negativity of the debate that we heard this morning was without parallel. I do not want to repeat myself, Mr Speaker, in case I fall foul of you again or even use some of the same language again.

This motion is not about the welfare of the people of Northern Ireland. It is not about their economic welfare; it is not about their social welfare; it is not about their constitutional welfare. It is a petty, internecine struggle between two power blocs. In fact, it is more personalised than that. We in this Chamber should not be subjected to that; the people of Northern Ireland should not be subjected to that; people who heard or saw the debate this morning, either here in this House or somewhere else, should not be subjected to that.

I am probably speaking to the vacant air, but the biggest gesture that could be made today in this House to establish and confirm the peace and to work with our differences, even in opposition — there is no problem with genuine political opposition — would be for the proposer of this motion to say that the motion is not in order. He has not made any comment about the First Minister as First Minister. He has made comments about him as leader of a party, which is not the business of this House. If the integrity and honesty with which they are trying to bring me to book are the order of the day, I ask him to withdraw the motion.

**Mr Close:** I am intrigued by the wording of the motion:

“That this Assembly has no confidence in the First Minister”,

with the emphasis on the words “First Minister”. My intrigue stems not so much from what was said, but rather from the words that were not used. I am not at all surprised, and I am sure that nobody in this House was surprised, that what I referred to earlier as the “hokey-cokey” party, or the party of political shenanigans, should be expressing no confidence or no trust in someone or other. *[Interruption]*

I hear a telephone ringing. I thought they were out of order in the House.

As has already been said, the DUP, from its inception, has constantly called no confidence in someone or other. We have had a litany of people having to go. We have had “O’Neill must go”, “Chichester-Clark must go”, and “Faulkner must go”. We then moved on to Secretaries of State. Willy Whitelaw had to go, Merlyn Rees had to go, Mo Mowlam had to go — they all had to go. Even Governors of Northern Ireland suffered the same fate; they were told to go. Moderators of the church were told to go, not to mention His Holiness the Pope. Anybody who tried to bring about change in Northern Ireland was told by the party on my left, the party of political shenanigans, to pack their bags and go.

The previous speaker said that Mr Molyneaux was not told to go, and I think he is correct.

If my memory serves me well, the same Mr Molyneaux was called a Judas. Even he did not please anyone.

It has reached the stage where, if people in authority were not told to go by the Democratic Unionist Party, or if a motion of no confidence were not expressed in them by the Democratic Unionist Party, those people would think that they were doing something very wrong indeed. Can anyone imagine the Democratic Unionist Party calling on someone to stay, or the Democratic Unionist Party having a vote of confidence in anyone? It was demonstrated only a few years ago that at times Members of the DUP do not even have confidence in themselves. They got up and ran away from the negotiations because they lacked confidence, they lacked trust in their ability to argue a case. When we are told that somebody is not endorsed, that problems are being voiced by the Democratic Unionist Party, people should not get particularly concerned. On the contrary, they are in very good company. They are people who have endeavoured, and continue to endeavour, to bring about necessary change in Northern Ireland, and that is very important.

I began by saying that I was intrigued by the wording and by the lack of words in the motion. I note that the motion is one of no confidence in the First Minister expressly. No reference whatsoever was made to the Deputy First Minister yet critically, it is a fact that the First and the Deputy First Ministers were elected on a common slate. Is it not a fact that the Office to which we all must refer, and are duty bound to refer, is the Office of the First and the Deputy First Minister? Maybe they simply neglected to mention the joint Office. But it strikes me, from the wording of the motion, that this has nothing whatsoever to do with a lack of confidence in the First Minister. Rather it is the Democratic Unionist Party’s pursuance of a purely party political fight with the Ulster Unionist Party. I think it is



wrong. It is disgraceful that this House should be used as a vehicle simply to carry on a party-political feud.

I would go further than that. I do not believe it is just a feud with the Ulster Unionist Party. I believe that in this attempt to attack the First Minister and to ignore the Deputy First Minister lies the real motivation behind all this — that which motivates Members of the Democratic Unionist Party — blind personal ambition: power seeking. They want to obliterate a particular political party completely, and they are prepared to sacrifice democracy, the price that the rest of us would be called on to pay, to satisfy their ambitions. I believe that that is also very wrong. Their motive is not just to destroy the Ulster Unionist Party; their motive is to destroy the Northern Ireland Executive, to destroy the Northern Ireland Assembly, to destroy, most importantly, the voice of the people who put us all here and thus to destroy the voice of democracy. Their motive is the destruction of democracy, because they know what would happen if this motion were passed here this evening. They know, as everyone does, that it would lead to the collapse of the Executive — which would in turn collapse the Assembly — and inevitably to the destruction of devolution and with that the hopes and the desires of the people of Northern Ireland.

Members of the Democratic Unionist Party tell us time and time and time again that they are a party of devolution. I put it to the House that their actions belie that. Why else would they want to tear down this edifice, tear down this Executive and tear down this Assembly? While Mr McGrady was on his feet I heard members of the Democratic Unionist Party, from sedentary positions, refer to this place as a waste of money.

They said that millions were being squandered on democracy in Northern Ireland. However, members of the Democratic Unionist Party express concern about the state of our roads, the rail network, the water and sewerage systems, and the plight of the agricultural community. I must say that their actions in that respect speak louder than their words. How can I accept their references to waste of money, when their actions belie the existence of democracy in Northern Ireland? Their tears are crocodile tears and their concern is shallow. Their words have the stench of hypocrisy.

4.30 pm

**Mr McCartney:** Will the Member tell us what the Assembly has been able to do for the agricultural industry, Harland and Wolff, the declining textile industry or the hauliers? The answer is absolutely nothing.

**Mr Close:** Accountable democracy has been one of the main issues for those of us who fought for devolution in Northern Ireland. None of us ever claimed that such accountable democracy would solve all the ills and problems of Northern Ireland. The critical thing, however,

is that power rests in the hands of the people of Northern Ireland. That is something that my party and I welcome and which I thought the Democratic Unionist Party wanted. Today, however, I learn that they too, like Mr McCartney, are not interested in devolution.

**Mr McCartney:** I never said I was interested in devolution.

**Mr Close:** That is correct, and I accept it. However, the Member now has allies in the Democratic Unionist Party who through this motion declare that they too are a party of integration. I find that very sad. The only reason the Democratic Unionist Party wants to subvert the voice of the people and drag the Assembly down is to remove power from the hands of locally elected representatives. It has taken us 30 years to get devolved institutions in Northern Ireland. Yet on a whim, the Democratic Unionist Party would throw that back in our faces. They complain at the lack of investment, saying it is occasioned by direct rule. What would happen if the motion were passed? It would bring us back to direct rule tomorrow; it would kill devolution. Let us be honest about devolution. Is the Democratic Unionist Party interested in devolution? If so, why do they wish to destroy this institution?

**Mr Wells:** The hon Member knows from experience that what he says is not true. He and I sat in this Assembly from 1982 to 1986, and both our parties worked tirelessly to bring devolution to the Province. Our objection is not against devolution per se, but against the form of devolution we have, which allows terrorists in the Government. The people of South Antrim showed very clearly that they will not have it.

**Mr Close:** The Member knows very well that the path that they attempt to tread with this motion is part of a DUP agenda. That agenda is to get rid of the First Minister, the Executive and the Assembly. What would be the consequence? The consequence would be the end of devolution in Northern Ireland. Members know well that if devolution is killed off this time it will be dead and buried once and for all. It will be the Democratic Unionist Party who will have lent credibility — or will be accused of doing so — to the statement used by enemies of Northern Ireland in the past who said that it was a failed political entity.

The DUP will be giving credence to that type of statement. The message that the Democratic Unionist Party appears to want to send out to the rest of the United Kingdom, Europe and the world is that Northern Ireland is a failed political entity. That is not the message of the Alliance Party; it is not my message or the message of anyone who cherishes, desires and wants to see authority operated by the people of Northern Ireland. It is a message coming from the DUP that will ensure that joint authority is there in all but name, and perhaps in name also.



I will repeat that. The Democratic Unionist Party knows in its heart of hearts that if this motion were passed it would lead to the collapse of the Executive and the Assembly and that that would be the death and burial of devolution. In return we would have joint authority in all but name, and perhaps even in name. That is the betrayal that the Democratic Unionist Party would stand accused of if this motion were passed.

If the DUP continues its kamikaze agenda, based on political stunts and political myopia, it will be guilty of achieving what 30 years of bombing and killing failed to achieve — the destruction of Northern Ireland. It has been said in the past that members of the Democratic Unionist Party were the best allies that Republicanism had. How can you possibly refute that argument if they continue to pursue this particular cause? The Democratic Unionist Party wants to destroy the institutions of self-government. Many other people wanted to achieve that in the past.

I urge the Democratic Unionist Party to think again. I accept that what we have is not perfect, but it is infinitely better than what we would have if it were destroyed. We all have a duty and responsibility to improve the social and economic well-being of all our citizens. This Assembly and the Executive, headed by the First Minister and the Deputy First Minister, are the best vehicles available for us to make progress. There is a responsibility on all of us to use these foundation stones to build a better future.

We must all make progress with a positive agenda. Let us not slide backwards on the slope of this motion. Rather than indulge in a motion of no confidence, I appeal to the Democratic Unionist Party to use its talents positively. I am not asking its members to become nodding dogs, but rather to become more attached rather than semi-detached — to become real Ministers, participating fully in the Executive, trying to improve the institutions rather than destroying them. If meaningful devolution is their honest and sincere goal, if they wish to change what they claim is an imperfect peace — and I agree with them on that — into the real peace that all our citizens yearn for, if they want to construct a future and bury the past, in their hearts and minds they must realise that the opportunities to achieve those very worthy goals exist in this place — in the Executive, in the Committees and in the Assembly. Destroy this place and they destroy the future.

**Mr Speaker:** Before calling the next Member, I must advise the Assembly of typical generosity on the part of Dr McDonnell. He has indicated that he is prepared to forego the Adjournment debate rather than interrupt the flow of this one or have the Assembly recalled tomorrow solely for his debate.

Even so, we still only have until six o'clock. I have some 16 Members currently on the list to speak, and I

ask other Members to show the same generosity of spirit to each other that Dr McDonnell has shown to the Assembly.

**Mr C Wilson:** While I support the motion in the name of Mr Robinson and Mr Dodds, my party would have preferred — and attempted to put down — an amendment including a vote of no confidence in the entire Executive. That would have included the First Minister and the Deputy First Minister. No one in Northern Ireland can look at this Assembly and its Executive and have any confidence in anyone who is currently participating in an Executive containing two representatives of Sinn Féin/IRA, which is currently inextricably linked to a terrorist organisation.

It is entirely appropriate that the Assembly should take time to discuss this matter. Members of the Ulster Unionist Party may not like it, but the lack of confidence in Mr Trimble in his position as First Minister is a view held not just by the Democratic Unionist Party, my party and the other anti-agreement parties in this Chamber, but also, I believe, by the majority of the Unionist community in Northern Ireland. Indeed, it is a view held by the majority of his own party. I hope that that will shortly be demonstrated when they curtail his activities in relation to his current policy. It is also held, as has been well documented, by at least half of his parliamentary party. The notion that it is only a small grunt and that there are only a small group of people within this Assembly in the anti-agreement camp is absolute nonsense.

To make the case for the motion today, it is very appropriate — and Mr P Robinson dealt with it very competently this morning — to consider how Mr Trimble was put in a position to become First Minister in this administration. Mr McGrady, who unfortunately is not now in the Chamber, took the view that people such as the First Minister can get elected to this Assembly on the basis of a manifesto. Mr Trimble's manifesto was well and truly put under the spotlight this morning over the pledges he made to the Ulster people who actually went on to vote for his party and his party members. While the focus of attention is on Mr Trimble today, there is not one member of the Ulster Unionist Party elected to this Chamber today who did not make the same pledge as every other Unionist in the Chamber: that they would not sit in Government with those who were fully armed and prepared to go back to violence and, indeed, who are currently involved in violence.

**Mr Ervine:** On a point of order, Mr Speaker. It may be that the Member is misleading the House. Not every Unionist in this Chamber said that.

**Mr C Wilson:** Those who have been involved in terrorism themselves might not have wished to include that in their election manifesto. It might have been

slightly hypocritical to say that they would not sit in Government with bombers and gunmen.

To return to the point, the pledge made by Mr Trimble and his party members before their election to this Assembly was that they would not sit in Government with those who were still inextricably linked to terrorist organisations. He abandoned that policy, much to the disappointment and the opposition of the majority of people within his party, I believe. And yet he has the effrontery to go to the Ulster Unionist Party conference at the Waterfront Hall on Saturday, having outlined in his manifesto that they were all obliged to sign up so that the Unionists would have a veto in the Assembly; that there would be no terrorists in Government; that they had saved the RUC; that there was no Sunningdale, no united Ireland; that the agreement was the death of the frameworks; that the territorial claim of the Irish Republic had gone; and that the Union was strengthened.

Having published a document which sounded like a Unionist utopia, he told his party that there was no Unionist utopia and that it had to get real. Mr Trimble has moved from saying that he did not sign up to this agreement to saying that as he did sign up to it, there is no option but to buy it. The crumbs that are being offered from the tables of the British Prime Minister and Mr Ahern in Dublin — and there will no doubt be a farcical announcement in the next few days of another so-called inspection of arms stocks — will not be sufficient to cover Mr Trimble in the coming days.

4.45 pm

The most compelling reason given by Mr P Robinson for a vote of no confidence in Mr Trimble was his pledge that he would not participate in Government with people fronting terrorist organisations. We heard the First Minister trying to distance himself from any involvement in providing cover for anyone trying to improve their armoury and increase their weapons stocks. Mr Trimble played a very significant role in this by not bringing it to the attention of this House. If he had any reservations about the Belfast Agreement, this was the time to say that all bets were off and that he could not support the process any longer because the terrorists were rearming and trying to improve their capability.

My appeal is to those in the Ulster Unionist Party who are not in the Assembly party, because only one or two of the Assembly team are prepared to keep faith with their pledges to the Unionist electorate. Mr Close and Mr McGrady think that we are attempting to hide our objective, but that is not the case. Those of us in the Assembly who are in the anti-agreement camp were elected to bring this process down and to bring the Belfast Agreement to an end. We were elected to end this effrontery to democracy and to end the whole edifice that has been set up here, which ignores the will of the people of Northern Ireland. From day one, when

Mr Trimble signed and endorsed the Belfast Agreement, he became the Government placeman, the man who, under all circumstances, was going to make sure that his party continued to work the Belfast Agreement.

There is only one option. If at the end of this debate today the majority of Unionists in the Assembly vote for or against this motion of no confidence, it will not remove Mr Trimble from office. The only people who can do that — and these people have a wider responsibility to the community of Northern Ireland — are those within the Ulster Unionist Party who quite clearly and rightly can determine David Trimble's future. Just as with Jonah, who was thrown overboard in order to save the boat, I appeal to those in the Ulster Unionist Party to throw Mr Jonah Trimble out of the boat in order to save the very Union itself.

In the days ahead we will require a degree of Unionist unity. I look forward to the time when those in the Ulster Unionist Party, the Democratic Unionist Party, the UK Unionist Party and the Northern Ireland Unionist Party can come together to finish it off once and for all and to vote out the First and the Deputy First Ministers.

We then set about the task of putting proper structures of democracy in place for all the people of Northern Ireland regardless of colour, class or creed — not this excuse for democracy that has placed representatives of a terrorist organisation in Government. I support the motion and I look forward to the day when we can sit in this House with a proper democratic structure for the people of Northern Ireland.

**Ms McWilliams:** I suppose “no” is a very easy word to say. Every time my children say that, I tell them they should stop resting in the comfort blanket of the word and start taking some of the responsibility that goes with growing up. “No, we will not agree.” “No, we will not take a risk.” “No, we will not compromise.” It is no, no, no, no, no.

How sick do we have to get in this Chamber of hearing that tiny little tiny word being endlessly repeated? Instead, they should credit those who take the courage — and indeed it is a risk to have the courage — to say “yes” because that involves making a change and taking the responsibility for making that change. God knows that Northern Ireland and those who lived through the past 20 or 30 years of horror in this country will know how much we value that change.

Some days I stand in this Chamber and try to imagine if people really went through what we went through. They call these the bad days, the awful days of trying to implement a very difficult peace process. Of course it is hard, but the mandate of the people still stands. It is above any single party's election results. Much as I congratulate Dr McCrea on his recent election, that is all it is. It is a single party's success at a recent election,

and this agreement is above any single party's success, even if that Member flits from one constituency to another.

I have heard a great deal of talk about confidence and lack of confidence. I ask Members to focus on achievement. What have we achieved? Indeed, what did the Ulster Unionists and the Progressive Unionist Party achieve? They achieved an acceptance that the constitutional future of Northern Ireland will be determined by the will of the majority of the people of Northern Ireland. It will stand until there is a referendum, but that is the most prized possession of all for Unionism. Let it be repeated over and over and over again.

They also won the removal of articles 2 and 3, and as someone who sat for two years in the negotiations it seemed to me that that was a prized possession. The pro-agreement Unionists won the removal of articles 2 and 3. Indeed, I have to tell you that when I went out to the streets, villages and towns during the referendum campaign I expected to be asked about articles 2 and 3 by people who had a great deal to fear during the years when those articles were in the Irish Constitution. However, it was almost as though that was that. They had been ticked off. People had moved on, and people had forgotten. Well, let us not forget that it took a major effort and an international treaty to abolish articles 2 and 3.

What else was achieved? I agree with Mr Close that those who fought long and hard for devolved administration almost forget that it was the people on the anti-agreement side and the DUP in particular — who put down this motion — who seemed to want that more than anything. They spoke in the negotiations about what a new Northern Ireland Assembly might look like and it probably is the case that only Mr McCartney would not see that as an achievement.

Again, why is it that the Ulster Unionists and the Progressive Unionists have to fight alone to see another achievement in the British-Irish Council and everything that was in the agreement on social and economic progress, on process of reconciliation, and on law and order?

It is not surprising that we have a great deal of debate and division over the issue of law and order. It probably relates more than anything to what went on before the agreement and to the wishes of those who also want to see change. Indeed, the officers of the RUC have said that they have signed up to that change.

It was not a case of whether there would be change, but of how that change would take place. There are many issues in the agreement that are reflected in today's debate of "confidence" or "no confidence". Should the police force be pluralist in its identity? Should it be representative in its composition? Should it be even-handed in its operation? Yes, yes and yes. When it

is implemented, it will, and should, be all of those things. Let us not talk about bringing down any agreement on the back of something that we all want — to be representative, inclusive and even-handed in the future of our policing.

I am also greatly concerned that the flags issue has again created some notion that there is no confidence in the agreement and in the First Minister. Unionism won an important battle on the constitutional status of Northern Ireland. The agreement stated that sovereignty would be exercised with rigorous impartiality, not only in its operational terms but also in recognition of our symbolic diversity. Who ever said that that would be easy? If all the identities in this country are valid, then so too are all our symbols.

Power-sharing goes further than the Executive deciding what ministerial posts will be handed out. It goes as far as talking of how the space for diverse symbols and identities will be shared, painful though that may be. Continued refusal to share is what threatens the agreement most. If anything threatens it, it is that constant refusal: "I will not share. I will not share positions in the Executive, I will not share my viewpoint with you, and I will not share power with you."

**Ms Morrice:** Does the Member agree that although the "No" camp tells us that the agreement is fatally flawed, it has to say that because it will be out of business if the agreement works? The Agriculture and Rural Development Committee, of which Dr Paisley is Chairperson, has met more times than any other Committee in this Assembly, and it has Sinn Féin members on it. Coming in a close second for the number of meetings held is the Enterprise, Trade and Investment Committee, of which Mr Pat Doherty is the Chairperson, and which has DUP members on it. Can anyone then explain the logic of the DUP position of not sharing?

**Ms McWilliams:** No doubt the Member knows, like myself, that fear has no logic, and clearly the DUP is afraid. It is the only party in the Assembly that I see shaking in its boots every time it is mentioned that it is in the Executive. It worries, jumps or cringes at the idea of somebody constantly repeating that rotating Ministers is not fooling anybody. DUP members are in it; they will stay in it and they love it.

People may have reservations. Everybody who signed the agreement had something in it for themselves, and there was obviously going to be something in it for others. People have reservations about the sections they did not place themselves. The Women's Coalition also has reservations.

I am delighted to see the Civic Forum finally taking place today. I do not care who takes the credit for the Civic Forum; it is more important to my party that it has



finally been established. Surely that is the stand that every Member should start to take. People should be big enough to not worry about whether a piece was for them or for someone else. In the end, what matters is that it was for the people of Northern Ireland.

5.00 pm

If we continue to do this — and I have said this before — it is little wonder that people make jokes on David Dunseith's programme about Ulster not being at the crossroads but at the roundabout going around in circles. Every time a motion of no confidence is laid at the foot of the First Minister, the Deputy First Minister, or jointly, we are led around and around. The parties that are leading us straight on are those that still believe in the agreement. It will work, and it shall work.

**Mr McCartney:** David Trimble is the First Minister. He is also the Leader of the Ulster Unionist Party. The first of these offices, under the Belfast Agreement, requires him to serve on institutions and to carry out policies that are totally inconsistent with the declared objectives of the party of which he is the Leader and as have been described in its manifesto. His difficulty is that he is never sure whether he is Dr Jekyll or Mr Hyde, so in his absence I will endeavour to address both his personalities.

We heard the canting piety of Mr McGrady about the behaviour in the Chamber. Has Mr McGrady any memory of Michael Heseltine seizing the Mace and swinging it round in the House of Commons? Has he ever seen the differences of opinion and the vigour with which they are demonstrated in the German Bundesrat, the French National Assembly or the Italian Assembly? Has he anything to say about the vigour and differences of opinion that were demonstrated during the Danish referendum? To talk this nonsense in such a holier-than-thou tone about how we behave in the Chamber is a measure of our parochialism and his.

As for Monica McWilliams, she makes a virtue out of saying "Yes". Through the years everybody knows — at least, every parent knows — that the easiest thing to say is "Yes". I have found it extremely difficult to say "No". When you say "No" you are called everything from a warmonger to a rejectionist Unionist, an enemy of the people to a dinosaur. You are called all these things. When you say "Yes" you get maximum exposure on the BBC, you are featured in the 'Belfast Telegraph', and you are virtually canonised in the 'News Letter'. So I can assure Monica that it is extremely difficult, very tiresome and sometimes wounding to say "No". You say "No", however, because you believe that there are certain things such as taking sweets from strangers or gifts from Bertie Ahern to which it is very dangerous to say "Yes".

In May 1998 the Ulster Unionist Party published a document entitled 'Understanding the Agreement'. In view of David Trimble's revelations in 'The Daily Telegraph' last week, I wonder if he understood the agreement. The full text of 'Understanding the Agreement' was accompanied by a simplified synopsis for the slow readers in the Ulster Unionist Party, and it was entitled 'Ulster Unionists Say Yes'. It is not clear, however, whether these documents represent an understanding of the agreement which David signed up to or of the one he did not sign up to.

What is now perfectly clear is that the Ulster Unionist understanding of the agreement as demonstrated in these documents is entirely different from that of the Irish Government, the SDLP, Sinn Féin/IRA and, saddest of all, the British Government. Perhaps this is due to what David described in 'The Daily Telegraph' as "constructive ambiguity", which means that if an agreement is totally ambiguous, it is open to all parties to it to construct whatever meaning they choose.

David, for his sins, is not only a politician. He was also, once upon a time, a law lecturer, and in that guise he taught students the basic principles of that discipline. Two of the most basic principles, curiously enough, relate to agreements. They are known to every first-year law student and every rookie barrister. The first principle is that the parties to any agreement must have a shared understanding of its contents, its nature and its consequent effects. The second principle is that no party to a multiparty agreement can add to, alter, vary or amend the terms of that agreement without the consent of all the other parties to it. David now confesses that the agreement that he thought he was signing was different from the one being implemented.

Of course poor David knew all along that what he was signing was not what Sinn Féin, in particular, were signing up to. David knew, as every party to the negotiations knew, that 24 hours before this dastardly document was signed Sinn Féin threatened to walk if the terms of that agreement obliged them to give any undertaking that the IRA would decommission, or that Sinn Féin would suffer any sanction if it failed to do so. As a result, we had a paragraph in the decommissioning section of the agreement that specifically stated that Sinn Féin was in the same category as all the other parties, including the democratic parties — the SDLP, the Ulster Unionist Party, the Democratic Unionist Party. All the parties were put under an obligation to use their influence to bring about decommissioning by 22 May 2000. Nowhere in that agreement was any sanction imposed on Sinn Féin for failing to do so. There was no criterion by which anyone could determine whether Sinn Féin had used its influence to bring about such a result. There were certainly no



sanctions, such as exclusion, if it failed to bring about that result.

“Davy boy” knew all this. He knew it as a politician and he knew it as a lawyer. He now complains that he did not understand the first basic principle, which is that the parties to any agreement must have a consensus *ad idem*, a shared understanding of what they were agreeing to. Neither side was agreeing to what the other intended, so we had this novel concept of constructive ambiguity. It is a result, because everybody gets what they want. When, ultimately, the ambiguity has to be resolved, someone is left with the short straw. In this case, it was poor Davy.

That was not the only principle that he breached. The second principle is that no single party to an agreement can alter, vary or amend a multiparty agreement without the consent of all. That was breached when David naively went to his friend Tony, who told him not to worry and that he would give him a letter of comfort which would contain all the pledges that he had made: there would be no terrorists in government until they finally put away their weapons and declared permanent peace; and no prisoners would be released until all these obligations were fulfilled. Tony said that, by decommissioning, he meant that simply the handing over of arms but — and he emblazoned it on the front of that awful newspaper the ‘News Letter’ — an end to all beatings, intimidation and all the other terrible things.

Tony said “David, go thou forth and tell all the people in the Ulster Unionist Party and all their chums and friends that I have said unto you that if Sinn Féin/IRA do not perform all these wondrous miracles I will step in, and like Jupiter or Zeus, I will put an end to all of this.” That was nonsense, and David knew that it was nonsense. However, poor David, all of this having been dashed from his lips, now says “This is wrong, Tony; this is not the agreement I signed up to, and that you promised.” There is a word — a very expressive word — to describe David Trimble’s behaviour in these circumstances. It is “gombeen” — a political gombeen to buy into all this nonsense.

Where does all this stand with his fitness to be First Minister or the lack of confidence in him as a First Minister? In any democracy, if a Prime Minister, a Taoiseach, a Premier, or whatever he is called, misleads his people, if he is elected under false pretences as to what he is going to do, if he shows a blundering incompetence in negotiating on the people’s behalf, if he does not understand the basic principles of his own profession, let alone the politics, people might be persuaded to say “This is not a man in whom we can have a great deal of confidence as the First Minister, who is supposed to be leading the administration that purports to be for the manifest betterment and welfare of our people.”

I think it is entirely logical that there should be a question mark over the Assembly’s confidence in a man who has been deceived, who has been proved to be naively gullible, who has failed to understand the fundamental principles of negotiation and who now declares that what he signed up to was not really what he thought it was. If this does not justify the questioning of the competence and ability of such a person to be the First Minister of what passes for a democratic institution, then I do not know what does, despite what Mr McGrady says.

Let me very briefly review some of David’s understanding of what the agreement offered to him and why Ulster Unionists should say “Yes”. The Union would be strengthened. Is there anyone in this Assembly who seriously believes that Sinn Féin, let alone the SDLP, would have signed up to an agreement which, according to Michael McGimpsey, Dermot Nesbitt, and all those other laser-like minds in the Ulster Unionist Party, as well as Mr Trimble’s, decreed that the majority would rule, that the Union would be put beyond debate and that they would be given a veto over anything that other Members of the Assembly might decide? Anyone who seriously believes that, Mr Speaker, is in need of your assistance, not as the Speaker but in your professional capacity as a psychiatrist.

Then comes the second point, that there would be no unreformed terrorists in Government. The agreement makes a provision that any parties that have not begun decommissioning will be excluded and removed from the ministerial Executive of the Assembly when it comes into full operation. That was a point that Mr Trimble confirmed in the debate which took place, I think, on 15 December 1998 when every Unionist, bar, I think, those in the Progressive Unionist Party, voted unanimously in favour of the motion that day.

Members all know Fred Cobain. Fred was singled out for special approbation. “Well done, Fred” said the Leader at the party conference last Saturday. “Well done, Fred.” During the drafting and preparation of that motion (which Mr Cobain, the Leader, and the Minister of the Environment supported with a hairy-chested vigour) Mr Cobain must have said to me 50 times “My bottom line, Bob” — and with that he put out his five o’clock shadow jaw — “is no guns, no government.” Where is his bottom line now? It is a pity he is not here because I would say “Well done, Fred.”

5.15 pm

The agreement is the death of the framework document. John Major, whose Government were responsible for the careful drafting of the framework document and who, through Patrick Mayhew, conducted the first year of the negotiations, has since stated publicly on Sky television, while promoting his book, that the Belfast Agreement is his framework document with knobs on it.

According to David, this agreement is the death of the framework document.

Eire's territorial claim will be surrendered. Ms McWilliams was at pains to tell us at length what a great achievement it was to have this amendment. It is an amendment that apparently turns what the Republic's Supreme Court described as a constitutional imperative into an aspiration. In 1985, Garret FitzGerald was telling me personally, and others publicly, that an aspiration was all it ever was. It was only four years later, in 1989, that the Supreme Court apparently put him right and told him that it was a constitutional imperative. We are now back to an aspiration. Who in their right mind would not give up a claim for a factual down payment in the governance of the country to which you make that claim— and that is what this is really all about.

Maryfield will go. When I read this, I could hardly believe it. In exchange for removing Maryfield from the most inconspicuous up-a-country-lane locus, they have brought it down and lodged it in one of the major business forums in the centre of Belfast.

**Ms Morrice:** Will the Member give way?

**Mr McCartney:** No.

I understand that the work force down there has been increased. It is going, Mr Speaker, but it is only going to a more prominent and effective place.

No united Ireland — this is no Sunningdale. Of course, when Michael Mates went as a special spokesman to the States — and being a rather foolish man he thought he could express his mind there, not realising it would be transmitted back to Northern Ireland — he said (and here he echoed the words of his Leader, John Major) that what they were going to get in this agreement was Sunningdale with knobs on it. And it was.

There is no licence to terrorists. We all know that they certainly are licensed. They have all been got out.

What about the enforcement of the rule of law? What about the policemen and policewomen who lost their lives putting these people behind bars? What about the judges, guarded 24 hours a day, some of whom lost their lives and some who were gravely injured? These are the people who see the rule of law turned into a judicial farce. They see people like Caraher and McGinn, who pulled the trigger and murdered 12 men including Lance Bombardier Restorick, out after 18 months. They see, on the loyalist side, the brutal killers of young James Morgan — battered to death with a hammer and flung into a pit for diseased animals — and with a very tenuous connection with any paramilitary organisation released after 18 months. This is what the agreement has bought us. Perhaps there is no licence for the terrorists. There is not only a licence to terrorists, there is a licence

that has seen them expand paramilitary criminality to new heights, to Mafia-like proportions involving huge sums of money.

We now see a turf war being fought on the Shankill between competing paramilitaries, both of whom, the UDP and the PUP, were used by the First Minister to get his office with their votes. Now we see the UFF, the military wing of the UDA, represented by the UDP, and the UVF, the military wing of Mr Ervine's party, murdering, maiming, exiling, intimidating and emptying houses all over the place.

And who did this First Minister, in whom we are to have confidence, put down as one of his nominees in the wonderful Civic Forum? Gary McMichael, Leader of the UDP, the front organisation for the UFF and the UDA. Marvellous, what a giant leap forward for democracy in Northern Ireland. The RUC has been saved— well, I am not even going to mention that.

Let me say in closing that the First Minister has demonstrated political incompetence as a negotiator. He has misled the people of Northern Ireland. He has failed to understand an agreement which the vast bulk of the professional members of his own negotiating team told him not to sign, warning him of the dangers, but he went ahead. If all these failures do not add up to a substantial deficit in his competence, I do not know what would. All I can say is that under his leadership — and I adapt the words of Winston Churchill — “Never in the history of democracy has the constitutional welfare of so many been sacrificed for the financial betterment of so few.”

**Rev Dr Ian Paisley:** I want to be brief, but some things were said by the First Minister this morning that need to be answered. He told us that he alone in his party defended the police. He said that my deputy and Mr McCartney were absent from debates. He said it was in the House of Commons that this battle for the police should be fought. I agree that the fight had to happen in Westminster. What I do not like is men like Mr Trimble and Mr Taylor coming over here, getting columns in the press and informing people that the other Unionists do not attend Westminster. That, my friend, I nail as a lie. I have the books here so that we can look at what happened at the debate. There was a Second Reading at the debate where Peter Robinson spoke. Peter Robinson and I voted and, to my memory, Mr McCartney was also present. That first debate was on 6 June. Then we had an allocation of time debate on 11 July. Both myself and Peter Robinson spoke and voted, and so did Mr McCartney. At the Report Stage there were three votes and Peter Robinson and I voted on every division. At the end of the debate there were no speeches for the Third Reading, but my Colleague and I voted.

Where were the members of Mr Trimble's party? Were they all lined up to march through the Lobby? Anyone

who wants to look at Hansard will see that this morning the First Minister completely misled this House and the people of Northern Ireland, who were seeing and hearing it as it was reported. Of course he wanted to get in before lunch time and then get away. We have not seen him at the debate the afternoon.

**Mr Paisley Jnr:** Does the hon Member agree that the best way to save the Royal Ulster Constabulary, the best way in which the fight can be fought and won in the House of Commons, is to make sure that at the next election the Unionist people return Members of Parliament whom they can trust? They need Unionist Members of Parliament who will turn up and do the job. Members of our party are prepared to do that job in the House of Commons.

**Rev Dr Ian Paisley:** I agree. I cannot say “No” to that; I can say “Yes”.

Mr Trimble held up an ancient piece of paper from the time when we were dragged out of the Chamber. We were dragged out illegally; the police had no place in the building. That was verified later. We were brought out and thrown down the steps outside by RUC members. I am not sure whether they were RUC members; every one of them had an English accent. Those matters were raised at the time. The womenfolk and the young people who were there supporting us had been abused, physically and verbally, by the members of the RUC, speaking in English tones. The women were called “Orange whores” and “Orange bastards”. That was the language that poured out of them. I said to them that night that if that was how they were going to behave they could not expect me, as a public representative, to stand in their defence when their homes were attacked. The First Minister alleged that I excused or lent favour to the criminality of attacking policemen’s homes — nothing of the sort.

Let us look at the record of the Ulster Unionist Party representatives. I have sat in the House of Commons for 30 years. In my early days I was a leper, because I had the same sort of victory in North Antrim as my good friend has had in South Antrim; they would not speak to me. In fact, one of them told me to sit quietly. I said “You’ll be doing better than my wife. She can’t get me to sit quietly.” I defended the Royal Ulster Constabulary in the House of Commons. I went to Europe to oppose the Haagerup Report. It was a wicked report conceived with the help of Irish Republicanism to damn the Royal Ulster Constabulary. I was the only Member who opposed it. Mr Taylor had his 40-foot barge pole; he was nowhere to be seen. I have every respect for the Royal Ulster Constabulary, but I have no respect for members who dishonour the uniform, and dishonour what it should stand for.

In the middle of the debate, Sam Foster suddenly showed some energy. I was amazed. He jumped up and

said he wanted to intervene, and so he did. My Friend let him intervene — to his cost, because he had time cut off by you, Mr Speaker, for allowing this intervention. Sam Foster read us a lecture.

On 15 December 1998 Mr Foster said

“We are talking about setting up bodies and Departments — that is ridiculous before decommissioning. We are being asked to set up a Government in spite of the fact that we know that, outside in the undergrowth, there are weapons and equipment ready to be used — a gun-to-the-head attitude. Is that what we are being asked to do? Are we being asked to govern in spite of the fact that there are illegal armies and equipment out there?”

“Mr Presiding Officer, do you really feel that you could preside over a Government? Would it be credible or incredible? Would it be a credible or incredible Assembly? Would it be dishonest or honest? Would it be deceit or falsehood or a lack of integrity? Are there no morals whatsoever?”

That was not Ian Paisley, by the way; it was the mighty Samuel Foster. Surely we cannot begin to govern until there is decommissioning, when I hope peace will be actioned. Sam held forth today in defence of his First Minister, but it was because my deputy stripped the rags of deceit off the First Minister that poor Mr Foster saw his own rags coming off, and he jumped for a fig leaf to try to cover his imminent nakedness.

5.30 pm

We have heard strange speeches today. I have known Eddie McGrady for many years. I never saw him in a tantrum until today. I was amazed at his use of the word “God”, and the other things that he said, but I realise that he is trying to outdo Sinn Féin — out-Sinn Féin the Sinn Féiners — and so he had to use those tactics. Today we saw that he was after something entirely different. All the Members from those Benches, including the mighty Mr Close, said that we want to bring down the Assembly. Mr David Trimble told us today that we want to uphold the Assembly. We are the greatest safeguard that the Assembly has. I was amazed by some things that were said today.

We are not defending violence. We are seeking to defend our people from violence. That violence is there. Sam Foster is right, it is hidden away, ready to be released upon us. When the concessions cease, the bombs and the shootings and the Omaghs will recommence. That is the fact of the matter. After what was discovered in America, Mr Trimble should have taken steps and said “Enough is enough”. These men are arming. They are getting the guns in. What for? To kill innocent victims, as they have done hitherto. It is time to call a stop to it. We have our resignations ready, Mr Trimble. What about you? Sign up today, and deliver this Province from the curse that has fallen upon it.

**Mr Savage:** I oppose the motion. It is pointless and a waste of time, and it is an insult to the people who elected us to serve them in this Assembly. In recent



weeks we have debated a wide range of issues affecting the day-to-day life of Ulster people, such as fuel tax, retailing, local community nursing, and pensions. Those were constructive debates about things that really matter. Our constituents can look to this place and say "Yes, our elected representatives are working for us. They care about our hospitals, they care about our schools, they care about our future."

And then what happens? The DUP, under Mr P Robinson's leadership, are back to their old games. They are not prepared to knuckle down to the work required of elected officers. They exist only to fight elections, and spend the rest of their time engaging in silly gimmicks. This is just another in a long list. I am told that there is only one policeman in Ballykissangel. Perhaps it is time now for one of those famous night raids.

The proposer of the motion went to lengths to blind us with his parliamentary knowledge. He suggested that motions of no confidence are practically everyday business in the House of Commons. Perhaps if he spent more time in the House of Commons he might be able to base his comments on his own experience rather than relying on his researchers to scramble through manuals of procedure to justify his actions.

The motion of no confidence will fail, but will the DUP accept that decision when it comes? Will it say "Fine, the Assembly has rejected our motion and we must respect that"? Of course it will not, because in public it does not accept the right of this Assembly to exist. The DUP is opposed to power-sharing. It wants majority rule. However, it is the minority party in the Assembly. By contrast, my party can legitimately claim to represent the greater number of people in this Province.

Has it occurred to Mr Peter Robinson that my party Leader is First Minister for the simple reason that he is the Leader of the largest party in the Assembly? He has the confidence of those who matter — those who voted him into the job. If the Leader of the Democratic Unionist Party truly has no confidence in the First Minister and therefore in the Assembly itself, why does he not instruct his Colleagues to withdraw? What are they doing here if they have no confidence in the place? They are doing what they have always done best — milking the system for their own petty advantage.

I have confidence in the First Minister. He is the First Minister of a Northern Ireland over which there is no longer a territorial claim from the Republic of Ireland. He is the First Minister of a Northern Ireland which is no longer governed by the Order in Council. He is the First Minister of a Northern Ireland which is no longer controlled by the Anglo-Irish Secretariat. These are his achievements, backed up and supported by those who really believe in devolved government. He is also First Minister in a power-sharing Government. How easy it would have been for him and us to run away from the

acceptance of the make-up of this society, to run away from the issue of decommissioning and to run away from the challenges presented by the Patten Report. How easy it would have been to be a member of the Democratic Unionist Party.

Perhaps Mr Robinson would be more honest if he were to table a motion of no confidence in his party's part-time Ministers. How much confidence has he in them? Why does he not let them attend meetings with their counterparts at Westminster, Edinburgh and Cardiff? Is he worried that a wrong word might be said in the wrong place?

Confidence, like charity, begins at home. The First Minister of the Assembly has confidence in himself to achieve peace and prosperity in this country. He has the confidence of his party and of his people. He has my every confidence. I have been privileged to be chairman of the Upper Bann Ulster Unionist Association under two fine public representatives. One was the late Harold McCusker, and the second is David Trimble, our current Member of Parliament. Harold McCusker famously called for my party to be a proactive party. David Trimble wears that mantle proudly and confidently.

Many Members had the opportunity to negotiate. I have listened closely to the speeches from Mr McCartney and from many of our Colleagues on my right. If their negotiating skills were so great, why did they not use them? Why did they run away? Let me quote a number of things, for I read the paper like everybody else. This is from a speech made by Mr McCartney, who I am sorry is not present to hear it but whose memory I want to jog:

"I'm all for power-sharing with the Catholic community, but I would have the greatest possible objections to sharing power with the Democratic Unionist Party."

Those are not my words; those are Mr McCartney's words. Many things have happened over the years, but I ask one thing: prior to the setting up of the Assembly, how many lives were lost?

I have another question. Since this Assembly was set up —

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

**Mr Savage:** No, I will not give way. I do not treat anybody differently. Since this Assembly was set up, has the standard of life in Northern Ireland not been a lot better than before? What value do we put on a life? All of us can make a contribution. The contributions made over the past years have been enormous. It is the one thing that we cannot back away from. I served on the security forces for 14 years and I am not ashamed of it. I was catcalled many times by many people. If one life has been saved since this Assembly was set up, then that is something we have achieved and it is something we can look forward to.



I could quote many things. I have a fairly good working relationship with the leader of another party. I believe that if we manage to achieve an alternative to the Anglo-Irish Agreement and a democratic Government is set up in Northern Ireland, the matter of prisoners would have to be looked at very closely, with the various considerations being weighed in the balance.

**Mr Speaker:** I ask the Member to bring his remarks to a close.

**Mr Savage:** There are many things that we can quote, but the most fundamental thing that the Assembly has brought about is peace in our land. I hope that that will continue.

**Mr Dallat:** Only one thing is clear from today's debate, and that is that the DUP has forgotten nothing and learned nothing. The motion reveals the nauseating bankruptcy of those behind it, but I would be the last to describe Peter Robinson as a parrot. After all, the DUP reserves that particular title for Her Majesty the Queen. That is the problem with the DUP. They have no qualms about getting involved in the most outrageous stunts, but they never accept responsibility for their actions. I am sure that when the papers are printed tomorrow, it will go unnoticed that when this debate was reaching a crescendo earlier, not all the DUP Members were present.

One was at a meeting in another part of this building, sitting with a member of Sinn Féin and eating sandwiches. And what were they discussing? — the Members' pensions. They were discussing the nest egg for the future, but there are 3,500 people who will not have a nest egg because they are gone. They are gone because of the bankrupt policies of the DUP.

5.45 pm

Twenty-seven years ago they had no confidence in the Unionist Leader of the day, the late Brian Faulkner. To them he was a real Judas, sharing power with the dreaded SDLP — no Sinn Féin. Brian Faulkner had caved in to one man, one vote, had put Catholics into senior positions in the North's first power-sharing Assembly and promised reforms on employment, housing and other issues which affected not only Nationalists but — dare I say it — ordinary working-class Protestants as well. "Faulkner must go" was the war cry, as men donned their Ulster Resistance berets, climbed mountains with phoney gun permits and sent the message round the world that Northern Ireland was the last place to invest in. But they did worse than that: they fertilised the soil on which the blood of thousands of people, both Catholic and Protestant, was spilt, and they would do it again and again for their selfish interest. They used ordinary decent people as cannon fodder. To me, that is as close to a war crime as you can get.

For many people the stunts are over — too many have lost their lives. Tens of thousands have been

injured, both physically and mentally. Our society has been denuded of young people who bought a one-way ticket and left, never to return. Many of them were from the Unionist community. There are too many tombstones in towns and villages across the North, all bearing messages of failure from the past: "An Innocent Victim of the Troubles", "Murdered by Terrorists", "Killed in Action". It does not really matter what the circumstances were; none of them should have died and none of them would have died if common sense had prevailed.

Always, always, there has been one common denominator. If someone in a position of influence in the Unionist community was seen to be showing any kind of leadership that would lead to a new political dimension in which everyone was involved on an equal footing, he had to go. Members of the DUP are always the ones to sound the war cry that someone must go, and today is no different.

But today is different because the electorate is learning that without compromise there is less likelihood of political stability and that evil people will fill any vacuum and re-create the horrors of the past. No one wants that, but surely if we cannot learn from the mistakes of the past we have to be held accountable for what happens in the future. This Assembly was elected to serve the people of Northern Ireland, to pick up the pieces and to offer leadership for future generations. It was severely handicapped by the last suspension which served no purpose other than to give dissident elements, both Republican and Loyalist, the kiss of life: a kiss of life which ultimately meant the kiss of death for others. I think in particular of Omagh where 31 people were killed, two of them still to be born.

Given the opportunity, the SDLP will not be found wanting in its determination to build bridges, not only in this Assembly but in every town and village throughout Northern Ireland. Together with our Colleagues on the Unionist Benches, we will implement policies which offer new hope and a new kind of dignity and social inclusion for all our people.

**Mr Speaker:** Order. I must ask the Member to bring his remarks to a close. Standing Orders require that we finish by six o'clock, and we still have the start of the winding-up speech. *[Interruption]*

**Mr Dallat:** Mr Speaker, I notice that the people on the DUP Bench are particularly pleased that you have instructed me to finish.

Let me end by saying this: the inevitable tide of common sense will sweep away both the DUP and the backward calls it represents. It will continue to sweep across this land, nourishing it, strengthening it, washing away our bloodstained past. Those who are of the past, like all those who offer our society little more than a return to the darkness of before, will languish in the

history books. There is perhaps just one cry that should go out now: it is time for the DUP to go.

**Mr Dodds:** To those parties who claimed this was all a terrible waste of time, I say that this is probably the best turnout we have had at this time of day in the Assembly for weeks, if not months. I thank Members for coming along, and I am glad that they were able to attend rather than pay lip service to the idea that the debate served no useful purpose. Those who claimed it was of no use, but participated in it, gave the lie to that. The DUP is listening to the Unionist grass roots and reflecting what people on the ground are saying. One should never forget that the Ulster Unionists who sit in the Assembly do not even represent half their own party. They claim to speak for a majority of Unionists, but they do nothing of the sort.

We have every right to put down such a motion. Indeed, it is our duty to do so, in the light of what has happened. There has been a lack of movement over decommissioning, despite pledges made by the First Minister specifically to get the Assembly and the Executive up and running again. It was incumbent on us to table the motion in the light of the destruction of the RUC — which is also happening despite pledges from the First Minister — and of the people's verdict on the agreement. The deputy Leader of the Ulster Unionist Party said that whatever way South Antrim voted, the rest of the country would follow. We are simply reflecting what Unionist people are saying. This process was founded on the basis that it had the consent of both communities, yet it patently lacks the support of the Unionist community.

I listened to the SDLP, the Alliance Party, the Women's Coalition and all the rest of them. None of them defended the First Minister, but attacked the Democratic Unionists instead. That was not surprising, since hardly anyone from the Ulster Unionist Benches took the time to defend the First Minister either. At most times, three quarters of their Members were absent. The Chief Whip of the Ulster Unionist Party said before the debate that he expected every Ulster Unionist elected to the Assembly to support the Leader. They have been fairly conspicuous by their silence today. We shall see if everyone elected as an Ulster Unionist goes through the Lobbies, because it was clear from the vote in July that on the main policy — to have IRA/Sinn Féin in Government without guns being handed over — not only has Mr Trimble lost support in his own party, but he cannot command even 45% of the Unionist votes in the Assembly. Ulster Unionist Members supported having Sinn Féin in Government. If they go through the Lobbies in support of Mr Trimble, they are supporting Sinn Féin's continued presence in the Government of Northern Ireland.

Some people have told us that we should not have this debate, because we are interfering in the internal affairs of the Ulster Unionist Party, despite the fact that the motion relates to Mr Trimble's position as First Minister. It is all right, of course, for Mary Harney to issue declarations telling us not to dump Mr Trimble. It is all right for Mr Ahern, to say in the 'News Letter' "Please save Mr Trimble." It is all right for Mr Major to be dragged out of semi-retirement, for Peter Mandelson to plead for people to preserve Mr Trimble, and for Mitchel McLaughlin to be wheeled out on behalf of Sinn Féin to say his bit. Mr Mallon, along with Mr McGrady, attempted today to speak up for Mr Trimble when his party Colleagues would not — and perhaps could not — do so.

This is not an abuse of the House, nor anything like it. In the Business Committee, Mr Close's party agreed to the tabling of the motion. In fact, it was agreed unanimously, so all those who believe that it was an abuse of the House's procedures should perhaps speak to their representatives on the Business Committee.

No defence was made against the charges brought by Mr Peter Robinson in his speech. For Mr Trimble, it was a case of blaming everyone but himself. He blamed the weather, the electorate, the media, and the other parties for the defeat in South Antrim. Now he has even gone so far as to say, in 'The Daily Telegraph' last week, that he should not be associated with what is currently going on, since it is not the agreement he signed up to.

When it comes to the RUC it is not the Ulster Unionist Party who is to blame. Apparently it is Mr Patten, in spite of the fact that Mr Trimble and his party signed up to an agreement that set the terms and remit of the Patten Commission. This flows inexorably and inevitably from those terms and the remit set out in the Belfast Agreement, as we warned at the time that it would.

When it comes to decommissioning he is running round saying "Do not blame us; blame the IRA." If it were not for Mr Trimble there would be no Executive today with IRA/Sinn Féin in Government, the IRA still having refused to decommission. It is Mr Trimble and the Ulster Unionist Party who are directly and solely responsible for having Martin McGuinness and Bairbre de Brún as Ministers in the Government; for having the arms retained; for the RUC being destroyed; and for this all-Ireland system of government, with executive authority.

Of course, we had the old red herring about the DUP seeking to mislead people — this from a man who claims pride for constructive ambiguity. Talk about having a central policy for misleading people. Do not speak the truth — it must be constructive ambiguity. So much for plain speaking, telling people the truth and where he stands. He quoted from the DUP manifesto — the only sound part of his speech, and we thank him for

that. He then argued that the DUP is fully in this system. Mr McGrady, Mr Close, Ms McWilliams and the rest then criticised the DUP for not being fully part of the system, for being semi-detached and trying to bring the whole thing down. Yet Mr Trimble was saying that we do not want it to collapse, we want to keep it in being. It is time these pro-agreement parties decided what sort of attack to mount if they are going to attack the DUP instead of coming out with the nonsense that they do at the moment. They are in disarray not only in the country; they are in disarray even in this House.

The reality is that the DUP has adopted an honourable and principled position, in keeping with its election manifesto pledges. Members may not like this, but that was, and has been, endorsed overwhelmingly in the European election and in South Antrim, and every time we go to the people they endorse it again.

We have no apology to make for boycotting the North/South Ministerial Council and for boycotting the Executive, as long as IRA/Sinn Féin is there. We are proud of the fact that we give up our ministerial salaries. Our Ministers and Committee Chairmen are not benefiting one iota from their positions. They give up their salaries and put them into our election fighting fund and our fighting fund against the agreement. It is a pity that some Members who are so proud about their gambling exploits would not put theirs to better use as well. We are here to oppose Sinn Féin, as we do in local government, in Westminster and as we would in the European Parliament if they had seats there.

Let us come to policing. My hon Friend Dr Paisley has already dealt with the lies that Mr Trimble told in the House earlier and with his deceit when he accused my party Colleagues of not being present when in fact they were. There has been no decommissioning from the IRA. The recent report in 'The Times' showed that the weapons dumped by the IRA are obsolete ones — they are of absolutely no use. Mr Taylor, the Official Unionist deputy Leader, who is conspicuous by his absence from the House — some support that for his Leader — says that the IRA will not hand over any weapons. I am glad that he now acknowledges what the DUP has been saying all along. The IRA has no intention of decommissioning.

To bring Sinn Féin/IRA into the Executive was simply to reward it for its intransigence. The IRA has no

intention of decommissioning, yet Mr Trimble has brought it into the Executive. He has allowed terrorists to be released; there has been an amnesty for IRA terrorists on the run; the RUC is being destroyed; the flying of the Union flag on Government buildings is being made illegal; our culture is being eroded; all-Ireland structures of government have been created; and security is being run down. All those are good reasons to vote for this motion today.

*Question put.*

*The Assembly divided:*

*AYES*

*Paul Berry, Norman Boyd, Gregory Campbell, 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, Patrick Roche, Jim Shannon, Denis Watson, Jim Wells, Cedric Wilson, Sammy Wilson. [Tellers: David Hilditch and Gardiner Kane]*

*Ian Adamson, Billy Armstrong, Alex Attwood, Roy Beggs, 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, Arthur Doherty, Mark Durkan, Reg Empey, David Ervine, Sean Farren, John Fee, David Ford, Sam Foster, Tommy Gallagher, John Gorman, Denis Haughey, Joe Hendron, Derek Hussey, Danny Kennedy, James Leslie, Patricia Lewsley, Alban Maginness, Seamus Mallon, Kieran McCarthy, David McClarty, Alasdair McDonnell, Alan McFarland, Michael McGimpsey, Eddie McGrady, Eugene McMenamin, Monica McWilliams, Jane Morrice, Dermot Nesbitt, Danny O'Connor, Eamonn O'Neill, Ken Robinson, Brid Rodgers, George Savage, David Trimble, Jim Wilson. [Tellers: David McClarty and Eugene McMenamin]*

*Question accordingly negatived.*

*Adjourned at 6.14 pm.*





# NORTHERN IRELAND ASSEMBLY

Monday 16 October 2000

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

*Members observed two minutes' silence.*

## THE RT HON DONALD DEWAR

**Mr Speaker:** It is my sad duty to report to the Assembly the death of the First Minister of Scotland, the Rt Hon Donald Dewar. A motion of condolence has been tabled in the name of the First Minister and the Deputy First Minister.

*Motion made:*

That a message of condolence be sent to the family of the late Rt Hon Donald Dewar MP MSP, as follows:

"We, the Members of the Northern Ireland Assembly, extend our deepest sympathy on their grievous loss to the family of the Rt Hon Donald Dewar MP MSP and to the Presiding Officer of the Scottish Parliament on the death of the First Minister of Scotland, and wish to record our recognition of his devoted service to his country." —[*The First Minister and the Deputy First Minister*]

**The First Minister (Mr Trimble):** The very bleakness of the weather this morning will, for many of us, reflect our spirits as we contemplate the sad and untimely death of Scotland's First Minister, the Rt Hon Donald Dewar MP MSP. The most that we can do on this sad occasion is to try to find, in words, some dignified way of honouring Donald Dewar's memory. Formally, we will be conveying a message of condolence to his family, and to the Presiding Officer of the Scottish Parliament. But many of us will also want to take some time to reflect on the friend that we knew.

The last time I met Donald was at the Joint Ministerial Council meeting in Edinburgh at the beginning of September, and he appeared to have made a full recovery from his heart operation. Consequently, his sudden, unexpected death brings with it a particularly keen sense of loss.

Like a number of other Colleagues here, I knew Donald Dewar both as a fellow parliamentarian and personally. That he held high office throughout a long and varied political career without making a single enemy stands as an eloquent testament to the man that was Donald Dewar. As many of us know, his life was not without personal disappointment and some sadness.

Nevertheless, he bore these difficulties, including his recent illness, with great personal dignity and equanimity.

He was widely respected for the natural modesty with which he disguised his immense intellectual and personal abilities and also for the great personal wit and good humour that he displayed. I recollect many occasions on which he summed up complicated debates at the Dispatch Box in the House of Commons, without a note, very sharp and keen in his comments with a full and complete grasp of the matters he was dealing with.

Donald's great political achievement was to carry through the proposals for a Scottish Parliament, which he steered on to the statute book and then presided over as its First Minister. He deeply believed that the creation of the Scottish Parliament would be a worthy expression of Scottish national identity within a United Kingdom framework, and he was able to see that dream become a reality. It was undoubtedly the crowning achievement of his life.

In the untimely and sudden death of Donald Dewar many of us will feel that we have lost a friend and, institutionally, someone who would have co-operated closely with ourselves and other Administrations. We can do no more than to take some measure of satisfaction that our lives have been enriched by knowing him and that his achievements will live on after him and be a real inspiration to us all.

**The Deputy First Minister (Mr Mallon):** I wish to associate myself with the remarks of the First Minister. I was deeply saddened at the death last Wednesday of Scotland's First Minister, Donald Dewar. I wish to extend my sympathy to his family. My thoughts are with them at this very sad time.

Donald was a towering figure in every way in political life, particularly at Westminster in the course of his long and distinguished career there, and most recently as Scotland's First Minister in the long-awaited democratically elected Parliament. He had campaigned passionately and tirelessly for devolution. It was fitting that he should be the First Minister of Scotland's Parliament.

He was immensely proud of what had been achieved for Scotland through devolution. Last July, at the opening of the Scottish Parliament, he said

"I count myself lucky indeed to be playing my part in the hard work of turning a vision into a reality".

It is sad to think now that he will not be there to continue his work as First Minister. I got to know Donald well through our time together at Westminster. He was a parliamentarian of the highest order. My memories of him will be of a man who was universally respected, a down-to-earth politician, yet a learned person with a deep and passionate devotion that he brought to those whom he served and to everything that he did.

He had a unique blend of integrity, sharp intellect, humanity and vision, coupled with a very keen sense of humour. He will be sorely missed, but his legacy will live on in the Scottish Parliament, and his place in history is secure as the architect of that achievement.

“The people know that they have lost a friend.”

Those were the words of Donald Dewar at the funeral in 1994 at Cluny Church in Edinburgh of his colleague John Smith. In repeating those words today of Donald Dewar, I can pay him no higher tribute.

**Mr P Robinson:** I support the sending of condolences to the family of the late Donald Dewar. I also wish to associate my party colleagues and myself with the tributes made by the First Minister and the Deputy First Minister. I knew Donald Dewar for many years, and he carried out all his political business in a straight-talking and straightforward manner. Many politicians who attain high office seem to drift above the rest of their political colleagues, but those of us who knew Donald Dewar recognised that he never lost his common touch. He was very much a man of the people.

I got to know him particularly well when he was the Labour Party's Chief Whip. I had considerable contact with him at that time, and I greatly respected his sincerity and his determination. That determination was evident in the vigour with which he took forward the project of devolution for the Scottish people. It was also evident in the way he made his own health a lower priority than his duties as First Minister for Scotland.

I express the condolences of all my Colleagues to his constituents, his party, the people of Scotland, his friends and, most of all, his family.

**Mr McLaughlin:** Go raibh maith agat, a Chathaoirleach. On behalf of Sinn Féin, I would like to associate myself with the comments that have been made. Mr Dewar was First Minister of the Scottish Parliament — a Parliament that he did much to create. He died, aged 63, with the satisfaction of having achieved an outstanding personal ambition. His premature death has deprived the people of Scotland of a great leader, but his place in Scottish history has been assured by that achievement. As Scottish First Minister, he obviously faced problems, but he described the experience as the most worthwhile of his political life. He relished the challenge, despite his health problems.

I met Mr Dewar on three occasions, so I cannot claim to have known him very well. He was described as a witty pessimist, and I cannot help but think that with that characteristic he might have had something to offer this Assembly. He was well known as someone who listened to the opinions of others. He could argue his own point of view but was always willing to admit publicly that others had made a good point. That broad-mindedness is an example to us all.

On behalf of Sinn Féin, I extend condolences to his immediate family, his colleagues and the people of Scotland. Go raibh míle maith agat.

**Mr Neeson:** On behalf of the Alliance Party, I identify myself with the remarks that have been made. I met Donald Dewar on several occasions and always found him to be a very strong advocate of moderation. He was a Scotsman in the truest sense of the word. It was significant that, after the 1997 general election, he gave up the opportunity of a senior Cabinet post in order to concentrate on Scottish affairs. He realised the benefits of devolution for Scotland, and he also recognised the benefits of regionalism and subsidiarity.

10.45 am

In recent days I have read several obituaries saying that Donald was a shy man. Maybe he was, but at least he got things done and he gave the people of Scotland their Parliament. On behalf of the Alliance Party, I extend sympathy to his family, especially to his son Ian and his daughter Marion, and to the people of Scotland, who will remember him as the person who gave them back their Parliament.

**Mr Ervine:** I associate myself with all the comments that have been made. My party and I have been shocked by the death of a man who might well be described as a beacon of integrity. At a time when politicians do not have a good name, Donald Dewar was a shining light. As the First Minister has said, Mr Dewar went through his political career without making enemies.

I am also conscious of the loss to his family, friends, colleagues and the people of Scotland. When they look back at his achievements in the course of what was, by today's standards, a short life, they will see the lasting testimony in bright lights. The building blocks of devolution have been put in place in Scotland, and politics has been brought closer to the people. Those are the dreams that Donald Dewar lived for.

We can say wonderful things about the man, and he absolutely deserves them. But what will we say about each other in the future? If there is integrity in politics, it is epitomised by the likes of Donald Dewar. We could do worse than emulate him as we push on with our devolution.

**Ms McWilliams:** I want to associate the Women's Coalition with the message of condolence from the First and Deputy First Ministers. Everything that has been said about Donald Dewar has left those of us in politics questioning ourselves. He led the way, and he was regarded in Scotland as a remarkable man for doing so. It is particularly sad that his death should come so soon after that of another great Scotsman, John Smith. His death is a loss not only to Scotland and its parliamentarians, but to Westminster. We have much in common with the Scottish parliamentarians, and our hearts go out to them.

It was amazing to watch them in grief; clearly, he meant a great deal to each of them personally.

The director of the Northern Ireland Voluntary Trust recently visited Donald Dewar to speak about the work in the communities in Northern Ireland. He was so moved by what Avila Kilmurray told him about what had been done here over the years that he offered, in a personal capacity, to host a meeting for the trust in Scotland in order to enable them to further their work in Northern Ireland. That speaks volumes about what he would have liked to do for the people of Northern Ireland.

We extend our condolences to the people and parliamentarians of Scotland and to his family, in particular his son and daughter. We express our heartfelt grief to those who will miss him most, his immediate family.

*Question put, and agreed to nemine contradicente.*

*Resolved:*

That a message of condolence be sent to the family of the late Rt Hon Donald Dewar MP MSP, as follows:

“We, the Members of the Northern Ireland Assembly, extend our deepest sympathy on their grievous loss to the family of the Rt Hon Donald Dewar MP MSP and to the Presiding Officer of the Scottish Parliament on the death of the First Minister of Scotland, and wish to record our recognition of his devoted service to his country.”

**Mr Speaker:** As a mark of respect to the memory of the late Donald Dewar, the Assembly will be adjourned for one hour.

*Adjourned at 10.50 am.*

11.50 am

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

**Mr A Maginness:** On a point of order, Mr Deputy Speaker. I intended to raise this point at the beginning of business, but I did not want to interrupt the message of condolence and the speeches about Mr Dewar.

His Holiness the Dalai Lama is visiting Northern Ireland this week. Considering the outstanding contribution that he has made to world peace and peaceful understanding, will the Business Committee consider, as a matter of urgency, extending an invitation to His Holiness to attend the Assembly and, if appropriate, address it. If the Business Committee is not in a position to do this, will it invite him to visit the Assembly during his itinerary to Northern Ireland?

**Mr Deputy Speaker:** That is not a point of order. However, if the Member so wishes, he can refer the matter to his party Whip who could raise it with the Business Committee. It is not a matter for the Assembly to decide.

## GOVERNMENT RESOURCES AND ACCOUNTS BILL

### First Stage

**The Minister of Finance and Personnel (Mr Durkan):** I beg leave to lay before the Assembly a Bill (NIA 6/00) to make provision about Government resources and accounts; and for connected purposes.

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

## HEALTH AND PERSONAL SOCIAL SERVICES BILL

**Mr Deputy Speaker:** The next business is the Second Stage of the Health and Personal Social Services Bill. I call the Minister Ms Bairbre de Brún.

**Mr Dodds:** On a point of order, Mr Deputy Speaker. Can you confirm that due to the non-attendance of the Minister of Health, Social Services and Public Safety this business now falls? If it does not fall, what happens to it? It is on the Order Paper as the next item of business. I would be grateful for clarification.

**Mr Deputy Speaker:** The business now falls, and it will go back to the Business Committee for a decision as to when it will return to the House.

**Mr Dodds:** Further to that point of order, Mr Deputy Speaker. Members who have a strong interest in this piece of legislation and are ready to make a contribution on it will be very concerned. In view of the unexplained absence of the Minister, Members no longer have an opportunity to make their contributions, and the Assembly cannot progress the business set down in the Order Paper. That is shameful, and it highlights the attitude of Sinn Féin/IRA Ministers to the House.

**Mr Deputy Speaker:** It will go to the Business Committee which will decide when it will come before the House again.

**Dr Hendron:** I am sure that there is a good reason for the Minister's absence. Is it in order to ask for a 10-minute suspension?

**Mr Deputy Speaker:** That is out of order.

**Mr Berry:** On a point of order, Mr Deputy Speaker. I disagree with the Member. The motion should fall. The Minister has no vision and no strategy. She has only reviews. Her absence is blatant ignorance.

**Mr Deputy Speaker:** That is not a point of order.



## **DEFECTIVE PREMISES (LANDLORD'S LIABILITY) BILL**

### **Second Stage**

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

That the Second Stage of the Defective Premises (Landlord's Liability) Bill (NIA 5/00) be agreed.

This Bill will provide a modest extension of a landlord's liability for a failure to repair defective premises. It implements the recommendations of the Law Reform Advisory Committee contained in its report on the subject, which was published in 1998. The committee, in that report, noted that its objective in this reform was to remove a gap in the law with regard to injuries which occur on dangerous premises and, in particular, to remove the perceived immunity which a landlord of such property currently enjoys. It is a general rule of negligence that a person must act with reasonable care to ensure that his acts and omissions do not cause injury to those who may foreseeably be affected by such acts or omissions.

In relation to the occupation of land and buildings, a principle has arisen which provides that an occupier of premises must observe a common duty of care. In other words, an occupier must take such care as is reasonable to see that his or her visitors will be reasonably safe in using the premises.

One major exception to this principle of care is to be found in relation to tenanted property. A landlord of dangerous property remains favoured by an historical immunity dating from a decision in an early twentieth century House of Lords case, *Cavalier vs Pope*. While the law has developed to a certain extent in this area, the last relevant reforming legislation was section 4 of the Occupiers' Liability Act (Northern Ireland) 1957. In its report, the committee felt that the landlord was still unduly favoured by the current position. In 1972, the legislature in England and Wales acted on the anomaly by the introduction of section 4 of the Defective Premises Act 1972, which extended the responsibility of a landlord to cover those

"who might reasonably be expected to be affected by defects in the state of the premises."

It focused on the contractual obligations owed by landlords to their tenants and materially widened the ambit of their liability. While the rest of the Defective Premises Act was mirrored in the provisions of the Defective Premises (Northern Ireland) Order 1975, the section relating to a landlord's liability was not included. Ministers omitted this because of the high number of bomb-damage properties and derelict buildings at what was a time of severe troubles in the

early to mid 1970s. To impose an extra burden on a landlord then was considered to be too onerous.

12.00

However, the Law Reform Advisory Committee, in its report, expressed the view that that rationale no longer had the force that it had had in the 1970s. Circumstances have changed, and the threat to property from terrorist bombing is no longer of the same degree as it was then. Housing conditions have improved considerably. There has been redevelopment in poorer areas, principally undertaken by the Northern Ireland Housing Executive, and there is the continued availability of grants to improve housing. Those were among the factors that led the committee to recommend a change in the law.

I now turn to the main features of the Bill. I have shown how section 4 of the Defective Premises Act 1972 extended a landlord's liability to include those who might reasonably be expected to be affected by defects in the premises. The committee was content with this wording and commended it in its report. The draft Bill therefore contains a similar provision in clause 1(2). This provision will replace the limited statutory claim available under the Occupiers' Liability (Northern Ireland) Act 1957 and will, in effect, extend the ambit of the landlord's liability.

This new duty of care owed by the landlord will apply if he or she knows of the defect or if he or she ought to have known of it in all the circumstances. In some ways, it is devised to ensure that rogue landlords take precautions to keep their properties in good repair. The duty is extended further by the removal of the requirement of an obligation to repair by providing that the landlord is under a duty, either where he has undertaken to do repairs or where he has a right, express or implied, to carry out maintenance and repairs.

The committee was, however, conscious of the fact that there remain in this jurisdiction differences in rent law which do not lend themselves well to a *carte blanche* change. Several consultees — in particular, the Northern Ireland Housing Executive — expressed concerns that liability imposed on certain tenancies would be onerous. The committee, on balance, accepted those concerns, and the Bill reflects its recommendation that landlords holding restricted or regulated tenancies should be exempted from the proposed changes. A further exemption is afforded to owners of ground rents and nominal rents. Such landlords do not maintain the same degree of economic interest or control over their property as in the usual landlord-tenant relationship, and accordingly they are excluded from the proposed liability.

Members will note that the legislation is to take effect one year after it receives Royal Assent. That is designed to allow those landlords whose premises may

require work to be carried out a generous amount of time in which to do it. It will also give other landlords time to carry out any necessary inspections and to prepare for the new legal framework. While for the majority of landlords such work will be minimal, I warn those who may have let their property fall into an unsatisfactory state to do something about it.

This is a short piece of law reform that should only have a limited effect on current practice and procedures. The majority of landlords keep their properties in good repair and already owe certain duties and responsibilities to their tenants that this proposed legislation will not affect. Such landlords have no reason to fear from the reforms as outlined. However, landlords who do not keep such a diligent eye on their properties and who allow them to lapse into a state which could potentially cause injury or damage will have to take note of this legislation. If it helps them to focus on their responsibilities and ensures a safe environment for their tenants and others, it will have served its purpose. Accordingly I commend the Bill to the Assembly. I will try to answer such points as are raised by Members when I wind up at the end of the debate.

**The Chairperson of the Finance and Personnel Committee (Mr Molloy):** A LeasCheann Comhairle, I welcome the Bill. As the Minister said, it is a short measure, dealing with the liability of landlords. It is important because of changes in the use of houses that had been family homes, many of which have now been turned into flats for students and others. Landlords should live up to their responsibilities towards their tenants. The Bill will go some way towards making the necessary changes.

In the time before the legislation comes into operation we should have some means of inspecting properties to ensure that they live up to fire safety and health standards. After the Bill is passed, we should ensure that speedy action can be taken to bring properties up to standard.

**Mr Gibson:** Generally speaking, I welcome the Bill. It will certainly help those of us who live in areas in which there is urban dereliction.

There is one thing, however, that I would like to take up with the Minister. Dereliction may occur because of a dispute over ownership of the property or because there has been a family feud and no one can say who really owns a property. There is often a long legal wrangle. In the interim, not only do the premises fall derelict but they are open to the abuses that are common in urban areas. Tenants who are not proper tenants may abuse a property that they have simply usurped. Responsibility for making the property safe still falls to the local district council. Will the Bill include powers to deal with dereliction if the title deed owner or landlord cannot be identified? It is an area of great concern to

local councils, and that is why I raise the issue, although I am generally happy to support the Bill.

**Ms McWilliams:** I welcome the Bill, particularly as I represent a constituency in which there is so much property for lease and for rent. It will extend the rights of individuals, with particular reference to lawful visitors and neighbours, as well as occupiers.

I note one point. The Explanatory Memorandum refers to human rights issues and says that the Bill

“interferes with possession and peaceful enjoyment of property as guaranteed by Article 1 of the First Protocol to the European Convention on Human Rights.”

However, it is also argued that the extension of landlords' liability is a legitimate aim and would be to the benefit of the community at large, and the terms of the Bill agree with that latter argument. When the Bill goes to Committee Stage I would like some attention to be paid to the implications of that.

*(Mr Speaker in the Chair)*

It will also have an impact on targeting social need. At the moment, the Bill says it has no adverse impact. Does that mean it may have a positive impact or will it have no impact whatsoever? It is a simple question. Since it seems to be such a useful introduction to people's rights, particularly in relation to property in deprived areas, I imagine that the Committee will want to pay some attention to that.

**Mr Speaker:** Ms McWilliams raised the question of conformity with the European Convention on Human Rights. I need to speak about that.

As the House will know, one of the responsibilities of the Speaker's Office is to ensure that Bills coming to First Stage conform with the European Convention on Human Rights and are within the competence of the Assembly. There are circumstances where differing rights interfere with each other and the matter is then one of the balance of public interest. Where, in my judgement, the balance of public interest is that the Bill should be brought forward in the form in which the Minister proposes that information would be contained in the Explanatory and Financial Memorandum. The Assembly would then be able to make a judgement on the balance of public interest because it could introduce an amendment at Consideration Stage. Where a Bill may be changed by amendment and there is a balance of public interest which, in my judgement, is being served by the proposed legislation, I will allow it to proceed to Second Stage. We will have to make a further judgement before it reaches the Final Stage.

This will be the situation where there is a genuine balance and, in my view, the benefit to the public is in the Assembly's being able to make a judgement on that

balance. Where this is reasonable, I will permit the measure to go forward.

I mention the matter now because this is the first time that the issue has been raised in this way. It seems to me that the Assembly needs to be in a position to consider such matters thoughtfully.

**The Deputy Chairperson of the Finance and Personnel Committee (Mr Leslie):** I welcome the intention of the Bill, though I note that there are several areas where the wording, and what I would imagine is the intention, seems to be at variance with the explanatory memorandum. Clause 1 refers to

“all persons who might reasonably be affected by defects in the state of the premises”.

That seems to be a wide definition. It is reasonable for a landlord to be liable for persons who are rightfully and lawfully on the premises, but I do not think that he should be liable for those who are not, and the explanatory memorandum implies that that would be the case. That clause will require some attention in Committee to ensure that it is not placing too large a burden on the landlord.

I also note that it is intended that this liability should not apply to the owners of ground rents. I think that that is appropriate as the ground rent owner is at some distance from the premises on the whole and would not normally expect to have any liability of that kind.

12.15 pm

I note that what constitutes a ground rent owner is narrowly defined in the Bill. It refers to a tenancy under a lease where the rent payable is a yearly amount of less than £1. From work done on the Ground Rents Bill it has become evident that that should be “£1 or less”, as a great many ground rents are in the sum of £1. The definition does not appear to cover those.

Quite a number of ground rents are of more than £1, and I am not sure that it is fair that such a ground rent owner should find himself within the scope of this Bill. That item need not prove fatal to the Bill, but it will certainly require attention during the Committee stage.

**Mr Durkan:** I thank all Members who have commented on the general principle of this Bill. Everybody has welcomed it, or has welcomed its stated intent and purposes. Members appreciate that the aim of the Bill — the provision for tenants of property free from potentially dangerous defects — is worthy of support. In my opening remarks, I said that the Bill was a modest piece of legislation. However, it should focus the attention of that minority of landlords who do not take all the necessary steps to ensure the safety of their properties.

Mr Francie Molloy, Chairperson of the Committee for Finance and Personnel, welcomed the Bill but raised

several points in relation to student lets and student property. The proposed changes can really be beneficial only to student properties. However, I should say this is not a wholesale reform of landlord/tenant law. It is a relatively modest extension of the liability that already exists. Any landlord who keeps his property in a good state of repair has nothing whatsoever to be concerned about in relation to these proposals. A landlord already owes a duty of care to his tenants, including student tenants. In effect, this legislation bolsters that duty.

Mr Molloy also raised the question of fire and safety. There is separate legislation covering those requirements and standards. The Bill does not have a direct bearing on those issues. However, property defects that could possibly constitute safety risks might be addressed as a result of the Bill, so obviously it does no harm. It does not diminish any of the legal effects or intents in that regard.

Mr Gibson raised the issue of dereliction and the problems that councils have. Unfortunately this legislation does not assist with that problem. It relates to landlord liability. It deals with a clear landlord-tenant relationship where people know who the landlord and the tenant are. To that extent, it does not touch on that problem identified by Mr Gibson. However, I note the fact that he welcomes the effect and intent of the legislation per se.

Ms McWilliams gave a general welcome to the Bill, and I appreciate that. However, she made a point about human-rights issues. I am sure that when Francie Molloy and his Committee further consider this Bill they will make a point of satisfying themselves on the question of its possible interference with rights. The Bill could, on its face, be deemed to interfere with possession and peaceful enjoyment of property as guaranteed by Article 1 of Protocol 1 of the European Convention on Human Rights. However, I believe that the Bill complies with the convention, not least because the extension of landlord's liability would be for the general good of the community at large. In your own remarks, Mr Speaker, you made the point that it is for the Assembly to consider the balance between those particular points, arguments and considerations. I have no doubt that the Finance and Personnel Committee will take that up.

As for targeting social need, the point is that, in policy terms, this clearly does not in any way work against the commitments and principles of the Executive and the obligations of all Departments in this matter. The Bill does not directly target social need in itself, but it should enable people who are in the particular social need of being tenants in defective premises to have some form of legal redress. The Bill contains no targeting social need considerations that are to be directly pursued or executed by given Government Departments.



James Leslie raised some points in relation to possible variations between language in the Bill and language in the memorandum. Obviously, the Assembly will be considering and voting on the language in the Bill. As I said that language was chosen following the recommendation of the Law Reform Advisory Committee, and it reflects similar legislation across the water that was not adopted here because of the troubles and the high number of bomb-damaged properties back in the 1970s. On the basis of experience across the water, some of the possible fears or misgivings that Mr Leslie identified certainly have not come to pass with the legislation as it has been experienced in England and Wales.

Mr Leslie also queries whether the wording should give rights to people who might be on the premises illegally. Will this Bill give extra rights to trespassers? In theory that is possible. However, in practice a trespasser is already owed a duty of care by the tenant under the Occupiers' Liability (Northern Ireland) Order 1987. In addition, the standard is that of someone who might reasonably be expected to be affected by defects, and a trespasser would have to show in court that they satisfied that criterion.

Mr Leslie also mentioned the need for consistency in the treatment of ground rent in this and other Bills. The Committee and I will endeavour to make sure that there is as much consistency as possible and necessary between different pieces of legislation.

I look forward to further consideration of the measure, both in the House and in Committee.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Defective Premises (Landlord's Liability) Bill (NIA Bill 5/00) be agreed.

## **PERSONAL STATEMENT BY FIRST MINISTER**

**Mr Speaker:** The First Minister has sought leave to make a personal statement to the Assembly. Before calling the First Minister, I remind the House of the requirements and arrangements for a personal statement. A Member may request permission from the Speaker to make a personal statement, and the Speaker must see the detailed terms of the statement. The statement is not a question, it is not debatable, and questions can not be asked regarding it. There is one exception: another Member who is involved may remark on whether he or she accepts the statement. Any such remark must be on the terms of the statement and on whether that Member is prepared to accept it.

**The First Minister (Mr Trimble):** I would like to make a personal statement to correct the record of this House regarding a statement I made during a debate on Monday 9 October. In that debate, I responded to a remark made from a sedentary position regarding the circumstances surrounding a telephone call that I had received. The call was from the National Security Adviser to the President of the United States and took place on Thursday 28 September. It had been suggested, earlier in the debate, that I had initiated the call with Mr Berger. At that time, I consulted my officials and, on the basis of what I had been told, informed the House that neither I nor my staff had placed a call with Mr Berger. I was informed at the end of the week that an official in my office did telephone an official of the National Security Council on the afternoon of Thursday 28 September. That phone call was to ascertain what knowledge, if any, the US administration had regarding the subject matter of the UTV programme to be broadcast that evening. Later that afternoon, I did receive a telephone call from Mr Berger.

I take this opportunity to place on record the correct sequence of events. I regret that I may have inadvertently misled the House on this matter.

**Mr Speaker:** Having consulted Hansard, I call Mr Dodds, who is the Member concerned in the reference to comment from a sedentary position.

**Mr Dodds:** I am glad that the First Minister has taken the opportunity to confirm the truth of my comments in the House during that debate. I am disappointed that, at the time, he rejected what I said. He now asks the House to accept that he was not aware of this at the time. We will leave that for Members to judge, in the light of his previous statements and pledges to this House — which have turned out to be false.

This is a significant statement. It is obvious to everyone that those at high levels in the American Government would have been unaware of the contents



of a programme broadcast by a regional television authority unless it had been drawn to their attention. It is now clear that it was the First Minister's staff who placed the call. They alerted officials to the fact that there was a programme coming out that would undermine everything that the First Minister and the pro-agreement parties have said about Sinn Féin/IRA's commitment to decommissioning.

The appropriate response would have been to come to the House and move for the exclusion of Sinn Féin/IRA from the Government of Northern Ireland, not to urge the American authorities to try to get the programme changed. The fact that the First Minister chose to go for cover-up, rather than exclusion, is the greatest testimony to his attitude to Sinn Féin/IRA decommissioning and to democracy in this House. *[Interruption]*

**Mr Speaker:** Order.

12.30 pm

**The First Minister:** Mr Speaker, you indicated that some limited comment might be made on the statement. I ask you whether, in the course of such comment, it is in order to make statements that are untrue.

**Mr Speaker:** The First Minister has made a statement to correct the record, and it seems to me that he has done so at the earliest possible opportunity.

## STREET TRADING BILL

### Second Stage

**The Minister for Social Development (Mr Morrow):** I beg to move

That the Second Stage of the Street Trading Bill (NIA 2/00) be agreed.

This Bill replaces the provisions of the Street Trading (Regulation) Act (Northern Ireland) 1929, which relate to the licensing of street trading and which enable district councils to regulate street trading in their district. That legislation was designed to cater for the type of street trading prevalent in the early twentieth century. Over the past 70 years there have been significant changes in the manner of trading: hot-food and ice cream vans, roadside sales, car boot sales, moveable stalls et cetera were rare or unheard of in 1929.

There has also been a marked increase in the level of street trading, including market trading. The most significant change in recent years has been the alarming rise in illegal street trading, namely trading without a licence, particularly in the run-up to Christmas. While the current legislation provides for fines for that kind of trading, district councils have not found it to be an effective deterrent.

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

The introduction of the Bill is the culmination of a wide-ranging review of the existing legislation, carried out in consultation with as wide a range of interested groups as possible, including district councils, the police and street traders. *[Interruption]*

**Mr Deputy Speaker:** Order. Owing to the number of private conversations that are going on in the Chamber, it is extremely difficult for some of us to hear the Minister speaking.

**Mr Morrow:** The Bill contains a number of fairly detailed provisions. I would like to take a few minutes to provide Members with an overview of the main measures included. Unlike the 1929 Act, the Bill makes it clear that all street trading, other than certain specified exemptions, will require a licence. Under current legislation, only those trading from a stationary position are required to have a licence, the interpretation of which has caused district councils a good deal of difficulty.

Under the Bill, district councils will firmly designate the streets where they will allow street traders to operate from a stationary position. In this way, the system will become more open and understandable. Prospective traders will know where trading is to be permitted. In addition, residents, or those owning businesses in the

area in question, will have an opportunity to make representations to the council about the proposal that trading be permitted in the area. Traders classed as mobile by a council will still require a licence but may, at the council's discretion, be permitted to operate in non-designated streets.

The Bill sets out much more clearly the responsibilities of district councils in administering the scheme and in keeping applicants and licence-holders fully informed. It will ensure that opportunities are provided for representations to be made about proposed decisions, and extends the time limits within which appeals may be made.

District councils will have discretion in a number of aspects of the licensing procedure. A council will be able to decide the duration of the licence to be issued, up to a maximum of three years. In addition, the fee to be charged for a licence will no longer be set centrally but will be determined by each district council and set at a level sufficient for it to recover its full costs in administering the scheme. A provision has also been included to allow district councils to grant temporary licences to permit trading for a limited period at special events, such as fairs and festivals.

Councils will have discretion to deal with certain offences by issuing a fixed penalty notice to the offender. It is hoped that this will result in a saving of time and the administration costs of taking cases to court. Under the terms of the Bill, an authorised council officer or police officer will have the power to seize goods and stalls from vendors trading without a licence. A court which convicts an unlicensed trader will have the power to order the forfeiture of the items seized. Councils find that existing legislation provides no effective deterrent to combat the activities of unlicensed traders.

The Bill also seeks to protect the rights of individuals. District councils will be permitted to seize goods for evidence purposes only, and if proceedings do not result, the items may have to be returned to the trader. Under the proposed legislation, if a court finds that an unlawful seizure of goods has been made, the owner can seek compensation.

The Bill aims to provide a modern and effective framework for the regulation of street trading in the Province. Street trading, if properly regulated, can add colour and vibrancy to the centres of our towns and cities. The main aim is to support a licensing system to avoid nuisance, interference and inconvenience to persons and vehicles through open, fair and workable legislation which provides district councils with a high degree of flexibility.

I hope that I have provided Members with some assessment of the measures contained in the Bill, which I commend to the Assembly.

**The Deputy Chairperson of the Social Development Committee (Ms Gildernew):** Go raibh maith agat. As the Deputy Chairperson of the Social Development Committee, I welcome the introduction of the Street Trading Bill. Committee members will be considering the contents of the Bill in detail, so I will be brief.

The current street trading legislation, which dates back to 1929, must be updated to provide proper regulation. Unlicensed street traders have grown in number in recent years and the current legislation has proved to be ineffective to control their activities. Licensed and controlled street traders have a role to play in our towns and cities. Many towns benefit from the visitors attracted to properly managed markets. Internationally renowned markets in such cities as Dublin, London and Sydney are tourist attractions in themselves. Almost every European city has a market, which can serve as a meeting place for tourists while drawing people to the towns or city centres and enhancing them.

Markets in areas such as Enniskillen, Dungannon and Aughnacloy may not be so famous, but they attract shoppers, which provides a spin-off benefit for the town's permanent retailers. In this age of out-of-town shopping, any feature that attracts people to town centres is welcome. Markets add vibrancy, colour and fabric to town centres and must therefore be developed, rather than hampered or hamstrung.

Nevertheless, many rate-paying retailers object to unlicensed street traders who pay nothing. They often set up business in inappropriate locations where they can be a nuisance to the public and retailers. We must have equitable legislation which permits street trading but creates the level playing field needed to create a mutually beneficial working relationship between street traders and retailers. The Committee will look in detail at all the issues covered by the Bill. Their findings will be reported to the Assembly prior to the Consideration Stage. Go raibh míle maith agat.

**Mr A Maginness:** In general, I welcome the Bill. It is long overdue, and I congratulate the Minister for bringing it to the House. I agree that street trading brings colour and vibrancy to our streets but, if not properly regulated, it is also a considerable nuisance. The Bill focuses on and attempts to remedy that type of mischief.

I am speaking as a Member of this House but also as a member of Belfast City Council. The council has noted the considerable annoyance, inconvenience and nuisance caused by unregulated street trading and has been to the forefront of lobbying the Government over the years to try to remedy the situation. The Bill will provide a remedy, as it will update a rather archaic Act of Parliament, the Street Trading (Regulation) Act (Northern Ireland) 1929 and bring the regulations into line with modern practice. Enforcement has proven problematic.

The council found that traders evaded the law by ignoring those who approached them, or by relying on the cumbersome and bureaucratic procedures contained within the 1929 Act. Therefore illegal street traders regularly got off without any penalty. This Bill will mean that traders will have to be properly licensed; that the licence will have to be carried with the trader; that those with him must be under his control; and that they will have to trade in designated areas. That system is as welcome as it is overdue.

The powers contained within the Bill are central to dealing with illegality. In particular, seizing of goods has been very difficult in the past, but the power to seize them is vital if we are to eradicate the scourge and mischief of illegal and unregulated street trading.

The Bill also provides for goods to be forfeited when someone is convicted of illegal street trading. That is very important. It is the greatest deterrent to illegal traders, and I congratulate the Department and the Minister for including that power in the Bill. The power must, of course, be exercised in a balanced and a fair way, and it will do nothing to prevent a bona fide street trader from carrying out his trade properly under licence. However, when a trader violates that licence by contradicting its terms, such as trading outside the proper area — and this applies too to those who trade without a licence — goods can be seized and even forfeited. That power alone will drive illegal traders out of our city streets and towns. Councils have long been hoping for this, and so I welcome the Bill. The obligation on every trader to carry on his person a strictly binding licence, complete with his photograph, will bring greater discipline to street trading throughout Northern Ireland.

I worry about the passage of the Bill — I hope that it will be passed fairly quickly, but the timetable is governed by the rules of the House. However, let us hope that the terms of the Bill can be enacted and come into effect before Christmas. I hope so, because it is at Christmas time that illegal and unregulated street trading proliferates, especially in town and city centres. I hope the Minister can ensure that the legislation is enacted before the start of the Christmas season and so prevent the mischief that has characterised recent Christmases. I hope too that the House will broadly support the view that the legislation should be enacted as soon as possible.

12.45 pm

**Mr Hussey:** I welcome the introduction of legislation to regulate street trading. District councils will be able to set fees to recover costs, and so on. The attractive element of the matter is that proper street trading can help to recreate a critical mass of custom in town centres. However, the Minister will be aware that one of the main concerns of permanent traders is the

rates disparity. Would it be within the competence of local councils to include comparative figures for fees to redress the balance between the permanent traders and the street traders?

**Mr Dodds:** I am delighted that the Bill has reached this stage in a relatively short time. When I held the position that Mr Morrow now occupies, I had the pleasure of bringing the legislative provisions in detail to the Committee for Social Development. When I took office as Minister, one of my priorities was to cut through the delays on street trading to get the legislation onto the statute book as quickly as possible. Mr Maginness mentioned the need to try to get the various stages through the House as quickly as possible, and I echo that. We should try to have legislation passed and powers in place before the onset of the Christmas period when, especially in Belfast city centre, there are problems with street traders.

I want to congratulate the Minister for the way in which he has proceeded with this Bill. He and other Members have been determined to achieve results. The current legislation is out of date. It is 70 years since it was revised, and today's street trading practices are very different from what they were decades ago. As it stands, the legislation is totally ineffective. It does not give council officers the necessary powers to deal with the problem. I welcome the fact that we intend to introduce a power to seize goods that is the only remedy that will make a difference to the problem of illegal street trading.

I have had many complaints from mothers with young children in prams, from people with disabilities and from the elderly, who are all concerned about the way in which street traders operate on the footpaths in Belfast city centre. I have also had complaints from consumers who have bought goods from these stalls — goods which turned out to be totally different from what they were supposed to be and for which those consumers have no effective comeback or redress. Belfast City Council — other Members of the House are also members of the council — is very keen to get this legislation in place. Other councils are also affected, but it is a particular problem in Belfast.

I am not saying that all street trading is bad per se. There is no doubt that street trading brings a certain amount of colour and vibrancy to cities and towns both in this country and abroad. The problem comes when it is unregulated. Then, it creates the worst possible impression and image, and street traders act illegally by selling goods that are not of a proper standard. That brings the environment and ethos of the city of Belfast into the depths. The Bill will go a long way towards recovering that position.

Some of the legislation that has been tabled in the Assembly heretofore has been necessary, some of it has

been technical, and some of it has dealt with important issues. This is an issue on which the Assembly, if it passes the Bill, will be seen to have made a real difference to people's lives and to how they go about their business in Belfast city centre in the run-up to Christmas.

I commend the Bill and hope that it will receive a speedy passage.

**Mr S Wilson:** I wish to echo the words of Mr Alban Maginness, who, praised the Minister for bringing forward the Bill. I am sure that the House will notice the seamless way in which the decision made by the previous Minister has been carried through by the present Minister. Despite all the criticisms of the Democratic Unionist Party's policy regarding the rotation of Ministers, there has been no disadvantage to the people of Northern Ireland. In fact, direct rule Ministers pondered this legislation for five years. Despite what our opponents have said about the way the Department for Social Development has been handled, the Bill has been brought forward in a fraction of the time by the Ministers appointed by the Democratic Unionist Party. I make that point because I am glad to see that even our opponents have praised us for doing the work that we said we would do: while opposing the worst aspects of the agreement, we work at representing the people of Northern Ireland.

My second point relates to the absence of the Chairperson of the Committee responsible for bringing this legislation forward. I have noted his comments over the past week about the performance of the Minister for Social Development. In meetings of Belfast City Council, and on other occasions, I have heard him talk about the need for the Bill, and yet we are discussing it —

**Mr Davis:** The Chairperson of the Committee has an urgent dental appointment.

**Mr S Wilson:** He certainly did not look too swollen when I saw him at nine o'clock this morning. What is really important is not the teeth of the Chairperson but the teeth of the legislation, which gets to grips with the issue of street trading.

It is significant that the Chairperson has found an adequate deputy in the Sinn Féin Deputy Chairperson. Given the relationship between himself and Sinn Féin to which the First Minister admitted this morning, it is not unusual to find Ulster Unionists asking Sinn Féin to deputise for them when it comes to speaking on certain matters.

The Minister might clarify certain issues for me. Like other Members, I accept that street trading can add vibrancy to town centres. Indeed, we ought to seek such trading in a properly regulated form. However, there are a number of other issues arising from the Bill. The

issues may be adequately covered, but perhaps we should strengthen the legislation.

Car boot sales are regarded as street trading and many constituents and constituency organisations benefit from them. I notice that the Bill deals with trading under the auspices of charitable organisations. However, it points out that trading must not be for individual profit. In many car boot sales, individuals profit while organisations make money from selling pitches. Does the Bill cover that aspect, or do we need to be more specific? I am sure that organisations such as churches, scout groups, residents' associations, and community groups would not be very happy if the work that they do to raise funds through car boot sales were covered by this legislation. Perhaps the Minister could clarify that point.

Mr Dodds mentioned my next concern. People trading on the street quite often break employment regulations and those relating to the standard of goods offered. Clause 9 of the Bill covers discretionary grounds for refusing an application. In Belfast, we see situations in which a street trader takes out a number of licences and has people under the age of 16 running stalls for him. I understand that there may be occasions — perhaps at family stalls — when parents go for something to eat, leaving a child in charge for a short period. We must make allowance for that. Under the discretionary grounds for refusing an application, should there not be a provision whereby a person's habitual use of child labour might constitute grounds for the refusal of a future licence? There is also the question of those who have been found guilty of selling goods that do not meet health and safety or consumer protection standards. Are those not also grounds for refusal?

Alban Maginness raised my last issue — the forfeiture or seizure of goods. That is the bite in the Bill. My attention was drawn to the wording of the relevant clause, which may simply fulfil the legal requirements. Where an authorising officer has reasonable grounds for suspecting that a person has committed an offence, he may seize an article or things being offered which may be used as evidence. Perhaps the Minister could clarify whether the officer is required to seize everything offered, for it is then that the legislation would have teeth. If he is simply required to seize a sample to show what has been on offer, the trader can be back on the ground the next day.

Would it be a reasonable defence against such legislation for someone to say in court that he had been put out of his legitimate business after having all his goods seized rather than an exemplary item for legal use? If the legislation is to have real teeth, then the officer must be able to seize all the goods. Perhaps the Minister could clarify whether that is the Bill's import.

I am aware that many of these issues will be raised in Committee, and I know that the Social Development



Committee intends to look closely at the Bill. However, those are some of the issues that I should like to see flagged up for a response from the Minister.

1.00 pm

**Mr Morrow:** I thank all the Members who have taken part in the debate. Many useful comments have been made about the general principles of the Bill, which will provide a more structured and working scheme that will be to the benefit of all parties.

Prospective traders will better understand the types of trading covered by the Bill. Where trading is permitted in a district council area, the councils will have clear guidelines and an effective deterrent that will enable them to deal with those who trade without a licence. Ultimately, the success of the scheme will depend on its practical operation, but the end results should benefit the general public. They will see street trading regulated in a way that allows them to go about their daily business without undue obstruction.

I will now try to deal with the points made and raised by individual Members. Mr Maginness and Mr Dodds asked when and how the Bill would come into operation. It will come into operation by means of an Order made by the Department for Social Development. That is likely to be four months after the Bill receives Royal Assent, to give the district councils adequate time to prepare for the new procedures that they requested. It is unlikely that Royal Assent will be granted before Christmas.

Mr Hussey asked why district councils are prevented from charging a figure more closely related to the disparity in the rates. The purpose of the Bill is to regulate street trading; it is not a financial measure aimed at income generation. The provisions for the setting of fees and charges limit district councils to recouping the costs of administering and enforcing the system, which is only right and proper. Within those limits they may charge what they wish, and street trading-stalls may be liable for rates.

I agree with Mr Dodds on the ineffectiveness of the present legislation, which is some 70 years old and not in line with the requirements of modern society.

Mr Wilson raised a number of questions. He had concerns about the Bill's preventing licence holders from employing young people, especially in the summer

holidays. The relevant provisions of the Bill clarify the law on children by making it clear that while a licence holder may employ assistants, the provisions of article 135(4) of the Children (Northern Ireland) Order 1995 prevent the licence holder from engaging children. Assistants must be over the legal school-leaving age, and any offence in this regard would be under the Children Order.

Mr Wilson also asked why car boot sales are not exempt from the requirement to have a street trading licence, especially those run by bodies such as churches and scout groups. It is anticipated that most private car boot sales will not require a licence — not because they are exempt but because the trading does not take place in a street, as defined in the Bill. Provided that the activity takes place in an area that is separated from a road or footpath by a wall or fence, the question of a street trading licence will not arise.

Mr Wilson also raised the point of whether district councils or the police can seize anything they wish from an illegal street trader. Items may be seized only if they are to be used as evidence in court proceedings or are the subject of a forfeiture application in court. If an unauthorised council officer or a police officer seizes items unlawfully, the court may award compensation for the loss or deterioration of those items. Any item may be seized.

Mr Wilson underlined the exclusion from the Bill of issues such as health and safety. Many important issues affect our streets, but they are not exclusive to street trading. The new street trading legislation cannot be used to cure the ills of other legislation. Concerns about the suitability of any street for trading can be addressed when a council is considering if that street should be so designated.

I trust I have covered all the points that were raised by Members. If I have missed anything, a reply will be given later.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Street Trading Bill (NIA 2/00) be agreed.

*The sitting was suspended at 1.05 pm.*

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

## ASSEMBLY BUSINESS

2.30 pm

**Mr P Robinson:** Mr Speaker, have you received any notice of a personal statement from the Minister of Health, Social Services and Public Safety to apologise for not being present, for disrupting the business of the House and for allowing the Bill that she was supposed to be presenting to be put back because of her inexplicable absence?

**Mr Speaker:** If any Member is not here for a piece of business which requires his or her presence — whether a Bill, a motion or a question — it falls, but it may come forward later for consideration by the Business Committee. That is the position.

The answer to the Member's question is that I have not received any communication in respect of this matter.

**Mr P Robinson:** Are you saying that not only have you not received any request from the Minister to make a personal statement by way of apology to the Assembly, but you have not received any explanation of her absence either?

**Mr Speaker:** I have been occupied with visitors to the Assembly, as several Members will know, and I cannot say whether there has been an attempt to get a message to me.

**Mr Dallat:** On a point of order, Mr Speaker. Do you take comfort from the fact that the DUP now wants Sinn Féin in the Assembly?

**Mr Speaker:** I am at a loss as to what the point of order is. We should allow the First Minister and the Deputy First Minister to proceed with their questions.

## Oral Answers to Questions

### FIRST MINISTER AND DEPUTY FIRST MINISTER

**Mr Speaker:** Question 2, standing in the name of Mr Joe Byrne, has been withdrawn, and I understand that the Member in whose name question 5 stands is not able to be here and will receive a written response.

### Civic Forum

1. **Mrs E Bell** asked the Office of the First Minister and the Deputy First Minister if they will confirm that the first meeting of the Civic Forum has taken place and to detail plans for future meetings. (AQO 167/00)

**The First Minister (Mr Trimble):** I am pleased to confirm that the first meeting of the Civic Forum took place on Monday 9 October in the BT Studio in the Waterfront Hall. No date has been set for the next meeting, but the Forum expects to meet in plenary session in December. The location of further meetings of the Forum will be a matter for members of the Forum. Consideration will be given to holding future meetings in venues across Northern Ireland.

**Mrs E Bell:** I attended the first meeting and found it very worthwhile. Does the First Minister agree that, given the interest of the general public in this very important Forum, communication and information should be of the highest quality?

**The First Minister:** I do indeed agree that we want to ensure that the highest quality information is available. The Member will have noticed the extent of the publicity for the first meeting and I am sure that the public interest reflected by that will be sustained. The Deputy First Minister, and I and the Assembly as a whole must consider how best to make use of the Civic Forum. It will be a channel for information from some sectors of civil society and for views to be expressed. Collectively, we have to consider the value that we put upon the deliberations of the Forum.

**Ms Morrice:** Can the First Minister explain what his plans are for how the Assembly should co-operate with the Civic Forum? Also, does he intend to have a consultative procedure to allow us to examine ways to co-operate with the Civic Forum?

**The First Minister:** I am not in a position to answer that, because no definitive proposals have yet emerged. It might be unwise of me simply to muse out loud on the matter. Establishing the Forum within six months of devolution represents a tremendous effort by the office and the staff involved. The office did remarkably well to achieve that objective.

As the Member said, we have to consider how best to make use of the Forum. We want to hear the views of Forum members and of Assembly Members. We do not have a pre-prepared set of ideas. There are no arrangements that we wish to impose upon the Forum. We want to think the matter through. Because of that, I will resist the temptation to think out loud.

**Mr S Wilson:** Does the First Minister not agree that he has already used the Civic Forum to reward those to whom he wishes to give patronage — to appoint and reward failed party candidates, to reward complaining loyalist paramilitary spokesmen and to keep the IRA quiet by nominating a convicted IRA terrorist?

**The First Minister:** I am at a loss to understand that last point. The Member knows that appointments to the Civic Forum were made by a range of organisations from a variety of sectors in civic society. Consortia were formed by interested bodies, and they made 54 of the appointments. The Deputy First Minister and I made six appointments in total. We made it absolutely clear that three were nominated by the Deputy First Minister and three were nominated by myself.

To deal with the Member's first comments, which were of a personal nature, I think that the persons concerned will have every reason to feel aggrieved that they have been referred to in those terms in this Assembly. I reject that description.

### Cross-Departmental Issues

3. **Mr McCarthy** asked the Office of the First Minister and the Deputy First Minister, further to their reply on 18 September, what action has been taken on plans to establish Executive sub-committees on cross-departmental issues. (AQO 154/00)

**The Deputy First Minister:** It is entirely a matter for the Executive to decide how their business will be conducted. Sub-committees are neither provided for, nor precluded, by the Northern Ireland Act 1998. The Executive is currently considering how best to address cross-departmental issues, particularly in the context of the Programme for Government. The Executive will determine the role and remit of any sub-committees and retain overall responsibility for all decisions taken.

**Mr McCarthy:** Does the Deputy First Minister agree that the sooner Executive sub-committees are established the better? We might have sub-committees involving the Department of Health and the Department for Social Development, or the Department for Regional Development, which is responsible for the 'Shaping Our Future' document, and the Department of the Environment, which is presently drawing up area plans.

**The Deputy First Minister:** The Member will be aware that I do not want to anticipate any decisions made by

the Executive on this matter. I agree with him on the value of dealing with cross-cutting issues. There are many cross-cutting issues, and I believe that the decisions that the Executive will make will allow such issues to be dealt with whatever structures are created.

**Mr McMenamin:** Does the Deputy First Minister agree that the non-appearance of the Minister for Social Development at the inter-ministerial meeting on drugs is a deplorable derogation of responsibility? Can he assure Members that the Executive will press ahead and establish good government despite the DUP?

**The Deputy First Minister:** I assure the Member that we will do everything in our power to ensure good government. In relation to the substance of his question, I state that since 2 September 1999 DUP Ministers have not attended meetings, but they have offered views on papers circulated to them.

The DUP Ministers have submitted memoranda to the Executive Committee on a wide range of topics, but have refused to attend Executive meetings to discuss issues arising, even on matters of public interest. The Minister for Regional Development did not attend the Executive meeting that discussed the outbreak of cryptosporidium. The Minister for Social Development refused to attend the first meeting of the ministerial group on drugs, which was held last week. That refusal to participate in meetings addressing matters of such vital significance to everybody in Northern Ireland, especially parents, children and young people, reflects the fact that some Ministers seem to think that playing party politics is more important than tackling the real problems facing society.

**Mr Hussey:** I am interested in Mr McCarthy's proposal. Is the Deputy First Minister prepared to guarantee that a Minister taking part in a sub-committee would actually turn up, unlike a Minister who did not do so this morning in the House?

**The Deputy First Minister:** I anticipate that whatever structures the Executive decides upon for handling cross-cutting issues, it will be a very important part of the deliberations of the Executive. We would like to see all Ministers attending not just the Executive but any sub-committees that may be formed by the Executive. I include all of us in that, and it is crucially important that issues are dealt with in a way that is both unified and creative, especially those cross-cutting issues which go right across the 10 Departments.

**Mr S Wilson:** Is it not the height of hypocrisy for the Deputy First Minister to lecture anyone in this House about boycotting or not attending meetings when he has almost daily been pontificating about the refusal of his party to attend police structures if it does not get its way in the Police Bill?

**Mr Speaker:** Order. The Member is straying well wide of Executive sub-committees, and he is aware of it. The question is out of order.

### Major Accident Hazards Directive

4. **Mr Beggs** asked the Office of the First Minister and Deputy First Minister if they have made any representations to the Government of the Republic of Ireland regarding that country's non-implementation of obligations under the Major Accident Hazards Directive (96/82/EC). (AQO 157/00)

**The First Minister:** No representations have been made to the Government of the Republic of Ireland concerning that country's non-implementation of obligations under the Major Accident Hazards Directive (96/82/EC). We understand that the necessary regulations to implement the directive with regard to the Republic of Ireland are expected to be made by the end of October 2000. The non-implementation of EC directives by member states is a matter for the European Commission to pursue under the infraction procedures established by article 226 of the EC Treaty.

It is our understanding that the Republic of Ireland authorities consider that within their jurisdiction there are no major accident hazard sites that have the potential to give rise to cross-border effects, and we have no information to the contrary.

**Mr Beggs:** Does the First Minister agree that the failure to adopt this could possibly endanger both the environments and the citizens of Northern Ireland? Does he agree that it is essential that our own regional central emergency planning unit should continue to receive our support? Will he suggest to the Government of the Irish Republic that they create a similar body? I understand that they do not have such a body.

**The First Minister:** The Member has referred to our central emergency planning unit. Of course, we do have such a unit. The authorities in the Republic of Ireland are aware of its role and function, and they liaise regularly with it to exchange and share information and best practice in the field of emergency planning. However, it is entirely a matter for them to decide what arrangements they should make for emergency planning in their own jurisdiction.

Of course, hazards that could have cross-border effects are a matter of real concern to us. However, on the information available to us, it does not look as if there are any such hazards.

2.45 pm

### Ministers: Pledge of Office

6. **Mr McClarty** asked the Office of the First Minister and the Deputy First Minister what action has been

taken to ensure that all Ministers in the Executive Committee are adhering to their Pledge of Office as defined in the Agreement of 10 April 1998, Strand One, Annex A. (AQO 171/00)

**The First Minister:** Ministers are required by section 18(8) of the Northern Ireland Act 1998 to affirm the Pledge of Office set out in the Belfast Agreement before taking up office. The Executive Committee has adopted a ministerial code which provides guidance for Ministers on their relationship with the Executive Committee and on the conduct of their ministerial duties. Compliance with the code promotes and underpins ministerial adherence to many elements of the Pledge of Office. However, it is ultimately a matter for the Assembly to decide whether there has been such a breach of the Pledge of Office as to resolve to exclude a Minister or a political party from office.

**Mr McClarty:** Does the First Minister agree that the Republican movement's failure to decommission its weapons brings into question the adherence of Sinn Féin Ministers to section (b) of the Pledge of Office? Does he also agree that the only reason that the Ulster Unionist Party was prepared to restore devolution this year was on the basis of the IRA's promise in May to put its weapons completely and verifiably beyond use? Therefore, is it not outrageous that the Republican movement has still not kept this promise some five months later?

**The First Minister:** The Member is correct in that the Pledge of Office includes a

"commitment to non-violence and exclusively peaceful and democratic means".

The individuals who take that pledge do so on the basis of being the representatives of their party and, indeed, of the movement that brought them to where they are now. The Member is also correct in saying that the promises made by the Republican movement in May were critical to the restoration of devolution. It is a disappointment to us to find, five months after the event, that the promise to initiate a process that would put weapons completely and verifiably beyond use, and on that basis to engage with the de Chastelain Commission, has yet to be redeemed.

**Mr Dallat:** Does the First Minister agree that all Ministers must comply with the Pledge of Office, particularly Annex A(a) and (e), which require Ministers to discharge all duties of office and to operate within the framework of the Programme for Government when it is approved? What are the First Minister's views on the DUP's non-compliance?

**The First Minister:** We have the curious situation of people who hold ministerial office and discharge that office in virtually all respects in relation to their ministerial functions, what they do in their offices and



the representations they make with their Colleagues. They do everything that is connected with that office except meet their Colleagues and discuss matters with them from time to time. That is not a full adherence of the Pledge of Office.

However, the Administration is functioning with regard to all its Departments. The only people who are harmed by the non-participation in some Committees of DUP Ministers are those DUP Ministers, who consequently deprive themselves of the opportunity to contribute to collective decision making. We are determined that this Administration should proceed and that the public service should be protected. If some Members are too shy to come and speak to their Colleagues that is their own lookout.

**Mr Paisley Jnr:** Will the First Minister explain why he is simply disappointed at Sinn Féin's non-compliance with its Pledge of Office, given that IRA/Sinn Féin Members and their organisation continue to be involved in gun-running from the United States of America and continue to be involved in paramilitary attacks? At the weekend there was the sanctioning of a murder by the Provisional IRA. Surely this, more than anything else, is a breach of the Pledge of Office. Instead of expressing disappointment, what sanctions is he going to put on the Provisional IRA and its Ministers in this Government?

**The First Minister:** When I used the term "disappointment" I was avoiding the hyperbole, exaggeration and bombast which characterise the DUP. Our disappointment on this matter is extremely serious, and the Republican movement is aware of that. However, I must deprecate the conduct of the Member who asked that question in another matter too.

There was, indeed, a very regrettable murder this weekend, and some people are attributing it to mainstream Republicans. At the moment, the Chief Constable says that he cannot rule out the involvement of any organisation or come to any conclusion about who was involved. I hope that the Chief Constable will soon be able to tell us whom the police believe to be responsible for that and other murders. Many violent incidents have occurred, and we need to know the police's assessment, but we should not jump to one conclusion rather than another, because it serves the purposes of a particular political party. We need a balanced view from the Chief Constable in order to arrive at a conclusion.

**Mr C Wilson:** The First Minister knows — and the majority of people in the community believe — that the murder of Joseph O'Connor at the weekend was carried out by the Provisional IRA. If the Chief Constable confirms that, will the First Minister give an undertaking that he will remove Sinn Féin representatives from the Executive? Failing that, will he give an undertaking to the House that he will do the honourable and decent thing and lead his party out of the Executive? Even his

bible — the Belfast Agreement — makes it clear that Sinn Féin Members are in breach of section (b) of the Pledge of Office. It clearly states that they must have a

"commitment to non-violence and exclusively peaceful and democratic means."

No one believes for one moment that Mr Adams, Mr McGuinness and the other Sinn Féin Members have any commitment to that pledge.

**Mr Speaker:** Order. This is Question Time; it is not an opportunity for speeches.

**The First Minister:** The Member can talk about his beliefs and the beliefs of others but he is not in a position to say anything about what I know, other than what he hears from me. He does not know what I know. That is a simple point about the loose use of language by the Member.

The Member can rely on my Colleagues and me to do the decent and honourable thing for society in Northern Ireland, particularly the 71% who want to see the process working. We will pursue our objective of achieving devolution and decommissioning. The Member is quick to urge other people to walk out but is himself slow to move. *[Interruption]*

**Mr Speaker:** Members know that I do not take points of order during Question Time. I will take them at the end.

**Mr P Robinson:** How many guns must the IRA attempt to bring into the Province and how many people must be killed before the First Minister will exclude Sinn Féin from Government?

**The First Minister:** Many assumptions have been made in that statement and old history has been raked up. With regard to what my party will decide in the coming weeks and months, I refer the Member to my party conference speech, in which I touched on those matters.

## OFMDFM: Special Advisers

7. **Mr Ford** asked the Office of the First Minister and the Deputy First Minister if they can confirm that all those employed in their Office as Special Advisers are complying with their terms and conditions of employment. (AQO 147/00)

**The Deputy First Minister:** We are satisfied that all those employed as Special Advisers in the Office of the First and the Deputy First Minister are complying with their terms and conditions of employment.

**Mr Ford:** I fear that the Deputy First Minister is not well informed as to the activities of some Special Advisers. It may be difficult for him to answer this supplementary question, which illustrates one of the unsatisfactory features of putting questions jointly to the

Ministers. Could he ask his Colleague to write to me and explain how someone employed as a Special Adviser in the Office of the First Minister can act as a press officer to David Trimble as leader of the Ulster Unionist Party, accompany other Ulster Unionists to news conferences, and act as a spin doctor for the party, while supposedly being a civil servant?

**The Deputy First Minister:** I have no doubt about the identity of the person to whom the Member is referring, but I want to put it on the record that, so far as I am aware, there is no evidence that any Special Adviser has broken his or her terms of employment. Let me put on record what those terms are, and actually say what a Special Adviser may or may not do.

In terms of fulfilling his obligations, a Special Adviser may attend the Minister's party functions and maintain contact with party members, but not speak publicly at a party conference. He may take part in policy reviews organised by the party. He may undertake all forms of local political activity — that is, in connection with local authorities, local councils — but not activities in support of national politics (and that includes the Assembly). He may provide specialist or political advice to his Minister during an election campaign.

A Special Adviser may not take part in what is termed national political activity — Assembly, Westminster or European activity, as opposed to local government. *[Interruption]*

**Mr Speaker:** Order.

**The Deputy First Minister:** He may not speak in public matters of national political controversy or express views on such matters in letters to the press or in books, articles or leaflets. He may not be announced publicly as a candidate or a prospective candidate for the Assembly, Parliament or the European Parliament. He may not canvass on behalf of a candidate for the Assembly, Parliament or the European Parliament or on behalf of a political party or otherwise take part actively in an election campaign other than by giving advice to the Minister. Those are the dos and don'ts in relation to Special Advisers, and I would be very keen to offer to deal with any specifics or any definite points that the Assemblyman or anyone else would like to raise on the matter.

**Mr A Doherty:** The Deputy First Minister can be assured that his initiative of appointing Special Advisers is widely recognised as a very worthwhile innovation. However, can we be assured that the DUP tendency for revolving Ministers, accompanied by revolving DUP Special Advisers, will not be a tax burden and will not be at tax payers' expense?

**The Deputy First Minister:** I thank the Assemblyman for the question. Special Advisers have been of great importance and great significance in terms of the Office

of First Minister and the Deputy First Minister, and I know they have been very helpful to other Ministers as well.

In relation to the specific point he raises, the model contract between Departments and Special Advisers has been reviewed to reflect the possibility that some advisers may be employed for relatively short periods of time.

The current model contract provides that where an adviser resigns within six months of the commencement of his employment to participate in elections, he is entitled to one month's severance pay only. It has been decided to extend this principle so that if an adviser's employment terminates within six months of appointment for any reason he is entitled to one month's severance pay only. This change applies to contracts entered into from 4 October 2000. It cannot be applied retrospectively to existing contracts.

**Mr Paisley Jnr:** The Deputy First Minister wants specifics. Can he tell us specifically if it is compatible for a civil servant or Special Adviser, namely Mr King —

**Mr Ford:** The Member has got the wrong one.

**Mr Paisley Jnr:** I have not. This is a different one — so there is more than one doing it.

Is it compatible for a civil servant or Special Adviser, namely Mr King, to take part in an election campaign by using a platform piece in the 'Belfast Telegraph' to blatantly electioneer for his party to such an extent that the newspaper had to give another political party the right to reply? Is that taking part in elections? If so, will the Deputy First Minister condemn that? Will he condemn it as an abuse of the role of that civil servant, and will he indicate to us what disciplinary action should be taken to sanction that person?

I note that the First Minister is giggling and going quite red, but after the South Antrim by-election he was nearly crying.

3.00 pm

**The Deputy First Minister:** It is a matter of record that Mr King is not employed as a Special Adviser in the Office of the First Minister and the Deputy First Minister. I can assure the Member that Mr King is not employed as a Special Adviser by the First Minister, and I can doubly assure him that he is not employed by me.

I fully agree with the Member's second point. It would not be compatible for any Special Adviser to do what the Member described: write articles on behalf of one political party or another, or to otherwise campaign in an election. I would like to be specific on that, because I know it is a very sensitive issue. I am glad to be utterly specific in relation to the Assemblyman's question.

## Human Rights Act 1998

8. **Ms Lewsley** asked the Office of the First Minister and the Deputy First Minister what preparation has been made by the devolved Administration for implementation of the Human Rights Act 1998 following its introduction on 2 October 2000. (AQO 172/00)

**The First Minister:** The Northern Ireland Administration has been required to act in accordance with the Human Rights Act 1998 since the original date of devolution. Steps have been taken to prepare for implementation on a range of matters.

**Ms Lewsley:** What areas of vulnerability have been identified, particularly in the area of planning?

**The First Minister:** We have endeavoured to examine a range of matters. We have asked all Departments to review their legislation, policies and procedures and organisational arrangements. Where existing arrangements are shown to be vulnerable to challenge we are considering making changes. There are areas of concern on a range of planning matters. In a recent Scottish case, County Properties Limited successfully challenged the planning procedures of the Scottish Ministers under Article 6 of the Convention. However, it should be noted that the case is the subject of an appeal.

Notwithstanding that, there are a number of areas in the broad planning field, including things like compulsory acquisition, where there are areas of concern. We are looking at those areas and consulting with the Administrations in Wales and in Scotland, and with Whitehall, because some of the problems are common and the legislation is similar in other parts of the United Kingdom. It is desirable to have a common response to the problems that have been identified.

**Mr C Wilson:** On a point of order, Mr Speaker. Would it be appropriate for the First Minister, at an early opportunity, to correct a misleading statement he made to the House on Monday 9 October, when he said that he, or his office, had not contacted the office of Mr Sandy Berger? I wonder if he would like to —

**Mr Speaker:** Order. First of all, Members should be more careful about raising questions regarding Ministers misleading the House, and ought to read their Erskine May in that regard. It would be even better if they were in the Chamber and able to hear the matter being addressed. I am afraid that the Member asking the question was obviously not in the Chamber when a personal statement on the matter was made earlier today. I recommend that he read not only Erskine May but also today's Hansard when it is published tomorrow.

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

## REGIONAL DEVELOPMENT

### Planning: Roads

1. **Mr S Wilson** asked the Minister for Regional Development if a time limit is placed on the Roads Service to respond to requests for views on planning applications being considered by the Department of the Environment Planning Service. (AQO 161/00)

**The Minister for Regional Development (Mr Campbell):** Under the current service-level agreement with the Department of Environment Planning Service, my Department's Roads Service aims to achieve a 90% return of consultation forms relating to minor planning applications within 15 working days of receipt from the Planning Service; a 75% return of consultation forms relating to major planning applications within 15 working days of receipt from the Planning Service; and a 90% return of consultation forms relating to major planning applications within 30 working days of receipt from the Planning Service.

**Mr S Wilson:** Can the Minister tell us whether those targets are being met? The impression that one gets from the present planning system for Belfast is that those targets are missed by a wide margin. Within the past two weeks, we have found that one third of the planning applications due to come to Belfast City Council could not be brought forward because the Roads Service had not responded. One application relating to East Belfast has been delayed for more than three months, in the absence of a Roads Service response.

**Mr Campbell:** In the first quarter of the year, for target number one, the Roads Service's success rate was 76%, compared with the target figure of 90%. Target number two was 75%, against which the service achieved 73%. For target three, where the target was 90% of major applications within 30 days, the performance has been 86%. Roads Service performance has not reached the levels that I would have liked, in relation to target one. Performance in the eastern division falls below the target. The hon Member for East Belfast referred to the Belfast area, which, of course, falls within the eastern division.

A number of factors have contributed to the performance. First, there has been a significant increase in planning applications, including a 17% increase in the past three years. In 1999-2000, there were 15,000 planning applications from the Department of the Environment Planning Service. Three thousand eight hundred of those were for the eastern division, which includes Belfast City Council area. Additional staff have been deployed in the eastern division to address the current backlog of work.



The application of the new design guide for roads in new developments has slowed the private streets determination process, leading to an additional backlog. My predecessor established a joint Planning Service and Roads Service working group to examine the issues and identify how the planning process can be improved. That working group is due to report to the joint Planning Service directorate before the end of this calendar year. I am hopeful that that will speed up the clearing of the backlog.

## Transport

2. **Mr Leslie** asked the Minister for Regional Development if he will detail the number of meetings he has had with Ministers with responsibility for transport at national, Scottish Parliament and Welsh Assembly level. (AQO 151/00)

7. **Mr Byrne** asked the Minister for Regional Development if he will detail what proposals he will submit to the North/South Ministerial Council, particularly in relation to transport. (AQO 159/00)

**Mr Campbell:** With your permission, Mr Deputy Speaker, I will take questions 2 and 7 together.

I was due to meet Lord Macdonald, the Minister for Transport, in Manchester last month. Unfortunately, although I was present, he was unable to fulfill the engagement, due to pressures on the Government that arose from the fuel cost protests. I have arranged a meeting with the Scottish Minister for Transport and the Environment, Sarah Boyack, which is scheduled to take place next month. It is, in fact, a rescheduled meeting. My predecessor, Mr Peter Robinson, had arranged the meeting, but it was postponed, due to the suspension of the Assembly.

In addition to that, my officials have regular contact with their counterparts in the Department of the Environment, Transport and the Regions as well as with those in the Scottish Executive. In fulfilling my responsibilities as Minister for Regional Development, I have no plans to submit proposals to the North/South Ministerial Council.

That is without prejudice to ensuring that my Department co-operates fully, on an ongoing basis, on matters of mutual interest between Northern Ireland and the Republic of Ireland, especially in relation to roads, public transport, spatial development and water and sewerage.

**Mr Leslie:** Can the Minister tell us if it is his intention to attend meetings of the British/Irish Council, where transport matters relating to all four constituent parts of the United Kingdom and the Republic of Ireland are likely to be on the agenda in due course? Secondly, does

he consider that to be the best forum for dealing with those cross-cutting themes?

**Mr Campbell:** I am, of course, as my predecessor was, content to take the lead in taking forward a sectoral meeting on transport within the context of the British-Irish Council. However, the hon Member should know that the First and Deputy First Ministers, for their own reasons, decided to assume responsibility for representing the Executive Committee on transport matters at the British-Irish Council.

**Mr Byrne:** I welcome the Minister's statement regarding his willingness to get involved in developing the transport theme with the Welsh Assembly and the Scottish Parliament. Coming from west Tyrone, where we have major problems in relation to roads, I encourage the Minister to get involved in putting forward proposals on transport — particularly road transport — with his Department and in collaboration with the Republic of Ireland. Roads in the border areas have never really had adequate funding.

**Mr Campbell:** I will repeat what I have already said: my Department co-operates fully, on an ongoing basis, on matters of mutual interest between Northern Ireland and the Republic of Ireland, especially in relation to roads, public transport, spatial development, water and sewerage. That is the case and will continue to be the case.

**Mr Paisley Jnr:** Does the Minister agree that it takes some nerve for an Ulster Unionist to ask this question, given that it was the First Minister who did his best to block discussions and consultation between him and his Welsh and Scottish counterparts?

**Mr Campbell:** As I said, it was the First Minister and the Deputy First Minister who, for their own reasons, took responsibility for representing the Executive Committee on transport matters at the British-Irish Council. That was a matter for them; they took that decision. I agree with the hon Member that it seems somewhat churlish that I am now asked about my responsibility for a matter that has already been dealt with by the leader of Mr Leslie's party — the First Minister, Mr Trimble.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. An bhféadann an t Aire a insint domh an raibh cruinniú ar bith aige go dtí seo leis an Aire Comhshaoil sna sé chondae is fiche faoi chúrsaí taistil, nó an bhfuil sé de rún aige seo a dhéanamh roimh i bhfad?

Will the Minister detail any meetings he has had with Minister Noel Dempsey, who has responsibility for transport in the rest of Ireland? Is it his intention to have any such meetings in the near future?

**Mr Campbell:** I cannot pretend that I understood the first part of the question. I have already said that while



carrying out and fulfilling my responsibilities as Minister for Regional Development, I have no plans to submit proposals to the North/South Ministerial Council. However, that will not preclude ongoing and continuous co-operation that my Department has, and will continue to have, with its counterpart in the Irish Republic on matters such as transport and roads.

3.15 pm

**Mr O'Connor:** I am glad to hear that the Minister is going to meet his Scottish counterpart next month. Will he take into account the needs of my constituency in East Antrim? Will he address those needs jointly with the Scottish Minister to try and upgrade our roads, the A8 (the Larne line) and the A75 on the Scottish side, as part of the trans-European network? That upgrade is critical to the people of Northern Ireland who are trying to get their goods to the UK, which is our major trading partner.

**Mr Campbell:** I have responded previously to another Member from East Antrim on that precise point. I am very conscious of the roads Mr O'Connor referred to in East Antrim and the A75. When I meet Sarah Boyack I intend to raise that issue and other relevant issues pertaining to the Northern Ireland travelling public as they progress through Scotland, particularly by the Belfast/Larne to Stranraer sea route.

### Traffic Congestion (Greater Belfast)

3. **Mr Beggs** asked the Minister for Regional Development if he will outline what plans he has to develop further facilities to reduce traffic congestion in the Greater Belfast area. (AQO 158/00)

**Mr Campbell:** My Department aims to tackle the growing problem of traffic congestion in the Greater Belfast area by pursuing an integrated transport strategy which will make the best use of the existing road network and develop and encourage the use of alternative modes of transport. In this context, the Department is currently progressing a number of road improvement schemes, together with measures in support of public transport, cycling and walking. At a strategic level, work on the preparation of a 10-year Belfast transport plan is due to commence early next year.

However, I must reiterate my previous concerns about the current level of funding for both road and public transport. The current level will not overcome existing deficiencies in the transport infrastructure and deal with future growth in traffic. Increasing congestion is inevitable unless significant new investment is made.

**Mr Beggs:** Does the Minister agree that park-and-ride facilities will play a vital role in preventing gridlock in Belfast over the next decade, and can he advise my

constituents when they can expect to learn of additional park-and-ride facilities in East Antrim?

Furthermore, is the Minister aware that this morning's commuter train from Larne had to be taken out of service because of brake failure? Last week, a similar train had to be removed from service because of numerous door lock faults. When can we expect to hear of an upgrading of our rolling stock and the removal of the things that prevent people from using the rail network?

**Mr Campbell:** The Member raises a number of matters, some of which are specific to his constituency. I will respond in writing to him, particularly in relation to the incident which he says occurred today. I will refer to a number of measures that we are currently progressing.

A number of quality bus corridors will be introduced on the main radial routes into Belfast. There are proposals for bus-related park-and-ride facilities. There is also the introduction of bus priority facilities at traffic signals throughout Belfast. There is also the implementation of measures to encourage walking and cycling. Those measures are to be introduced in the Greater Belfast area. I will respond to the Member in writing on the specific comments that he has made in relation to the East Antrim constituency.

**Mr Dallat:** With regard to traffic congestion, which extends beyond the Greater Belfast area these days, can the Minister assure us that there is no truth in the rumour that there has been a slippage on the Toome bypass project, and that it will proceed as planned?

**Mr Campbell:** The Toome bypass, which the Member will be familiar with, was progressed by my predecessor. Work is continuing on that bypass scheme, and when I have precise and specific details about its scheduling I will write to the hon Member to inform him of that.

**Dr Birnie:** Given that one of the key areas of congestion is the so-called southern approaches to the city, does the Minister agree that development of the so-called quality bus route on the Ormeau and Saintfield Roads offers a superior option to forcing an entirely new road through what is one of our few areas of green field in the city, Belvoir Forest?

**Mr Campbell:** Traffic congestion is not, of course, the exclusive preserve of Belfast, but it is particularly acute in the Greater Belfast area. It results from several factors — an increasing number of vehicles on the roads and an increase in usage of those vehicles. In the morning peak hour there are something like 32,000 cars travelling to work in the Greater Belfast area. Each week there are 500 additional licensed vehicles on the roads in Northern Ireland.

Large housing developments such as those constructed and planned in the Saintfield Road and Carryduff area — the southern approaches mentioned by Dr Birnie —

also generate additional traffic. That tells us that there will be ongoing traffic congestion. Dr Birnie also referred to the quality bus route and a number of other issues that my Department is determined to proceed with. They are not the only answer to increasing congestion, but they are an answer.

**Mr Shannon:** What plans are afoot to bring forward the much-delayed Comber bypass scheme? Comber is within the Greater Belfast area, and traffic congestion there has been particularly bad.

**Mr Campbell:** This is obviously a scheme in which the Member has an interest. My answer will be similar to that given to Mr Dallat in relation to the Toome bypass. I will write to the Member shortly with the specific details of where that scheme stands at the moment and the likelihood of its progression in the near future.

**Mr Neeson:** What plans does the Minister have to end the serious congestion on the A2 Carrickfergus-Belfast road? This morning it took me three quarters of an hour to travel two miles. Furthermore, can he assure me and my constituents that the scheme, which has been to the fore for around 15 years, will be carried out as quickly as possible?

**Mr Campbell:** Mr Neeson raises an issue which both he and others in the Carrickfergus and East Antrim area have raised on a number of occasions in the past. This scheme is being considered by the Department for Regional Development, but is not at the point of being processed immediately. The Belfast transport plan will co-ordinate the implementation of transport initiatives within the Belfast area over a 10-year period, and the A2 will certainly feature in that plan. The plan will concentrate on proposals for the city centre and transport corridors, of which the A2 is one, and I hope there will be some progress on that in the immediate future in the Belfast transport plan.

### Water Service: Pipe-Laying

4. **Mr Carrick** asked the Minister for Regional Development if he will outline the position of landowners who permit pipe-laying on their property in the event of future privatisation of the Water Service. (AQO 174/00)

**Mr Campbell:** In accordance with Mr Peter Robinson's statement on 15 December 1999, there are no plans to privatise Water Service. Landowners will continue to be paid for the loss of land use during the laying of new mains, but will not receive ongoing payments to cover the presence of the main on their land.

**Mr Carrick:** I thank the Minister for his reply and note the reaffirmation that there will be no privatisation of Water Service. However, is he aware that the introduction of public/private finance into the future infrastructure investment will, by its commercial content, change the

financial basis of water provision? What steps will he take to safeguard the interests of the many landowners and farmers who will be affected by such a commercial operation which, at least for the private investor, has a clear profit-based motive? Will he also compensate the landowners and farmers affected?

**Mr Campbell:** Privatised water companies in England and Wales have greater flexibility in their negotiations with landowners. They do, on occasion, agree to pay rent. This practice is, however, avoided where possible, due to the long-term costs, which include administration. I am aware of the public's concern about back-door privatisation, and I take the hon Member's views very seriously. If, as a result, issues arise which directly impinge upon the Water Service, I will not only write to the Member, but alert the House as well.

**Mr McCarthy:** Does the Minister plan to introduce legislation to enable the Water Service to provide a waterline where landowners refuse permission?

**Mr Campbell:** I do not.

### Waste-Water and Sewage Treatment (North Down)

5. **Mrs E Bell** asked the Minister for Regional Development if he will make a statement on a site for the North Down waste-water treatment works. (AQO 165/00)

9. **Mr McFarland** asked the Minister for Regional Development if he will outline his plans and timescale for the improvement of sewage treatment in the North Down area, and if he will make a statement. (AQO 150/00)

**Mr Campbell:** I will take questions 5 and 9 together.

The Department's Water Service commissioned consultants to carry out detailed environmental assessments of the two possible sites that were identified in an earlier appraisal study which was published in March 1999. These environmental assessments have been completed and submitted to the Water Service for consideration.

An additional assessment of the marine outfall pipe and storm-water management in the Bangor sewerage system is nearing completion. I visited Ards Borough Council in August to hear at first hand the views of councillors on the siting of the proposed new works. I received a report from the consultants who had been commissioned by the council. I was satisfied with the overall presentation of the report and have requested my Water Service officials to have follow-up meetings with the consultants to explore those recommendations fully. These meeting will take place in the near future.

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 waste-water treatment works. I hope to be in a position to make an announcement on the siting of the works before the end of the year.

**Mrs E Bell:** I thank the Minister for his answer, though I have a definite feeling of déjà vu. We have been discussing this question for the last four or five years in north Down and Ards. The Minister must be aware that his predecessor made a very similar comment some months ago. A decision must be reached as soon as possible, and if it is reached by the end of the year, I will be very pleased. Action on these reports must be taken as quickly as possible. People are being told every two or three months that the answer is coming, yet they do not get it.

**Mr Campbell:** I put great store on consultation with public representatives and the public at large. When I came into office I was faced with this decision as well as a request from the corporate body, Ards Borough Council, to meet me to discuss the waste-water treatment works.

3.30 pm

It is important to have consultation and to ensure that the public knows the consequences of every decision. I therefore assured Ards Borough Council that my officials will liaise with its consultants on this issue. That meeting will take place within the next two and a half weeks, and I hope that I will be in a position to take a decision within the next 10 or 12 weeks.

**Mr McFarland:** Does the Minister believe that it is right to pump raw sewage into Belfast Lough at the lovely area of Helen's Bay? What steps will he take to treat this sewage so that people can swim in the bay?

**Mr Campbell:** I was not aware that the situation is so stark, but I will respond to the Member once my officials have checked the position at Helen's Bay.

We want to have modern, state-of-the-art waste-water treatment works in a number of areas in Northern Ireland, and almost everybody I speak to expresses support for these. The problem arises when a proposed location for such treatment works is identified. Everyone wants them, but not in their backyards. The difficulty is in reaching a satisfactory conclusion by a process that is seen universally to be independent and equitable. That is what north Down needs and what I hope the people who live in and frequent Helen's Bay will get when this process has been concluded in 10 or 12 weeks' time.

**Ms Morrice:** Will the Minister guarantee increased investment in these sewage works to reduce any detrimental impact of traffic, noise and smell, and

guarantee the use of best practice examples from abroad, where works are sited underground or offshore, and where their impact is minimal?

Secondly, has he considered, or will he consider, the use of alternative, environmentally friendly engineering techniques, such as reed beds, for sewage works?

**Mr Campbell:** Yes, I am prepared to look at these measures. In recent weeks I visited Omagh District Council, where the location of a waste-water treatment works and its vehicle access are being considered in the light of the potential difficulties for local residents and visitors. I also visited Killyleagh, in County Down, where a similar difficulty has arisen. I am very conscious of those considerations, and I will look at anything that will alleviate the perceived difficulties of people living near a treatment works. I will take Ms Morrice's concerns on board and write to her.

## THE ENVIRONMENT

### Beach Cleanliness

1. **Mr McCarthy** asked the Minister of the Environment if he will detail plans to bring beach cleanliness in Northern Ireland into line with the requirements of European Union Directives. (AQO 152/00)

**Mr Foster:** There are no EU Directives dealing explicitly with beach cleanliness. Responsibility for the cleanliness of public beaches lies with the district councils. However, my Department is responsible, through the Environment and Heritage Service, for monitoring the water quality at 16 beaches in Northern Ireland that fall within the scope of the European Community's Bathing Water Directive. It then reports these results to the European Commission. All 16 beaches met the mandatory standards in the 1999 bathing season.

Eight of these beaches were awarded a European blue flag based on their 1999 performance. The Blue Flag criteria include beach cleanliness. I will shortly be able to make an announcement on how Northern Ireland's 16 bathing waters performed in the 2000 bathing season against the standards of the Bathing Water Directive.

**Mr McCarthy:** Of course we all want to see more blue flags. Can the Minister assure the House that his Department will bring forward proposals to ensure that all our beaches are brought up to a reasonable standard? All too often, when we need beaches to be cleaned, we find that no one Department has overall responsibility. In some cases a council, the National Trust, a Crown estate or even local landowners claim ownership, but rather than clean up the beaches concerned, they simply pass the buck. Can the Minister give us some encouragement?



**Mr Foster:** We all want to see our coastal waters and beaches clean and tidy — that is a common objective. The Bathing Water Directive applies to waters which are used by a significant number of bathers. The main beaches were selected and identified to the European Commission. The annual survey for beach cleanliness, arranged by the Marine Conservation Society, involves examining the Northern Ireland coastline for litter. While the survey reveals that Northern Ireland could do better, the publicity it attracts ensures that this information is in the public domain and can be acted upon. Any concerns about the cleanliness or facilities of individual public beaches should be referred to the responsible district council. We are willing to participate, but the responsibility for clean beaches lies with district councils.

**Mr McClarty:** Is the Minister aware that in my constituency of East Londonderry there are four blue flag beaches, one of which is under threat because of the flow of sewage into the sea and thence to that beach? Will the Minister give an assurance that he will take steps to rectify this?

**Mr Foster:** I agree that the situation described is unacceptable. Under the terms of the EU Urban Waste Water Directive, discharges to the sea from sewage treatment works in areas such as Portstewart will require secondary treatment by 31 December 2000 to prevent such problems. My Department's Environment and Heritage Service agency is currently awaiting details of the proposals from the Department for Regional Development's Water Service for a secondary treatment works to serve the Coleraine, Castlerock, Portrush and Portstewart areas.

### Abandoned Quarries

2. **Mr McMennamin** asked the Minister of the Environment if he will detail his policy on the refurbishment of abandoned quarries, and if he will make a statement. (AQO 145/00)

**Mr Foster:** All quarries operating after 1973 require planning permission and have planning conditions attached for site restoration. Some quarries also have agreements to restore abandoned workings, under article 40, as a condition of the planning permission. In some circumstances my Department may be able to take enforcement action to have the sites restored in keeping with the planning permission granted.

**Mr McMennamin:** I welcome the letter I received from the Department of Agriculture and Rural Development last week about the proposed restoration of the Ballyheather sandpit in my constituency of West Tyrone. I petition the Minister to assure me that his Department will consider introducing a policy to restore all sandpits which have been left derelict for years

throughout Northern Ireland. As well as desecrating fauna and flora, these derelict sites cause major dust problems to local residents and resemble a scene from the moon, full of craters and ridges.

**Mr Foster:** May I emphasise again that, prior to 1973, quarrying in Northern Ireland was largely free from planning control. As a result, my Department has no powers to bring about the restoration of quarries abandoned before that date.

However, quarries operating after 1973 must do so with planning consent from my Department, including conditions for their restoration. We have no control over pre-1973 quarries.

**Mr Armstrong:** Does the Minister have records of quarry operations and their locations?

**Mr Foster:** We have a responsibility, and we do have records of the location of every quarry throughout the Province. However, there are some holes and gaps in these. If they were pre-1973, we will not have a full list.

### Planning (Countryside)

3. **Mr Paisley Jnr** asked the Minister of the Environment if he will relax stringent planning regulations in the countryside. (AQO 170/00)

**Mr Foster:** Every planning application in the countryside is considered on its individual merits. I have had a personal involvement because I was a district councillor in Fermanagh for some 20 years. In 1999/2000, 86% of applications for new houses in the countryside were approved, a figure that represents more than 4,000 new dwellings. Any review of countryside planning policy is a matter for the Department for Regional Development, and my Department will help that Department in any such review.

**Mr Paisley Jnr:** I thank the Minister for his answer. Can he explain to the House what policies he intends to adopt on the relaxation of planning controls in green-belt areas and in areas of outstanding natural beauty to help farmers with diversification projects to enable them to realise full potential of their farm land? What consultation has there been involving his Department, the Department for Regional Development and the Department of Agriculture and Rural Development to ensure that these planning restrictions, and any cross-cutting implications, are examined thoroughly? Will the Minister put a scheme in place for "rural proofing" all planning matters so that farmers can get the optimum benefit from their land?

**Mr Foster:** This is an important issue that I have a lot of sympathy with. Within green belts countryside-policy areas and those requiring access to protected routes, retiring farmers can get planning permission if they meet certain criteria set out in the planning strategy



for rural Northern Ireland. The main criteria are: the applicant last worked mainly as a farmer; the applicant has reached retirement age or is retiring due to ill health; the retirement dwelling is on a farm holding which must be viable and capable of supporting a farmer in full-time employment; the farm holding is being sold as a going concern and the existing farmhouse will continue to be used as the main farmhouse. Beyond these criteria — and we look at them regularly — planning permission will generally be granted where a site can absorb a new dwelling without any adverse impact on the surrounding countryside. I am aware of people's concerns and I know it is a difficult time for the farming community. However, there has to be a balance and, as I have already said, 4,000 new dwellings were approved in the countryside in 1999-2000.

**Mr Savage:** Can the Minister give me an assurance that priority in planning decisions will be given to those people who have lived in rural areas for generations, and does he accept that if we are to sustain the rural community we must give priority and pay particular attention to the needs of that community?

**Mr Foster:** We are sympathetic to the difficulties of the farming community. It is a difficult situation. Perhaps I missed an opportunity with Mr Paisley's question to say that we do liaise with the respective Departments on planning issues. The designations referred to have to be controlled strictly and supervised carefully.

However, we recognise that there will be circumstances in which new dwellings are justified for residential development.

3.45 pm

Responsibility for strategic planning policy was passed to the Department for Regional Development on devolution, and although my Department will assist the Department for Regional Development in any review of strategic rural policy, the onus does not rest with us. I support the current policy of the Department for Regional Development to achieve a balance between protecting the countryside and maintaining a vibrant rural community.

**Mr Dallat:** Will the Minister use his vast experience in rural matters to encourage a greater inter-agency approach among the different Departments? Sometimes the Planning Service agrees with something while the Roads Service objects, or LEDU is involved and is in conflict with the Planning Service. I am sure that the Minister understands precisely what I mean. Will he assure the House that he will encourage more co-operation on this serious issue which affects so many people in Northern Ireland?

**Mr Foster:** I accept that this is a serious issue for the rural community. I can assure the House that we co-operate, co-ordinate and liaise with all Departments,

and we examine all situations to see what we can do, but we are involved in a fine balancing act.

As a poacher turned gamekeeper, I realise that this is not particularly easy. We follow planning policies, and assessments are carried out in considerable depth. Nothing is decided without much forethought. We do what we can and where we can, but we must also consider the protection of the countryside.

**Mr Shannon:** I recognise that the Minister was a councillor for many years. Nevertheless, changes to the planning regulations are necessary. Specifically, will the Minister consider a change in the regulations for children wishing to restart farm businesses which failed through the ill health of one or both of their parents? I know of a specific case where 15 to 20 years passed between the owner's retirement because of ill health and his son or daughter's decision to take over. There is a need for the present regulations to be relaxed or even for a change in policy.

**Mr Foster:** We have every sympathy with the situation that the Member has presented to us, but, as I said earlier, on devolution responsibility for strategic planning policy was passed to the Department for Regional Development. Responsibility for the review of strategic rural policy therefore rests with that Department, although my Department will liaise with it in any future discussions.

Many issues are important and dear to the farming community, and my sympathies are with it, but there is a fine balancing act to be considered.

**Mr McHugh:** A Cheann Comhairle. Does the Minister intend to liaise with the Department of Agriculture and Rural Development and other Departments when looking at the present inter-departmental regulations that control those who set up small rural diversification businesses? I am particularly concerned about the rules governing the primary production element of enterprises, which inhibit small businesses from moving to diversification under the LEADER or INTERREG programmes.

**Mr Foster:** The Member comes from the same part of the country as I do, and we have similar thoughts on many development matters. However, the Department's current policy cannot be varied. We work by policies; we make decisions according to them; and we cannot readily depart from them.

I have every sympathy with the idea of trying to achieve and maintain a vibrant rural community. I appreciate the point, and consideration has certainly been given to such issues. We shall definitely look into this matter, but I cannot make any rash promises that things will simply happen in the way we would all like to see things happen whenever we ask a question.

## Listed Buildings

4. **Mr Neeson** asked the Minister of the Environment if he has plans to introduce spot-listing powers to allow for the accelerated listing of buildings in danger of being demolished. (AQO 155/00)

**Mr Foster:** Proposals to introduce powers enabling my Department to serve building preservation notices, which would offer similar protection to that provided by spot-listing procedures in Great Britain, were included in a consultation paper published in March 1999. I have secured a place in the current legislative programme for a Planning (Amendment) Bill, and I shall look at the inclusion of provisions relating to building preservation notices. Those provisions would enable my Department to serve building preservation notices which would have immediate effect, offering the same protection as if a building were listed. However, the proposals raise a number of difficult issues that require careful consideration, and these are being examined.

**Mr Neeson:** I welcome the initiative taken by the Department. Does the Minister agree with me that, had such legislation been in force, Ardmara, a very fine building in Bangor, would not have been destroyed? Does he agree that there are some very fine examples of the restoration and renovation of significant buildings in Belfast? I am thinking of the Corn Exchange in Corporation Street and the Customs House. Will the Minister do all he can to ensure that the necessary powers are initiated, applying to inner-city Belfast and throughout Northern Ireland?

**Mr Foster:** I am very much aware of the concern about the destruction and demolition of buildings of special interest. I am also aware of the prolonged nature of the current listing process, which makes the immediate protection of buildings at risk very difficult. The need to provide a mechanism to offer emergency protection to buildings considered to be at risk from demolition is acknowledged. I am considering the inclusion of possible provisions in the proposed Planning (Amendment) Bill.

**Dr Adamson:** Can the Minister give us an assurance that, in spot listing, as with other listing powers, he will have careful regard not only to the architectural value of a building, but also to its cultural significance? I am thinking of the homes of prominent literary or even political figures.

**Mr Foster:** I am extremely conscious of the situation and concerns, as I related earlier. I said that the intention would be to introduce building preservation notices, which would be served by my Department and would offer the same protection as if a building were listed.

Spot listing is a two-stage process. In Great Britain, local authorities carry it out, with subsequent confirmation

being made at national level. In Northern Ireland, the current administrative structures mean that it is likely that my Department would have responsibility both for serving a building preservation notice and for subsequent confirmation. I am endeavouring to point out that matters are not quite so easy. Any decision not to confirm a spot listing would create possible grounds for compensation. It has been suggested that it would be difficult for my Department to perform both roles effectively, since it would become judge and jury. There may also be issues relating to the human rights of owners.

However, we know there are many zealous people concerned with the character of very fine buildings, not merely in the city of Belfast, but throughout the community. We have gathered that, and that is the reason we recently had five conservation areas designated in the city.

**Ms Morrice:** I am very interested in the Minister's reference to building preservation notices. In the Women's Coalition we have called for what we described as a millennium preservation order to protect any building older than 100 years from demolition. I should like to have more details of these building preservation notices.

I would like to know several things. First, what criteria will govern the buildings that they preserve? Secondly, what penalties will be imposed on those who defy the notices? Thirdly, do they cover non-building aspects, such as trees?

**Mr Foster:** We are still considering the different criteria and what the punishment might be for people breaking the regulation. Trees, at present, do not come into it, but that is something that we are also considering. I do not have the exact detail on all the aspects and criteria, but I assure the Member that I will send this to her when it is compiled.

**Mr Hussey:** I thank the Minister for his original answer. The Minister will be aware that listing does not always guarantee the saving of a building that is of high cultural and heritage value to the community. Neglect can sometimes mean that these buildings disappear. Does the Minister agree that the current moratorium on financial aid for listed buildings is a hindrance? Also, is the Minister aware of the deplorable state of the Stables Buildings in Sion Mills? If action is not taken soon this part of the culture and heritage of that small community will disappear.

**Mr Foster:** The built heritage section of the Environment and Heritage Service is very much involved with historic buildings and their upkeep. I assure Mr Hussey that we are concerned that we had to impose a moratorium on grant aid for listed buildings. We have been trying to get some moneys for this department because we lost out over a number of years of direct rule. We had commitments worth up to £4 million in

respect of grant aid for historic buildings, and the annual budget is some £1·7 million. We are very proud of our built heritage — we do not want to lose it.

We have been dealing with the Department of Finance and have tried — and failed recently — to get more moneys for the Environment and Heritage Service. I assure Members that we will continue to pursue this. People should understand that there are financial difficulties. The issue is a lack of resources and not a lack of will.

*(Mr Speaker in the Chair)*

### Out-of-Town Shopping Centres

5. **Mr Beggs** asked the Minister of the Environment if he will give consideration to introducing multi-stage planning criteria, as used elsewhere in the United Kingdom, to assess the need for additional out-of-town shopping centres. AQO 156/00

**Mr Foster:** My Department currently exercises its planning responsibilities for retail development in accordance with the provisions set out in Planning Policy Statement 5 — Retailing and Town Centres (PPS 5). Any review of current planning policy in this area would be for the Department for Regional Development, though my Department will provide all possible professional assistance in any such review.

**Mr Beggs:** Does the Minister agree that the more stringent sequential planning system outlined in the Planning Policy Guidance Note 6 (PPG06), which is applied in other parts of the United Kingdom, would simplify the planning system in Northern Ireland by enabling the early elimination of some out-of-town planning applications, such as D5? Does he agree that by encouraging fuller town centre redevelopment he would be giving increased confidence to town centre shops, thus preventing the “doughnut” effect, which is affecting our towns and cities?

**Mr Foster:** PPS 5 includes a sequential approach to major retail applications, though this is not directly comparable to PPG06. PPS 5 is designed to take a more flexible and balanced approach than PPG06 — protecting town centres while at the same time recognising the need for competition and innovation in a changing retail market.

4.00 pm

Under this approach, preference is given to locations for development in a preferred sequence that reflects the type of retailing involved. For comparison or mixed retailing, this starts with town centre locations through edge-of-centre locations to out-of-centre locations. A sequential approach is being taken at this particular time. That approach has led to the elimination of proposals for out-of-centre retailing. The system set out in PPG06

could be considered in any review of retail planning policy by the Department for Regional Development.

**Mr Dallat:** In view of the fact that three separate questions have been put down today from three different political parties on the whole issue of retailing, does the Minister accept that this is a major issue which requires a great deal of discussion? This is despite the best efforts of the DUP to rubbish it two weeks ago.

**Mr Foster:** I take on board what the Member has said. We do give this matter very deep consideration. It is a continual consideration in our Department and we will pursue the matter. Where there are cross-cutting issues we will dovetail with other Departments.

**Mr S Wilson:** I heard what the Minister said about the Department’s concerns regarding out-of-town shopping centres. However, I am amazed that the Department still continues to pursue the D5 application. I just wonder why — when he expresses his concern about out-of-town shopping centres — the Minister still feels that it is important for his Department to pursue the application for D5, despite the fact we have had two court rulings against the Department on this matter,

**Mr Foster:** I want to assure Mr Wilson that the Department does not make decisions lightly. My Department will at all times preserve its integrity when assessing applications. I know that Mr Wilson has a substantive question on this matter. However, with your approval, Mr Speaker, I will give a detailed response to his supplementary question.

In respect of D5, I am aware that the applicants have lodged an appeal. In addition I understand that the respondents have cross-appealed. My Department will not be appealing the recent legal decision to quash the planning permission. However, we will be appealing against the court’s interpretation of the “complements” test used by my Department in assessing major retail proposals in out-of-centre locations. The planning application remains live pending the outcome of the appeal. Since the case is sub judice I cannot say more at this stage.

### Planning

6. **Mrs E Bell** asked the Minister of the Environment what criteria are being introduced to control the increased in planning applications for apartments and developments, particularly in seaside towns.

(AQO 166/00)

**Mr Foster:** My Department cannot control the number of new applications submitted for proposed apartment-type developments, nor can it decline to determine a properly completed application submitted for consideration. Certainly, I am aware of growing concerns about this issue. I will be consulting on

planning guidance on proposals for small-scale housing within existing urban areas. Future changes to the wider planning policy relating to apartment developments are a matter for the Department for Regional Development, although my Department will provide all possible assistance at any review of the relevant policy.

**Mrs E Bell:** I thank the Minister for his answer. Planning applications seem to be demolition led. In my own constituency — and I am talking about Donaghadee through to Holywood — demolition regularly results in the erection of a large number of apartments that are totally out of keeping with the tradition and character of the area. Can he assure the House and myself that these will be reduced so that the long-term residents, who have great concerns about this, will not be ignored?

**Mr Speaker:** Several Members want to put supplementary questions, but the time is up. Any reply to the last one will have to be in writing.

## CHILD SUPPORT, PENSIONS AND SOCIAL SECURITY BILL

### Consideration Stage

**Mr Speaker:** The Child Support, Pensions and Social Security Bill was granted accelerated passage on 3 October. As Members will note from the Marshalled List, one amendment has been tabled, and notice to oppose the “stand part” has been signalled for six clauses. The form of the Marshalled List has been changed since the Consideration Stage of the Bill on allowances to make it easier for Members to participate. We have only one amendment at this stage. Proposals to leave out a clause will now be debated, and Members may vote against the Question. Members may indicate in advance their intention to oppose the Question that a clause stand part, which makes possible a debate at that juncture.

Amendments will normally be numbered in sequence, though there is only one in this case. In the past, amendments were numbered according to when they were tabled in the Bill Office. An amendment retained its number no matter what part of a Bill it referred to. From now on, amendments on the Marshalled List will appear in the order in which they will be taken in debate on the Bill. If the Order Paper, the Marshalled List or the annunciator indicates that amendment number 4 is being dealt with, a Member will know that amendment 3 has just been considered and that amendment 5 is about to be considered. Under the previous arrangement, an amendment’s number bore no relation to the order in which it was considered. That is not relevant to this Bill, since there is only one amendment, but it will apply to later Bills where there may be dozens or sometimes even hundreds of amendments. This will help Members to keep track of the debate, from inside and outside the Chamber, particularly if a Consideration Stage lasts for a number of days. Some Members’ distress at this prospect is immediately apparent.

I propose, by leave of the Assembly, to take the Bill’s 69 clauses and nine schedules in the parts or sections indicated in the measure. There is no time limit for debate, and Members may speak more than once at Consideration Stage. I see the Minister’s mouth fall. However, I propose to call Members only once during a “stand part” debate on a particular clause or on an amendment. If a Member wishes to intervene again he may do so in the usual way — by requesting the Floor from the Member who is speaking. Since some movement is necessary in these circumstances, and as there is no time limit, interventions should usually be accepted. However, if, in the view of the Speaker, a Member abuses the capacity for intervention, the Speaker will address that. If Members are clear about



this, we will move forward. If they are unsure, all will become clear as we proceed.

**Mr Tierney:** Since there is no time limit, will we suspend at 6 o'clock tonight and, if necessary, continue tomorrow, or will we run after six?

**Mr Speaker:** We must end at 6.00 pm because Standing Orders require us to do so. If we are in the middle of a vote at that point we will continue until the end of the vote and then resume tomorrow. We are likely to begin tomorrow with a statement on the Budget, followed by questions. The resumption of the Consideration Stage will follow that.

*Clauses 1 to 15 ordered to stand part of the Bill.*

#### **Clause 16 (Disqualification from driving)**

*Question proposed* That the clause stand part of the Bill.

**Mr Ford:** Mr Speaker, I hope I will follow the instructions that you gave at the start of this debate. First, I want to make a couple of points which were not covered during the Second Reading, because the Minister did not accept my intervention — I am sure he will do much better today.

Those of us who spoke during the Second Reading made our concerns about clause 16 and clauses 53 onwards clear. We did not wish to breach parity in regard to benefits paid, but we were concerned about mindlessly adopting parity on certain other issues. It is obvious that there are no financial costs, so the Minister's suggestion that if parity were breached we should expect to bear the cost is a trifle irrelevant. He referred to the previous week's pensions motion, which was passed unanimously — including DUP support. I want to remind the House and the Minister that that motion was a call to the Westminster Government on behalf of pensioners across the UK. It was simply that we sought to maintain parity of the benefits paid, because there is parity of National Insurance contributions and income tax.

A provision in this clause allows the courts to disqualify those in breach of child support payments from driving for up to two years. There is also the possibility that the matter could return to the courts and the disqualification could further extended. If a person found guilty of drunken driving — an offence which is entirely related to the possession of a driving licence — is unlikely to lose their licence for more than one year, then there is a serious question over whether that is an appropriate penalty for something which is completely different.

None of us are experts on the implementation of the European Convention on Human Rights, but we must ask if it has implications here. There is the prospect of a man in court — and it is normally a man in these circumstances — saying "I was a safe driver, but they

took away my driving licence for something unrelated. As a result I suffered difficulties in my life as an ordinary citizen."

We must consider what implications that might have across Northern Ireland, particularly when the region is significantly more rural than the UK as a whole. We have just had questions on regional development, so we know that possession of a car is almost becoming a human right in rural areas, because public transport is completely inadequate. The loss of a driving licence in those circumstances must be regarded as a serious penalty, and disproportionate to the crime, or the misdemeanour — there is some doubt as to whether defaulting on a child support payment is a crime or not.

Another major issue is that a driving licence is often a virtual requirement for a job. Those jobs that require the ability to drive may or may not be considered by the courts. Many other people require a driving licence to get to a normal place of work. Is it not a little illogical, when we are discussing the difficulties of extracting child support payments from fathers, to create a further barrier to employment by disqualifying them from driving? It is an absolute nonsense. It may be the sort of knee-jerk response that appeals to the Government and the editor of the Daily Mail, but let us have a little bit of wit. Let us consider in this Assembly what will work and will not.

**Mr Paisley Jnr:** I appreciate some of the points that the Member is making. Can he explain what he would consider to be an appropriate sanction on people who continually refuse to pay benefit to the most needy in our society, namely young people and children who are being denied a benefit that their parents ought to be paying to them?

**Mr Ford:** It is not part of my case to suggest that defaulters should not have sanctions applied to them. The issue is — *[Interruption]* If the Member wants me to give way, he should let me finish my sentence. The issue is what is an appropriate and workable sanction. It is clear that withdrawing a driving licence is not appropriate, workable or beneficial in any way to the children concerned. Does the Member wish me to give way now?

4.15 pm

**Mr Shannon:** What is?

**Mr Speaker:** Order. This is going to descend into complete chaos, unless Members who have not yet spoken but so wish indicate a desire to do so. By intervening Members do have a further opportunity to speak, but if they do so all the time, the proceedings will degenerate into chaos. If Members wish to speak, that is absolutely fine, but they should indicate to the Chair that they wish to do so.

**Mr Ford:** Speaking as the father of four children, two of whom, fortunately, have their own driving licences, I agree with the person who said that a father's principal function nowadays is to provide a magic carpet — the ability to get his children from A to B. That is particularly so in cases where the parents are separated and the father is living away from the children, so his only opportunity to see them is at weekends or on occasional evenings. There is generally a presumption that an outing has to be arranged and that the children have to be taken somewhere.

If that is the only contact between a father and his children, do we really wish to take away his driving licence and remove that contact? I have no doubt that the Minister will say — for he hinted at it at the Second Reading — that the issue is not whether we should be taking away driving licences but whether people should learn to behave themselves. We might even be told that those who are good boys and comply with the law will be at no risk from this, and, therefore, we should happily let this go through.

Unfortunately, however, there are circumstances in which child support payments go wrong, and I am sure that there will be further occasions when they will go wrong. There are occasions when people fall foul of the regulations through no fault of their own. If we were to apply this kind of draconian penalty — the possibility of losing a driving licence for two years and then for a subsequent two years, and for dear knows how much longer — rather than employing a method which would encourage contact and the payment of support, we are going to end up in a situation in which the Minister's statement will be little more than that of a hostage-taker who says "Behave yourself or the kids will get hurt."

We should throw out this clause. It is not required for parity of benefits; it is a disgracefully illiberal clause, and I urge the House to throw it out.

**Mr O'Neill:** One of the difficulties of an accelerated passage is that even if a Committee were responsible for such legislation, it does not get the opportunity to tease out all of the implications of some of the clauses.

I am opposed to the inclusion of this clause in the legislation, although not because of the reasons that Mr Ford mentioned. In my view this clause would create a law that would be an alternative to a prison sentence. It would give the judge the option of exercising this punitive sanction rather than sending the person to jail.

One could see the argument that if someone were to vote against this clause, they would be voting for the judge to send the man — for it usually is a man — to jail. On considering that, one could understand to some extent the reasoning behind it. One could see that arguments about accessibility and other things that

might affect that person would be of no great importance if that person were to be subsequently jailed.

However, that is not the reason why I want to speak against this. I want to speak against it because it is almost like a draconian extension of punitive arrangements for courts to use, and we should be keeping away from that. It has also not been properly tested here in Northern Ireland. There are people who make the argument about parity — there should be parity on this and parity on that. For example, holding a driving licence allows one to vote in Northern Ireland, but that is not the case in the rest of the United Kingdom. Has this been tested in Northern Ireland?

What are the implications of this here with regard to a person's right to vote and his democratic opportunity to vote? Are we interfering with these? Where would such sequence of thought lead? Should we start removing other means of identification such as passports? We are on a road here which might be more reminiscent of what one would have seen some years ago behind the Iron Curtain — a draconian system of control.

This is not the direction to take. There are already sufficient powers in the justice system to allow these people to be brought to book. The courts in particular do not wield them powerfully enough. Instead of having a penal sentence, the new article 37A(1)(b) states that the court may

"make a disqualification order but suspend its operation".

Therefore the order will be hanging over the individual. But here, as in the normal course of court activity, there are suspended sentences and other measures that judges may use to ensure that people honour their obligations.

By removing something that is regarded as an individual's right we are abusing a civil right. On that principle I am opposed to the inclusion of the clause.

**Ms Gildernew:** Go raibh maith agat a Chathaoirleach. Under previous child support legislation, if the parent with care was receiving benefits and the absent parent was paying money to the Child Support Agency, that money did not go to the parent with care or towards a better standard of living for the children. Instead it went towards paying off the benefits of the parent with care. It is important to make the legislation and the system fair so that the absent parent who pays child support sees the benefit going to his children. The system should be simplified so that the parent with care and the children concerned are protected and benefit from the payments. If children benefit from child support, their fathers are more likely to pay it so fewer absent parents will renege on their responsibilities.

I concur with everything that previous Members have said about the draconian measure contained in this Bill. It is a breach of human rights to take away someone's

driving licence as a punitive measure, and I oppose the inclusion of this clause for that reason.

**Mr S Wilson:** The purpose of the new child support measure is to clear up the mess with existing legislation. In my experience, many people got into difficulties with their payments because of the complexity of the regulations. Sometimes it took six to nine months to assess a case, by which time massive arrears had built up. Another reason was that people could not understand how the final figure was arrived at. When the chief executive of the Child Support Agency attended the Committee session, even he said that the method of calculation was complex and that sometimes up to 100 variables have to be taken into consideration. This has all led to people feeling that they have been wrongly treated or getting into arrears through no fault of theirs.

It must be remembered that the system has now been simplified so that a standard amount of 15% of the absent parent's income for the first child, and 5% for each subsequent child, is payable. There will no longer be a long time spent on trying to find out what a father owes.

Therefore, it is not particularly likely that anyone will get into debt as a result of the complexity of the system. By and large, those who are not paying will fall into the category of those who have decided not to pay. If this legislation is to mean anything, it has to protect those who have been left to look after children and who cannot get any money from the absent parent.

Mr Ford said that he was not opposed to parity of benefit. However, those who propose the exclusion of clause 16 are saying to parents in Northern Ireland who are left looking after children that they will not get the same access to payment as would be the case in the rest of the United Kingdom. The parents who are left looking after the children would be short changed. If we remove the sanctions from the Bill, we will be giving parity of benefit, without parity of implementation. That is not fair.

**Mr Ford:** Does the Member not accept that a measure that is likely to reduce the level of contact between fathers and their children would be equally disadvantageous for those children?

**Mr S Wilson:** That is an important point. We must look at the qualifications in the clause. I have already made the point that the system will be less complex, so it is likely that those who are not paying will have decided wilfully not to pay. In most cases, judging by my constituency caseload, those people do not want to have contact with their children anyway. The provisions in the clause are ringed with qualifications. The Bill states

"The Department may apply".

So the Department will have to make an assessment before it applies to a court. Even then, a driving licence will not automatically be removed. The court can take into consideration whether the driving licence is needed to earn a living and also take income into consideration. The court must ask whether the absent parent has been unable to pay because he does not have the money, or because of wilful refusal or culpable neglect.

There are sufficient qualifications to guard against the possible problems that have been identified by the person who proposed that the clause be removed. We all want a fairer system of support for children and one that is enforceable. There is no point in making it easier for absent parents to pay and then removing any sanction on the minority who will not make their contribution, even if the system has been made easier. We would be doing a disservice to the parents who are left looking after the children.

There is also the question of human rights. First, this is UK legislation, so I assume that the human rights aspect has already been examined. Secondly, we are not unique in Europe in implementing such sanctions. As far as I am aware, in no other country where this kind of sanction is imposed has it been the subject of a human-rights case.

4.30 pm

It is one thing to say that we are concerned about the human rights of people — and believe it will be a very small minority because of the reasons I gave earlier — who refuse to make the contribution. What about the rights of the parent left looking after the children, and what about the children who require that support? Are they not also entitled to some protection? Are they not entitled to have their rights honoured?

I believe that, given the qualifications which surround this matter — and I have gone through the various parts of the clauses — we are going to be dealing with a small minority of people. The penalty will not be automatic. The Department may decide the fact and when the case goes to court, the court will still be able to look at mitigating circumstances. Given the simplicity of the arrangements, we will now have a system in which it should be easier for the absent parent to avoid getting into arrears and into a position where they cannot pay. The simplicity of the arrangements should ensure that they do not feel aggrieved because they cannot understand the system by which they have been assessed.

The only conclusion we can come to is that we are going to be dealing with a very small minority of people who do not want to pay, and those people ought to have sanctions imposed on them. This is a reasonable sanction.

**Ms McWilliams:** I will not go over ground that has already been covered by other Members who have been



opposing this particular clause, except that once again I raise an enormous concern, particularly from those working with abused women. They know from experience that when something as punitive as this happens, the partner has abuse or indeed violence revisited on them because we blame that absent partner for having led to this in the first place.

It is one thing indeed to raise financial penalties — and I note the concerns about not being able to go above the 25% limit. Therefore, the Department and the agency are thinking of other ways of enforcing penalties on those who refuse to pay.

We should be concerned about that because, as Mr Wilson said, there are a number of individuals who continue to refuse to pay support. They tend to be extremely belligerent individuals and I am concerned that given such a punitive method of attempting to make them pay — and we do not even know if it will work — they may blame the partner who they already blame considerably for having enforced payments on them in the first place. This is particularly so if they feel they have made some private arrangements with that individual in relation to the house.

I have just noticed the Rowntree findings from a large study which has just been carried out on how parents cope financially on marriage breakdown. The results actually show that formal child maintenance was relatively infrequent, and much more commonly a non-resident parent provided some support for the child through a voluntary arrangement, even where the carer was receiving social security benefits.

Of course, we know that over and over again the dispute ends up over what they feel they have already given or donated. Often, it is a voluntary arrangement. However, we are talking about a mandatory arrangement that they may not feel obliged to pay. I raise that as an enormous concern.

I also take the point that we are leaving it to judges to decide whether the liable person is earning a living and is dependent on a driving licence. That leaves huge discretion and enormous questions to be asked, and these are not tightened up in this legislation. Indeed, it will be left to the court to decide whether a person needs to use a driving licence to get to work. It will have to decide if driving is a fundamental part of a person's work. It will have to decide if a person living in a rural area and dependent on public transport, as opposed to living in an urban area, would be unable to keep their job as a consequence of losing their licence.

**Mr Weir:** Does the Member acknowledge that judges make this type of decision every day in a wide range of driving cases, except in those where there is a mandatory punishment, for example, in drink-driving cases? Judges will always have to weigh up — for example, in cases

of reckless driving or careless driving — issues such as the need for the person to have a licence. It is something they are used to deciding, and I do not particularly see a problem with having that level of discretion.

**Ms McWilliams:** I agree, but I have spoken to judges about this, and they feel that when legislation is being introduced, the tighter it can be made the better it is for them. They have made that point over and over again. They do not want to be left in a situation where they have a huge list of individuals and no definition as to what measure should be used against whom. I have concerns that many people would be leaving the courts with less confidence in them rather than more; perhaps because another case was treated differently, even though the job was similar.

At a time when the Department is introducing driving licences and driving training as a means of gaining employment, we may simultaneously be working against that by taking driving licences away from people.

I note that the explanatory notes and, indeed, much of the legislation argue that the Secretary of State gives consent, but it seems to me that the criminal justice system remains a reserved matter, and it is not outlined here that the Secretary of State has given consent to this particular part of the Bill. I would like to have some further clarification as to whether, given that criminal justice is a reserved matter, it can be covered in a piece of legislation like this. Obviously, we are supposed to be maintaining parity with the rest of the UK, and the Bill has been written with similar circumstances in mind, but here is one circumstance in which we differ from the rest of the UK.

Finally, I want to raise a concern. Should the Committee have looked at this, or did it not get the opportunity because of accelerated passage? Was the case examiner of the Child Support Agency for Great Britain — who also covers the Northern Ireland Child Support Agency — asked for views on any of this?

I note that, in her most recent report, she says that she is pleased to see that a number of things are now taking place, and that the delays, errors and poor communications, which were the major problems associated with child support, seemed to be being tightened up. I argue that, most of all, we need to get the communications right. Dr Paisley raised this issue last week when he said that due to poor communications, individuals are being held liable when they ought not to be. It seems to me that with the introduction of such a huge penalty, it would be very important to get that piece of communication right.

The examiner points out that in the last year — and this is very sad to note — the statistics in this report do not cover Northern Ireland. We know what has happened in England, Wales and Scotland, is broken down by region. Having looked at all the graphs and



statistics, I found, unfortunately, that Northern Ireland is not mentioned, even though this report is meant to include it.

The report points out that complaints have increased, not as a percentage, but in absolute numbers, and that over 704 complaints have been accepted. Many were rejected, but 704, which is a substantial number, were accepted by the independent case examiner, and I have no doubt that many of those complaints would raise enormous concerns about the agency's work in terms of having specified who was liable for what.

I think that this is extremely punitive. We ought to be thinking of other ways to approach enforcement in Northern Ireland, and I do not think that a piece of legislation on social security should be asking that such matters be referred to the court for discretion.

**Mr Paisley Jnr:** This could be a very emotive debate, and, indeed, some people have been emotive in some of the things that they have said. However, it is important to be emotive for the right reasons, and the right reason to be emotive, I believe, is to ensure that the most vulnerable in society, not the person who wants to avoid paying what he or she should be paying, get what they are entitled to — and that is the children.

This legislation and, indeed, this clause, will allow the most vulnerable in society to have their chance at getting something which everyone else across the rest of the United Kingdom will be entitled to. If we do not give them this chance, we could be making them victims. It is essential that we guard against that. Members who have spoken before me have raised specific points that I would like to deal with. Mr Ford kindly gave way to me and I asked him to suggest a workable sanction. He replied that the removal of a driving licence would not be workable. On the contrary, it is the one thing that probably would work, because it could be monitored. Controls could be exercised by the courts and by Government agencies, because they can monitor who has a driving licence and whether the licence is being used legally or illegally. I suggest to him that this is the only workable option.

**Mr Ford:** The Member has made an interesting point. I think that the provision in clause 17 for financial penalty payments would be likely to be more successful than removing driving licences. Perhaps the Member is unaware that even in North Antrim people have been known to drive without licences, thereby driving without insurance. Surely he does not wish to add to that problem?

**Mr Paisley Jnr:** That is interesting but the point of removing a driving licence is that the person has already defaulted on making payments. To suggest that we try to get him to make more payments when he would not pay in the first place is what is unworkable about this.

I suggest that this is a very workable option. Both Mr Ford and Mr O'Neill indicated that it is a draconian measure; I suggest to them that it is not. Indeed, if they are concerned about it they should look more closely at the clause. My Colleague, Mr S Wilson, explained how it would operate. I refer them to the words in article 36A(3) —

“whether there has been wilful refusal or culpable neglect” —

and to the phrase in clause 53

“without reasonable excuse”.

The sanction cannot be regarded as draconian because it would only be used in very particular circumstances such as when a person who has been brought to court is unable to produce a reasonable excuse for his failure to make payments. On that basis I think that they ought to be concerned.

To refer again to article 36A(3), the aim is to protect children who have been neglected. Let us focus on that. We are not dealing with someone who has missed a couple of payments in a 12-month period. We are dealing with someone who wilfully neglects his children, wilfully takes money that is theirs and thus wilfully removes food from their fridge and from their kitchen table and clothes from their back. Under any other set of circumstances, that wilful neglect would result in absolute condemnation from across the House. Here we have an opportunity to protect children from such wilful neglect, and we are backing away from it. I suggest to the House that we seize the opportunity to guard and protect those children.

**Mr Ervine:** As far as I am aware, in the Criminal Justice Review no party suggested that a paedophile should have his driving licence removed for wilful damage to a child or that a mother or father who neglects or is brutal to a child should have their driving licence removed. Does the Member believe that perhaps we should look at those circumstances in the future?

**Mr P Robinson:** They would be put in prison.

**Mr Paisley Jnr:** The Member has raised an interesting point. My Colleague is indicating that paedophiles face an ultimate sanction, which is prison, and I will come to that in a moment. The Criminal Justice Bill is up for review, and the Secretary of State is considering options. I am sure the Member and other parties will also have proposals to make when that issue is before the House.

However, for the moment let us focus on the wilful neglect of children who ought to be receiving money from a parent. I again advise the House to seize the opportunity and use this good means to ensure that those payments are made.

4.45 pm

The Member mentioned jail. Mr O'Neill said that the removal of the licence was a very draconian option. However, the alternative suggestion would be that the person should go to jail. If that is Mr O'Neill's alternative, it is even more draconian. If he wants to bring forward an amendment that involves jail, then we will look at that option.

Mr O'Neill said — and he should be corrected on this — that driving licences give people in Northern Ireland a right to vote. He is wrong. Driving licences do not give people a right to vote. They are a unique means of identification enabling people to exercise their franchise, but there are several other means of identification that people can use and are entitled to use. I suggest to him that throwing in that emotive issue and saying that it would deny someone the right to vote is wrong. It does not help this debate. It does not help people who want to make a serious contribution to this issue. He should reflect on that and possibly withdraw his comments, because they are wrong.

**Mr O'Neill:** I think that the House recognises the sincerity with which the Member speaks and, indeed, the sincerity that we all have on this issue. Members all recognise the seriousness of it, and the impact of what we are doing here today. We should therefore be very careful. There were two things that I was referring to when I mentioned the electoral arrangements. One was whether we know the impact that this is going to have for us in Northern Ireland. I do not think that we do, because arrangements here are that bit different. Indeed, the same applies to some of the other clauses. They have not been tested. The opportunity has existed in Britain for some of that testing to take place.

The second matter related to the use of prison and the use of the word "draconian". I am using the word "draconian" in relation to introducing a punishment that is not standard under normal human and civil rights. It is an addition above what is normally accepted, and it is introduced as a new punishment. I recognise, as all of us would, that certain circumstances while driving can result in one losing one's licence. That, however, is related to the crime. This is not, and I asked the question of where we would end if we were to start down that road. Where do we end and what else would we take away? That is the substance of the point that I was trying to make.

**Mr Paisley Jnr:** I appreciate the Member fleshing out the point that he was trying to make. I suggest, however, that he has dug himself further into the hole on this issue. In his earlier comments he asked the House whether we were going to consider removing someone's passport or some other draconian measures. He said that these were kinds of Iron Curtain measures. The well-known Iron Curtain country of Sweden

removes a person's passport if that individual defaults on these types of payments. Indeed, several other European countries have even more stringent regulations. The Member is a great European, and his party is very strong on Europe, so I would have thought that he would be quite willing to embrace what is a common practice across the rest of the European Union.

**Ms McWilliams:** It may be the case that others do so, but that does not suggest for one moment that we should follow. We are here to debate what is good for Northern Ireland. That is why the issue of suspended sentences and breach of orders in Northern Ireland has been looked at recently, and we will be coming to that later in relation to another matter. For men who had abused and were persistently returning to the court and getting suspended sentences and were breaching orders which bound them over to keep the peace, it was decided that it would be a useful intervention to mandate them to attend behaviour programmes. These are known as "men overcoming violence" programmes, and research and evaluation have shown those programmes to be very successful.

What research shows this to be successful? It is useful to divert people from custodial care if possible, because there is no point in filling up the prisons when there may be other programmes and interventions that work. We know from research that mandated programmes that deal with the cause — which is the behaviour — work, but simply taking people's driving licences off them may not work. We do not know.

**Mr Paisley Jnr:** I thank the Member for reinforcing the point that I was making to Mr O'Neill. This is not some unique draconian measure. It is common practice in other places.

The other point the Member tried to make is that this would in some way increase custodial sentences. I think that clause 16 would actually ensure that there would not be as many people held in custody as there would be if we went down another particular road. For that reason, I suggest that this is a good measure.

We are trying to protect the victim. Who is the victim? Are we going to focus on the person who is defaulting on making their payment? Is that person a victim? That might be argued in some circumstances, but we are trying to protect the most vulnerable people in our society. This Bill deals with them. All the Members who appear to be in favour of this clause would, in another place and even in this place, and other circumstances and other political arguments, chide me and my party for not having alternatives. What has been suggested in the House today is not an alternative to clause 16.

**Mr Ervine:** Taking up that last point, alternatives are very difficult when you have accelerated passage. My

party will be extremely loath to allow accelerated passage again. It is highly unlikely that we will ever stay silent when the leave of the House is asked for again. It is all very well that we have the responsibility to deal with that society out there, but we also have a responsibility to scrutinise and make good law.

It seems to me that we would create a dangerous and quite ludicrous precedent by allowing a sanction to be introduced that is unrelated to the perceived misdemeanour or crime, and that is the removal of the driving licence. Mr O'Neill makes a fair point when he says "What comes next?" Not only that, but where else do we decide that where there is an infraction we will take the driving licence?

It is my painful experience that when Governments get emergency legislation they guard it jealously, never wishing to have it off the statute books as it is beneficial to them and they would not want to get rid of it. I fear that this is a pathetic knee-jerk reaction, and for it to come from a socialist Government is, quite frankly, ludicrous. I do not want to draw analogies between Tony Blair's New Labour and the Minister for Social Development, but I stood on a platform in Glasgow where Ian Paisley Jnr said, and I quote: "The Democratic Unionist Party is a socialist party." I know that Ian will not contradict me on that.

**Mr Paisley Jnr:** The Member's interpretation is inaccurate. I think that what I said was — and I was quoting a founding father of our party, a man who used to sit in this House, Mr Desmond Boal — that the Democratic Unionist Party is to the left on social issues but to the right on the constitution. I think that is the exact quote that I used, several years ago in Glasgow.

**Mr Ervine:** We probably do not want to get into this debate, but I think there is a transcript of that meeting, which may well determine that I am correct. It was organised by 'The Scotsman,' which reported exactly what I perceived Mr Paisley to have said.

Nevertheless, we have the grand defence and, as Mr Paisley said, if others were in a different forum, asking different questions with different responsibilities, they might say something else. I think that is exactly right, and the Minister would do well to remember that they do try to appeal to those who have less opportunity than most, those who are vulnerable.

We all have constituency responsibilities, so it is irrational and shameful to suggest that those arguing against this clause are less concerned for children or struggling partners than they are. This would be a dangerous precedent and it is unnecessary as the full rigour of the law is already being applied in these cases.

The Department is cleaning up its act in terms of the Child Support Agency — the state is now taking greater responsibility than the partners who suffer because of

those who will not pay. If MLA Wilson is correct in saying that the clause will apply to so few, why include it? Look at all the constrictions that will inform the judge's decision.

I know people who have a driving licence and no car. The loss of the driving licence may not be punitive at all to those who cannot afford to run a car or who take too much alcohol. When considering the confiscation of licences, we did not think of taking a shotgun licence away from someone who has fun with a shotgun in the fields. We did not think about taking a television or a fishing licence away.

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

**Mr Speaker:** The Member will be able to speak very soon. It might be best to wait.

**Mr Shannon:** There have been occasions when such licences were taken away.

**Mr Ervine:** The licence is to be taken away because of the non-payment of child support.

**Mr Shannon:** Clearly, they were taken from people who were drunk in charge.

**Mr Ervine:** It does not matter. Of course, a licence can be taken away because of an abuse of the system or infringement of the law. It is a human right to drive a vehicle, provided you do so within the law and are competent to do so. It could be considered that gun, television or fishing licences permit leisurely pursuits, yet we do not advocate their confiscation. If you have driven much in this country you will know that driving is not necessarily fun.

This clause would not make any difference. Many of the Bill's positive elements will undoubtedly assist the struggling partner, but this nonsensical idea of taking a driving licence away could be replicated by another or the same Department. Therefore, my party and I are absolutely against this.

**Mr Shannon:** Members have argued against the inclusion of this clause. I will say why it should be included. Members have talked about the vulnerability of children — the ones we are trying to protect. When a parent makes no direct contribution towards the upkeep of his children, they are left vulnerable. Children are vulnerable when no food is on the table, when there are no clothes on their backs and when they do not have the toys that their friends at school have. This is what the Child Support Agency is trying to address. I am aggrieved that some Members feel that this legislation, which we hope will be introduced, is inapplicable.

One Member highlighted behaviour programmes as a means of addressing the problem — that would not make these parents more accountable.



5.00 pm

Behaviour programmes are a way of patting them on the wrist and telling them not to do it again. These are people who have habitually, purposefully and wilfully refused to support their children. As long as they purposefully, habitually and wilfully do that, we need adequate, acceptable legislation. Members have talked about practices in other countries. Mr Ian Paisley Jnr referred to Sweden, where a passport can be removed. Do Members feel that that is sufficient, or do they feel that they should do something else? We have Members who want to do something, but who cannot come up with a suitable alternative.

The new article 36A refers to the removal of the licence as a last resort. That is its exact purpose. We talked earlier about parity, and it is important to maintain that. There is real concern about having parity with the United Kingdom. However, this is not just a matter of having parity with the United Kingdom; we are also protecting the rights of children and other vulnerable groups.

**Mr Ervine:** I am struggling to find where it says that.

**Rev Dr William McCrea:** Grow up.

**Mr Ervine:** No. I am trying to find where it says “as a last resort”. The text does not say it. It might well be a judge’s first resort determination.

**Mr Shannon:** Obviously the Member has difficulty understanding the English language, though we all know he comes out with big words in the Chamber. We hear it all the time. We are talking about legislation and, for people who have not made any contribution towards supporting their children, this article will be used as a last resort to try to make them accountable. That is what we are referring to. The new article 37A says — just for those Members who perhaps have difficulty reading — “If, but only if”. “If, but only if there has been wilful refusal or culpable neglect” will the sanction be used. Quite clearly the measure will be used as a last resort. Allow me to quote the new article 37A (1)(b) also:

“ it may make a disqualification order, but suspend its operation”.

This amounts to a second chance; before making an order for disqualification, the courts can suspend the operation and thereby give the person another opportunity to pay.

The thrust of the legislation is to ensure that we can make those people pay who habitually do not pay. That is what we are talking about. That is what we are looking for. If the policy is not agreed today, we will have left a loophole which will allow those people who have defaulted on their child support payments to continue to do so. What alternatives are Members proposing? We need a deterrent. This is not one that will

be used lightly, but it may have to be used. If this measure will ensure that parents are accountable, we must adopt it. I cannot comprehend the comments of some Members. We have to have legislation that makes people accountable, and what the Minister has put forward is exactly that. I suggest that Members think of those who are most vulnerable, think of the children. If they do, they will support this.

**Mr P Robinson:** I welcome a full debate on these issues. Far too often such matters have been dealt with by Orders in Council, which meant that we could not have an input into what was happening with very important issues.

As a Member who has had to address Child Support Agency (CSA) issues many times for his constituents, I have been very frustrated at the way in which the legislation has caused problems not only for a mother who cannot get the necessary payments through to enable her to look after a child or children properly, but also for husbands who are anxious that the payment levels have been applied incorrectly. I welcome the Minister’s introduction of a Bill that will go some way towards clearing up some of those matters.

I would, however, ask that the House, in its enthusiasm to get hold of a piece of legislation and get its thumbprints on it, ensure that it does not smudge the legislation. I fear that that is what Members are going to do. There seems to be a consensus among those Members who are opposed to this clause that they are opposed to it for very different reasons. Some are opposed because they think that the Bill is not going to make any difference at all; others are opposed because they think that it is terrible and draconian. However, they do agree with one another that it should not be in the Bill.

Let us step back for a moment. What is the Minister trying to do with this piece of legislation? He is recognising the fact that there are defaulters, people who are not paying their way, people who have a responsibility towards a child or children, but who are not putting their money where their mouth is. For whatever reason, the money is not coming forward.

The first question the House should be asking itself is this: how do we ensure that we get the funds from those individuals? That has to be a priority. Whatever the House may do with this piece of legislation, it should be on the side of the child — the child must be its priority. Account must be taken of individuals’ rights — and I will come to those rights in a moment — but the burden of the legislation is to apply sanctions that will act as a deterrent, thereby ensuring that people do pay up.

Members have said that it is terrible to pass legislation that will take away someone’s driving licence. If someone is reluctant to pay up, something



must be done to hurt that person. If it does not have that effect, it will not be a sanction, and it will not encourage them to pay up. This Bill is far from draconian — it provides a lesser punishment, to be used under lesser circumstances, because the present legislation stipulates a prison sentence. Members opposite are saying that it is terrible and draconian for the Minister to be considering a piece of legislation that will take someone's driving licence away rather than sanction him with imprisonment. I think the average guy out there who is in default of payment might, marginally, prefer to have his licence taken from him than to go to prison. As for being able to see his children, the issue that everyone is concerned about, and being able to continue working, those aspects of his life are better protected by the lesser sanction that the Minister proposes to insert in the legislation than the one that is already there. All this piece of legislation will do is provide the courts with a further option, which they might use in the right circumstances, say, for instance, if an individual had to use his vehicle. This legislation can be used to protect people's rights.

So let us be clear: this it is not a draconian measure. It is a lesser sanction that can be used by the courts in the right set of circumstances. Some Members say that if it is going to be so seldom used, why bother to have it there? I am taking those arguments and dealing with them. *[Interruption]*

They are, and you agreed with them.

The record will show that after Mr Ervine referred to MLA Wilson — I think that that was the term that he used — he then said that he agreed with him.

In truth, I hope that this is never used. The fact that it exists is a deterrent in itself. The deterrent is that the provision is there, and if a person does not pay up, then it can be applied. That will be what forces them to make the payment. I hope that MLA Wilson is right when he makes that judgement, and I hope that Mr Ervine is right when he says that he agrees with him.

Mr Ervine seemed to think, by the way, that he was wounding the Democratic Unionist Party by applying to the party the terrible criticism it is socialist. I do not quake at the knees when someone calls me a socialist. In the best Ulster style of radical social reformers, this party is happy to bear those insults.

It would be dangerous for the House to consider moving away from parity as regards this kind of legislation. Under devolution it is right that a Northern Ireland Assembly should attempt, as far as possible, to do things in the Ulster way and to have legislation that fits our own set of circumstances. However, we should be careful when dealing with the Treasury and with legislation that has parity as far as benefits, et cetera, are concerned. If we move away on any one of these aspects, if we give

them an excuse in any area of parity legislation, we could well find ourselves further down the line.

If that happens, I will happily come out holding a copy of today's debate and remind Members that they were warned about it. I know that if this amendment is carried —

**Mr Ervine:** Will the Member applaud the Scottish Parliament for having had the courage to address the issue of student fees in a manner different to the attitude that pertained at Westminster? This has been done; there is precedent where a law is regarded as not being a good one for a particular area. Indeed, the fact that the Abortion Act 1967 does not cover this area is one example of other parties playing in an à la carte manner.

**Mr P Robinson:** I made it clear, and if the Member looks at the record, he will see that to be the case, that in general terms, we should attempt to stamp our own brand on any legislation that comes forward. I am warning of the dangers, when dealing with benefit payments and such matters, of departing from the general parity principle.

Another matter that needs to be dealt with by the Assembly relates to the alternatives. I have looked at today's Order Paper and at the amendments that have been put forward. On every occasion they are saying "No. Take it out. Delete it. Do away with it." Do they offer an alternative, however? No. There is no alternative. They cannot continue to say "No"; they really must come forward with alternatives.

All that those with amendments are attempting to do is to pull the teeth out of the Bill. They want to leave it as a gummy creature, which is incapable of extracting any money from defaulters. We have to face up to reality; we will not succeed without sanctions.

In this piece of legislation, the Minister has provided a way of doing that. If Members want to come back with an alternative way of doing so, let them do that, but they should not criticise those who have been positive, have brought forward proposals and provided a way forward. They might even recognise the words that I am using. May I say that I also agree —

**Ms McWilliams:** Does the Member agree that it would be difficult for us to introduce alternatives, given that criminal justice is a reserved matter? I was making the point that there are alternatives; there are diversionary programmes instead of custody. Alternatives exist, and we have introduced them in Northern Ireland, but since criminal justice is a reserved matter, it is not possible to do so from this Floor. We are simply saying that we need to delete this particular clause. It may indeed be the case that, under the criminal justice legislation, we will wish to look at those proposals.

5.15 pm

**Mr P Robinson:** I shall return to my office and look very closely at the Women's Coalition submission to the review to see what alternatives they proposed. I rather suspect that there are not too many. Just as they have the ability to amend this legislation to take things out, they have the ability to amend it to put things in. They did not take the opportunity to offer the Minister any alternatives.

While I accept that there are clearly drawbacks to accelerated passage, Members all accepted it. There was not a whimper from any part of this Chamber when the accelerated passage was sought. If there had been even a squeak from the corner, the process would not have gone forward. They can hardly complain at this stage when they did not take the proper action at the appropriate time. Therefore, I encourage the Assembly to think long and hard before it removes any authority, sanction and teeth that this Bill might have.

If Members really want to be on someone's side regarding this legislation, let them be on the side of the child who, because of the defaulting parent, is not receiving the funds. The only way one can do that is to allow the courts an additional mechanism to use, either as a deterrent or, ultimately, as a sanction if the payment is not made.

**Mr O'Connor:** I too oppose clause 16, because I feel personally that a driving licence is a civil liberty. There are disabled people in our society who need a car to get about. Are we to take that vehicle away from them and deny them that opportunity? If we answer in the negative because they are disabled, we fly in the face of our own equality legislation, for we cannot discriminate between people who are able-bodied and those who are disabled. There is an inconsistency.

There are a number of alternatives to the draconian penal measures outlined. There are community service orders, probation orders, and other measures that can be taken by the courts without actually sending someone to jail for non-payment. It is understood that jail is the ultimate deterrent, and it is to be hoped that that will have the desired effect. My Colleague Mr O'Neill mentioned using one's driving licence as identification when one goes to vote. I know that many people find it a convenient way to identify themselves.

**Mr Wells:** The hon Member is introducing a red herring, for he knows that everyone in Northern Ireland has access to a medical card. Most of us have access to a British passport, and many have benefit books. This spurious argument that someone cannot vote if their driving licence is taken away is absolute nonsense.

**Mr O'Connor:** Despite what the Member has just said, if a person is working, they will not have a benefit

book. Perhaps some people have more access to medical cards than others. *[Laughter]*

**Mr Speaker:** Order.

**Mr O'Connor:** As for passports, most people could have two if they so desired, and many probably do. The idea of taking a passport away may be considered by some as draconian, but I feel it is less draconian than removing someone's driving licence. Mr Ervine raised the issue of revoking television licences. In this country, there are 150,000 licensed firearms. Are we to tell people that, because they have not paid their child support, we are going to take their firearms licence from them?

Where do we draw the line? Where do we start to let individuals have what is — *[Interruption]* If you want me to give way, Oliver, just ask.

**Mr P Robinson:** As I understand it, the burden of the Member's suggestion is that we should be proposing less draconian measures. However, the Bill includes the power to put people in prison: does the Member not agree that something less draconian, namely the ability to take away a driving licence, should be in the Bill?

**Mr O'Connor:** I am advocating less draconian measures. Probation — giving someone 200 hours community service — is actually a first step; it is not putting someone in jail. It is a deterrent on its own and makes the person pay for what they have done.

My concern — Mr S Wilson and Mr Ervine also referred to this — is that the provision does not automatically mean that someone's driving licence will be taken away. Someone could come to court with a clever lawyer and build up a better case than someone else. Some people will have their driving licence taken away and others will not. There are enough sanctions in the current procedures.

Nobody is suggesting that irresponsible fathers, or mothers, should not pay for their children. They should pay and, if they do not, the measures that are already available through the criminal justice system should be implemented on the existing sliding scale that includes fines, community service or probation. The Assembly should not go down the road of taking away driving licences and, maybe later, passports.

**Mr Hussey:** You approve of a sliding scale. The measure suggested here could be part of that sliding scale. What would be the difference?

**Mr O'Connor:** A sliding scale currently exists, and it includes fines, community service, probation and, ultimately, jail — or, as Draco would have prescribed, cutting people's heads off. We need to look at the issue and pull back. Are we going to take firearms certificates away from people who are caught shoplifting or tell people that they are not allowed to have a colour television licence or tell lorry drivers that they cannot

have a HGV licence? I sincerely hope that the clause is removed.

**The Minister for Social Development (Mr Morrow):** I have listened carefully to all the points that have been made, and it is obvious that some have taken to wall gazing and are not focusing on the real picture. Members oppose clause 16 for a range of reasons. There is no consistency in the reasons why they want it removed, but they want it removed, none the less.

Clause 16 introduces a new civil penalty, allowing the making of an order by a court of summary jurisdiction — a magistrate's court — disqualifying a non-resident parent from holding or obtaining a driving licence. It will be an alternative to committal proceedings.

To put things in their proper perspective, I remind Members that the Assembly — nobody else — decided to go for accelerated passage. Not a single, solitary Member muttered anything against it until today, when they know that they cannot do anything about it.

**Ms McWilliams:** We have discovered, since I put this point to the Assembly, that there was a problem elsewhere in the building, and Committees were sitting at the same time as the business was being taken. Indeed, the business had been moved up the Order Paper and there were no annunciators in the Committee rooms. That was a particular problem that has now been recognised. My Colleague, Ms Morrice, was Deputy Speaker at that moment.

**Mr Morrow:** Ms McWilliams is not the only person today who has spoken and voiced her concern about this accelerated passage. There were umpteen other people around this Assembly who could have come down and spent 20 or 30 seconds of their valuable time and stopped it. Today, they expressed their concern because it was going down that road.

I am not responsible for annunciators. I do not organise the business of this House. The order of business on that day — just like today, as Members discovered — was changed instantly. Therefore, that was not of my making.

**Mr Dodds:** The Minister will be aware that the purpose of accelerated passage is to deal with pieces of legislation to which parity is deemed to apply. Section 87 of the Northern Ireland Act 1998 — as agreed by the parties in this Assembly today — places an obligation on the Minister to seek to consult with the Secretary of State for the purpose of maintaining parity on social security, child support and pensions.

Will the Minister confirm that that is the case? In light of that, all this talk about wanting to stop accelerated passage and all this complaint about maintaining parity seems not to comply with the provisions of the Act agreed by the parties in this House.

**Mr Morrow:** I thank the Member for making that point and I confirm that that is the case.

I am aware that the penalty of disqualification from driving for failure to pay child support causes some Members concern. There has been a lot of argument that does not accurately reflect what is being proposed. I would just like to take a little time to set out the true position.

Clause 16 will enable an order to be made by the court — and I want to emphasise that it is by the court — disqualifying a non-resident parent from holding or obtaining a driving licence. This penalty will exist as an alternative to committal proceedings — that is, to imprisoning a person who wilfully fails to meet his financial obligations to his children. I wish to emphasise again that this will be a decision of the court, not a decision of this legislation.

This penalty, like imprisonment, will be imposed very much as a last resort on those parents who have resisted every attempt to get them to meet their responsibilities to their children. By the time it is considered, the non-resident parent will have had every opportunity to dispute his liability or to appeal to an independent tribunal.

The amount owed will have been determined in accordance with the provisions of the child support legislation. The court will consider, in the presence of the person concerned — I emphasise “in the presence of the person concerned” — all the circumstances of the case when deciding whether disqualification from driving or imprisonment is the appropriate penalty.

In coming to that decision, in addition to looking at a non-resident parent's financial circumstances, the court will need to find out whether the licence is needed to earn a living. This does not mean that where the liable person needs a driving licence to earn a living the licence can never be removed. It is just one of the circumstances the court must take into account before imposing the penalty.

Imprisonment is already a penalty, under the existing child support legislation. This amendment, if accepted, would remove the driving licence sanction. This would mean that for those non-resident parents who have wilfully refused to pay maintenance and who have evaded other methods of enforcement the only option for the Child Support Agency will be to apply to the court for the most severe sanction — committal to prison.

5.30 pm

If that is unsuccessful, there is no punishment whatsoever for the evasion of parental obligation. The removal of a driving licence gives the court an alternative penalty that allows the non-resident parent to



continue working and to be in a position to pay the maintenance due. It will be the decision of the court whether the non-resident parent has deliberately refused or neglected to pay the maintenance owed. If the court decides that a penalty is appropriate, it will consider the circumstances of each case before deciding whether disqualification or committal is the right penalty.

It is reasonable to expect people to act in a way that is acceptable to society. That is not asking too much. If they do not do so, then they must be penalised or punished to show that their actions are not acceptable. Non-resident parents have an obligation to pay child support. It goes without saying that every opportunity will be given to those parents to enable them to make payment arrangements. That is acceptable behaviour. If they do not pay, they must be persuaded to do so. If that means using a final sanction, then it should be used.

The important point is that no non-resident parent needs to have his driving licence revoked. All he has to do is start paying maintenance and make arrangements to pay any arrears. This applies to a very small number of parents who will go to any lengths to avoid supporting their children. I am sure the Assembly will agree that a non-resident parent must be encouraged to pay any maintenance due. If a period of disqualification achieves that, and a genuine effort is made to clear the debt, then the licence is returned.

I am convinced that the possibility of having his driving licence withdrawn will make any non-resident parent think twice about trying to evade his responsibilities. The proposals strike the appropriate balance between ensuring maintenance is paid and recognising the individual circumstances of the non-resident parent.

I am somewhat confused by the proposal to leave out this clause. Are the Members who support this amendment saying that withdrawing a driving licence from those rogue parents who refuse to face up to their responsibilities is too lenient, and that the only fitting punishment is prison? That is the only option the court would be left with. I suspect not. What they are saying is that the rights of the rogue parent who wilfully and deliberately refuses to face his responsibilities to his children are more important than the rights of the innocent parties, namely the children. That cannot be right by anybody's standards.

The non-inclusion of this clause in the Bill would be a breach of parity. That applies equally to other amendments that will be considered today or tomorrow. Some people are under the impression that parity simply means the payment of the same benefits at the same rate. They could not be more wrong.

Parity includes having the same conditions for the receipts of benefits and the same penalties and sanctions

for failure to meet obligations to society, and the simultaneous introduction of new provisions relating to benefits, pensions and child support. Parity brings with it not only rights but obligations. You cannot have parity for the bits of the social security system that you like and ignore it for those parts that you do not like.

It is all or nothing.

**Mr Ford:** Does the Minister not accept that for 50 years the Government in this place made major differences, ranging from the selective employment tax rate to the Safeguarding of Employment Act 1947 which was rather more popular on his side of the House than on this one?

**Mr Morrow:** We are dealing with benefits today, Mr Ford. Perhaps that was unclear.

There is a compelling reason for the maintenance of parity. It is a simple one — it is called money. The money to pay contributory benefits, such as the retirement pension and incapacity benefit, comes from contributions paid into Northern Ireland's national insurance fund by the employed, self-employed and employers. To put it bluntly, these contributions are nowhere near sufficient to meet the amount we need to pay for contributory benefits in Northern Ireland. Every year the shortfall is made up by a transfer from Great Britain's national insurance fund. For example, in 1998-99, the Northern Ireland fund needed a transfer totalling £123 million. I hope the Assembly heard that. I repeat it: £123 million.

**Mr Irvine:** Can the Minister tell me what value the Exchequer would place on the removal of a driving licence, and how that would help to pay for the shortfall?

**Mr Morrow:** I happen to believe that if you feel that it is not important —

**Mr Speaker:** Order. The Minister has in no way been the only offender in this regard, but I encourage him and other contributors to speak through the Chair.

**Mr Morrow:** The withdrawal of a driving licence is one method by which we can ensure that non-resident parents face up to their obligations and responsibilities. I hope the Member understands that.

**Mr Paisley Jnr:** Will the Minister confirm that the withdrawal of a licence does not allow the Government to refund the money that was originally paid for the licence? Therefore, in parity terms we lose nothing, whereas if we do not take this approach, we will breach parity and lose even more.

Will he also confirm for the record that since 1948, after the welfare state was established, successive Governments in this place did not breach parity in order to secure social security benefit for Northern Ireland?



**Mr Morrow:** I thank the Member for that important point. I say again that if we do not adopt this Bill in its entirety, we will break parity, and for me that is crucial. I want to reiterate the point that in 1998-99 the Northern Ireland national insurance fund needed a transfer of £123 million from the Great Britain national insurance fund just to break even.

The money for other benefits, such as disability living allowance and income support, comes from the Exchequer and is conditional on the maintenance of parity. Is it sensible, or reasonable, to put the financial benefits of parity at risk so that a few people who fail to meet their obligations to society and their children can get away with it? I ask the Assembly to stop and think of that. In my opinion, it is neither sensible nor reasonable. It cannot be right to say that a person who is able to support his children, but who wilfully refuses to do so, has an inalienable right to drive his car. To fail to support your child when you are able to do so is totally unacceptable and must be punished. I strongly recommend that the Assembly reject the amendment and agree that clause 16 stand part of the Bill.

I am imploring the Assembly on this: whether its duration be long or short, let it be said that when it had an opportunity to throw its weight behind those who could not defend or stand up for themselves — our children — this Assembly was not found wanting.

I want to deal with some of the points raised by Members. Mr Ford queried the importance of parity. In relation to this Bill, it is all or nothing. One cannot cherry-pick this Bill and take only the bits that one wants. There are responsibilities that go with the privileges.

**Ms McWilliams:** The Minister may not be able to answer this question at this particular juncture, but it is extremely important for us to know the answer because it may determine how people vote. The Department of Social Security is to test discrete elements of the new scheme in England and Wales prior to its being introduced in Northern Ireland. Is this one of the parts to be tested and, therefore, is it possible that it may not be introduced in Northern Ireland if it fails to meet the requirements elsewhere?

**Mr Morrow:** I sincerely hope that this is one part of the Bill that will be introduced in Northern Ireland, because it would be a very effective step to take to ensure that people who should be paying for their children do so. As my hon Friend Mr P Robinson has said, there has been an attempt by Members who have spoken to take this clause out. They want to make it into a toothless piece of legislation. We have enough of that already. We want to make sure that this Bill goes through the Assembly and that it has some teeth, and I would prefer those teeth to be very sharp.

**Ms McWilliams:** I will ask the question again. I know what the Minister's hopes and desires are, because I have heard from him and from other members of his party on this point. Is it the intention that this part of the scheme be piloted, and is it therefore possible that it may not be introduced in Northern Ireland if it is seen to fail elsewhere?

**Mr Morrow:** I have 40 or 50 questions to go through here, and I assure the Member that by the time I come to that issue, I will endeavour to answer her question.

Mr Ford said that a person found guilty of drink-driving would get a disqualification of one year. It will be up to the courts, and the courts alone, to consider the period of disqualification, which can be anything up to two years. Some Members have queried why the courts should decide. I can not think of a better arena to decide such a thing. Mr Weir made that point adequately. Mr Ford also said —

**Mr Ford:** Does the Minister accept that there is a further section that allows for an extension? Would it not be more accurate to talk about an extendable two years?

**Mr Morrow:** That is the Member's interpretation.

**Mr Ford:** What is the Minister's interpretation of the part of clause 16 (3) that would insert article 37A(7) into the 1991 Order, as set out on page 15 line 20, if he wishes to dispute my interpretation?

**Mr Morrow:** Yes, that is right — the two years can be extended. I am glad that we can agree on something.

Mr Ford went on to talk about an appropriate and workable sanction. Now, not many Members came up with an alternative during the whole debate. As a matter of fact, I doubt if I heard one. The comments were all "Pull it down. Throw it down. No, no, no." But the court would consider whether the person needed the licence to earn his living. It is a measure of the last resort, applicable to people who can pay but will not, and who have been persistent in non-payment.

The people who come before the court are not there because they are angels; they are there because they have wilfully defaulted in their payment and they will not pay what their children are entitled to. That is why they are in court. That is why they may lose their driving licence, and it is to be hoped that Members keep that point to the forefront when they are voting.

5.45 pm

Mr Ford asked how many other countries use the withdrawal of licences.

**Mr Ford:** I did not say that; you have got the wrong person.

**A Member:** It was Mr O'Neill.

**Mr Morrow:** Was it?

This sanction is used in the United States of America — in Texas and in Minnesota. *[Interruption]*

**Mr Speaker:** Order. Members should not speak from a sedentary position.

**Mr Morrow:** Europe also uses this sanction for offences which are not related to child support, so it is not new or unique. There are some excellent Europeans in the Assembly — people who pride themselves on being more European than British or, as some claim, Irish. Let them be Europeans today and go down that road.

Michelle Gildernew raised the issue of the European Convention on Human Rights. The legal advice is that this provision is consistent with the European Convention on Human Rights.

Mr Ford stated that breaking parity with regard to clause 16 would have cost implications. There are cost implications, for example, if the parent with care is on benefits, the Department for Social Development has to pick up the continuing costs of those benefits, because the absent parent cannot be sanctioned in that way.

Mr O'Neill asked — and if I misquote him, it is not intentional — if the measure had been tested, and he raised the matter of the right to vote. The measure is being introduced in Great Britain and Northern Ireland to give courts an alternative to prison sentences, which is currently the only sanction available for persistent offenders.

With regard to the right to vote, other documents are available for identity purposes. Licences are used for identity purposes only —

**Mr P Robinson:** If the Minister cannot answer this question now, I will be content with a written answer. If the existing legislation allows for prison sentences, can the Minister indicate whether the courts have taken advantage of this up until now, and, if so, in how many cases?

**Mr Morrow:** I cannot give Mr Robinson a definitive answer, but I will write to him.

**Mr O'Neill:** I am sure that all Members agree that this Bill is a great improvement on the current process for child support provision. Sammy Wilson made the point — and I agree with him — that the bulk of this Bill will reduce a great deal of the intricacies in the system and the difficulties that people had to face while working with it in the past. In the light of Sammy Wilson's comments and the Minister's earlier answers, will the Minister, when he is preparing his reply to Mr Robinson, also indicate how many cases were taken that failed due to the intricacies of the existing arrangements?

The point was made that no alternatives were put forward today. The court situation could have enough

flexibility now to make a real impact with an improved system for calculation and an improved system for ensuring that people would be brought to book properly.

**Mr Morrow:** I assure Mr O'Neill that his point will be taken into account and a full and definitive answer will be given. Perhaps he will reconsider his support for the withdrawal of clause 16. He would be doing everyone a service, particularly those children who have been neglected and whose parent is not prepared to accept responsibility for them.

**Mr S Wilson:** The Minister's explanatory and financial memorandum shows that while there are no present plans to operate a pilot exercise to look at some provisions of the Bill, he would provide, if it were considered prudent, the option of pilot changes where advisable. Will the Minister confirm — and some doubts about clause 16 have been expressed by Members today — that if it were considered prudent that this particular provision be piloted, he would be prepared to consider that at some stage?

**Mr Morrow:** Yes, if it would be prudent.

I will return to Mr O'Neill's point about the withdrawal of driving licences with respect to voting. By law, you do not need a driving licence to vote. It is one of a number of means of identification you can use when you go to a polling station.

Ms McWilliams raised the point about abused women. The effects of taking away licences on parents with care will be taken into consideration. I hope I covered that adequately during my submission. It seems that some Members think that a driving licence is taken away automatically. Nothing could be further from the truth.

**Mr Ervine:** I do not have my papers to hand. However, the Bill states that the court, and only the court, can determine such a thing. How can the Minister tell us, as he did earlier and in his most recent comment, that this is an issue of last resort? It states clearly in the Bill that the licence will be taken away if, and only if, the court believes it to be right.

**Mr Morrow:** I am a bit confused at the tenor of the question. When I was answering, I said that the court decides whether the driving licence stays or goes — not the Department. The legislation does not make that decision — the provision is within the legislation.

**Mr Ervine:** The point that I am making is that, in an earlier assertion, the Minister said that it would be decided as an issue of last resort. Since the Minister will not be determining that, how can he tell us that that is what the judge will determine as an issue of last resort?

**Mr Morrow:** The proposed article 36A(1) says

"Where the Department has sought to recover an amount by virtue of Article 35 and that amount, or any portion of it, remains unpaid, the Department may apply to the court under this Article".

The operative word is “may”. Nobody can tell the court how it should handle the matter.

The court, in whom I have confidence, will deal with the matter.

**Mr Weir:** Does the Minister agree that in terms of the provisions, at first instance, the Department has the discretion to refer the matter to the court, but the court also has a discretionary power. This is illustrated by clause 37A, a point which was referred to by Mr Ervine. There is a major difference between a discretionary power which is indicated by the word “may” and a court’s mandatory power which is indicated by the word “shall”.

**Mr Morrow:** I accept that point, but some Members are taking their eyes off the picture: a case will only go before a court when all other methods have failed. A case comes to court when an individual has wilfully neglected his responsibilities after being given umpteen opportunities to fulfil his obligations. I take the point very strongly — *[Interruption]*

**Mr Paisley Jnr:** Will the Minister give way?

**Mr Morrow:** Yes, in a second. A defenceless child also has rights. Let us go to the heart of this matter and not only defend the child but be seen to do so.

**Mrs E Bell:** Under Standing Order 24, I beg to move That the Question be now put.

**Mr Speaker:** That Question can only be put at six o’clock. You are slightly ahead of the game.

**Mrs E Bell:** I am still for it.

**Mr Speaker:** It is possible to do that in about two and a half minutes’ time. Until then the Minister may continue. I would remind the Minister and others of the import of what the Member has said. It is possible at six o’clock to propose that the Question be put and, if it is agreed, the Question will be put. We would then continue with the rest of the Consideration Stage.

**Mr Hussey:** That can only be done by someone who has not taken part in the debate.

**Mr Morrow:** It is obvious that I am not going to be able to deal with all the questions adequately here as time is slipping away. I assure Members that I will respond in writing to anyone who has raised a point here today to which I have not replied. I do not want anyone to feel that he has been cheated.

I do want to deal with Ms McWilliams’s point. It is clear from the memorandum of the Bill, paragraph 253 clause 27, that there are no plans to pilot any of the provisions. However, it is considered prudent to have the option to pilot changes, should this appear advisable. I hope that that will alleviate the Member’s genuine concern about the matter, and I am assured that

this will be the case. I hope that she takes that point on board. I could say a lot more but time has run out. Members have a chance now to do something real for the children whose custodians they claim to be. Let us not fail them now.

6.00 pm

*Question put* That the clause stand part of the Bill.

*The Assembly divided: Ayes 42; Noes 34.*

#### AYES

*Ian Adamson, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Paul Berry, Esmond Birnie, Gregory Campbell, Mervyn Carrick, Joan Carson, Wilson Clyde, Robert Coulter, Ivan Davis, Nigel Dodds, Reg Empey, Sam Foster, Oliver Gibson, William Hay, David Hilditch, Derek Hussey, Roger Hutchinson, Gardiner Kane, Danny Kennedy, James Leslie, David McClarty, William McCrea, Alan McFarland, Michael McGimpsey, Maurice Morrow, Dermot Nesbitt, Ian Paisley Jnr, Ian R K Paisley, Edwin Poots, Ken Robinson, Mark Robinson, Peter Robinson, Jim Shannon, David Trimble, Denis Watson, Peter Weir, Jim Wells, Sammy Wilson. [Tellers: David McClarty and David Hilditch]*

#### NOES

*Eileen Bell, Joe Byrne, Seamus Close, John Dallat, Bairbre de Brún, Arthur Doherty, David Ervine, John Fee, David Ford, Tommy Gallagher, Michelle Gildernew, Joe Hendron, Patricia Lewsley, Alban Maginness, Alex Maskey, Kieran McCarthy, Alasdair McDonnell, Barry McElduff, Martin McGuinness, Gerry McHugh, Mitchel McLaughlin, Pat McNamee, Monica McWilliams, Francie Molloy, Jane Morrice, Conor Murphy, Mick Murphy, Sean Neeson, Mary Nelis, Danny O’Connor, Dara O’Hagan, Eamonn O’Neill, Sue Ramsey, John Tierney. [Tellers: David Ford and Barry McElduff]*

*Question accordingly agreed to.*

*Clause 16 ordered to stand part of the Bill.*

*Debate suspended.*

## ASSEMBLY BUSINESS

**Mr Maskey:** On a point of order, A Cheann Comhairle. It relates to a conversation I had this afternoon with Minister Bairbre de Brún. Obviously the Minister will make her own statement to Members at the first available opportunity. I would like to set on record that the Minister was available this morning and was prepared. I think, Mr Speaker, that you will acknowledge that there was no attempt — *[Interruption]*

**Mr Speaker:** Order.

**Mr Maskey:** As I have already said, the Minister will speak to Members in the Chamber — after having this discussion with yourself today — at the first available opportunity. I just want to put on record on behalf of our party and the Minister that there was no intention at all of slighting Members of this House. The Minister was prepared and ready. There was a difficulty regarding the time frame — *[Interruption]*

**Mr Speaker:** Order. I was asked earlier whether the Minister had tried to get in touch. I advised that it would have been difficult because I was preoccupied with some visitors. I can confirm that the Minister was subsequently in touch with me and advised that there had been some confusion or difficulty about time. The Minister may speak on that matter herself at an appropriate time.

**Rev Dr Ian Paisley:** Mr Speaker, would you care to rule on whether this is a point of order? Can a Member get up to try to defend a Minister in this House and say that it is a point of order? There is nothing in ‘Erskine May’ that would give any Member of the British House of Commons the right to do what we have heard as a point of order.

**Mr Speaker:** Of all the Members in this Chamber there is none who knows better the capacity for flexibility on the part of a Speaker and a point of order.

**Rev Dr Ian Paisley:** I hope that you do the same to others who get up and defend their Ministers.

**Mr Speaker:** This is hardly a precedent, as the Member knows well, at the beginning of, and later in, sittings.

**Mr Dodds:** On a point of order, Mr Speaker. In the light of comments that I made earlier about this matter on which remarks have just been made, may I ask whether it is not the case that nothing, but nothing, will excuse or cover up the shameful behaviour of the Minister in not attending this House? *[Interruption]*

**Mr Speaker:** Order. The Member knows that is not a point of order.

We will resume at 10.30 am tomorrow with a statement, followed by continuation of the Consideration Stage.

*The sitting was suspended at 6.13 pm.*



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# NORTHERN IRELAND ASSEMBLY

Tuesday 17 October 2000

*The sitting begun and suspended on Monday 16 October 2000 was resumed at 10.30 am (Mr Speaker in the Chair).*

## BUDGET PROPOSALS (2001-02)

### **The Minister of Finance and Personnel (Mr Durkan):**

In accordance with paragraph 20 of strand one of the Good Friday Agreement, the Executive has agreed a Programme for Government, incorporating a Budget. In line with section 64 of the Northern Ireland Act 1998, I am today laying before the Assembly a draft Budget in the form of a programme of expenditure proposals for the financial year 2001-02.

As the First Minister and the Deputy First Minister have explained in the letter which Assembly Members received this morning, this Budget is fully in line with, and guided by, the priorities and actions in the Programme for Government which was agreed yesterday evening by the Executive. I understand that the First Minister and the Deputy First Minister intend to make a statement to the Assembly next week to coincide with the publication of the Programme for Government. The programme will be more far-reaching in timescale and scope and will include a wider range of policies and proposals for programmes than the Budget, which is limited at this stage to presenting proposals for expenditure plans for 2001-02.

This Budget and next week's Programme for Government announcement constitute a very significant stage in the implementation of the agreement and the cementing of our new institutions. The fact that I am today presenting an agreed Budget on behalf of the Executive shows that sharing a wide range of public responsibilities can allow us to reach agreement on priorities and actions for our whole community. That lays an important foundation for all our future work.

In contrast to my statement in December last year, this is not a set of hand-me-down Budget proposals, simply rolling forward the plans inherited from the period of direct rule. Our plans for 2001-02 include the first evidence of how we will begin to make a difference, both through the allocation of spending in line with our priorities and through the way in which Ministers and Departments, together with North/South,

East/West and European structures, carry through and implement new ways of working. The implementation of the agreement will make clear just how fundamental is the change in governance of this region.

I stress again that this Budget has been collectively agreed by the Executive, and my role is to introduce it on behalf of the Executive. The work on the Programme for Government and the Budget has involved intensive discussion between Ministers and Departments and has been among the most important collective undertakings of the new institutions so far.

The First Minister and the Deputy First Minister will have more to say about that process in their statement next week. I will therefore move on to the detail and substance of the financial proposals for 2001-02, which form an important part of this work.

Our discussions on spending plans have been taken forward following the announcement in July by the Chancellor of the Exchequer of the new total allocations for our services for the period 2001-04. The outcome of the 2000 spending round included a number of changes of detail, and not all of these had been clarified at the time of the Chancellor's announcement.

There were discussions on provision for agriculture, and the departmental expenditure limit announced in July has been augmented by additional amounts in respect of common agricultural policy modulation, as announced in early August. Also, responsibility for the welfare-to-work programme has been transferred more fully to the devolved institutions because over the period of the 2000 spending round the funding will no longer come from the windfall tax.

As Members are aware, there was an error in the Northern Ireland departmental expenditure limit published by the Treasury. That will be corrected in a way that has a minimal effect on our spending plans. Thus, the new departmental expenditure limit for 2001-02 is £5,733·5 million and not £5,667·4 million as announced in July. Members will note that I am not claiming that this increase in the headline figure represents further new money. On the contrary, as the changes are largely technical in nature, the spending power underlying this figure is essentially the same as announced in July.

The new figure represents an 8·1% increase over the corresponding figure for 2000-01, but that is affected by the transfer of provision for welfare-to-work. When the spending power from the regional rate is also taken into account, the amount available for allocation to Departments is up by 7·3% on 2000-01 — almost 5% in real terms.

That is an important boost in our spending power. It means that these spending plans can and do include important advances and developments across a range of

services. However, we remain disappointed that the share of spending power we have received is a markedly lower increase than applies in England, Scotland or Wales. As I have said, we are continuing to press for a more equitable and sustainable approach to the allocation of spending. We find the Barnett formula increasingly unsatisfactory and are determined to work for a better and fairer system of distributing resources.

In making spending decisions, we want all of the resources available to be channelled more markedly towards Programme for Government priorities. This means applying a firm steer to our resource plans, whether for ongoing activities or new initiatives and whether for recurrent or capital spending.

A new and important way in which we intend to direct resources and public services in pursuit of our region's priorities is through the creation and use of Executive programme funds. These will serve to increase the emphasis on implementation of the priorities in the Programme for Government. This new approach should be pursued in ways that integrate the roles of the different Departments. We need to work together more effectively, with both policy and practice focused on obtaining the best possible outcome, rather than being dominated by the point of view of any individual Department. Some details of our proposals for Executive programme funds are included in the Budget document laid before the Assembly today.

The first fund that we are creating in the Programme for Government is a social inclusion and community regeneration fund. We want to use this as a focus for action against poverty and to support community measures in both urban and rural settings.

It should also cover actions in relation to community relations and cultural diversity and could be used as a further means of working in partnership with the European Commission through the structural funds and the community initiatives.

The second is a service modernisation fund. There is much to be done to promote efficiency and innovation within Departments and the wider public sector — for example, through e-government and invest-to-save measures. We are determined to promote efficiency of delivery and to constrain the overheads attached to service delivery. We want to use carefully targeted funds to lever in new actions which will be of benefit to customers.

The third is a new directions fund. We want to see innovation and change in the delivery of programmes across the spectrum of our services. There is a need to refocus away from past patterns and to set new directions, whether in the delivery of health services or in the context of working with the business sector to promote economic development.

The fourth is the infrastructure capital renewal fund. The Executive has also concluded that significant funding is required for investment in the renewal of the infrastructure of the region. We have to address this in a coherent way across a range of sectors, including transport, energy and telecommunications.

Finally, there is the children's fund. We are proposing a fund to provide support for children in need and youth at risk. This will have some similarities with the Chancellor of the Exchequer's children's fund but will have a wider scope, embracing aspects of the functions of several Departments. Again, this has the objective of making our services work effectively together for the good of children.

We have identified three actions which would fit within the framework of the Executive programme funds but where the Executive, for reasons of priority or urgency, has decided to proceed with an allocation through departmental budgets straight away.

First, the Budget plans include £2.2 million for this year towards a pilot programme for housing schemes designed to meet the particular needs of travellers. This is very relevant to the aims and objectives of the social inclusion/community regeneration fund.

Secondly, we are providing resources in the Budget for the development of the beef quality scheme, which is an emerging recommendation from the vision group convened by the Department of Agriculture and Rural Development. This is the kind of innovative action which would have been appropriate for the new directions fund. However, as with the pilot scheme for travellers' accommodation, rather than delay unnecessarily, we are releasing resources for this purpose now, as a first example of the kind of measure which might be promoted in this way.

The third and final such action concerns the railways. We have considered, as a first example under the heading of the infrastructure/capital renewal fund, our response to the railways task force, which reported to the Minister for Regional Development in September. We have decided to make provision for the first stages of the safety work identified in the AD Little report and for the procurement of new rolling stock for the network. Again, this is the sort of spending proposal which would fit appropriately within the framework of the proposed infrastructure Executive programme fund. However, the Executive believes that the urgency of the need for decisions on the railways issue is such that it would be appropriate to make provision now, although, like all allocations in the Budget, individual spending items will remain subject to the usual procedures for appraisal and value-for-money consideration. This decision will allow some urgent work to proceed while some of the longer-term decisions about aspects of the

network are assessed as part of the important work on the regional transportation strategy.

If we were to take the three items I have mentioned as possible first fruits from the Executive programme funds, together with the £16 million we have been able to set aside for the funds themselves for the first year of operation, that would amount to almost £40 million.

10.45 am

We also propose to set aside a minimum of £100 million in 2002-03 and of £200 million in 2003-04 for the Executive programme funds. Thus this important element of spending within the total departmental expenditure limit will be marked out and managed in new ways, with Departments and Ministers working together rather than continuing the patterns we inherited.

I will now discuss allocations to departmental programmes. We have marked out a significant allocation of £191 million for Agricultural and Rural Development — on a like for like basis, this is a 9.6% increase. The provision includes the beef quality programme, important new elements to assist the education and training of farmers and the development of the Department's responsibilities for animal health, regulation of services and the veterinary and science services.

The plans provide for an important financial boost for Culture, Arts and Leisure, with an extra 19% for the arts, 5% for libraries, 6% for museums and an additional allocation for important aspects of sport. This will be the subject of later announcements by the Minister of Culture, Arts and Leisure.

The Budget allocates just over £1.3 billion for education, marking a 7.1% increase. This will create scope for significant increases in recurrent and capital budgets for schools. This year, special one-off allocations, worth £14.7 million, were made to schools. Not only are we continuing this, but the amount will be increased to £20 million in 2001-02. Further investment of £9.5 million is being made available to tackle deficiencies in the schools estate, including the provision of disabled access and the replacement of temporary classrooms. Further details will be announced by the Minister of Education in due course.

The headline figure for total spending by the Department of Enterprise, Trade and Investment is affected by the reduction in European structural funds as a result of the move from Objective 1 to transitional Objective 1 status. When European structural funds spending is excluded, the budget for the Department shows a 5% increase between 2000-01 and 2001-02. A share of the new peace programme, the details of which are still being worked out, is to be devoted to certain aspects of economic development. The aspects chosen will mark a unique response to the context we are

working in, and they can and should make a significant contribution to cementing peace and breaking down barriers in society.

The Budget also provides for a £140 million allocation for aid to industry and a further £41 million for the small business sector. There is a specific provision of £5.6 million for the information age initiative.

The budget proposed for the Department of the Environment is £100 million — an increase of 14% on this year's amount. We have provided for substantial developments to speed progress on the implementation of European Directives on environmental issues, including those on air quality and waste management. There is also additional provision for the Planning Service and the Environment and Heritage Service.

I should also say a word about my Department, where the total budget will be £113 million. Most of the Department of Finance and Personnel's functions support the work of, or provide services to, other Departments. The budget for next year makes special provision for the cost of next year's census.

In the Department of Health, Social Services and Public Safety, the budget will grow by over £150 million — or 7.2% — to some £2.3 billion. Within this total, over £1.16 billion will be available for hospital and community health services, and £460 million will be available for personal social services.

Additional provision is also being made to address winter pressures and waiting lists, while family health services show an increase in funding of over 8%. The proposals provide for further improvements to cancer services, including the recruitment of additional specialist staff and the development of palliative care services. Provision for personal social services will increase by 10.5%.

For the Department of Higher and Further Education, Training and Employment, I propose an increase of 12% for further education, including £8 million extra for capital, which will bring that budget up to almost £20 million for the coming year. There is also an increase of 11% in spending on higher education, strongly demonstrating our commitment to these important services.

I have already mentioned the major investment in safety work on the railways. This is a major part of the 10% increase in the budget for the Department for Regional Development. The other major increase for that Department arises because the Executive has confirmed that spending on water and sewerage will increase by £14.5 million in the year 2000-01 to sustain our progress on the essential work of improving this service.



The plans make important provision for the major welfare reform initiative in the Department for Social Development as well as for the initiative for travellers. This involves working in partnership with other interested Departments to ensure a major change in the way services are delivered to the public, and that is proceeding in parallel with the work of equivalent organisations in Great Britain. The housing budget will also increase by over £5 million.

Provision is also made for the costs of the Office of the First Minister and the Deputy First Minister, which will total some £29 million next year. This provision includes support for the new institutions including the North/South Ministerial Council secretariat, the Executive Committee secretariat and the Civic Forum. There is also provision for funding the Equality Commission, for developing the work of the Office's equality unit and for grants to promote community relations.

These plans also provide for significant increases in spending on the North/South implementation bodies. An initial stance was adopted at the plenary meeting of the North/South Ministerial Council last month on the budget for these bodies. Today's Budget includes confirmation that the Executive has endorsed the £11 million proposed for the Northern contribution to the work of these bodies for the calendar year 2001. The Ministerial Council and the bodies have an important contribution to make to the work planned for the immediate future, and their budget reflects that. The public spending total for the Department of Enterprise, Trade and Investment also includes a substantial element for the new North/South tourism company.

The Budget proposals also include appropriate provision for the Assembly. I understand that the proposed allocation of £38.8 million will be sufficient to allow the development of services in the Assembly itself to proceed as planned by the Assembly Commission, building on the good work and progress made this year.

These are some of the main features of the spending proposals. As well as the Treasury allocation for Northern Ireland, these plans are supported by the revenue from the regional rate. The Executive has decided to roll forward the increase of 8% in the domestic regional rate which was assumed at the time of the 1998 comprehensive spending review. It is envisaged that an increase of 6.6% in the non-domestic regional rate will be required to sustain spending levels as proposed in this Budget.

This package of spending proposals represents a significant step for our devolved institutions. We want to ensure that the resources available are aligned with our priorities and best used through new ways of working with the full range of departmental expenditure and in particular with the Executive programme funds.

There is much to be done between now and December. During that period the Executive will continue to work on the detail and significance of the Executive programme funds and will consider what indicative plans to set for departmental budgets for 2002-03 and 2003-04, which are not included in the Budget document published today. I want to emphasise that our consultation with the Assembly is genuine and significant. In this context it would be premature to announce spending plans for the forward years now when we are deliberating with the Assembly and its Committees on the plans for the first year.

Many Members will be aware of the discussions over recent days on the procedures in the Assembly for bringing this Budget process to a conclusion. The Executive is committed to listening carefully to the views from the Assembly, and I am sure that all Ministers will want to have detailed dialogue on the position with their respective Statutory Committees over the next few weeks. I am particularly grateful to the Finance and Personnel Committee — it is determined to find ways to advise and assist on the overall Budget position. It is important that this work is taken forward in spite of the constraints it will place on the Hallowe'en and Christmas recesses on this occasion. I propose to bring a revised Budget forward for consideration by the Assembly in December in the light of comments made by the Assembly. I am relying on the Finance and Personnel Committee to help interpret and draw together these comments through discussion and a report.

The spending review outcome in July, and this Budget, are the first allocations made on the new basis of resource budgeting. This is a major change in procedures, which will sharpen up the relationships between targets, spending and outcomes and mean better management of capital spending. This is in line with the Government Resources and Accounting Bill that I introduced at First Stage yesterday.

I welcome the greater emphasis in the resource accounting and budgeting process on the setting of outputs and target measures. This is exactly what we are trying to achieve in the Programme for Government, and I should make it clear that the allocations proposed in this Budget will be confirmed only if there is material and significant progress on the development of this aspect of planning in the next few weeks.

We need to move beyond a narrow focus on financial inputs. We are committed to developing a clear relationship between budgets, actions and output measures through the settlement of public service agreements in the new year, which will include clear targets for delivery. It is important that the Executive and the Assembly know what they are getting for the public spending we are committing. It will not be



enough for Departments simply to assume or assert that it is necessary to continue to operate existing spending patterns. We all need to understand more clearly what is being secured so that if there are deficiencies in performance and achievement, they can be rectified by intervention and change. This is an important task that all the Statutory Committees, and not least the Public Accounts Committee, will want to take a keen interest in.

Similarly, we also intend to consult widely on the impact of the Budget proposals on equality and targeting social need (TSN). This is an important priority in our determination to promote equality of opportunity in all aspects of public services. In practice, the impact on the different groupings that we need to monitor for equality purposes will derive from the more detailed level of spending by Departments. However, it is important that this Budget provides a framework that includes promoting equality and the new dimension of TSN as being of major significance.

This Budget is an important step in the evolution of our new institutions. Incorporated in the full Programme for Government, on which the First Minister and the Deputy First Minister will make their statement next week, it represents a major milestone for the Executive. It demonstrates that we can and do work together effectively in pursuit of the interests of all the people in this community.

11.00 am

In commending this draft Budget to Members, I invite the Assembly to work with us in making a difference to our society and economy through the real and positive politics which the agreement has made possible.

**Mr Speaker:** Members have an hour for questions to the Minister.

**The Chairperson of the Finance and Personnel Committee (Mr Molloy):** A Cheann Comhairle. I welcome the Budget statement. It is very important that we are dealing today with our first in-house Budget. Previously we simply got an add-on to the Budget produced by British Ministers. Does the Minister have a figure for the shortfall between the bids made by the different Departments and the allocations that have been made today? I agree with the Minister's statement about the Barnett formula. However, how does he propose to rectify the situation? The Barnett formula does not recognise need within the community, and if we are to redress that need, we must have a change of direction.

Can the Minister give Members an assurance that in future years the Budget will be the first item on the agenda following the summer recess? This would give Committees time to adequately scrutinise it, and would facilitate the co-ordination of Committees, allowing the

Finance and Personnel Committee to do its job properly and advise the Minister.

**Mr Durkan:** I cannot give the exact amount by which the bids from the various Departments exceeded the amount available for departmental expenditure. Bids outstripped resources by a considerable margin. Indeed, bids will always exceed the resources available by large and unrealistic amounts.

We have to graduate from bidding, which we are all very good at, to making actual decisions and choices. This Budget will reflect the sort of priority choices and commitments that will be apparent in the Executive's Programme for Government. In turn, the various Departments will have to make their choices and decisions in accordance with those priorities.

Mr Molloy also raised the point about the Barnett formula. The Executive has already declared its determination to seek significant improvement and change. We need to prepare best cases. It is not enough just to complain about Barnett. We have to identify a better, fairer formula, and to do that we have to take account of a variety of factors, not just here but elsewhere, because, of course, other pressures and interests are involved.

Regarding the inadequacies of the Barnett formula, even for this year, it should be remembered that through the intervention of the First Minister and the Deputy First Minister, who met the Chief Secretary to the Treasury in early summer, we got a better Barnett outcome. They were able to ensure that spending on London Transport was counted, for comparative purposes, in the Barnett formula. At that time we secured favourable treatment. We should use that as a lesson for future work, which will not be easy.

I accept Mr Molloy's final point that the timetable for the Budget imposes constraints on Committees, Departments and the House. However, these are the circumstances in which we find ourselves. We need to get decisions on broad Budget lines in December, and that dictates the timetable.

In the next few months the Assembly will be endorsing a Programme for Government which will cover a prospectus to take us forward a number of years. I hope that will help to set some of the basic precepts for budgetary work in future years. We should be able to bring forward more advanced budget proposals at an earlier stage. I hope to be in a position to bring forward budget proposals, as has been suggested, in September rather than October. We can all ensure that that is so by treating this year's Budget and, in particular, the Programme for Government and its implications for future years in a constructive and thoughtful way.

**The Deputy Chairperson of the Finance and Personnel Committee (Mr Leslie):** I welcome the

statement on the Budget. The Minister was fortunate to be able to deliver it in the warm afterglow of the largesse of the Chancellor, who is priming the pumps for a general election. Had that not been the case, it might have been a very sombre day, as he sought to meet all the demands from Departments with the previous pool of money.

The statement has a theme running through it reflecting high costs to do with devolution. In the not-so-distant past this issue was discussed, and it was asserted that in due course it would be possible to streamline the administration so that these increased costs could be netted out. When does the Minister expect to be able to bring forward proposals, perhaps in a future Budget, that reflect some rationalisation and streamlining of the costs of administration?

**Mr Durkan:** If the Treasury spending review had been less generous in increases to various services in England, we would have less money to distribute. That is one of the vagaries of the Barnett formula. It does not, of itself, address our particular needs but reflects circumstances in other places. If we had fewer resources at our disposal we would still face the task of prioritising and make choices. It does not matter if we have less or a lot more. Whether or not we are successful in challenging or changing Barnett, there is still going to be a point where we have to make choices based on our priorities.

Mr Leslie raised the costs of devolution. Not everything that can be identified as a cost in relation to new institutions is actually new spending. For example, the North/South bodies will be employing some 900 people next year. However, those are not all new jobs. Many of them incorporate work undertaken under previous arrangements. They are not all new or additional costs.

It is obvious that extra costs arise where you have an Assembly, with Departments having to respond to, deal with and service the Assembly and its Committees. There are other duties such as the equality duty. Those costs are there, but Departments and the Government at large are going to have to try to manage resources to ensure that, as far as possible, spending goes into services rather than structures and systems. The Executive is determined to affect this. Proposals will develop over time in that regard.

**Mr Speaker:** I encourage Members and the Minister to be as concise as possible. Standing Orders limit the time for questions to one hour. That may or may not be appropriate for such substantial issues as the Budget, but it is what the agreed Standing Orders allow. We must try to work as best we can within them.

**Mr Dallat:** Can the Minister explain how the contents of this Budget will impact on issues like new TSN and equality?

**Mr Durkan:** That is one of the areas on which we want to consult while the Budget is going through further consideration.

The Budget derives from, reflects, and is meant to service, the aims and ambitions of the Programme for Government. The Programme for Government has been proofed in terms of equality and new TSN. That should work through to the Budget. However, we still want to consult in relation to the Budget itself. It is up to the various Departments, when they make their detailed allocations under this Budget, to show due regard for equality and new TSN considerations. Moreover, the Executive Programme Funds will have particular regard to the equality and new TSN commitments, as well as to the priorities that will be reflected in the Programme for Government.

**The Chairperson of the Agriculture and Rural Development Committee (Rev Dr Ian Paisley):** Can the Minister assure us that the figures we have today are absolutely accurate and that there will be no announcement made later about a possible inaccuracy? Can he also tell us whether he will find extra money for the pressing needs of the farming industry? I congratulate him on his absolute honesty. In the footnote to page eight he makes clear that, although there may be a larger percentage at the end of the day, because of other matters that is seriously cut into. He knows, and this House knows, that the farming industry is in a state of catastrophe. While there may be some welcome uprise in the industry, the farming community has an albatross of debt about its head.

Agri-money amounts to many millions in Europe, but it is not released because of the failure of the British Government to match it. Did the Minister, when he talked to the Treasury, make any representations on that matter, to enable that money to come directly to those farmers who find themselves in great and terrible difficulties?

**Mr Durkan:** To my knowledge, the figures are accurate. There is no known inaccuracy. This is a draft Budget, and we will possibly be coming forward with a revised Budget in December. These proposed allocations will be subject to consideration by the Committee, including Dr Paisley himself. If there are any problems or issues in relation to particular figures, I am sure they will emerge in the course of that consideration.

Dr Paisley also made the point that we have not gilded the lily in terms of the increase. I have tried to take that approach on everything. We could have made play of the headline figures in relation to the departmental expenditure limits, but we decided to treat

it on the like-for-like basis. I make the point, however, that, on the like-for-like basis, 9·6% is still a considerable increase. I hope it will help the Minister and the Department in the important work that they are taking forward. Many of the issues affecting the farming community and the whole agriculture sector are, of course, the subject of consideration by the vision group. The commitment that we have made to the beef quality scheme — as one of the emerging points to come from that — shows that we will consider thoughtfully what emerges from that exercise.

**Mr Close:** Does the Minister not agree that, in some respects, we have put the cart before the horse? We have Budget proposals, but we have yet to see the Programme for Government. It is like buying the bricks before the architect has completed the plans for the house. It is putting things the wrong way round. I hope that that will be corrected for future years.

Does he also agree that a proposed 8% increase in the regional rate is incorporated in the figures? It is a nebulous tax that has been criticised by virtually every councillor in Northern Ireland, and that will continue to be the case.

Does the Minister agree that it is unlikely that we will find acceptance of this type of increase from councillors who may also be Members of this House and who have criticised it in the past? We can not be hypocritical about it. Also, what increases are being proposed for Housing Executive rents?

11.15 am

**Mr Durkan:** Mr Close has raised several points. There is the question of putting the cart before the horse. This Budget reflects the priorities and principles of the Programme for Government that has been developed by the Executive. This will be particularly apparent to people when the programme is published next week. It is also important to remember that this is a draft Budget that is being laid before the House for consideration. Proposals for the Programme for Government will follow. These will cover a longer time span than this Budget, which is merely the draft Budget for the next financial year. Of course, there are other factors to be developed. People will see that the Programme for Government and the Budget proposals will work well and mesh well together. The real task will be ensuring quality in these developments, on the parts of the Executive, the Assembly and its Committees. There will be a vote on the Budget in December, and there will be further time to work on, develop, improve and amplify the Programme for Government. Decisions will be taken on that by the Assembly in the new year.

I understand that many councillors dislike the regional rate because it is confusing and leads to a

misrepresentation of councils' position on the district rate. We have said that we will bring forward a review of rating policy. However, without this rate increase it will be impossible to make some of the allocations announced today.

With reference to housing, the housing budget will be increasing next year. Under the comprehensive spending review further cuts were programmed, but we have reversed the situation. The figures for the housing budget, which fall within finances allocated to the Housing Executive, assume rental income figures on the basis of GDP plus 2%. If this assumption did not hold, and was not carried through, there would be a loss of £5·4 million in rental income to the Housing Executive.

**Mr B Hutchinson:** I welcome this statement because it gives us an opportunity to examine the Executive's proposals. However, I do agree with Mr Close that we have probably put the cart before the horse. The Executive's programme funds should be welcomed, as it looks as if an attempt to intervene at the right level has been made. However, can the Minister tell us how much of the proposed Budget will be spent on quangos? Does he have any plans to streamline them considering that we have a local Assembly and local Ministers running Departments who are accountable?

**Mr Durkan:** Mr Hutchinson has made a number of points, as well as welcoming the opportunity that this Budget presents. He particularly welcomed the Executive's programme funds, and I am glad of that. I hope that Members will be able to help us develop this over the coming weeks when the Budget is considered in the Committees.

Again, on the question of whether the Budget or the Programme for Government comes first, the Assembly will have both. The First and Deputy First Ministers have indicated that the Programme for Government has been agreed by the Executive Committee. They have indicated that it is to be made clear to Members — in case they do not believe me — that the Budget does reflect the principles and priorities that inform the Programme for Government. I hope that Members are reassured by that.

On the question of the administrative costs of quangos, and so on, we obviously want to deal with all those issues as part of the broader review of public administration that has already been referred to by the First Minister and the Deputy First Minister. Clearly there are issues for the different Departments and their respective Committees to address. I make the point though that all such bodies should not be classified in the same category. They have distinctive roles and purposes — we must be sensitive to those realities and not make rash changes. However, we are determined to improve administrative efficiency as part of our efforts to ensure that these representative arrangements lead to more responsive structures.



**Ms Morrice:** I agree with Mr Close and Mr Hutchinson about this unusual approach. I would have preferred more time to examine the Budget proposals before we came to question the Minister on these matters.

I want to ask two specific questions. First, is there any new provision to continue bridging the gap between Peace I and Peace II funding? The Minister will be aware that funding for women's centres, cross-border operations and others is running dry. Funding is necessary. Are there any plans to make loans available? Secondly, some years ago we were informed that there would be a substantial financial peace dividend due to the scaling down of security operations in the new political climate. Can the Minister say how much has been saved as a result of this and where the money has gone?

**Mr Durkan:** With regard to the first question, I say again that the Budget could only be presented after the recent agreement on the Programme for Government. Members would have been even more critical if the Budget proposals were published in advance of agreement on the Programme for Government.

In terms of the funding gap between Peace I and Peace II, this is the Budget for the financial year beginning April next year. We are determined to work during the coming months on the structural funds, and on the Peace II programme in particular, to ensure that the operational programmes and the programme complements are agreed and that Peace II is up and running as soon as possible. If we were to make budgetary provision for gap funding out of next year's annual Budget, people would assume that we were working on the basis that those programmes were not going to be up and running until well into that financial year. Therefore the question of gap funding will be re-examined if and when needs are highlighted — and many of those needs are not being represented to the Department of Finance and Personnel. If representations are being made, many of the details of gap funding are not available to the Department of Finance and Personnel. They are certainly not being brought to my attention. Where such problems exist, the Executive, as we have already demonstrated, will try to make some redress, but it will be in the context of this year's funding rather than next year's Budget.

As for the scaling down of security and the peace dividend, any subsequent savings are not part of the devolved Budget. That is part of Northern Ireland Office expenditure so I cannot say exactly what has or has not been saved.

**Mr McCartney:** The Minister has laid a great deal of stress on administrative efficiency. I suppose that that means savings. A rough calculation shows that the cost of running the 11 Departments, including the Office of the First Minister and the Deputy First Minister, is £631 million. In addition to that, there is the cost of the

Assembly, estimated at £40 million, making a total of £670 million for the year to 2001. Can the Minister give comparative figures for the cost of running the previous six Departments under direct rule for the same period? Secondly, can he explain why it is necessary to have 108 Members in this Assembly for a population of 1.5 million, when Scotland has 129 Members for a population of 5 million? Its Assembly has far greater administrative —

**Mr Speaker:** Order. The latter part of the Member's question is clearly outside the remit of the Minister of Finance. The first part, of course, is not.

**Mr McCartney:** Does the Minister find that having 10 Departments, each with costs, is consistent with administrative efficiency?

**Mr Durkan:** I make the point that I made earlier: the running costs we identify are not all new ones. Clearly additional costs were incurred in setting up Departments, and additional overheads were incurred by Departments gearing themselves to relate to the public and to the new institutions in a different way. The point about those expenses is that they should pay for themselves given the quality of outcome and output we expect to result. The Assembly will improve the work of Government Departments by making them better informed and more responsive to our local and regional needs. I will write to Mr McCartney with precise figures and other relevant information.

The question of the size of the Assembly was a matter for the agreement. Mr Ervine has suggested that we might reduce its size from 108 to 107 Members. I suppose that if we were to do that in the style of the recent television programme 'Big Brother' we could bet on who was most likely to be nominated.

**Mr Speaker:** Order. Since I am sitting on this side of the Desk, I rule any question on the size of the Assembly inadmissible.

**Rev Robert Coulter:** It is satisfying to note the increase in the health budget and the breakdown of funds to particular sections of the Health Service. Will the Minister confirm that this figure of over £150 million is the largest increase that the health budget has ever had? And can he assure the House that the public service agents concerned will spend this money primarily on patients' needs and avoid wasting it on excessive administrative structures?

**Mr Durkan:** I welcome what the Rev Robert Coulter has said about the significant increase to the health budget. In agreeing that increase, the Executive Committee was recognising the very serious pressures faced by the Health Service. The Minister has made her priority very clear: as far as possible, that money will be used to improve services. The increase in moneys will clearly go into that, and I hope that the Assembly and



the departmental Committee in particular will assist the Minister and the Department in that, as the Executive Committee wishes to do.

**Mr Byrne:** I welcome the setting up of the five Executive programmes funds ranging across the socio-economic spectrum. I see them as a clear indication of devolution's contributing to policy development and promoting corrective action for the public. Will the Minister explain whether the social inclusion fund could be used to make good lower funding levels for some European Community initiatives by giving more than the minimum 25% match funding?

**Mr Durkan:** Mr Byrne's welcome for the new Executive programme funds is most heartening. The Executive has indicated that it has yet to develop the criteria, the ideas and the management plans for these funds. We are open to positive suggestions from the Assembly and its Committees on this matter.

As the paper indicates, linkages to EU structural funds and the community initiatives will be relevant to the social inclusion/community regeneration fund. Theoretically, if we decided to do so, we could use these funds to supplement or improve the minimum match funding for community initiatives. While we have received a lower allocation for some of the community initiatives than anticipated, we have received a higher allocation for others. That has seen the match-funding requirement rise for some and decrease for others. However, it is an issue that can be given further consideration.

11.30 am

**Mr Dodds:** Will the Minister detail the amount of money to be spent on the North/South tourism company? He indicated in his speech that the funds for that would increase substantially as part of the budget for the Department of Enterprise, Trade and Investment. Will he also state the amount from the budget for the Office of the First Minister and the Deputy First Minister that will be contributed to the North/South Ministerial Council secretariat?

There has been a substantial increase in the money allocated to the all-Ireland North/South implementation bodies — some of their budgets have increased by 100%, some by 46% and others by 34%. In view of the pressures on education, health, housing, urban regeneration, roads, water services, and so on, does the Minister not agree that that money would be better spent on improving services in Northern Ireland, rather than on the servicing and administration of all-Ireland bodies set up to forward the political agenda of the Belfast Agreement?

**Mr Durkan:** As the Budget paper indicates, £5.8 million has been provided for the tourism company, whose task is to market the island of Ireland as a tourist destination. If people considered the significance of the

tourism industry for economic development they would recognise that we need to invest in it, not least in marketing. There are advantages for Northern Ireland with regard to marketing in this context.

We are providing £600,000 towards the cost of the North/South Ministerial Council secretariat. Last year was the first year in which the North/South implementation bodies were operational. They were not operational for the full year, but next year we are budgeting for a full year's operation. Mr Dodds said that some of the budgets for these bodies were being increased by as much as 100%. The budget of the Special EU Programmes Body is being increased from £0.3 million to £0.6 million, so it is coming from a very low base. We are coming to a stage, as the various new funding measures come into place, where the Special EU Programmes Body will be undertaking more work. The message that I am getting from Assembly Colleagues is that they want to see that body coming forward and doing more as those programmes develop.

**Mr McHugh:** A Cheann Comhairle. I welcome the Minister's statement, particularly with regard to agriculture. The Budget covers a lot, but there are gaps. Even though it is only a draft plan, I would have liked to see some provision for such things as grants for updating farms and farm equipment. There are also animal welfare requirements and European health and safety regulations that farmers have to meet. That will be of great cost to farmers, and there is nothing in the Budget — now or in the future — to assist them. Neither is there any installation aid, similar to that in France, to provide for young farmers going into agriculture. Is there any scope for any of those issues in the present Budget?

**Mr Durkan:** I thank Mr McHugh for his question and for his broad welcome for the Budget statement. Anybody looking from the perspective of any Department can identify with what he would see as gaps in the budget. We were not able to cover all the bids that we had, and we were not able to cover the bids that we did not have. With regard to the Member's proposals, it is up to the Minister and the Department, in consultation with the departmental Committees, to consider the potential value or benefit of other schemes. We provide a significant allocation for food and farm policy in the budget. The Department will develop the details of those policies.

The Department of Agriculture and Rural Development's vision group has already started to indicate some emerging themes. In this Budget we have demonstrated a willingness to support some of those emerging themes.

**Dr Adamson:** I thank the Minister for a well-balanced statement. Does he consider that the budget allocated to the Department of the Environment for planning and road safety is sufficient to meet its needs? Is it

sufficient, given the sterling efforts of the Minister of the Department of the Environment, and also taking into consideration the Belfast metropolitan area plan and other area plans, and the terrible carnage on our roads?

**Mr Durkan:** I thank Dr Adamson for his question and for the compliment on a well-balanced statement. The significant increase in allocations to the Department should help it meet the pressures it faces. The Minister has been at pains to point out the nature and extent of the pressures that the various services face, particularly the Planning Service and the Environment and Heritage Service, both of which are getting significant increases. The Committee and Members of the House have placed great emphasis on the need for further funding for road safety. We have gone a long way to meeting that case in these Budget proposals.

**Mr A Doherty:** Those of us who live on the periphery of the periphery welcome the creation of the infrastructure fund. Could that fund be used to support an extension to the gas network beyond the Greater Belfast region, especially noting that the interconnector is being supported?

**Mr Durkan:** The Executive programme funds announced today will be the subject of further development work by the Executive Committee. The precise terms and criteria of the respective programmes still have to be worked on, and there may be slightly different provisions with regard to the various funds, if that is the will of the Executive and if that is what comes through from the Assembly and its Committees.

Energy is one of the areas that could be covered in the infrastructure fund. As to precisely what measures would be covered, it would be premature for me to say because programme funds must work on the basis of giving thorough and proper appraisal to any bids coming from Departments or elsewhere. There are provisions for the Executive programme funds to consider a broad range of infrastructure needs.

**Mr P Robinson:** I congratulate the Minister on the presentation of his first home-grown Budget. It would be churlish not to do so. While the tradition in another place is for the Chancellor to have a whiskey in front of him, the abstemious Minister just has a glass of water, which I hope is from the Department for Regional Development's Water Service.

I also appreciate his *modus operandi*. There are great difficulties in operating a system wherein there are major party political difficulties in the way Departments are being operated. He has managed to stand back from that and take a more clinical and professional approach, which is appreciated by those Ministers who do not form part of the Executive Committee. I hope that my complimentary remarks will not damage him within his own party, but I think that they need to be put on record.

I welcome the good start that has been made in terms of Department for Regional Development funding. There has been major neglect of the infrastructure in this Province. It can not be turned around overnight, but a start has been made in this Budget. It is essential that this be maintained. Forward planning is absent from these proposals. Will the Minister tell the Assembly when it will have the opportunity to see the plans for further years, so that we will know whether it is a flash in the pan or part of a process to deal with the serious neglect of our infrastructure?

Does the Minister not recognise that many in the community who need services and provision will see the waste of expenditure on the Civic Forum, on having 10 Departments where half a dozen would have done, and on rampant "North/Southery"? Is there not a requirement to audit the value of these services rather than spending money for political purposes? We could be doing a real job in improving the day-to-day life of people in this Province, rather than improving the pockets of politicians and those on the periphery of politics.

**Mr Durkan:** I thank Mr Robinson for what I assumed to be compliments in the earlier part of his remarks. I have said before that I am very conscious that, as a Minister, I have taken a Pledge of Office that I will serve all the people of Northern Ireland equally. That means that, as Minister of Finance and Personnel, I have to have regard to all the services that the people of Northern Ireland depend on. I repeat that the Budget I am presenting today has been agreed by the Executive Committee and is in line with the Executive Committee's Programme for Government. I am not calling it my Budget. That and the whiskey are the significant differences between our budgetary presentation and what happens elsewhere.

As regards further years, we will be providing the figures for the second and third years of the spending review period in December, when we bring forward the revised Budget. We are tabling this as a draft Budget for next year. The Programme for Government looks not only at our aims for next year but also at some precepts for how we will approach things beyond that. However, it would have been out of turn to present indicative allocations for years two and three at this stage. We are still open to revision on year one. When the revised Budget is presented in December, indicative figures will be there for years two and three.

As for "North/Southery", let us remember that these North/South bodies relate to services that people use and need. Do not make the mistake of thinking that there are no services related to these. We do have more Departments than we had before, but those Departments are able to deal with, meet with and respond to their respective policy commitments in a way that was not

the case with the six old Departments. The organisation of those Departments was somewhat incongruous.

I am not aware of any proposal from a departmental Committee that a Department should be done away with, that it performs a superfluous function. Members probably feel more capable of contributing to the improvement and development of the Departments' work under the present distribution of responsibilities than they would have under the previous structure that had six Departments.

11.45 am

**Dr O'Hagan:** Go raibh maith agat, a Cheann Comhairle. I welcome the new children's fund as a positive step forward. Can the Minister assure Members that this fund will address the deficit accrued in the Western Board area, caused by a lack of funding under the Children (Northern Ireland) Order 1995 and 'Children Matter'? Will the additional resources for improved public transport include free transport for senior citizens, putting the North of Ireland on a par with the South? Go raibh maith agat.

**Mr Durkan:** The children's fund is an Executive programme fund, and its terms of reference, scope and criteria will be subject to development in detail. We wanted to embrace the scope of the Chancellor's children's fund and go further by relating it to the work of several Departments. Dr O'Hagan mentioned the pressure on some of the child services in the Western Board. There is an increased allocation of £3.5 million for the child services within the Department of Health, Social Services and Public Safety's budget. We should focus on this budget allocation, rather than on the children's fund. The children's fund is designed to assist Departments to improve their work for children and to improve the work they do together or, to be more honest, that they do not do together at this stage.

The Member will be aware that the Minister for Regional Development's proposals on public transport have been discussed. The Minister, and certainly the Executive, should look carefully and sympathetically at proposals for any service or assistance to our senior citizens.

**The Chairperson of the Education Committee (Mr Kennedy):** I give a broad welcome to the announcement of additional funding for education contained in the statement. I also welcome the consolidation of Gordon Brown's announcement in March of additional money for schools, and I want an assurance that it will, as in the rest of the United Kingdom, go straight into the classrooms. There will be broad agreement on this in the Education Committee, and we look forward to scrutinising the overall figures when they are presented to us.

I refer the Minister, in particular, to Gordon Brown's announcement of last July on additional school funding. Can he confirm that this additional funding was taken

into account in his announcement this morning and that the moneys will be channelled to the classroom rather than used for administration costs?

**Mr Durkan:** I am glad that the Member welcomes the continuation into next year of this one-off funding to schools, with an increase of £20 million. I am also aware of the Minister of Education's commitment to improving school budgets. It will be for him to announce in due course how this money will be used, and no doubt there will be full consultation with the Education Committee in that regard.

The Chancellor's announcement in July included details of other moneys, and if Members were to look at the Barnett consequentials for Northern Ireland that will follow on from that announcement, they would see that these budget proposals are giving the Department of Education more money than it would have been given and that any of the extra money coming to Northern Ireland as a result of the Chancellor's announcement — and, indeed, more — will be going to the Department of Education.

**Mr McMenamin:** I would like to congratulate the Minister on his statement. It has been suggested that other Chancellors drink whiskey, but could it be the Minister is drinking Irish dew? Can he tell us what amount of money is being allocated to address the disadvantage that travellers are under?

**Mr Durkan:** To answer the first part of Mr McMenamin's question, this is pure water. In fact, there is none left.

**Rev Dr Ian Paisley:** Is it holy water?

**Mr Durkan:** It is not holy water, unless you want to do something about it, Dr Paisley, in the spirit of evolution that we were talking about earlier.

As I indicated in the Budget statement, the Executive Committee considered the possibility of allocating moneys to travellers from the Executive programme funds, but, given the priority that we attach to dealing with these issues, we decided to advance a direct allocation through the Department for Social Development for the pilot scheme arising from work on the new accommodation policy for travellers. A total of £2.2 million will go to that scheme in the first year.

**Mr Paisley Jnr:** I too would like to congratulate the Minister on his presentation. I am pleased that he does not have a drink problem, and I understand that that water will not help him to work an economic miracle here today.

I would like him to comment on his comprehensive statement, for there are some gaps. Other Members have drawn attention to this, but is it significant that we have seen the price tag without seeing the entire commodity that we are being asked to buy — the Government's



programme? Could it be that the Executive is not working as smoothly as he has suggested to the House? Are there still problems, and is the fact that we have got this back to front today an indication of those problems?

Can the Minister assure the House that all the policies he has presented have been rural proofed and that due regard has been paid to the farming community? Can he assure us that, as stated in paragraph nine, he will argue for a fairer allocation of funding to Northern Ireland? If he is suggesting that Northern Ireland is being short changed, I put it to him that he has a duty to ask for our full allocation. What will he be doing about that issue?

I also urge him to ensure that the social inclusion fund, which he mentions in paragraph 13, is proportionately distributed to the two communities in Northern Ireland.

Will he tell us the total to be allocated to the beef quality scheme, mentioned in paragraph 15? Finally, can he confirm that his Executive programme fund, mentioned in paragraph 17, is, in fact, a war chest amounting to some £300 million over a two-year period? Does he agree that he should allocate this money immediately it becomes available to ensure that all Departments have their greatest needs met?

**Mr Durkan:** I thank Mr Paisley for those questions. He said that this is back to front. The Assembly is getting a draft Budget statement today. The Programme for Government will be available next week. The Assembly does not have to take any decisions today. We will be able to take this draft statement and, through the Committees, come to some Budget decisions in December, when I will present a further Budget statement after reflection by the Executive Committee. Nothing has been taken out of turn. All that work will continue in the context of people having the Programme for Government proposals available and being able to appraise them.

I have said that the Executive is well seized of the whole question of the Barnett formula and the sort of case we need to make there. It is not a case that is going to be made overnight. It is not just a matter of "Barnett-storming" the Treasury and expecting to get a result. There are a variety of issues involved, not least in relation to other interests elsewhere. It is not just a matter for myself as Minister of Finance. They have a representational function, on behalf of the Executive, in these institutions. The First Minister and the Deputy First Minister have already been active on this issue. They scored some early, albeit marginal, success in that regard in the allocation that we got from the Treasury in the spending review statement in July.

The precise detail of the Executive programme funds has to be developed by the Executive Committee, not least in light of the comments that might come from the Assembly and the Committees. I made clear in my

statement that the management of those funds and the allocations under them will have particular regard to the priorities identified in the Executive's Programme for Government. They are, after all, Executive programme funds. They will also have full regard to our equality and targeting social need commitments. That applies to all the funds, not just to the social inclusion or community regeneration fund.

It is certainly not a war chest. It starts modestly this year, with just £16 million. We need to start to drive in a wedge that makes a difference between the patterns we have inherited and the priorities that we want to pursue for the future. The Executive programme funds are a key tool in that regard.

It would not be appropriate to allocate all these things in advance. We want these funds to work in ways that improve the sort of strategic interventions that are made, not just by individual Departments but by various Departments working together. It would be wrong to fix a particular timetable for making decisions on those funds if by pursuing that timetable we were to work against ensuring best use.

**The Deputy Chairperson of the Enterprise, Trade and Investment Committee (Mr Neeson):** Does the Minister accept that economic development and job creation are vital in ensuring stability in this society? Can he assure me that the budget for economic development will not be the soft touch that it has been in the past? Can he tell me whether the main recommendations of 'Strategy 2010' were considered by the Executive, particularly the proposal to create a single development agency? Does he agree that one of the major incentives for inward investment is tax concessions? The Assembly is greatly disadvantaged by not having tax-varying powers.

**Mr Durkan:** The Executive recognises the importance of economic development for the whole community. While the Department of Enterprise, Trade and Investment has a strong primary role in economic development, many other Departments make a direct contribution to economic development in different ways. The Budget, and the Programme for Government when it is produced, will want to promote that strongly.

The funds allocated in the Executive programme for new directions and for infrastructure show our strong commitment to economic development. We will not treat any budget line as a soft touch. In my statement I explained why some of the relative increases for the Department of Trade and Investment do not appear to match the increases elsewhere. That is to do with the rundown of European funding.

12.00

**Mr Speaker:** I must ask the Minister to draw his remarks to a close.



**Mr Durkan:** The relevant Minister continues to work on the review of agencies and structures, and such issues would be better reflected in the Programme for Government than in the Budget.

**Mr Speaker:** A substantial number of Members wanted to ask questions, but the time is up. In the case of a substantial presentation such as the Budget, that is a matter of particular regret. There will, of course, be further opportunities, but perhaps we should consider the amount of time allocated.

**Mr Hussey:** Mr Speaker, can you confirm that the appropriate Assembly body and its officials are considering curtailment of the Hallowe'en recess and delay of the Christmas recess to allow for proper scrutiny of the Budget?

**Mr Speaker:** That is not a point of order, as the Member knows.

**Mr Hussey:** It is an important point.

**Mr Speaker:** It may be important, but it is not a point of order.

I propose to suspend the sitting now and resume at 1.30 pm. Were we to resume the Consideration Stage of the Child Support, Pensions and Social Security Bill right away we would have to interrupt it in less than half an hour for lunch. That would be fair neither to Members who wish to discuss the Bill nor to the Minister.

*The sitting was suspended at 12.03 pm.*

*On resuming (Madam Deputy Speaker [Ms Morrice] in the Chair) —*

## **CHILD SUPPORT, PENSIONS AND SOCIAL SECURITY BILL**

### **Consideration Stage**

*Debate resumed.*

*1.30 pm*

**Mr P Robinson:** On a point of order, Madam Deputy Speaker. Can you help to remove some of the confusion surrounding our proceedings last night on this Bill? For those poor people in Northern Ireland who rely entirely on the Belfast 'News Letter' for their information, this morning's copy had a heading "Non-payers' driving ban thrown out". This indicates that the Assembly rejected a proposal by the Minister to impose driving bans on those who default on child support payments. Will you make it clear that when the House divided and the Ayes had it, that related to the Question that the clause stand part of the Bill, and not to any amendment?

**Madam Deputy Speaker:** That is not a point of order. I do, however, accept that the reporting was incorrect and that the Member's point is valid.

*Clauses 17 to 52 ordered to stand part of the Bill.*

### **Clause 53 (Loss of benefit for breach of community order)**

*Question proposed* That the clause stand part of the Bill.

**Mr Ford:** Madam Deputy Speaker, I am glad that although Mr Robinson may have been correct on the votes last night, he was unable to railroad you on this clause.

When we had the Second Reading debate I asked, with regard to clause 53, a question about what would happen to a young lad who had been placed on probation because he had stolen the handbag of an old lady living down the street and who, after potentially losing his benefit for a breach of probation, went out and, fairly inevitably, stole a handbag from an old lady living in the next street. I hope that the Minister has had an opportunity to find the answer to that question, as he did not answer it in his winding-up speech last week. I, and others concerned with the criminal justice system, would like to hear the answer.

I quote from the National Association of Probation Officers (NAPO) in their response to the equivalent Bill as it was going through Westminster:

“It is extremely difficult to envisage that the withdrawal of benefits from those who breach orders will enhance public protection or reduce crime.”

The Minister and his colleagues may not wish to take the word of a dangerous liberal like me on such matters, but NAPO and, indeed, the Northern Ireland Probation Board have equally — *[Interruption]*

**Mr P Robinson:** Right-wing organisations.

**Madam Deputy Speaker:** Order.

**Mr Ford:** NAPO and the Northern Ireland Probation Board have joined in the objections and have expressed the same concern that there is no suggestion that this clause, if enacted, would enhance public protection or reduce crime. In those circumstances it is incumbent upon those proposing that this clause be included to explain how that will happen. However, they have not endeavoured to explain how it will happen. In fairness, the Minister made it clear last week that he does not intend to introduce this particular power until he has seen the results of experiments in England and Wales — the so-called pilot schemes.

There is, of course, the question of the European Convention on Human Rights, which may or may not apply here.

If there is a requirement to have pilot schemes run in any part of the UK before this matter is to be introduced here, then it is incumbent upon the Minister to tell this House why on earth we should have it in our legislation at all. If it were shown that this particular form of punishment worked in England, Wales or Scotland, then we would obviously have to take the Minister's view seriously. However, what he is telling us is that a measure which is so doubtful in value that the Westminster Government are piloting it but do not propose to introduce it on a widespread basis is to stand as part of our legislation. Even by his own definition yesterday it is not a question of parity. He is saying that we will have it floating around but we will not implement it. What is the point of introducing this group of clauses, starting with clause 53? It is an extremely dubious measure. The professionals have expressed doubts about it.

It is, to some extent, the other side of the coin of what we debated last night. Last night we debated introducing penalties covering an unrelated aspect of criminal justice into social security legislation. Now we are debating introducing penalties involving social security into a part of the criminal justice scheme. There is no evidence that there will be any likelihood of its working. This is admitted by the Minister. It was also admitted by the Westminster Government when this was introduced across the water. There is every likelihood that it will add to the problems. It will create further

difficulties and will add to the burden of petty crime from which ordinary citizens suffer.

The various DUP Ministers put in a great deal of effort when they made their winding-up speeches yesterday. We had the real Minister, the previous Minister, the would-be-still-a Minister, the perhaps-would-be-the-next Minister. They all had a fair go at me.

I am happy to express my opposition to this point. Mr Robinson clearly thinks he is still a Minister who can denigrate the rest of us. Rather than denigrate me, let him justify this clause and explain how anyone in Northern Ireland will benefit when another old lady has her handbag pinched. By the Minister's own admission, this clause has not yet been proved to be workable. Let it be brought into our legislation only when there is clear proof from across the water that it is workable, beneficial and of help to our citizens rather than a hindrance.

**Ms Lewsley:** I oppose the clause. This Bill has been debated over the last few weeks, and nobody in this Chamber disagrees that stronger deterrents are needed against people who do not abide by the sanctions imposed on them. However, at yesterday's sitting, Members from the other side of the House repeatedly emphasised the issue of hardship to children. This clause can only create such hardship, seeking to impose, as it does, a loss of benefits on those who breach a community service order.

Mr Ford referred to the young man who steals a handbag from the lady next door and who steals one from the lady in the next street the following week. The case is not so simple. Not only would the benefits claimant be penalised, but the claimant's partner and children would be affected the most. While £12 per week may not seem a great deal to many Members, such a sum means much more to the many benefits claimants who are already in a poverty trap.

Yesterday's debate surrounded the removal of driving licences — perhaps it would be better if, in these cases, driving licences and not benefits were taken away.

**Ms McWilliams:** The overlap between clause 16 and clause 53 is interesting. One concerns a civil order which has implications for criminal justice, while today we have criminal justice legislation with implications for a piece of social legislation. Perhaps, since we have a devolved Administration, an interdepartmental Committee could examine such Bills in their entirety. They would not then have to be passed from the Northern Ireland Assembly to the Northern Ireland Office, which has responsibility for the probation service and the courts.

I would like to have a report from such a scrutiny Committee on the implications and costs of such a policy change. I am very concerned about the costs involved. If the Minister can not reveal the setting up

and administrative costs that this will entail today, can he inform me in writing?

I am also extremely concerned that this policy will increase the likelihood of homelessness and destitution. The clause does not suggest that all benefits should be withdrawn. It allows for this to happen, but it also allows for a reduction of benefits.

I thank the Minister for clarifying the implications for dependants. He has reassured me that dependants will be protected and that it is the individual offender who will be penalised. Nonetheless, I am sure that there will be indirect implications for an offender's family and the community.

Can the Minister clarify the situation on pilot schemes? There was a great deal of confusion on this issue yesterday. In response to my question the Minister said that he was opposed to a pilot scheme in Northern Ireland to introduce the abolition of the driving licence as a penalty for people who do not pay child support.

1.45 pm

The point needs to be made again. I asked him how we can know if it will work, and clearly, without having it piloted, the answer is that we do not know, despite the fact that many Members got on their feet to say that it would be a great advance on what we currently have. We do not know that either. This clause suggests that it will not be introduced in Northern Ireland until it is piloted in seven regions of England and Wales. The Assembly heard last week that it needs empowering legislation to introduce this measure. If that is the case, we will not be introducing it in Northern Ireland. Why, then, do we need it in the Bill?

If this power is only to be piloted in England and Wales, let the empowering legislation exist in England and Wales. We do not need it in Northern Ireland. It is clear that we could delete this clause without having to listen endlessly to how terrible it would be for Northern Ireland if we broke parity. Let me remind the House that this is not the first time that exceptions have been made for Northern Ireland. For many years the probation service has operated differently in Northern Ireland because of the circumstances here. I have no doubt that it was extremely alarmed about the information it was expected to provide about offenders' behaviour when the Department was researching the next clause. One begins to question standards of confidentiality and the ethics of departmental responsibility. If a Department can simply ask for such information to be passed on to it, there are privacy implications under the Human Rights Act.

I sincerely hope that this measure will not be introduced, and I am opposing its introduction at this stage. And if, at the conclusion of the pilot schemes in England and Wales, it is decided that the measure

should be extended to Northern Ireland, the probation service will be extremely concerned.

**Mr Irvine:** There is a touch of *déjà vu* about this, although maybe it will be a bit different — perhaps the Ulster Unionists will speak today. Yesterday the largest party in the Assembly, representing the interests of the electoral majority, sat silent throughout the process. Of course, the Democratic Unionist Party is somewhat trapped. Knowing some of its members, I am sure they are rather uncomfortable with this legislation. Nevertheless, it is on the agenda, and they have to defend their Minister, who begins to make Margaret Thatcher look like a shrinking violet: "Why not just cut out the middle man and do these people in? Bread and water. Nothing is bad enough."

Yesterday we debated and brought in draconian measures without realising their implications and the consequences that lie ahead of us. My colleague David Ford gave the example of someone in economic difficulty who quite wrongly decides that the way out is through crime and then finds himself on a community service order with his benefit stopped. Would that person go on to commit less or more crime? The answer to that should be fairly clear. Circumstance does not make it right, but it is logical for that individual. Many of these people, the underclass in some respects, have little sense of association. They are alienated, disaffected and, indeed, very apathetic about how society functions for them.

We confirm them as victims in their own minds by treating them harshly, as this legislation shows. I can see absolutely no merit in further punitive action against people in this situation. While they do wrong and society has the right to deal with them, it is nevertheless ludicrous to heap further financial burdens on them. This can only exacerbate the potential for further criminal activity.

It is absolutely ludicrous. It has been thrown in supposedly to give us options, and the Minister may tell us later, as he told us yesterday, that it will only be done as a last resort. He does not have the right to say that. This legislation will not be interpreted by the Minister. It will be interpreted by a judge in a court of law. It is not said in this legislation, or in the legislation we dealt with yesterday, that it is only to be used as a last resort. We are being told, in a political, whitewashing way, that it will be all right, that it will not affect many people and that when a judge makes such a determination, he will only do so as a last resort. We will not make the determination. When the legislation is passed and is dealt with by a court of law, only the judge will determine whether to use this sanction as a first option, a second option, a third option or a last option. The language of the legislation is not tight enough.

My Colleague Monica McWilliams asked why we need to pass this legislation when it is about to be tested. We are being railroaded, having it stuffed down our throats. For two days in a row we Assembly Members are about to put our names to bad law. If we are here only to rubber-stamp the authority of the four large parties or, as happened yesterday, two of the large parties, maybe we are wasting our time. Our job is to scrutinise and to challenge what we hear from the Minister, and he is about to say in response that this is about the real victims.

We heard yesterday that we did not care about the children because we challenged aspects of the Child Support Bill. Of course we care about children. Of course we care about the victims of those who are on community service orders. Moral piety is unreasonable when it comes from the Minister to the Members of this House, and I caution the Minister that it is not wise to go down that track. We all care. We all have constituents who suffer — those we discussed yesterday and the victims of those who end up with community service orders. Remember that people with community service orders are alienated, disaffected and apathetic. Rather than the simple, punitive action of this legislation, perhaps we should be offering more ways of reducing their feelings of alienation and disaffection and giving them some sense of belonging in society. I oppose this — and I have more opposition in mind for later on.

The issues of parity that the Democratic Unionist Party is so determined to retain do not cross all boundaries, and there is no greater à la carte United Kingdom party than the party to whom the Minister gives his allegiance. We hear its members parrot “parity”, and there will be times when we will remind them of what they have said about parity, and those times may not be long in coming. I reaffirm our opposition and say clearly that this is a tragedy. There are members of the Democratic Unionist Party and the Ulster Unionist Party who, if they were not expected to support the Government that they are part of, would be opposing this legislation.

**Ms McWilliams:** On the issue of parity — and the DUP might care to look back over its records on the matter of parity on this and other pieces of legislation — one can not touch social security. That would have dire consequences for the people of Northern Ireland, for we get more out than we pay in.

Does the Member remember how the DUP complained when the exceptional fuel payment for Northern Ireland was removed, under the provisions of social security legislation? Its reasoning was that the income provided under social security provisions — supplementary benefit, as it was called then — did not go as far as it would have done elsewhere in the United Kingdom because

we had exceptional fuel prices. Therefore it was seen to be right that the Government should pay extra to people in Northern Ireland, taking into account what they were paying out. When that was abolished, the DUP, and indeed other Members, said that it was not fair to the people of Northern Ireland. That was all about social security legislation.

**Ms Gildernew:** Go raibh maith agat a Cheann Comhairle. I am not going to repeat what other Members have said, but I will say that I also remember Members on the Benches opposite talking very recently about fuel prices. They spoke of the need for special arrangements, given the price of diesel and petrol in the Twenty-six Counties. They were looking for measures to alleviate that problem. Parity does not always come into the equation.

Do the Members opposite really look at legislation and take a view about whether it is good, bad or indifferent, or do they just go along with it because it has been made in Westminster? If a Bill said that it was OK to put your hand in the fire, would the DUP and UUP be queuing up to do that as well?

I am also opposed to aspects of the Bill that we have discussed yesterday and today. I do not see any merit in stopping people's benefits. Contrary to what has been said, the Bill will impact greatly on the families who suffer most. We cannot support the Bill for that reason. Go raibh maith agat.

**Mr S Wilson:** I want to take up a couple of the points about the stance of the DUP and the Minister on this clause. The parity issue came up yesterday as well, and I thought that my Colleague Mr Peter Robinson explained the whole question of parity, and our stance on it, very clearly. We seek parity when it is to the benefit of the people of Northern Ireland. Where we can tailor legislation to fit the particular circumstances of Northern Ireland, or improve on legislation for the people of Northern Ireland, we are quite happy to consider something different. That position has been made very clear, and to simply say that if we want parity in that, we must have parity on everything is nonsensical. Through a local regional Administration we are seeking the ability to tailor things to the needs of the people of Northern Ireland. Maybe I have not explained this as eloquently as my Colleague did yesterday, but I hope that I have reinforced the point.

In certain circles Mr Ervine is known as “the Bishop Eames of the paramilitaries”. When I listen to his moralising I feel that description is justified.

**Mr Ervine:** You do not genuflect very much.

**Mr S Wilson:** I do not intend to genuflect at all. Mr Ervine said that we should remember that we are dealing with disaffected people who feel that society



has excluded them and that they are on the margins of society.

I wonder whether he gives the same lectures to the people he eulogised at his party conference on Saturday. He also asked why the Minister did not just cut out the middlemen and hang them all.

2.00 pm

**Mr Ervine:** The Member should not believe all that he reads in the papers; he was not at the party conference. The least said, soonest mended. It is somewhat unfair to have a wallop in this way.

**Mr S Wilson:** Here is another quote. *[Interruption]* I am only quoting Mr Ervine's own words:

"Why doesn't the Minister just cut out the middlemen and hang them?"

Or did you say "put them in prison"? I cannot remember.

**Madam Deputy Speaker:** Order. The Member will address his remarks through the Chair.

**Mr S Wilson:** I am sorry. Perhaps you can inform me whether it was "hang them" or "put them in prison".

Mr Ervine has spoken eloquently about these disaffected people. However, there are people in east and north Belfast, and other parts of Northern Ireland, who go out, on a nightly basis, and drag these disaffected youngsters up an entry and beat the daylight out of them. I wonder if he gives them the same lectures about treating disaffected young people in a proper manner.

It is easy to stand in the Assembly and talk about how we should treat carefully these people on the margins of society, but the middleman is very often cut out on a nightly basis by people who proclaim themselves to be judge, jury and executioner for those youngsters who are involved in anti-social behaviour.

**Mr Ervine:** I concur absolutely with the Member about the treatment that is dished out by people who cut out the middleman, as he has described it. It is shameful, it is wrong, and it is immoral. In answer to his question, yes, I do tell those with whom I have conversations exactly that, and I will continue to do so.

It might be worth the Member's while to give some consideration to — or perhaps we might ask the Minister whether he can tell us — the ages of the people who usually receive community service orders.

**Mr S Wilson:** I do not believe that age is an important point. The important point is that the cutting-out of the middleman is a frequent occurrence in our society. Whether Mr Ervine tells us that he condemns that and that it is morally wrong, we have been given a lecture today by someone who, to his credit, does not pretend

that there is no association between himself and those who carry out those attacks.

The problem of breaches of community service orders comes when someone has failed, without reasonable excuse, to comply with the conditions of the order. Those people who have been placed on a community service order are usually placed there because they have offended against society.

It is fine for the likes of Mr Ford, and the other 'Guardian' readers in the House, to talk about the rights of those people. However, some people have to live with the consequences of the actions of others who have no regard for society, no regard for the elderly in society and no regard for people's property in society. It is not easy to see people placed on community service orders and then for a minority of them to snub their noses — most do not — at society again and say that they are not going to comply.

It offends the sensitivities of ordinary decent people in society, who are their victims, to see them walk away without further punishment. It might be OK for the liberal classes, who can escape to their middle-class suburbs away from the desert of the inner city. However, I guarantee that if you had to live with some of the elderly people in the inner city areas like the Newtownards Road and the Ravenhill Road who, day and daily, have to put up with that, you would not be concentrating on the rights of those who breach the orders. You would be concentrating on how you could protect those who are affected by their behaviour.

**Mr Ford:** I am not sure if Mr Wilson was in the Chamber when we started this debate — I have a feeling that he was not. I plead guilty to reading 'The Guardian'. I feel no particular shame for that, so I am guilty on that charge.

On the specific issue of whose rights we are talking about, had the Member been in his place he would have heard that I was specifically talking about the suffering that was inflicted on the old lady in the next street who also had her handbag stolen. I was not pleading for the rights of the offenders. I was talking about the effects on society and, specifically, the elderly victims. If the Member is going to attack what I said, it would be pleasant if he had been here to listen, rather than make an assumption about what I ought to have said.

**Mr S Wilson:** I am glad that I have at least roused one of the "Guardianistas" to defend himself.

I am talking about the rights of the people who are the victims. It does not matter what walk of life you come from, whether it is children in the home, youngsters in the school or criminals in society. The one thing you can be sure of is that if there is no deterrent or sanction then they will feel free to go and behave as they wish. The threat of the withdrawal of benefit may not have the

effect of influencing all on community orders, but it will have a deterring effect on the vast majority. The majority will comply with the orders, take their punishment and repay society through the order that has been placed on them by the court.

It is significant that many of the parties in support of the agreement are now lined up against all of the sanctions imposed in this Bill. Their record is that they did not want any sanctions imposed on anyone. Terrorists were to be rewarded in a plethora of ways. Now we find that people who do not comply with community orders are not to have sanctions imposed. It is a whole ethos of reward, without making people face up to their responsibilities. That is not the kind of breach of parity that we should be aiming for. That leaves us with a poorer society and leaves the vulnerable and victims in society feeling even sorer when they see the perpetrators of wrongdoing being allowed off scot-free.

**The Minister for Social Development (Mr Morrow):**

With your permission, Madam Deputy Speaker, I will speak on clauses 53 to 57 together, as they are interdependent.

**Ms McWilliams:** On a point of order, Madam Deputy Speaker. As Members only spoke to clause 53, they would like the opportunity to speak to other clauses before the Minister responds.

**Madam Deputy Speaker:** Members will have the opportunity to speak to each clause and amendment as we go through the Bill.

**Ms McWilliams:** On a point of order, Madam Deputy Speaker. If that is the case, perhaps the Minister would be wise to respond just on clause 53 at this stage. Will he return to the other clauses after we have spoken?

**Madam Deputy Speaker:** The Minister will respond on clauses as Members raise issues about them, following this statement.

**Mr Morrow:** It was always my intention to respond to the other clauses as Members raise matters about them.

As happened yesterday — and as has happened again today — some Members have talked about things that they feel are in the Bill. I do not see them in the Bill. Members have, on some occasions, let their imaginations run away with them.

May I say what the Bill does not do? It does not propose to hang anybody. I want to make that very clear. I hope that this assurance will help everybody — and particularly Mr Ervine — to relax a little more. No one will be hanged as a result of this Bill. These clauses will allow payments of certain social security benefits or training allowances to be reduced or withdrawn when a

recipient fails to meet the terms of a probation order, a community service order, or a combination order.

I believe strongly that a person's right to support from the state depends on his meeting his responsibilities to society. This principle is fundamental to the reform of welfare, which is about improving state support through the New Deal for young people, working families' tax credit, and giving more help to lone parents and disabled people who want to work.

In exchange for that, it is important that those on benefits do what they can to help themselves. There is a link between community sentences and benefits. Community penalties involve an element of discipline: attending interviews with probation officers, participating in programmes designed to stop re-offending, or doing unpaid work for the community. This experience reinforces skills often needed in a working environment.

**Ms McWilliams:** I would like clarification. This clause refers to income support, jobseeker's allowance and training allowances. Those are the only measures that the clause speaks to, and yet the Minister has introduced the working family tax credit. Will this clause also be extended to working families' tax credit?

**Mr Morrow:** The answer is "No". I am sure the Member will recall that I did say that I was dealing with the clauses together. I will respond to individual points made by Members.

It is important to ensure that offenders receiving benefits complete their sentences. That will enable them to draw a line under their offending and move on to make a full contribution to society. The bottom line is that if an offender is not willing to meet the terms of a probation order, a community service order, or a combination order, he cannot expect the rest of society — the decent, hard-working men and women in the street or the old-age pensioners about whom we expressed such concern in a recent debate — to carry on supporting him while he laughs up his sleeve at them.

Mr Ford expressed considerable concern about the old lady who loses her handbag. Under existing provisions, social security benefits remain in payment even though offenders thumb their noses at their responsibilities to society. It cannot be right that a person who fails to meet his wider responsibilities to society still receives the same benefit from the state as someone who complies in full.

Just stop and think about this for a moment. This à la carte approach is not acceptable. It is not acceptable by anybody's standards.

2.15 pm

The Department of Social Security has proposed piloting the corresponding provisions of the Child Support, Pensions and Social Security Act 2000 in a

small number of areas in England and Wales. This will establish the detailed procedures necessary. For these pilot studies the period of benefit withdrawal or reduction will be set at four weeks. A sanction will apply to those people living in the designated areas who are aged between 18 and 59 and who are receiving income support, jobseeker's allowance or certain training allowances. The results of these exercises will be fully evaluated and will inform decisions about the national roll-out of the scheme in Great Britain. I can categorically assure the House that the Northern Ireland provisions will not be implemented unless and until full implementation takes places in Great Britain.

While the benefit sanctions are aimed to impress on the offender the implications of his actions, they are not meant to leave anybody destitute. Benefits for dependants will not be sanctioned. I repeat: benefits for dependants will not be sanctioned. Hardship payments will be made available, subject to individual circumstances. This mirrors the system that currently applies to cases where employment sanctions have been imposed. I strongly recommend the Assembly to accept clauses 53 to 57.

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

**Mr Ford:** In his remarks about pilot schemes in Great Britain, the Minister has entirely repeated the point that was made earlier from this side of the House. So far he has no evidence that the scheme will work, yet he insists that this legislation must stand part of the Northern Ireland law book. Perhaps he could explain why this is so essential when he has no evidence — although his party Colleague Mr Wilson claimed to have some better knowledge than those who drafted this legislation across the water. Why is it so necessary to have powers which, as yet, are not justified in any part of the United Kingdom?

**Mr Morrow:** I have listened to the Member. I am putting his question at the bottom of the list, and I will answer it. However, I want to refer to something he mentioned earlier. Mr Ford stated that I had not given him a full answer yesterday in relation to the old lady who had her handbag snatched. I did say yesterday that if, when we had a look at Hansard, we felt that there was any matter that was not fully and properly addressed, then we would return to it and address it fully. I can give Mr Ford a categorical assurance that this will happen. If he still feels that the example of the old lady who lost her handbag was not properly addressed, then I assure him that it will be. A full answer will be given, right down to the very colour of the handbag that was stolen, if we can do that.

A number of points were raised today. Some were relevant and some were not of any relevance whatsoever. Some were pulled from the sky to cover Members' inability to support this Bill in its totality. Mr Ford

mentioned the position of a young offender who steals while on probation and has his benefit sanctioned.

I emphasise that reoffending is a matter for the courts. I hope that Mr Ford takes that point fully. In regard to the pilot scheme, which was touched upon by a Member, if the decision in Great Britain is not to proceed, then the provision in Northern Ireland will remain dormant. That is the case for all parity legislation. The provision must be there to allow it to be introduced if the decision is to proceed. That is what parity is all about.

Mr Ford also raised the point about the necessity of having the clause if it is not going to be used. If we delay the insertion of the clause into the legislation, then we will not be able to maintain parity. The clause must be a part of the original legislation to ensure that this is a piece of parity legislation.

**Ms McWilliams:** The clause says, and the explanatory memorandum explains, that if, at any stage, the House wants a further extension of measures, this can be provided through regulations subject to the affirmative procedure. Why can that not be done in this instance? The clause states that something can be introduced at a later stage under further regulations, which will no doubt come before this House.

**Mr Morrow:** I thought I had made it clear. Some may think that I overemphasise the word "parity". I do not believe that it can be emphasised enough. A Member said earlier that responsibility comes with privilege. Are we going to allow some people to flout their responsibilities without accepting them? That is not the way forward, and that is why I am so emphatic that this Bill is implemented in Northern Ireland in its entirety.

Ms Lewsley spoke about protecting partners and dependants. Only the benefit of the offender will be sanctioned. I trust that clarifies the point for the Member.

Ms McWilliams made the point that the scheme will be piloted in England and Wales but not in Northern Ireland. That is true. However, it would be difficult to pilot the scheme in Northern Ireland because in comparison to England the population is too small. In fact, to achieve a proper sample, all of Northern Ireland would have to be piloted, and that is not logical.

**Ms McWilliams:** In case the Minister has misunderstood me, let me explain that I was not suggesting that the scheme be piloted in Northern Ireland, whether there are adequate sample numbers or not. I am suggesting that this clause is not introduced in Northern Ireland. If it turns out to be the case — and I doubt it — that the conclusion of the pilot schemes is that such a punitive measure works, then we can revisit the issue and introduce an additional regulation. Why introduce the clause at this stage if the empowering legislation is only required for the pilot schemes in England and Wales? If



the Minister returns to the House and informs us that the pilot schemes were a great success in England and Wales, then the Assembly will listen to that. However, at present he does not know the answer to the question. Why does he not accept the point that the best way forward is to accept the amendment, delete the clause and proceed with the rest of the Bill?

**Mr Morrow:** Ms McWilliams is right: I do not know. That is why I am putting it in. I want the legislation in its totality at this stage. She must accept that. Members can drop their heads and laugh if they so wish, but I ask the House to remember what this Bill is for. Some Members appear to have forgotten.

**Mr Ervine:** It is about saving money.

**Mr Morrow:** No, it is about directing money to those who are entitled to it, and who deserve it. That is what it is about.

Regarding the point Monica McWilliams made about homelessness, housing benefit will not be sanctioned.

With regard to David Ervine's points, the court, and not the Department, would indicate that a person had breached the order. The offender could avoid benefit sanction by complying with the terms of the order. I hope that the Member understands that. At the time the order was being imposed, the court would explain to the offender what the consequences would be for someone on benefit. The Social Security Agency could sanction benefit only when the court had made such a determination. The court would have the primacy in such a case, and I recognise that some Members seem to have a difficulty with that, but they have not told us of a better arena in which to establish this. Where else could this be done?

**Mr Ervine:** I thought that I had explained my point well. I accept that a judge would make the determination, but he would be making his determination on what he sees, and therefore we would lose control. It would be gone, and once this became part of law it would remain part of law. Not only would it remain part of law, but it would also become established practice in other areas of the justice system. A precedent would have been created, and benefit would be used as a punitive factor in many other areas. That is the biggest fear of the vast majority of Members who are against this.

**Mr Morrow:** I disagree emphatically. I do not know whether the Member is adopting this stance deliberately or unintentionally, but can he understand why such a person is in court? Does he fully understand that by the time a person reaches court, he has, on umpteen occasions, been given the opportunity to make good his default? That person is in court because he has spurned every opportunity and kicked them to the side. Only then will he find himself before a court. I cannot

emphasise that point strongly enough, and I hope that the Member grasps that.

Mr Ervine then said that a sanction would not come into effect until the benefit office had been notified that a court had determined that a person had, without reasonable excuse, again failed to comply with the order. I have gone over that point on at least four occasions, and I fail to see why some Members still cannot get to grips with that particular point.

Another point raised by Mr Ervine was in relation to parity. We are dealing here only with social security. Others have tried to drag in other issues that are not for discussion today. There is a long-standing policy on parity, and, as Minister, I am bound by section 87 of the Northern Ireland Act 1998, which requires me, in conjunction with the Secretary of State, to operate single systems of social security, pensions and child support. I do not have any option. We are, after all, part of the United Kingdom.

Mr Ervine then asked a series of questions in an interjection to Sammy Wilson. He mentioned community sentences orders, and he asked for some figures. I can give him figures now. Ninety-three per cent of people on such orders are male. In the under-18 age group, there are 15%, in the 18-to-25 age group 48%, and in the over-25 age group 37%. Seventy per cent of them are single, 7% married, 17% cohabiting, 4% widowed and 2% separated.

Mr Ervine also said that he could not see the merit in having these measures included and that we were merely about to rubber-stamp the law in Great Britain.

Mr Ervine says that he cares about children. Let him show that he cares. His actions will speak much louder than words on this particular issue. I would prefer that people did not tell me how to live, rather than they lived it themselves and then showed me. Mr Ervine may want to take that point on board.

2.30 pm

**Mr Ervine:** Unbelievable.

**Mr Morrow:** Maybe.

Monica McWilliams mentioned the working families' tax credit. That benefit is administered by the Inland Revenue on a UK-wide basis and is not part of my responsibilities. I trust that that clarifies that point.

As for Mr Ford's interjection, if this legislation is not on the statute book we will not be able to introduce it at the same time as it is introduced in the rest of the United Kingdom. Does anybody feel that there is any merit in our falling behind on benefit legislation? Does anybody think that that is to anybody's advantage? I cannot see it.



**Ms McWilliams:** Does the Minister accept my point? It is unfair that Members are made to feel that they have misunderstood the legislation. I assure the Minister that we understand it very clearly. We do not find it a laughing matter; we are treating it very seriously. The Minister felt that some Members were laughing at some of the things that were being said. Let the record show that the issue is being treated with an enormous amount of seriousness.

Some Members feel that this debate is going on longer than it should, but it should go on for as long as it takes for people to realise that what we put into legislation today stays on the statute book. If the measures are not to be introduced to Northern Ireland now, and since the statute allows them to be introduced at a later stage, would it not be sensible, given the concerns that have been raised, to leave it to a later time to introduce them, and then only if they are seen to work?

**Mr Morrow:** I do not recall saying that people were laughing. If I did say it, I was referring to Mr Ervine, who dropped his head in his hands and laughed. I did not say that other Members were laughing. I accept that the people who are putting forward points are sincere, but I hope that they in turn accept that I am emphatically in favour of the Bill and deserve the same courtesy.

Monica McWilliams questioned the need for the inclusion of this clause in the Bill. The clause must be in the Bill if we are to remain on parity with the rest of the United Kingdom. Following the piloting of the Bill in the rest of the United Kingdom, it may have to be changed. If Northern Ireland did not have the clause and it were not being changed in the rest of the United Kingdom we would have to come back to the Assembly and seek to have it included.

**Ms McWilliams:** Hooray.

**Mr Morrow:** With due respect, that is where Ms McWilliams and I differ. I want the clause included because I feel that it should be there.

**Mr Ford:** I am at a loss. The Minister tells us that we must have this clause in case the pilots are successful in Great Britain. Everybody knows that it would take an endless amount of time for regulations to be drawn up in Great Britain. Those regulations would then have to be brought across here to be introduced in a different form. There would be plenty of time for us to consider new primary legislation to deal with the matter while that process is going on, assuming that the evidence in Great Britain proves that this measure that the Minister is so keen on would be successful.

**Mr Morrow:** I have heard nothing to convince me that it should not be in. We will have to agree to differ. Ms McWilliams said that this provision must be in. I say

to her that the provision must be in primary legislation — in a Bill. That is why we do not break parity, and why we do not leave things out at this stage. Some Members may feel that matters have not been adequately dealt with. I will read Hansard and, if I feel that that is the case, I undertake to get back to Members who have raised issues, and I will ensure that full and more definitive replies are given.

*Question put* That the clause stand part of the Bill.

*The Assembly divided: Ayes 41; Noes 32.*

#### AYES

*Ian Adamson, Fraser Agnew, Pauline Armitage, Billy Armstrong, Roy Beggs, Billy Bell, Tom Benson, Paul Berry, Esmond Birnie, Gregory Campbell, Mervyn Carrick, Joan Carson, Wilson Clyde, Robert Coulter, Ivan Davis, Nigel Dodds, Sam Foster, Oliver Gibson, William Hay, David Hilditch, Roger Hutchinson, Gardiner Kane, Danny Kennedy, James Leslie, David McClarty, William McCrea, Alan McFarland, Maurice Morrow, Ian Paisley Jnr, Ian R K Paisley, Edwin Poots, Ken Robinson, Mark Robinson, Peter Robinson, George Savage, Jim Shannon, Denis Watson, Peter Weir, Jim Wells, Jim Wilson, Sammy Wilson. [Tellers: Gardiner Kane and David McClarty]*

#### NOES

*Alex Attwood, Eileen Bell, P J Bradley, Joe Byrne, Seamus Close, John Dallat, Arthur Doherty, David Ervine, John Fee, David Ford, Tommy Gallagher, Michelle Gildernew, Joe Hendron, Billy Hutchinson, Patricia Lewsley, Alban Maginness, Alex Maskey, Kieran McCarthy, Alasdair McDonnell, Barry McElduff, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Pat McNamee, Monica McWilliams, Francie Molloy, Conor Murphy, Sean Neeson, Mary Nelis, Dara O'Hagan, Sue Ramsey, John Tierney. [Tellers: Billy Hutchinson and Kieran McCarthy]*

*Question accordingly agreed to.*

*Clause 53 ordered to stand part of the Bill.*

#### **Clause 54 (Loss of joint-claim jobseeker's allowance)**

*Question proposed* That the clause stand part of the Bill.

2.45 pm

**Ms McWilliams:** I thank the Minister for clarification on some of the points raised earlier, and also for the statistics that he introduced, which pointed to 70% of those claimants —

**Mr Deputy Speaker:** Order. If Members wish to leave the Chamber, they should do so quietly. Such noise is very discourteous when a Member is speaking.

**Ms McWilliams:** Thank you, Mr Deputy Speaker, for restoring order.

This clause is speaking to the loss of the joint-claim jobseeker's allowance. I think it needs some explanation. I can understand, since we have now voted for this sanction to be introduced, why it is so important to make sure that partners and dependants do not suffer as a consequence. Although we will be returning to this at the Further Consideration Stage, particularly in relation to piloting, I would like further clarification on the hardship payments which the Minister spoke of earlier. Is there not a contradiction, if it is the case, in a jobseeker's allowance being partially or totally withdrawn for a time and a hardship payment being introduced as a consequence? I would like the Minister to explain why the funding is taken off the individual in the first place if there is hardship. That is an extremely important point. I also note that in the initial stages this is to apply to couples aged 18 to 24 and then will be further extended, but it does not say at what time it will be extended to older couples.

I would like to make the point that too much of this debate centred on the old lady with the handbag. Some of these individuals, albeit possibly a very small proportion, are over 50 years of age, and there are many reasons why they are on community service orders. I would not like Members to think that all those on probation orders, or community service orders, and who breached those orders, were on them simply for mugging or burglary. There are many reasons why they have been diverted from custody and why those orders have been handed out. It is important to remember — and research supports this point — that women are often handed these orders for less offensive behaviour than men, and I am concerned that if an additional penalty were added to that the system would become more punitive.

The Minister is heavily dependent on departmental officials' notes, but I want to remind him that we on this side of the House were clear that housing benefit was not to be affected. Irrespective of whether a person receives housing benefits, if his income is reduced — and this applies specifically if the jobseeker's allowance is taken separately — there will obviously be occasions when he needs extra funding for domestic purposes and responsibilities. That is the point I was making. If money is taken away, that will clearly affect income, particularly if the couple are still living together or cohabiting. It will detract from the family. I know that the money will not come from the unoffending partner or, indeed, from the dependants, assuming that there is someone older in the house who is on a training allowance in his or her own right. In my house — and undoubtedly in the Minister's as well — money is pooled. We talk about "household income". This system will take money away from couples, thus leaving them poorer, although that was probably not the intention.

**Mr Wells:** I have been listening closely to this debate, and the point that the hon Member has failed to address is that a person who is in this position can solve this problem instantly by obeying the court order. He has the power to reinstate his social security payments. All he has to do is accept the court's ruling and say "Yes. I have been given ample warning. I have committed an offence, and to ensure that my benefits continue, I will obey the court order." What is wrong with asking someone to take responsibility for his own actions?

**Ms McWilliams:** I return to a similar point that was made yesterday. If we knew that that would happen, we would perhaps be in a better position to argue. The Member is making an assumption, but it is purely hypothetical. If the scheme is piloted we will get more information.

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

**Ms McWilliams:** I have already given way to the Member. If he wishes to put his name down to speak, he should by all means do so, but I will not give way unless he has an additional point to make. I want a thorough debate on this, for it is extremely important.

I say to Mr Jim Wells that there are diversionary programmes, and the probation people are in favour of them and constantly seeking resources for them. It is up to the courts to put a person who has breached an order under surveillance. They say the programmes work. The only way to challenge a person's behaviour is to get to the presenting problem, rather than the symptom. We ought to be introducing these programmes, but since criminal justice is a reserved matter, we cannot talk about this here, other than to make reference to them.

We do not know that this will work. It could not only be dysfunctional, but increase poverty among families, and it would not be the offender who suffers but other members of the family. Despite the fact that departmental officials, through the Minister, are constantly producing notes to say that this will not be the case, they do not know if that is true, because the programmes have not even been piloted.

**Mr Ford:** I do not intend to repeat everything that Ms McWilliams has said, as there seems to be enough repetition in this debate. However, I want to emphasise one point she made. Suffering will indeed centre on the family if joint-claim jobseekers are penalised and eventually levied. The notes claim that the measure would impact initially on couples without children; I think the use of the word "initially" makes the long-term intentions quite clear.

Sammy Wilson mentioned that I live in a leafy suburb — though that is not the description I would use myself. In my past life, before committing the major crime, in DUP eyes, of going to work for the Alliance Party, I was a social worker. During those years I

worked in some of the less leafy parts of Antrim, Newtownabbey and Carrickfergus. I know a little about how the people who are likely to be affected by this live and budget.

Some Members may suggest that families living on the breadline pool the money which comes in, categorise it under rent, dad, mum, first child, or second child and live their lives in watertight compartments with penalties inflicted solely on parents, as distinct from their children. This idea is straight from cloud-cuckoo-land. It is quite clear that when people live on minimum levels of support, such as benefits like income support, the money is all pooled, eventually going to the most pressing matter at any one time. Therefore it is evident that any such penalty will actually impact on children, as well as on the “innocent partner” in any couple, once this measure is introduced for families with children.

Rather than continuing to hector us, if he is to persist in pushing this clause the Minister must explain how it will impact solely on the guilty partner and not on the entire family.

**Mr Morrow:** Earlier, when I was addressing all the clauses, I undertook to respond honestly to the points raised by individual Members as we examined each clause.

Hardship payments will be made available subject to individual circumstances. This mirrors what currently happens when employment sanctions have been imposed. Some of the Members who spoke today see something wrong with that and feel that it should not be necessary. It is my opinion that we must account for all eventualities; that is why this system is in place.

Ms McWilliams may have felt earlier that some of us disparaged the analogy of the old lady with a handbag. Nothing could be further from the truth. She is also vulnerable, and that is the type of person whom we seek to protect. However, the analogy of the old lady with a handbag may have been drawn in emotive rather than in real terms.

Having been a councillor and public servant for some 27 years, I am quite aware of some of the nasty things that happen in society. Therefore, when I am in a position to do something about them, it behoves me to do it with all my might and go the extra mile. This Bill will go a long way towards addressing many of the things which have caused concern to me throughout those years and to many Members present also.

3.00 pm

Ms McWilliams raised a point about clause 54 — it is needed to deal with the different rules relating to joint claims for jobseeker’s allowance. I hope that clarifies the position. Complaints were made about the fact that

there has been repetition on this matter. I accept that that is the case, but any repetition that I made was necessary.

Let no Member, including those opposed to this legislation, be under any illusion about why we need it. Mr Wells interjected when Ms McWilliams was speaking and made this point very succinctly: those who are before the courts or are having their payments sanctioned are people who will not accept their responsibilities to children. If this constitutes repetition, I am happy to stand in the dock, but I am going to keep repeating the fact that we are trying to look after the children and to get money to them. Those opposed to these clauses should focus on this point as they go through the Lobbies. When they come out at the other side they should ask themselves “Did I do what was right and in the best interests of the children who are being deprived of what is rightly theirs?”

In relation to a point made by Monica McWilliams, extension to other benefits would be by statutory rule, a matter which would come before the departmental Committee and then the House. I hope that she accepts that point. I am not accusing her of misunderstanding the Bill. I am sure she understands every letter and every word of it, and my tone is not mocking, it is genuine. But if she is emphatic that the clause should be taken out, let it be understood that some of us are emphatic that it should be kept in, and we will make every effort to ensure that it is.

I have dealt with the matter of sanctions: the responsibility lies entirely with those whose benefits have been taken from them. It is in their hands to do something about it — the responsibility must not be shifted to anyone else.

A similar point raised earlier by Mr Ford was adequately dealt with. Should anything remain unclear, the print will be examined when it is published, and an undertaking is given that every person’s —

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

**Mr Morrow:** I am finished now. Every person’s concerns will be fully addressed.

**Mr Ford:** On a point of order, Mr Deputy Speaker. It was a ruling from the Chair that Members would be expected to give way. The Minister, who has just attempted to represent the way in which I spoke in this section of the debate, has misrepresented my position and has refused to accept an intervention. Is that in order, given the ruling that the Speaker made yesterday?

**Mr Deputy Speaker:** Mr Ford, you are quite correct. In those circumstances, the Member should have given way. I had to assume that the Minister was halfway through his concluding sentence. It was exceptionally difficult for me to interrupt him mid-sentence, and when he finished the sentence he sat down.



**Mr Ford:** On a further point of order, Mr Deputy Speaker. May I assume that it is in order for the Minister to denigrate the rest of us, so long as it is in the last sentence of his speech?

**Mr Deputy Speaker:** That is not the case, and that is not a point of order.

*Question put and agreed to.*

*Clause 54 ordered to stand part of the Bill.*

### **Clause 55 (Information provision)**

*Question proposed* That the clause stand part of the Bill.

**Mr Ford:** Since clauses 55, 56 and 57 are consequential on clauses 53 and 54, I do not propose to oppose them at this point, though I cannot speak for Ms McWilliams or Mr Ervine.

**Ms McWilliams:** We must be very clear about the information to be provided by the offender under clause 55, especially as it is simply for benefit purposes.

**Mr Morrow:** It might be prudent to deal with Mr Ford's comments. I find it strange to be accused of not giving way, and the allegation that I tried to stymie the debate is horrendous, given the number of times I did give way. Mr Ford might want to reflect on what he did or did not say.

Ms McWilliams's point is valid and I shall take it seriously. I will take a closer look at that point and come back to her definitively.

*Question put and agreed to.*

*Clause 55 ordered to stand part of the Bill.*

*Clauses 56 to 67 ordered to stand part of the Bill.*

### **Clause 68 (Commencement and transitional provisions)**

*Amendment (No 1) proposed:* In page 66, after line 26 insert

“( ) An order bringing in sections 16 or 53 to 57 will be subject to approval in draft.” — *[Mr Ford]*

**Mr Ford:** The position is quite clear — the Minister is certain of the rightness of his case. That being the case, it is reasonable to expect him to present in draft form the Order introducing the regulations relating to the clauses discussed earlier.

I would be interested to hear the views of the Ulster Unionist Party on these clauses. When the equivalent matter was discussed in the House of Commons, the Bill was opposed on Second Reading by Liberal Democrat, Scottish Nationalist and Plaid Cymru Members. Mr Beggs, the late Mr Forsythe, Rev Martin Smyth and Mr William Thompson also opposed it. In the circumstances, therefore, their Colleagues in this House

will, I am sure, support such a reasonable and modest amendment.

**Mr Morrow:** The purpose of clause 68 is to allow the Department to make an Order or a series of Orders, bringing into operation the provisions of the Bill that do not come into operation on Royal Assent. This is found in every Act or Order in Council that does not come fully into operation on Royal Assent. It is most unusual for such an Order to be subject to any kind of control, either by the Assembly or by Parliament at Westminster.

The reason is that commencement Orders merely commence provisions already agreed by the Assembly. The appropriate time to debate the policy and any other issues is now.

Given the underpinning policy of parity, both in content and timing, there is no provision for any subordinate legislation dealing with social security, pensions or child support to be subject to approval by the Assembly before it comes into operation. This enables the designation of a single operative date for both Great Britain and Northern Ireland, in line with my obligations under section 87 of the Northern Ireland Act 1998. This amendment seeks to allow those Members whose amendments were defeated earlier today a second bite at the cherry. This cannot be right. Once the House has agreed the policy and the provisions of the Bill, the will of the House should be accepted, and we should move on.

Furthermore, acceptance of the amendment would once again call the issue of parity into question. I have already spoken at length on the subject, and I will do no more than assure the House that my intention, when advocating parity, is not to diminish the powers of the Assembly, but simply to get the best possible deal for the people of Northern Ireland. I strongly urge the Assembly to reject this amendment.

*Question put and negatived.*

*Clause 68 ordered to stand part of the Bill.*

*Clause 69 ordered to stand part of the Bill.*

*Schedules 1 to 9 agreed to.*

*Long title agreed to.*

**Mr Deputy Speaker:** The Consideration Stage having been completed, the Bill stands referred to the Speaker.



## FISHERIES (AMENDMENT) BILL

### Committee Stage (Period Extension)

**The Deputy Chairperson of the Culture, Arts and Leisure Committee (Mrs Nelis):** Go raibh maith agat, a LeasCheann Comhairle. I beg to move

That, in accordance with Standing Order 31(4), the period referred to in Standing Order 31(2) be extended to Thursday 14 December 2000 in relation to the Committee Stage of the Fisheries (Amendment) Bill (NIA 9/99).

The Culture, Arts and Leisure Committee is requesting an extension to the Committee Stage until 14 December, because we have not yet had an opportunity to take oral evidence on the Fisheries (Amendment) Bill. In addition, the Committee has almost completed taking evidence on its inland fisheries inquiry, which will help inform the Committee during its scrutiny of the Bill. As we all know, Committees will be very busy, for the next month or so, scrutinising the Programme for Government and the Budget proposals. Therefore the Culture, Arts and Leisure Committee requests this extension.

*(Mr Speaker in the Chair)*

*Question put and agreed to.*

*Resolved:*

That, in accordance with Standing Order 31(4), the period referred to in Standing Order 31(2) be extended to Thursday 14 December 2000 in relation to the Committee Stage of the Fisheries (Amendment) Bill (NIA 9/99).

## FLAGS

### The Chairperson of the Ad Hoc Committee on Flags (Mr Agnew): I beg to move

That the report of the Ad Hoc Committee on Flags set up to consider the draft Regulations laid by the Secretary of State under the Flags (Northern Ireland) Order 2000 be submitted to the Secretary of State as a report of the Northern Ireland Assembly.

*3.15 pm*

I had mixed feelings when I was nominated as Chairperson of this Committee, because, as a Unionist, I believe we have the right to fly the Union flag over Government buildings, and I had sympathy with those who were opposed to the Committee's being set up. Nevertheless, the Secretary of State sought the Assembly's opinion on the issue, so the Ad Hoc Committee was established and we were morally bound to review the matter and to produce a report.

At the outset, I felt that I was either mad or masochistic to have taken on the role of Chairperson. The cynics predicted that it would be impossible to produce a report, but we succeeded in our aims. As Committee Chairperson, it is my role to present this report to the Assembly and to move the motion.

The Committee was established on 11 September this year to report back to the Assembly by 16 October on the Secretary of State's draft Regulations for flags on Government buildings. We have defied the cynics and met the deadline — we were a day out, but that was not the Committee's fault. This achievement should not be underestimated, given the diversity of opinion on this issue and the timescale in which we had to work.

The Committee comprised representatives from every party in the Assembly, except the United Kingdom Unionist Party and the Northern Ireland Unionist Party. Members will note from the report that neither party made a submission to the Committee, a contribution which would have been beneficial. Our first meeting took place on 19 September, and we met in public session on a further five occasions.

We have an interesting transcript of one meeting during which it was suggested that a further meeting should take place "so long as it is held in the open." The transcript read "so long as it is held in the Europa", but we held it in the open in the Senate Chamber.

At our meeting on 25 September it was decided that the Committee report would be based on a series of propositions, reflecting the different views of Members, with an indication of the level of support for each standpoint. Each party represented on the Committee made written submissions in which it set out its different views, and these submissions have formed the basis of the report which is before the Assembly today.

Members will note that, for their convenience and by way of a summary, the report includes details of the various submissions on the party views, in subsections on the “Status of the Union Flag”, “Flags and the Belfast Agreement” and “Positions on the proposed Regulations under the Flags (NI) Order 2000”. In order to gain insight into the relevant issues surrounding the matter of the flying of the flags — indeed, we wanted to get as wide a range as possible — the Committee sought to hear evidence from those best placed to clarify the matters contained in the draft Regulations. We issued invitations to the Secretary of State, Mr Peter Mandelson; the head of the Northern Ireland Civil Service, Mr Gerry Loughran; and the Chairperson of the Equality Commission, Mrs Joan Harbison. To our disappointment — although perhaps we should not have been surprised — the Secretary of State and the head of the Northern Ireland Civil Service were unable to attend.

Considering the importance of the subject to the Assembly, to the parties represented therein and to the electorate, and acknowledging that the Secretary of State was responsible for drafting the regulations and for allocating the timescale, it seems remiss that the Committee only heard evidence from the Equality Commission. It would have preferred to benefit from full and frank discussion with, and additional information and clarification from, all those who could have shed light on the various matters which arose.

The Committee heard the evidence of the Equality Commission on Thursday 5 October. We have included it in the report, along with three submissions from external organisations and individuals which were received in response to a press release by the Committee.

There are a few issues that I would like to draw to Members’ attention. These issues were of concern to all Members of the Committee. The first point relates to the very tight deadline that was set for the Committee’s work. By the time the membership of the Committee was agreed we had only three weeks to consider this difficult and divisive issue, to hear evidence and to produce a report. This timescale for this was totally inadequate, but thanks to the tremendous amount of time and effort given to the task by the staff of the Committee, I am able to present the report today. In future, we should ensure that a more realistic timescale is allocated, to enable a Committee of this kind to carry out the task it has been set.

My second point is to request that Ad Hoc Committees be given appropriate powers to call for persons and papers. Members of the Committee expressed disappointment that they were unable to hear evidence from the Secretary of State and the head of the Civil Service. For an Ad Hoc Committee to have this power, an amendment to Standing Orders would be required to

meet the provision of section 44(6) of the Northern Ireland Act 1998. This is an issue that should be considered by the Committee on Procedures.

With the benefit of hindsight, the Committee agreed that in the event of a Member’s being unable to be present, a substitute should attend. Since the deadlines were extremely tight, and to avoid time wasting on briefing people again and again, each party was responsible for ensuring that deputies had a full working knowledge of what had gone before. At times this proved to be something of a problem, and it became increasingly clear that briefings had not taken place. In the interests of future Ad Hoc Committees, I would advise that this is not the best means of making progress.

I would like to thank the members of the Committee for their contributions and their patience and Mr David Ford, who is absent, for his help as Deputy Chairperson. On one occasion he gave me some good, fatherly advice — though I hasten to add that he is certainly not my father.

As Members can appreciate, it has not been easy to reach this point. I want to thank the staff of the Committee for their considerable help in ensuring that we could present this report to the Assembly today.

**Mr Speaker:** Given the number of Members who wish to speak, I intend to restrict the length of each contribution to 10 minutes. This is not an incitement to use the full 10 minutes but a limit that must be imposed if we are to have the participation of as many Members as possible.

**Mr Weir:** I am disappointed that we need to have this debate. We were told that this was a matter that would be sorted out, but it looks as if it is yet another matter which has slipped down the route of “constructive ambiguity”.

I do welcome this report. At least we can get a fairly accurate picture of the views of the different parties. When scientists explore the great wastes of Siberia and other places they sometimes come across a body that has been frozen in time — a body which has been chiselled out from the neolithic ages. That recovered body bears a striking resemblance to a member of Sinn Féin. Its submissions show no recognition of anything that has happened in Northern Ireland over the last 80 years. Sinn Féin has failed to accept reality. Its submission is a green wish list. Its members look at the world as they would like it to be, not the way it actually is, and that outlook informs their attitude towards flags.

What is more disappointing in the evolution from neolithic man is that the other Nationalist parties do not appear to have evolved a great deal either. One notes with almost equal disappointment the submission of the SDLP, which, like Sinn Féin, is persistent in its rejection of the consent principle.

What is particularly disappointing is the submission of the Women's Coalition, which seems to be donning the garb of Nationalism. Its conclusion is that perpetuating the status quo and flying one flag is not a long-term option. The Women's Coalition does not accept the clear consent principle that Northern Ireland is part of the United Kingdom. It gives a range of other options — two flags, no flags, a new flag or some combination — but the one option it does not regard as a long-term option is to keep flying the Union Jack.

I welcome, however, the range of Unionist propositions that have been put forward — and some of the responses from the Alliance Party — ranging from the somewhat short PUP proposals to the very extensive proposals from the Ulster Unionist Party.

Many aspects of these draft Regulations should cause us grave concern, in particular 2(2). Stormont is specifically excluded from the list of Government buildings. The specific set of buildings does not include the headquarters of the Department of Culture, Arts and Leisure, and there is no reference to any future buildings.

3.30 pm

These buildings seem to be almost frozen in time. If, for example, another building becomes a headquarters building in the future, or if another Government building is built, that seems to be specifically excluded from these proposals. The Secretary of State has to take those matters into account if he is to make his proposed Regulations acceptable in any shape or form.

There is also concern over the list of notified days. The majority of people here simply want Northern Ireland to reflect the rest of the United Kingdom. There is also a desire and a need to reflect what has been common practice until now. The fact that days are being dropped from the list — for example, 12 July — is to be deeply regretted. There needs to be an examination of that.

There are many issues to be covered. People will deal with them in the debate and I do not want to pre-empt them. I am gravely concerned that in regulation 9 we have for the first time a prohibition on the Union Jack flying other than on the specified days. That is a very retrogressive step and deeply to be regretted. The proposals are flawed.

The propositions put to the Committee that seem to have widespread support, at least within the Unionist bloc, are to be commended. I was not a member of the Flags Committee, but I did observe a couple of its sessions. I have to express disappointment with the attitude of the SDLP, particularly in the latter session. They seemed to take the petulant attitude that because they did not get their way, they were not going to take part in the voting. That does not bode well for the future of acceptance in Northern Ireland.

We are left with deeply flawed Regulations. It says a great deal about the current state of the political process in Northern Ireland that if this is put forward as the final draft by the Secretary of State, it will be perceived by some in the media as a sort of victory for Unionism. For Unionism to be able to claim victory for getting a slightly restricted form of what it already had shows how little Unionism has got from the process of late.

We are not talking about any special privileges, nor about flaunting the flag in the disgraceful way that, at times, it has been flaunted in this Province. We are not talking about flags on every lamp-post. We are talking about an acknowledgement of the principle of consent, with the flag flying on proper Government buildings on proper designated days. That is not too much for this Assembly to commit itself to. I urge the SDLP, in particular, to cast aside their intransigent Nationalist baggage and support the principle of consent, recognise that they are part of the United Kingdom and start facing that reality by supporting this proposal. I hope the Secretary of State makes the appropriate changes to these Regulations to allow us to have a proper outworking of the principle of consent in Northern Ireland.

**Mr Dallat:** Mr Weir has summed up the whole thing pretty well. Twice he called for victory for Unionists, and I am not sure I could repeat —

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

**Mr Dallat:** I am only on my feet. Give me a chance.

**Mr Weir:** Before misquoting me, perhaps the Member could at least listen to what I say. I said that the media might portray this as a victory for Unionism but that I would not regard it as such. If the Member is going to quote me in the future, perhaps he will listen a little more carefully.

**Mr Dallat:** I thank Mr Weir for that. In this important debate it is essential that we get things absolutely right. I am sure that when Members have listened to this debate they will understand better why the Ad Hoc Committee resorted to a popular TV programme for inspiration and began talking about “fifty-fifty”, “phone a friend” and “ask the audience”.

At least the Committee members were good-natured about the problem. They realised that there is a problem, and the Chairperson was very fair in his work.

Returning to the television programme, some people have made themselves millionaires. Some have made themselves millionaires out of flags too and have not answered a question. The sad reality is that others have died in the process, and that makes everyone poor.

In its submission the Ulster Unionist Party quotes from the Good Friday Agreement:

“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”.

That having been supported by 71% of the population and agreed by all of the parties to that agreement, I would love to know why we need this debate about flags. Why are we back into the quagmire about flags and the division that they have caused in Northern Ireland for so long?

Surely we should be seizing the opportunity to lay the foundation stones of a new society that respects diversity and goes to extraordinary lengths to avoid division. Why are we putting ourselves in this quicksand which will do nothing to bind the building blocks of a new Northern Ireland where everyone is not only equal but feels comfortable with that equality? Flags have been used all too often to mark out territory, to make political statements and destroy relationships.

The Ulster Covenant, if I dare mention it, was signed on a table bedecked with a Union flag, and since then, I am afraid, politics in Northern Ireland have always been matched by the need for a flag. Even the election literature can not be sent through the post without a Union flag pattern on it. How is that supposed to encourage non-Unionists to respect that flag?

**Mr McCartney** *rose*.

I hope that Mr McCartney will have his chance to speak when I am finished.

Even those who exploit the flag show it disrespect. They nail it to telegraph poles and even carry it upside down in distress. How many times have you seen the flag flying upside down at a DUP rally?

Let us suppose that I was to give my allegiance to the Union flag. How could I be sure that I was in harmony with my Unionist friends? This year there have been more flags on display than at any time since the Coronation of King George VI, and few of them have been Union flags. On a rough count, and I am a total outsider, I would say that the Ulster flag is the most popular. That is good news for one manufacturer in Dublin who makes them for the tourist trade in Bangor and in Portrush.

The point that I am making is a simple one: there is no unity about flags — not even in the Unionist community. There is certainly no cross-community support for any flags. That being the case, it would be best if we selected only the materials that help to create a new respect and a new understanding between divided people. The issue of flags should, we believe, be left for another day, and perhaps at some time in the future we can agree on our flags. That is what is happening in the context of the European Union, so perhaps there is hope for the future — some time.

We are at a critical point in our journey of peace, and we need many signposts for the future. However, if we are to attach flags to those signposts, then we are likely to get lost. That is not in the interests of anyone — not now or in the foreseeable future. I firmly believe that we are on the right road, waved on by the vast majority of people who are clutching not flags but a burning desire never to repeat the mistakes of the past. Let us bedeck that road, not with the tattered remains of flags, but with the light of a new dawn that continues to point us in the direction of a new future where the divisions of the past are a bad memory.

Flags stained with the blood of our fellow citizens are part of that past left behind, and it is inappropriate that any flag should fly on any Government building at present. We shall be abstaining in this vote.

**Rev Dr Ian Paisley:** The hard fact of the matter is that we should not have to discuss this. No Parliament in the world ever has to pass an Act to declare legality for the flying of its national flag. This debate is forced on the Assembly because the members of the perfect Executive were so loving, kind and tender one to the other that they failed to come to a decision on this matter. Those that trumpet loudly that they want devolution were prepared to go back to the Secretary of State to ask him to take powers from this House and from those who boasted of devolution. The House of Commons proposed that the Secretary of State should take back part of the powers already devolved in the so-called Good Friday Agreement. We had the British House of Commons going through a procedure of trying to legalise the flying of the national flag in this part of the United Kingdom.

Mr Dallat implied that the parties to the agreement agreed that we are part of the United Kingdom, but he then dished up a diet of tattered flags and talked about why we are having this debate. The fact is that the SDLP is opposed to the flying of the Union flag. If it had not been opposed, then the Unionists in partnership with it in the Executive could have passed this; the issue would have been all over and the flag would have been flying. It was SDLP opposition, and not opposition from the Sinn Féiners, that brought this about. The SDLP then lectures us about building blocks, tattered flags and the DUP flying the flag upside down. I am the only man that taught Europe how to fly the flag — the European Union was flying it upside down. Of course, I would not expect Mr Dallat to be even interested in how the flag was flown — he would be delighted it was flying upside down because he would hope that it meant that the Union was in distress. As long as the ordinary people of this land are in a majority, the Union will not be in distress, and they will not bow the knee to the policy of Mr Dallat and his party.



I note that he was very lenient on the Sinn Féiners because they use the Irish tricolour on their literature. He did not say anything about them. Perhaps he was trying to tell the House that it is in order to fly the tricolour and put it in election literature, but it is not in order to have the Union flag.

**Mr McCartney:** Perhaps Mr Dallat will also recall, in relation to election literature put out by the SDLP, that literature with the tricolour on it was sent to predominantly Nationalist areas, and literature without it to predominantly Unionist areas.

**Rev Dr Ian Paisley:** Nothing would surprise me about the antics of Mr Dallat and his party.

The flag of the country should be flown, and nothing should keep it from being flown. If we believe that the majority of people want to have the Union, then the national flag should be flown. Mr Mandelson took this power back to himself. He then decided that he did not want the full responsibility, and he referred the matter to this House, knowing that this House will not come to an accommodation on it. There can be no accommodation as far as flying of the national flag is concerned — the flag is not for sale. It is not a matter of negotiation. The national flag flies, full stop. That is the attitude of the Southern Government, the Netherlands Government, the German Government and all the Governments of the European Union. However, the European Union has devised another flag with stars, which Mr Dallat, who is a student of stars, knows is a papal flag. They say that the European Union has a majority of papal states, so it had to have a papal flag. In fact, the nuncio from the Pope is the head of the ambassadors, because the EU is looked upon in Europe as a union of Roman Catholic states. But we have a flag — the flag of the United Kingdom — and it is the flag that should be flown on our property.

3.45 pm

These Regulations are not about the flying of flags at all. They are about prohibiting the flying of the flag on the majority of the days of the year on “so-called” Government buildings — because they do not define those carefully. They make sure that they are not defined carefully so there will be many reasons for Sinn Féin Ministers not to put them up.

The Regulations say that on the majority of the days of the year, as far as Government buildings are concerned, the flag has not to fly. It will be illegal to fly the Union flag. It also says that on the Twelfth of July the flag has not to fly. But the revolution settlement, upon which this United Kingdom is built, politically, came about as a result of the Battle of the Boyne and the victory that was gained there. The revolution settlement — the Williamite revolution settlement — is the basis of

our constitution. We need to remember that. Why should the flag not fly on the Twelfth of July?

Of course, they say it can now be flown on St Patrick’s Day. I have no objection to that. I believe Saint Patrick was a Christian and I believe he taught the Christian message. It was an English pope, the only English pope we ever had — Adrian IV — who sold Ireland to Henry II in order to destroy the Celtic Church and implant Romanism on this island.

**Mr Speaker:** Order. I was following the connection with the flying of the flag as far as the Williamite settlement. I have to confess that when the Member went back to St Patrick the connection with the flag began to become a little more tenuous.

**Mr P Robinson:** It is in the report.

**Mr Speaker:** I accept that it is in the report.

**Mr P Robinson:** Are we not allowed to speak to the report?

**Mr Speaker:** I am trying to draw the Member’s attention to the fact that he only has little over two minutes to speak, and it would be best for him, I would have thought, to stay most relevant to the motion.

**Rev Dr Ian Paisley:** I know the time very well. I can read the clock. I do not need any help from you to tell me my time is nearly up, for you will bring the mallet down on me and that will be that. You were trying to tell me I was out of order but you became unstuck because it was mentioned in the report. I do not really want to fall out with you about St Patrick’s Day, but I am going to fall out with anyone who says the national flag can not fly on the national territory — and that is what this is all about.

I read this report with amazement. I did not see where the SDLP even voted for their own proposals. I do not understand. Now they are abstaining. I wish they would abstain from other things that war against the soul. But let me just say this to you today: the national flag will fly in this country. It is the wish of the vast majority of its people to remain within this Union. Long live the Union, and let the Union flag fly.

**Mr C Murphy:** Go raibh maith agat, a Cheann Comhairle. Any value the Committee’s report would have had was probably negated by the fact that there was a convoluted attempt to introduce some weighing mechanism that would have bypassed any vote this Assembly might have taken on any proposals coming from it. It was really only an exercise in people re-stating their position. It was nothing more than that.

We have to draw attention back to the Good Friday Agreement because the section dealing with rights, safeguards, and equality of opportunity contains a number of commitments from the British Government. These

include promoting social inclusion, tackling the problems of a divided society, and particularly, sensitivity in the use of symbols and emblems for public purposes, especially in the new institutions, to ensure that they are used in a manner that promotes mutual respect rather than division.

Judging by those undertakings, it is obvious that Peter Mandelson's draft Regulations are a deliberate contradiction of the commitments given during the Good Friday negotiations. However, playing fast and loose with British Government commitments is nothing new to the present Secretary of State.

The issue of flying flags on Government buildings was supposed to have been dealt with by the Executive. Only on the failure of the Executive to resolve the matter was the Secretary of State to intervene. I am not aware — but I could be corrected — of any statement from the Executive stating that it could not resolve the issue. The Secretary of State's intervention on this issue is an act of political expediency designed to shore up the leader of the Ulster Unionist Party at the expense of all other participants in the process.

Mr Mandelson's draft Regulations not only fly in the face of the agreement and section 75 of the Northern Ireland Act 1998, but they also contradict the fair employment code of practice, as outlined by a tribunal finding in 1995. This stated that employees do not have to tolerate reminders or suggestions that particular religious beliefs, or political opinions, have a special place in their workplace.

The Regulations, as proposed, will discriminate between employees who work in regional departmental offices and those who are based at departmental headquarters. The latter will be subjected to having to work in a building that displays the flag of the British state, regardless of their political opinions or affiliations, while the former will not.

One would have assumed that in the drafting of such Regulations, which are highly sensitive in terms of employment practice, the Secretary of State would have consulted the Equality Commission — the body set up to provide expertise and advice in these matters. For reasons best known to himself he did not consult the Equality Commission. One might also have thought, given the political sensitivity of this issue, that the Secretary of State would have consulted with the Irish Government, if not the political parties here, before these Regulations were drafted. Again, I am aware of no such consultation.

Mr Mandelson compounded that high-handed disregard, which has been his hallmark throughout his tenure here, by refusing to come to explain his thinking, or lack of it, to the Committee. He specifically asked that the Committee be formed to examine the

Regulations that he provided us with. If the Secretary of State wishes to make a constructive intervention in this issue then he should do so with proper regard to the Good Friday Agreement.

The agreement clearly places the Six Counties in a unique constitutional framework. The changes to the Southern constitution, matched by legislation here, extend executive authority across the entire island and radically alter the constitutional position of this part of the island. In this context the norm of flying flags on Government buildings in Britain is not appropriate to the North of Ireland. Therefore, whatever British cultural symbols are evoked in public life here, the equivalent Irish cultural and political symbols should be given equal prominence. If agreement or consensus cannot be found on this issue at present, then a reasonable alternative is to suspend flying the flag until agreement or consensus can be found.

I also dispute the notion that these Regulations could be tolerated for a year to facilitate further consultation. If the Secretary of State has shown such disregard for those who consider themselves Irish in the draft of these Regulations, then how much regard will he show in one year's time? Until agreement is reached on this issue no flags should fly. The Secretary of State's draft Regulations are an incompetent and politically motivated attempt to deal with a very complex issue. He should be urged to go back and read the Good Friday Agreement, because this new political dispensation is about managing change, and, where custom and practice have disenfranchised people, it is about inclusiveness. Go raibh maith agat.

**Mr Ford:** I thank the Chairperson, Mr Fraser Agnew, for the kind remarks he made about me during his initial speech. I heard them from outside the Chamber, although I was not in my place — as he delicately read into Hansard. He assured the House that I am not his father, and I am happy to concur and assure the House that he is not my son either.

On a more serious point, it is unfortunate — and that is a mild euphemism — that the work of the Committee was obstructed by the inability of either the Secretary of State or the head of the Civil Service to appear before it. They have turned what was an extremely difficult task into a well-nigh impossible one. However, it is a great pleasure to stand here and see that two of the four members of the Ulster Unionist Party who serve on the Committee have at least managed to be present. This contrasts with the debate earlier this afternoon, when the members of the Social Development Committee could not even appear to take part in any discussion.

The draft Regulations that were presented to us are unfortunate, but they are a necessity because of our failure to agree. It would have been much preferable if we had managed to reach an agreement as Members of

the Assembly, or as Members of the Executive, and we had not required the Secretary of State to make the rules for us.

However, the rules sent to us were generally balanced. The fact that they have been criticised by both extremes suggests that they are not entirely wrong. They should be viewed as the best means for a way forward, although they are by no means the last word.

There is a need to promote shared symbols in this society, rather than those which perpetuate division. I wish the draft Regulations contained some encouragement, albeit limited encouragement, for the flying of the European Union flag — 9 May is only one day in the year. At least the European Union flag has a measure of support across the House, although that may be a matter of money for some Members and a matter of principle for others. The Secretary of State should consider extending the flying of the European Union flag, because it is a symbol which unites.

Similarly, St Patrick's flag may not be the be-all and end-all, but it is recognised across the House. The use of St Patrick's flag on St Patrick's day and perhaps beyond deserves serious examination. It is another symbol which unites rather than divides.

**Mr B Hutchinson:** Is the Member aware that members of Sinn Féin on Belfast City Council claimed that St Patrick's flag was sectarian because it was carried by O'Duffy's blueshirts?

**Mr Ford:** I am sure the Member does not expect me to speak for O'Duffy's blueshirts. Perhaps there are people in another Assembly, one hundred miles down the road, to whom the Member should address that question if he ever gets there.

I am concerned about the proliferation of flags on lamp-posts and telegraph poles. Mr Dallat remarked earlier that more flags were flown this summer than had happened since the coronation of King George VI. One interesting thing, at least in my area, was how few flags were flown on private houses. Perhaps those who used to fly flags on private property were making a statement against the proliferation of flags representing various organisations as well as the Union flag and the flag of the former Government of Northern Ireland. These were flown inappropriately on public property all over the place and, unfortunately, were not removed by the public authorities. I am opposed to those parts of the Regulations, particularly regulations 7 and 8, which seem to permit the proliferation of flags — whatever flags they may be.

There is an issue about the use of the Union flag or the flags of other states on headquarters buildings or on buildings being visited. There is no justification for using that to support mass proliferation. The Equality Commission made the point — and Mr C Murphy may

object to this — that people who work in a headquarters building may have to suffer things that others do not. I understood from the Equality Commission's evidence that there is a ceremonial issue, which may mitigate normal fair employment regulations, and that should be accepted.

It was novel that Mr Weir appeared to speak for the Ulster Unionist Party, because he no longer holds that party's Whip. He was sad that 12 July was no longer a flag-flying day. In the context of the principle of consent, if the Union flag is to fly as a simple recognition of Northern Ireland's constitutional status and not as one section of society's emblem, which is waved antagonistically in the face of others, it is utterly wrong for 12 July to be a designated flag-flying day. One of the things which the Secretary of State did correctly — *[Interruption]*

I am on a time limit.

The twelfth of July is not celebrated in any other UK region, and flying the flag on that day should not be supported.

I also have serious concerns about those who suggest that the tricolour should fly alongside the Union flag, because that will entrench divisions and make an inaccurate statement about Northern Ireland's constitutional status. That suggests that only two groups in this society have rights, and that the rest do not. Those Nationalists who advocate this are suggesting that the Union flag should fly in perpetuity. If the tricolour should fly now in recognition of the rights of some, the Union flag should fly for ever — no matter what the constitutional status is — in order to recognise other people's rights.

Mr Dallat talked at some length about the misuse of the Union flag. He was right, and I agree with him. However, that does not mean that the Union flag is not the flag of the state, as defined by the principle of consent. Dr Paisley commented about the misuse of tricolours and Union flags. Will he re-examine his last European election address and tell us if what purported to be a Union flag on it was drawn correctly?

We need to move towards a position of mutual respect. It is clear that at the moment we do not have that opportunity within the Regulations — *[Interruption]*

4.00 pm

**Mr P Robinson:** The 2% party.

**Mr Ford:** It was 7% the last time.

The emphasis must be on building shared symbols and not on seeking to perpetuate those that divide. In this Assembly we have the example of flax flowers. This may be a kind of lowest common denominator, but at least it is a move forward. We must move in this



direction, because until we can start to build issues and symbols which unite rather than divide, we will continue to perpetuate our problems.

**Mr C Wilson:** The Northern Ireland Unionist Party and I will not be endorsing the contents of this report today. My party wisely refused to participate in this farcical Committee and, given what we have heard today, I am sure that the public will agree that it was farcical.

We refused to participate on the grounds that the flying of the Union flag throughout Northern Ireland, as in the other regions of the United Kingdom, is not negotiable. There are those on the Unionist side of the House who agreed, wittingly or unwittingly, to jump through the hoop that Mr Mandelson held out to them, insisting that they take part in this charade. This has provided Sinn Féin/IRA with a platform upon which to rail against anything that is British, including the Union flag.

To endorse this report today is to ask people on this side of the House to send a report to the Secretary of State that includes Sinn Féin's views on tearing down the flag and parity of esteem for the tricolour. To do that would give the impression that the views expressed by Sinn Féin on the flags issue are as valid as Unionist views.

When I heard the Chairman of the Ad Hoc Committee making his presentation today, I thought he had realised belatedly that my party had, in fact, made the right call on this issue. At the outset, he told us that he did not like the role that he had been given by the Committee; he had had difficulty with it; he did not like the remit of the Committee; and he did not like the timetable set by the Secretary of State.

The Chairman and some others have told us here today that they did not like this task and that they agree with us that the Union flag should not have been a matter for debate. Why, then, did they participate in the nonsensical charade of the Ad Hoc Committee on Flags? They tell us that it was because the Secretary of State told them that they had to. Well, I am glad to say that I come from a tradition in Unionism that is used to saying "No". It is used to saying "No" to the British Government, and it is used to saying "No" to Mr Mandelson when he wants us to participate in something that is detrimental to the interests of the Union and Northern Ireland.

I am disappointed that today we are faced with another media spectacle of a nonsense about flags in the Assembly. My party will not be assisting Sinn Féin to transmit its message to the Secretary of State, regardless of how those views are dressed up.

My party wishes to warn the Secretary of State that if, there is any departure from the established practice of

flying of the Union flag in Northern Ireland, [when this Order is made,] a legal challenge may be brought on the matter.

I agree with Dr Paisley that if all else fails, the people of Northern Ireland will be the final arbiters of the matter. The Union flag will fly throughout Northern Ireland, and it will fly despite the best efforts of people to the contrary, whether through a bombing campaign or through the Belfast Agreement and this "peace process".

The members of the Ulster Unionist Party, and particularly Mr Trimble and his negotiating team, should be hanging their heads in shame today.

The PUP and other Unionists who took part in this said that it was a disgrace that the flag issue had to be revisited. Mr Ervine and Mr Trimble and his colleagues told the people of Northern Ireland that this issue had been resolved in the Belfast Agreement. They told of the great deal that they had achieved for Ulster and for the people of Northern Ireland — the constitution was underpinned and copper fastened and the Union flag would fly proudly across Northern Ireland.

The people of Northern Ireland now see a small glimpse of betrayal, not just with regard to the RUC, which was supposed to have been saved, but also the flag issue. To whom are we entrusting the future of the Union and the flag? We are entrusting it to the man who has put our Colleagues through the hoop by sending a shoddy document to the Assembly insisting that they participate. I am glad to say that the Northern Ireland Unionist Party steadfastly refused to jump through Mr Mandelson's hoop. He can find poodles elsewhere. The Northern Ireland Unionist Party says that the Union flag will fly in Northern Ireland because the people say that it will fly.

**Mr Watson:** It is with regret and disappointment that I speak to this motion; regret and disappointment that the flying of the national flag should become the subject of debate for a Committee and the subject of a report.

My two Colleagues and myself sought election to the Assembly on the basis of our opposition to what we believed was an iniquitous agreement. We feared for the constitutional position of Northern Ireland in the United Kingdom as a result of it. This question of the flag compounds all our anxieties. As time goes past our warnings to the Unionist community have proved to be correct and our fears well founded. The Belfast Agreement has delivered almost certainly what its supporters have endorsed as constructive ambiguity. This extends to the constitutional position of Northern Ireland.

We are told that in the agreement is enshrined the principle of consent, yet while Northern Ireland is purported to be an integral part of the United Kingdom nothing must be displayed that might confirm this



notion, and there are those who are trying to prevent us from doing so.

As happened with the review of the criminal justice system and the reform of the RUC, anything perceived to be British is to be removed from view and, it seems, obliterated from memory. It appears that only neutrality is permissible and acceptable. The majority of citizens in Northern Ireland wish to maintain the link with the United Kingdom. The most visible and outward expression of that position is the flying of the Union flag and to deny this is not only tantamount to denying the constitutional position of this Province but also a failure to recognise the principle of consent and the expressed wish of the majority.

The United Unionist Assembly Party contends that the flag issue is greater than matters of equality, neutrality, cultural heritage and identity. It is a constitutional question. As stated in our submission, to give credence to any of these false assertions is to discriminate against the wishes of the majority in favour of appeasing the demands of a vociferous minority.

It has been suggested in more than one submission that the Irish tricolour should fly alongside the Union flag. The tricolour is the national flag of a foreign country. It can not and should not be flown from our Government buildings, and it can not and ought not to be compared to the flying of the Scottish and Welsh national flags at their national Parliament and Assembly.

I am greatly concerned that we are faced with the prospect of being prohibited from flying the Union flag on Christmas Day and Easter Sunday — days of religious significance to all our citizens. Furthermore, the United Unionist Assembly Party believes that the enormous sacrifice by men and women from across the religious divide who paid the ultimate price should be remembered by the flying of the Union flag — the flag under which they fought — on 1 July to commemorate the Great War.

In the course of the past year we have witnessed the debacle of the flag's not being flown in Departments occupied by Nationalist Ministers. It is ironic and saddening that those who cry for equality the loudest are reluctant to set an example and afford the same courtesy to those of a different tradition. There is little tolerance to be found when it comes to the flying of the Union flag.

Some parties have suggested that regulations only be put in place for one year to enable further discussion and a general consensus to be found.

Consensus has already been found on the constitutional position of Northern Ireland. It will make no difference for the Unionist community in one year's time because they will be no closer to accepting the flying of the Irish tricolour alongside the Union flag at Stormont. I strongly caution that whatever decisions the Secretary

of State may make on the draft regulations, and whatever changes he implements, there should be no further appeasement regarding the flying of the flag on Parliament Buildings and Government buildings.

There can be no question of removing the flag. This will only serve to further alienate the Unionist community and will see the matter becoming the running sore that the Secretary of State so dreads. Instead, sanctions of some kind must be introduced against those Ministers who neglect their duty and breach their code of conduct by refusing to fly the flag on their Department buildings. We should not see again such scant disregard from those in positions of authority.

The issue of the flag has been of great concern to the Unionist people, who feel that they have given much and received little in return in the one-way street of concessions that has become the peace process. They wonder why the flying of the flag is an issue at all. Yet they are not surprised that it is an issue, because everything has sadly become a matter for debate and a battle to be fought and won. I congratulate the Chairperson of the Committee on managing to bring together a report. It clearly sets out the positions of the various parties in the Assembly and we will be endorsing it.

**Mr Ervine:** There is a clear sense of hurt in the Progressive Unionist Party that a Committee had to be formed at all. To date, the Secretary of State has abandoned his responsibilities as the guardian of Northern Ireland and its constitutional position within the United Kingdom.

Having said that, he has the opportunity to redeem himself. While this report is simply an expression of stated positions, the Secretary of State still needs to take responsibility for it. Northern Ireland is part of the United Kingdom and for as long as it is the wish of the majority it shall remain part of the United Kingdom.

The national flag is a national and international symbol identifying people and territory. That denial by Nationalism and by violent Nationalism says more about them than it does about us. Nationalists tell us that we Prods are fixated with symbols. But since Ministers, operating under the guise of Sinn Féin, created this crisis and highlighted this difficulty, then perhaps it was not we Prods who became fixated with the symbols, it was the violent Nationalists, followed immediately by the Nationalists. That is par for the course.

A short time ago a Member of Sinn Féin said what I believe to be the most dangerous thing that has been said about the future of the political process:

"The difficulties that we suffer at the moment are to be expected since we are locked in a constitutional debate".

That shocked me because we are not locked in a constitutional debate. The people of Northern Ireland, by their free will, exercised an opinion at the ballot box

that settled the constitutional argument for now. In the future there will be potential for the people of Northern Ireland to reaffirm what they already believe or change their minds. But that is for the future. Today there is no constitutional debate.

I find it quite frightening and I see it as having the most dangerous potential for the political process. It is all very well for Sinn Féin to say that they cannot deliver until they prove to the people close to them that politics works. Meanwhile, back at the ranch every action they take and every word they utter is designed not to give any sense or appreciation to the rest of our society that politics is meant to work for them.

4.15 pm

It seems to me to be alien; the partner in the process is behaving with great infidelity. The partner in the process behaving with great infidelity is assisted, I have to say, by the gutless partner, who is also beginning to behave with great infidelity. The gutless partner is, of course, the SDLP, which is trying to out-Sinn-Féin Sinn Féin. There is no hint that they will move to defend the Good Friday Agreement in conjunction with those on the Unionist side who have a common-sense approach to such things. Instead, they guard their backs against Sinn Féin.

The issue is their own electoral survival. I suppose it is like the Ulster Unionists trying to out-DUP the DUP at times, but nevertheless it should cross the mind of anybody thinking of going to the electorate. It might be better to vote for the organ-grinder than the monkey. As we found out in South Antrim quite recently, when you try to outdo the real thing, the real thing will always be voted for before you. The SDLP and the Ulster Unionists should keep that in mind.

The effect of the agreement is that Northern Ireland is part of the United Kingdom. I say from the bottom of my heart that Nationalist hatred, whether violent or otherwise, for the Union flag is, perhaps, an excuse, because it may be hatred for the people who appreciate the Union flag. We have a choice and we have a chance. Those who want to wind up the circumstances in my community by narrowing the ground of moderate Unionists who are prepared to, and capable of, making arrangements in this society work, have to bear in mind the price that we will all pay if we fail to make politics work, or if we just make politics work for the fellow with the AK47 in South Armagh, as it would seem Gerry Kelly has been trying to encourage us to do of late.

Why do Sinn Féin not stop hiding the truth? There is no united Ireland. They are playing a game, and you could nearly listen to it if you were knocking about the Felon's Club. Anthony McIntyre and Tommy Gorman say that they are peaceful anti-Agreement Republicans, and that may be true. When they criticise Sinn Féin for

selling out, Sinn Féin's answer will be something like this: "Do not be stupid. How could we be doing badly? Look at the state of the Unionists. How could we be doing any way badly when they are tearing themselves apart, and we are facilitating that? They cannot come to terms with the realities of" — *[Interruption]*.

I am talking about a flag, Mr McCartney. People might lose their lives, but that would hardly matter to you, leafy-land man!

**Mr McCartney:** I do not kill them.

**Mr Ervine:** Who does, Mr McCartney?

**Mr Speaker:** Order.

**Mr Ervine:** Who does, Mr Speaker? Maybe Mr McCartney wishes to answer. Who does kill them? Name them, Mr McCartney.

**Mr McCartney:** The people who are fronting the UVF.

**Mr Ervine:** Name them.

**Mr Speaker:** Order. I have to ask Members to address the Chair and to address the motion.

**Mr Ervine:** Fair enough, Mr Speaker. The intellectual giant is frightened by the intellectual mouse. My arguments in relation to Sinn Féin — *[Interruption]*

I cannot work it out. When I do not attack Sinn Féin, there is a problem, and when I do attack Sinn Féin, there is a problem. I do not attack Sinn Féin, Mr Speaker, for the sake of attacking Sinn Féin. I attack Sinn Féin for the sake of the agreement, and it does not matter whether the issue is policing or flags. They are hyping circumstances up in their own communities as being make-or-break, and they are purposely transmitting that into my community.

That means that if the agreement is sound but the partner in the agreement is unsound then the agreement may fall. I say that with no pleasure whatsoever. There will be those who will say "I told you so." They may be right. Indeed, I may be right — but always wishing that I were wrong. The hope has to be that we deal in rational politics. The rational politics is that Northern Ireland is part of the United Kingdom and the reflection of that is the flying of the Union flag on a series of days. No one has advocated, on the Unionist side or in this report, that the Union flag should be flown to insult the Nationalist community.

I would argue with the Nationalist community that they need to look at the potential benefits that we might just throw away in the longer term simply to get an opportunity to put the boot in the neck of the Prod that they perhaps always wanted to do. They have that opportunity now, and it is up to them whether they take it.

**Ms Morrice:** I would like to record my disappointment at the lack of any serious attempt by the Flags Committee

to properly discuss the issue of flag flying in this community. The Women's Coalition took part in this Committee in the hope that we might, at the very least, widen the debate beyond the confines of the draft Regulations and into the fundamental issues underlying the Good Friday Agreement.

We believe that Committee members could have used this opportunity to listen to and learn from each other. Instead, we could not even agree clear procedures on how the Committee would work, let alone attempt to accommodate each other's views on flag flying.

Undoubtedly, our inability to tackle the fundamental issues involved is very indicative of the delicate political climate. Because of the current tensions within our society, which we recognise, we accept that the time is not right to make decisions on flag flying. However, at the very least, we believed that a start could have been made to consider the options available — but that was not to be. Perhaps in the wider forum of this Assembly there are those who may be prepared to listen to others. I intend to use this opportunity to inform Members of the Women's Coalition's position on this issue in the hope that this might eventually achieve the goal that we all want, and that is an agreed position with which everyone can live.

As a coalition, representing many different views in this society, the debate within our own ranks on this issue is just as challenging. The difference, however, is that when we debate these things we listen to each other and try to accommodate each other's needs. During a succession of meetings on this subject we debated all the option: one flag, two flags, no flag, new flag, and a combination of all of those. We chose to go with the first option.

Given the current political climate, we chose to accept the Mandelson Regulations as a holding position — we believe this should be the situation for a 12-month period only. We do not believe, as a coalition, that the flying of the Union flag alone should be a long-term option. Why? It is because we need an agreed solution. It is important for the wider community to understand our reasons. Our society should eventually accept the need for shared symbols that reflect the diversity of our cultural traditions and political allegiances and are agreed by all.

The process by which we arrive at agreement is almost as important as the outcome. We must follow a process of listening to each other, finding a means to accommodate each other and, eventually, living and working together. That is why we ask the Assembly to give the Flags Committee another chance — perhaps not at this moment — to look not just at the Regulations but at the fundamental issues.

What are the issues? Recognition is the key. On the one hand, the Good Friday Agreement recognises — no one disputes it — the constitutional position of Northern Ireland within the United Kingdom. On the other, it recognises the need for parity of esteem for people of different traditions. On the one side, Unionists and Loyalists want visible recognition of that constitutional status by the flying of the Union flag. On the other side, Nationalists and Republicans want visible recognition of their equal status through the flying of both flags. There are two options. In addition, we must not forget all those who fail to understand why we are even debating the issue of flags when there are so many other more pressing, albeit less political, issues that we need to attend to.

How do we square the circle? The idea of a new flag, for example, looks like the most refreshing approach, but I have to admit that political reality suggests that consensus on that is a long way off. Designing a new flag could be a creative, perhaps even exciting, project in which we could involve our younger generation. A moratorium on flags is another option but, as we have seen on our streets, any attempt to tamper with flag flying only exacerbates the situation in our communities. None of us wants that. The two flags option that has been put forward must also be looked at as a way of ensuring the visible recognition of the parity of esteem enshrined in the Good Friday Agreement. We cannot shy away from the commitments that we made in the agreement, and many believe that that option is the only one that will ensure equality between our communities.

There is another option, which has not been put on the table, as far as I am aware, but which deserves serious consideration. It would combine the wishes of everyone and reflect almost exactly the situation regarding the constitutional position, devolution and shared institutions. The Union flag would fly on all buildings with direct links to London; a new flag for devolved institutions; the Union flag and the tricolour on North/South institutions on both sides of the border, dare we suggest; and no flag to be flown anywhere else. That would be a new approach, but we need creative thinking.

The issues must be addressed in the coming months if we are to respect both the letter and the spirit of the Good Friday Agreement. In accepting the Mandelson Regulations as a holding measure, we call for a wider public debate, which would allow us to take account of all the options and reach an agreed solution.

The Committee Clerk and his team had a very difficult task in drawing up this report, and I think the members all agreed that they did an excellent job.



4.30 pm

**Mr McCartney:** This has been a bizarre debate. Cedric Wilson has threatened to go to law, instead of chaining himself to the railings. The leader of the PUP has suggested that he is the voice of moderate Unionism, when the paramilitary organisation to which the press euphemistically say that his party is “intimately connected” is murdering fellow so-called Loyalists on the streets of the Shankill.

However, nothing is more bizarre than the agreement itself. It is sometimes called the Good Friday Agreement to give it overtones of sanctity. It is also called the Belfast Agreement, because that is its official title. In reality, it is a complete farce, because it is not an agreement at all. An agreement is something entered into between a number of parties who have some common idea of what it means and have given their consent to it. This debate illustrates one more section of the alleged agreement in respect of which there is no agreement.

There is no agreement on the principle of consent. Some parties do not acknowledge that consent at all. There is no agreement concerning what the Belfast Agreement suggests should be the proper course for the regulation and reform of the RUC. There is no meeting of minds on what the agreement says about decommissioning, and there will not be any meeting of minds as to what the agreement says about the reform of the criminal justice system.

This so-called agreement is a mass of chaos. Everyone can claim — like Humpty Dumpty — that it means whatever they want it to mean. Nowhere is this lack of agreement more evident than in the submissions put to the Flags Committee. The pro-Union parties, Mr Blair, Mr Ahern, Tom, Dick and Harry all say that the jewel in the crown of this agreement is the principle of consent: that Northern Ireland shall remain part of the sovereign territory of the United Kingdom until such times as a majority of the people living there shall determine otherwise. That is their position. From there they move in a course of steady logic, asking “If we are part of the United Kingdom, and that is the current wish of the majority, how can it be gainsaid that the flag of the United Kingdom should not continue for all relevant purposes to be flown in Northern Ireland in the same manner, on the same days, on the same buildings and under the same procedures as it flies in Salford, Sussex, Cardiff or Edinburgh? We are part of the United Kingdom.”

On the other hand we have the submission of the SDLP. The SDLP does not want the flag to fly at all. That is its fundamental position. Why? Because the SDLP and Sinn Féin do not view the agreement as a settlement of our political problems, despite all the cant, hypocrisy and mock piety paid by the likes of Mr Dallat to diversity and working together and communal spirit

and all the ersatz ecumenism that bleeds out of the SDLP.

They do not want the flag to fly at all, because the Irish Republic, the SDLP, Sinn Féin, the Provisional IRA, the dissident IRA, the Real IRA — no matter what you call them and no matter what their different views are on the future of Northern Ireland — share certain views, which they have made manifest in writing documents, party manifestos and declarations. These are, first, that partition must be ended; secondly, that the British must withdraw from Northern Ireland; thirdly, that there must be self-determination on an all-Ireland basis for the future of Northern Ireland; and, fourthly, that the only possible solution is a united Ireland. They have all made it clear that on no terms will they countenance an internal settlement within the United Kingdom, no matter how politically or socially beneficial that might be. That is their combined fundamental position, and it becomes most evident when we discuss the symbols, flags and emblems that determine the national identity of the majority of people in any given area.

That is where they have a complete comity of interest, and that is what, fundamentally, this debate is about — an agreement that is no agreement. This is about an agreement constructed ambiguously to deceive everyone so that gullible and naïve Unionists can be the medium for their own destruction under the belief that this devolved Government — which, like all others, is vulnerable to nothing more lethal than the Prime Minister’s pen — is some great bulwark that will protect them, their identity, their future and those of their children and grandchildren. Absolute poppycock.

This debate on something so symbolic as the flag focuses us on the real and underlying principles of what is going on. When a flag is flown in a part of a sovereign state whose inhabitants have absolutely no fear about their constitutional future, have no worries that they or their children may at some imminent date form part of another state, they have no difficulty in saying “Well, what about it? What about flags and symbols?” In the conservative country clubs and golf clubs, and other middle-class areas in Northern Ireland, they say “Flags? Silly people, bothering about flags”.

Flags are of real significance when they affect people whose constitutional future, national identity, place, traditions and history are under threat. And that is why in Northern Ireland the flag is of infinitely more significance than it is in any other part of the United Kingdom — it represents what may be an ephemeral life for Unionists. That is what must be addressed. No amount of committee discussion or messing about will alter that fundamental position.

This non-agreement is being used, through the medium of constructive ambiguity, to serve the purpose



of the SDLP and Sinn Féin — although the latter more overtly recognises it as a transitional mechanism — to take this place out of the United Kingdom and into the Republic. For that reason, all emblems, symbols, flags, coats of arms in courthouses and anything else that indicates the identity of the majority of the people of Northern Ireland must be removed.

This debate is as worthless as the agreement, for it is papering over fundamental differences that can only be resolved by a return to the fundamental principles of democratic government.

**Dr Birnie:** The Ulster Unionist Party welcomes this report and in broad terms also welcomes the Secretary of State's Regulations. This is notwithstanding our concern at some flaws in the detail of those. These regulations became necessary because of the perceived lack of clarity with respect to both the legislative and legal position regarding the flying of the national flag in Northern Ireland.

There had been from the period of the 1921-72 Stormont Parliament onwards a reliance on custom and practice. Some Members are saying that it is a shame that we have to discuss this issue at all and that it should be a matter for legislation. Other countries do have legislation regarding the status of their national flag, notably the United States, where there are severe penalties if you happen to burn it, for example.

Until these Regulations come into force the current position that applies does contain certain ironies. There is good ground for saying that fundamentally flag flying in the United Kingdom is and has been for some time a matter of royal prerogative. That was suggested in the 1801 Act of Union. The implication of that is quite interesting. It implies that when Sinn Féin Ministers thought that they could refuse to fly the flag they were doing so in an attempt to exercise, as Crown Ministers, the royal prerogative — an interesting position for an Irish Republican

The Ulster Unionist Party believes that its position on regulating the flying of the Union flag is grounded on both human rights practice and the Belfast Agreement, which, unlike Mr McCartney, we do not regard as a worthless document.

The United Kingdom flag is representative of United Kingdom sovereignty in Northern Ireland. That sovereignty is recognised in international law and in various parts of the agreement. It is true that many European countries have substantial national minorities within their populations, but no one suggests in other parts of Europe that such minorities should have an enshrined right for official flying of a foreign flag. This is in direct contrast to the position suggested by the Women's Coalition. In truth, the economic, social and cultural section of the Belfast Agreement, the one which refers

to parity of esteem, does not bear on the issue of flag flying, nor does any recommendation relating to symbols in the Patten report.

We applaud the good sense of the SDLP, at least at local level in Craigavon, where their councillors have recently agreed to regulations providing for the flying of the Union flag.

There are defects in the Regulations. Regulations 3(1) and 5(1) should state that when the flag of another state is flying to mark the visit of a foreign head of state, it should fly at a lower level. The definition of a Government building at regulation 2(2) and the consequent list of such is inadequate and incomplete. It does not include Stormont or the Interpoint Centre, the headquarters of the Department of Culture, Arts and Leisure, as Mr Weir pointed out. The Regulations fail to provide for buildings which may become Government buildings in the future, and there is no specification given as to the sanctions that would apply if the flag failed to be flown.

4.45 pm

Some Unionists will take an attitude toward flag flying similar to Winston Churchill's on cigar smoking. He believed that cigars should be smoked before, during and after meals, and at all intervals in between. Some will say that that should apply to the flying of the Union flag.

In contrast, the Ulster Unionist Party agrees with these Regulations, insofar as they place the flying of the flag on the same footing as in the rest of the United Kingdom, as was the view of Lord Faulkner in the House of Lords on 16 May this year. The regulated flying of the flag on 17 days out of 365 upholds our constitutional position without flaunting the flag. Thus, the Ulster Unionist Party supports this motion.

**Mr A Maginness:** I thank my Colleague from North Belfast, Mr Agnew, for chairing the Committee. This was a very difficult task, and one which he did with everybody's support. Having listened to this debate and having sat through Committee meetings for many days, I now hate flags. Flags are probably one of the greatest curses ever visited on this unhappy and divided community of ours, and I suspect that there are many people outside this House who would agree with me. Flags bring out the worst in people in our community. They focus on one identity, whether it be national, religious or otherwise. They form an exclusive sense of identity, which turns into a pathology — a sickness — which affects the body politic.

Flag waving and the sacredness of flags have created great problems throughout the world. In the Middle East today we witnessed the outworking of that type of exclusive identification with one side or another. We saw the death of young children in Gaza, the death of

two Israeli soldiers in Ramallah and the outworking, in terms of barbarism, of the exclusive attachment to a national identity.

I believe that the introduction of the flags Regulations and the Secretary of State's attempt to impose them on us was ill-judged. In our present political climate, there is no hope of agreement in relation to flags or symbols. We in the SDLP have looked at the issue of flags and symbols for some time, and we have tried to approach the issue sensitively. We have tried to create political consensus right across the sectarian divide. However, the political exercise that was undertaken in the Committee showed, from the very beginning, that there was very little or no chance of achieving political consensus. Nor did it. People reverted to a populist position rather than a position of consensus, and that is to be deeply regretted.

The SDLP put forward a submission, which you can read in the report. It said that we ground our position in the Good Friday Agreement, which calls for sensitivity in dealing with the issue of flags and symbols. Further to that, we accept the consent principle contained in the agreement, which Dr Birnie and other Members referred to during this debate. We accept that, of course, but the consent principle does not end the argument. There is more to the agreement than the consent principle. For example, paragraph 1(v) of the part of the agreement that deals with constitutional issues says

"the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos and aspirations of both communities".

The concept of parity of esteem is grounded not only in the consent principle but also in paragraph 1(v). This must be applied to our political culture here and to the operation of our institutions. The current Government, who introduced the flags Regulations, are governed by the international treaty between the United Kingdom and the Irish Republic, and they have obligations to extend the principle of parity of esteem. If we look critically at these Regulations we can see that they are not meeting these obligations by introducing the flags Regulations, because there is no parity of esteem in those Regulations.

The Committee did not come up with a solution, but that is not to say that the Committee's deliberations were without value. The only oral evidence we heard was from the Equality Commission, whose preferred option was to have no flags at all in work places. Government buildings are not just Government buildings; they are buildings where people work. They are workplaces, and the principles and practices of fair treatment and equality and fair employment apply to

them as well. The evidence given by the Equality Commission should be read carefully. Members of the Equality Commission made it quite plain that they did not see the flying of the flag as their preferred option, and they saw a proliferation of flags on Government buildings as an unacceptable practice. It is important to take their advice seriously because they are experts in this field.

Advice was given sensitively and carefully to the Committee, not in an effort to railroad, but genuinely and sincerely to advise. The commission made an important contribution to the debate. It could not live with regulations 2(2) and 7. When the Secretary of State looks at these Regulations, it is important that he takes its considered opinion into account.

The SDLP believes that it will be very difficult to build a consensus on the flags issue at this point. However, we do believe that a consensus can be built, and our submission stated that there should be no flags now, which we regard as an interim position, not an absolutist one. What we said in our submission was that we should — *[Interruption]*

**Mr Shannon:** Will the Member justify the decision taken by Down District Council to remove the Union flag and will he tell me how that gives equality to the Unionist people in the Down District Council area?

**Mr A Maginness:** It is quite consistent to say there should be no flags. In the interim period we say there should be no flags. We should work together to bring about a situation where there is genuine equality and parity of esteem for both the Union flag and the tricolour, or a situation where there are common symbols, a common flag and where consensual emblems are developed within the body politic.

We are looking forward to building that with our Unionist Colleagues in the Assembly. That is not an unreasonable position, and I ask Members to consider it seriously. Finally, the Regulations to be introduced and enacted should be time-limited to one year and reviewable after that year.

**Mr Paisley Jnr:** I congratulate the Chairperson of the Committee, Mr Fraser Agnew, for doing a very difficult job. I also congratulate his Clerk and Deputy Clerk, who also did a very difficult job and presented a report.

I am disappointed by the comment Mr Cedric Wilson made earlier in this debate, and I am sorry he has now left the Chamber. I was quite alarmed at what he said. He said "This matter should not be debated, and it should not be up for discussion." However, he came here today, and he debated the issue and discussed it. One wonders why he did not go to the Committee meetings and debate and discuss the issue there, but I will leave that for others to work out.

I am also concerned about what Jane Morrice said. She said she had many sensible proposals, and she presented a number of proposals, none of which was sensible. Her first proposal, as far as I recall, was that we should invite a flagmaker to the Committee meeting and interview that person. I am amazed at some of her proposals.

The SDLP say you cannot eat a flag, the Ulster Unionist Party say you cannot smoke a flag, the Women's Coalition say you have got to make a new flag. All Unionists want to do is fly the flag, and I think we should be entitled to fly the flag. We should have the opportunity to fly the flag properly and give it the respect that it deserves.

From the first time the Committee met, it was abundantly clear that neither the SDLP nor its friends in IRA/Sinn Féin wanted a report. That was their bottom line; they wanted to block the publication of a report, because they knew that a report would indicate that the majority opinion in Northern Ireland is that the national flag should fly. They did everything to thwart that.

I am pleased that there has been a report — a report that indicates that the majority opinion is that the flag should fly. How was the SDLP's position thwarted? I must congratulate them. Their incompetence and inability to make their case as well as the inconsistency of their members in their attendance and in the arguments that they presented helped ensure that there was a report and that that report ended up being published and presented to this House.

Let us go through the minutes of evidence. On the first day that the Committee met, a Mr John Dallat arrived late — in fact so late that the vote for the chairmanship of the Committee had already taken place. Unfortunately for him, the SDLP proposal fell by one vote — Mr John Dallat's vote — since he was not there. I think that his poor timekeeping advanced the cause and ensured that a Unionist got the chairmanship of that Committee.

He did not learn his lesson, however, because on the second day, he was late again, and a vote was taken at that meeting on the format of the report. That format has been presented to the Assembly, but his party opposed it. If he had been there, and voted, this report might never have been presented.

Once again his lateness meant that this report was published, and the SDLP's plan to block the report was thwarted. He will have to get up a lot earlier in the morning if he wants to do his job properly. I am sure that the Nationalists are concerned, and if they want to blame someone for inconsistencies and problems in this report, they should blame the person who did not vote, who was not able to do his job, who was not able to come and vote. Instead they cast blame and aspersions

on other people, blaming Israel, blaming the war, blaming the rain, blaming everything but themselves, because they could not come and vote and do their job.

On day three of the Committee, another member of the SDLP replaced him. Unfortunately for the SDLP the replacement did not fill the competency gap, because they put in another incompetent member. After agreeing — and page 20 of our report shows this — one day to vote on a series of propositions as presented by the various parties, a Mr Attwood of West Belfast —

5.00 pm

**Mr Poots:** He is running away.

**Mr Paisley Jnr:** Cheerio.

The next day, Mr Attwood denied that this decision had been taken.

After serving on a Committee with Mr Attwood, I fully understand the comments made by the Law Society about his ability to do his job properly in another place, because the party was completely incompetent in how it handled that position. After failing to stop the production of this report, Mr Attwood failed to inform his party colleagues. At the next meeting, when yet another SDLP member was brought into the team to fill the competency gap, that person was not informed about the previous decisions that had been taken by the Committee. As a result, they made another calculated error. If that was not bad enough, the SDLP, after presenting a written submission to the Committee, brought in a second version that fundamentally changed their original proposals. This is recorded on page 23 of the report.

Today, Mr "All-Bran" Maginness, said in a reply to my Colleague, Mr Shannon from Strangford, that no flag should fly. Yet their own proposal states that a flag should fly, and according to bullet point number 4 on page 7 it should fly in accordance with the Regulations made under the Flags (Northern Ireland) Order 2000. So what do they want? Do they want the flag to fly or not? It appears that the SDLP are so confused and inconsistent on this issue that they are to blame for the mess that they have got themselves into.

A succession of SDLP gaffes, one after another, was laughable. However, the most laughable gaffe of all was their failure to recommend any of their proposals by way of a vote. They did not even accord any of their proposals the dignity of a vote of support. Today they are not even going to vote for their proposals; instead they are going to abstain.

The Committee was done a disservice by the failure of the Secretary of State and the head of the Northern Ireland Civil Service to give evidence about their Flags (Northern Ireland) Order 2000. They should have come



to the Assembly if they were really interested. They should have come and defended this Order.

This Assembly should learn a salient lesson; future Ad Hoc Committees should be given the power to call witnesses and demand papers, so that a Secretary of State cannot treat a Committee of this House in such an offhand manner. In reality, the Secretary of State could not defend this Order, just as he cannot defend his home loans.

What does this report show? It shows that the majority of people in Northern Ireland, represented by their elected representatives on the Committee, want to see the national flag flying. If the Secretary of State reads this report from paragraph 11 onwards, he will see that overwhelming view time and time again. People say that there was no unity as to what flag should be flown — there was unity that the national flag should fly. That was the unified position put forward by the Ulster Unionist Party, the Democratic Unionist Party and the United Unionist Assembly Party — that the national flag should fly.

Northern Ireland ought not to be treated as a place apart, and that is what this report shows. The Ulster people, who are British citizens, should be accorded full respect and dignity by being allowed to see their flag flying here in our Parliament and on all Government buildings. The flag should fly irrespective of who the Minister is. If the Minister is from a party that opposes the flying of the flag, he should not be allowed to prevent the flying of the flag and insult the people in any way.

If the Secretary of State had any dignity or respect for the people of Northern Ireland and their elected representatives, he would read this report and draw from it the fact that the majority of people want to see the flag flying. It should fly.

**Mrs Carson:** It is with some regret that I find it necessary to speak on the issue of sovereignty, epitomised by the debate on the flying of the national flag. I am sorry that the SDLP started by following the same old Nationalist model of abstention. I regret Mr Dallat's remarks.

The Belfast Agreement does not give either the Northern Ireland Assembly or the Secretary of State any authority to create Regulations on how or when the national flag should be flown. The issue of flag days is decided by royal proclamation. Despite the Secretary of State's intervention, we, as an integral part of the United Kingdom, have been flying the flag in conjunction with all other parts of the United Kingdom. The constitutional issues raised by this debate were recognised and established in the Belfast Agreement, and we have heard it all hashed through several times

today. Both Governments — and I will quote it again, as some people do not remember or cannot read —

“recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status.”

Paragraph (iii) says

“it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people.”

In paragraph (v) the Governments

“affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people.”

The agreement goes on to talk about diversity, identities, tradition, and all the rest. On constitutional issues, Annex A is unambiguous:

“It is hereby declared that Northern Ireland in its entirety remains part of the United Kingdom.”

We are not anywhere else; we are in the United Kingdom.

It is alleged that some members of the Northern Ireland Civil Service asked two Sinn Féin Members whether they wished to fly the Union flag. Can we believe it? It is mind-boggling. Civil servants, who have been dictating that they knew policy, and everything else, for years, when we had our Westminster Ministers here, did not know what to do in the circumstances.

It appears that in law Northern Ireland Ministers do not have powers. Those lie with the Departments of the Government in Northern Ireland. It appears that Departments are legally bodies incorporate and that the Northern Ireland Civil Service had the power to advise Ministers how and when to fly flags. The Ministers did not have the right to ban the flags.

When the question arose, what did the civil servants do? In the usual Civil Service manner, they referred the matter to their legal section. Again they could find no regulation governing the flying of Union flags on Government buildings. For civil servants, that is rather strange. Have they never heard of the recognised fall-back expedient? In the absence of formal or written agreement, it is totally acceptable to refer to custom and practice. With 78 years of custom and practice behind them, there does not appear to have been a man, or even a woman, to point that out.

So much for the majority will, the status of Northern Ireland, the power of the sovereign Government, traditions, civil and cultural rights, parity of esteem, just and equal treatment, identity and ethos. If the SDLP and Sinn Féin, as representatives of the Nationalist people, cannot accept that Northern Ireland is an integral part of the United Kingdom, their support for the Belfast Agreement must be questioned.



If they cannot accept this basic tenet of the agreement, what is their attitude to giving reciprocal recognition to the principle of full respect for and equality of civil, political, social and cultural rights and parity of esteem, identity, ethos, and aspiration to both communities? The agreement recognises the existence of Northern Ireland, not the North of Ireland. A major step forward, which would help to assuage some of the Unionist community's concerns, would be for a party to take a small step towards recognising the will of the majority and the status of Northern Ireland by representing a community other than its own. Respect must be given to the power of the sovereign Government and to the civil and cultural rights of others.

Member states of the European Union are obliged to recognise the land frontiers and the sovereignty of their neighbouring states. It is inconceivable that the Government of the Republic of Ireland should lend legitimacy to the view of Sinn Féin and the Women's Coalition that the tricolour should be flown alongside the Union flag. There is no precedent in European Union history for any such impingement upon the sovereignty and identity of any state. This debate is not about negative arguments — its aim is to establish and reinforce the indisputable expectation that citizens and taxpayers of a country should recognise the symbols and identity of that country. This debate is about the recognition of sovereignty and the flying of the Union flag with dignity on all public buildings on recognised dates.

I want to see an end to abuse of the national flag, such as when flags are left fluttering their lives away on lamp-posts. I hope we will reinstate the Union flag as a state emblem which can be flown with order and with respect and causes no offence to any citizen of our country. I re-emphasise the expression "citizen of our country". We are citizens here.

**Mr P Robinson:** When the Belfast Agreement was signed, it was clear to many of us that the incompetent Unionists who drafted it left very serious flaws in the text and that many holes existed which would be exploited later. I expressed this view at the time of the referendum and have done so on many occasions since then. Mr McCartney is correct in saying that the so-called constructive ambiguity, which Mr Trimble vaunts as the hallmark of the Belfast Agreement, has allowed him to fool many of his party members and ordinary Unionists into thinking that the only possible interpretation of it was the one he made himself.

Mrs Carson expressed the view that her interpretation of the Belfast Agreement was the only possible one. Clearly, her interpretation was inadequate, otherwise we would not be discussing this matter here today. It is because of their incompetence in dealing with the issue that this Order and these Regulations have to be

discussed by the Assembly today. The Ulster Unionist Party has something to answer to the community for.

The Chairperson indicated that the Committee made the sensible decision to ensure that a full report was produced. We could have gone into the Committee, used the Chairperson's casting vote, passed many propositions on a majority basis, ignored everything else and brought forward what would have been a Unionist report to the Assembly.

5.15 pm

What would have happened? The SDLP and Sinn Féin would have put down a petition of concern, and there would not have been sufficient numbers from both sections of the community for a cross-community vote. The Committee's report would have collapsed, and no advice would have gone to the Secretary of State. This was the option that faced us. Saner heads recognised that it would be better to let the Secretary of State see the weight of opinion in the Assembly, as defined by the Committee, and this resulted in a series of propositions. The level of support for each was gauged, and the results are in the report for the Secretary of State to see.

I agree with my Colleague. I suspect that there was a clear intention on the part of Nationalists to ensure that a Unionist perspective from this Assembly would not arrive on the desk of the Secretary of State. However, it has turned out otherwise. The Ulster Unionist Party, when given the opportunity to show its support for other propositions, was able to support every one of the propositions made by the Democratic Unionist Party — apart from one. The one proposition that the Ulster Unionist Party felt unable to support was a simple one. The Democratic Unionist Party argued that there should be no prohibition on the flying of the Union flag on Government buildings at any time — no prohibition. It did not say that it should fly at all times, but it removes the prohibition, which was expressly put into the legislation. The Ulster Unionist Party want a prohibition. They want it to be an offence to fly the Union flag on Government buildings, except on a dozen or so days in the year. I find that difficult —

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

**Mr P Robinson:** I would if I had not been restricted on time. If the Member made an inadequate speech, he has only himself to blame. He should not attempt to make an inadequate contribution during mine.

I want to congratulate the Chairman for the job that he has done and to join with other Colleagues who mentioned the role played by the Clerk and all of the staff who assisted us. My Colleague was, perhaps, a little too harsh on Mr John Dallat. I think there was a feeling — and it could yet be true — that he is actually a closet Unionist. I think he was standing outside the door waiting for us to get a Unionist into the Chair

before he would come through it. He was standing outside the door to help us get the right processes underway. It is unfair of people to suggest that he was sleeping in his bed instead of doing his duty.

Nonetheless, the SDLP position is certainly one of confusion. This was clearly identified by my Colleague, Mr Ian Paisley Jnr. During the course of this debate there were several references to the SDLP's position and whether it was that no flags should fly or that flags were acceptable on some occasions. Mention was made of Down District Council. I wonder why no one mentioned Craigavon Borough Council. The SDLP entered into an agreement to fly the flag there. There is no condemnation or disapproval from the SDLP on the Craigavon composition. Therefore, I must assume that it has a soft spot for its representatives in Craigavon and agrees to some extent with what they are doing. The SDLP is presenting a totally confused position. In Down its position is no Union flag, in this Chamber it is no Union flag, in the Senate Chamber it is a Union flag sometimes, and in Craigavon Borough Council it is a Union flag on certain days of the year. I wish it would get its act together. It seems to be in some considerable confusion.

As far as the Northern Ireland Unionist Party (NIUP) is concerned, there is also some confusion. I note that it intends to abstain on this motion, along with Sinn Féin/IRA and the SDLP, although Sinn Féin/IRA have not made it clear whether they are abstaining. At any rate, the NIUP position is that its Members are going to be the mighty men and carry out a legal challenge.

According to tonight's 'Belfast Telegraph' they will need their money, as they will be fighting elections everywhere. So before they spend it on a fruitless challenge, perhaps somebody should tell them about the supremacy of Parliament? An Order in Council was passed in the House of Commons, which granted the Secretary of State legal authority for what he is doing. They are entitled to say that they do not like it — I do not like it; I voted against it — but it has been passed and they cannot make a legal challenge against it. From time to time fuzzy thinking comes in from both the Northern Ireland Unionist Party and the Ulster Unionists. They asked "What reason have Unionists to participate on this Committee?", and they are entitled to an answer.

I opposed the Flags (Northern Ireland) Order 2000 in the House of Commons. I opposed the Belfast Agreement. They opposed the Belfast Agreement, but that does not stop them from participating in this Assembly. They applied some restrictions on their involvement in it, but not on their receipt of remuneration from it. Why do they do it? They do it because their election manifesto, like my manifesto, said that they would come here to fight on behalf of the people they represent and to take a stand for the Union. That means taking a stand for the

Union flag as well, because it is one of the symbols of the Union. Although there is no legal challenge open to us to overturn what the Secretary of State has done, we will take every possible step and use every measure available to show our opposition to what he and the Government are doing at the behest of the Ulster Unionist Party.

Do not forget where this came from. Some Members from the Ulster Unionist Party will remember an Ulster Unionist Council meeting where their deputy leader produced a little piece of paper from his inside pocket and told everyone that he had resolved all of the problems on policing and flags. Unfortunately, the Committee did not accept my proposal for that document to be brought before us so that we could see what undertaking the deputy leader of the Ulster Unionist Party was given. It is clear that any problems that we have in relation to flags stem from the Ulster Unionist Party because the problems were not dealt with during the negotiations on the Belfast Agreement. The undertakings that their deputy leader claimed to have amounted to absolutely nothing. We are here to stand for the flag. It is a symbol of the United Kingdom. Long may it fly.

**Mr Foster:** Today's attack by Mr Peter Robinson was an assault on the Unionist Party. One of his greatest attacks was in Clontibret. Which was the more vicious?

**A Member:** Play it again, Sam. You have used it 20 times already.

**Mr Foster:** It is a good one.

I read the report and find it most offensive that we have to discuss the Union flag, because our Government have failed again. This motion should never have been brought before the Assembly — all of this was decided in the referenda several years ago, in spite of what Mr Peter Robinson says. At that time the participants in the Assembly, Her Majesty's Government and the Government of the Republic of Ireland agreed that Northern Ireland, in its entirety, would remain part of the United Kingdom and would not cease to do so without the consent of the majority. I am not aware that any change has since taken place.

That means that this state is under the sovereignty of Her Majesty Queen Elizabeth II, Queen of the United Kingdom of Great Britain and Northern Ireland. It follows then that the Union flag, and none other, is the sovereign flag of this jurisdiction. That is contained in the terms of the Belfast Agreement.

No further procrastination on the flying of the Union flag is necessary. As usual, the Government have been weak on this issue, and others have used it as an excuse to undermine David Trimble. How pathetic is that?

We continue to hear the hackneyed phrase “parity of esteem”. Parity of esteem is a just entitlement under the sovereignty of Her Majesty, but not of the sovereignty of Her Majesty. There is one jurisdiction in Northern Ireland, and it is that of Her Majesty. Let us not insult her by saying otherwise.

It is true that today’s politicians may be characterised by their vain attempts to change the world and their inability to change themselves.

The ungracious, divisive attitude of Mr Dallat and the SDLP has surprised me.

The jurisdiction of Her Majesty in all the aspects of the Assembly is unambiguously evident in the Northern Ireland Act 1998. The Act states

“A Bill shall become an Act when it has been passed by the Assembly and has received Royal Assent.”

It also says

“The executive power in Northern Ireland shall continue to be vested in Her Majesty”

and

“executive powers of Her Majesty in relation to Northern Ireland shall be exercisable on Her Majesty’s behalf by...a Northern Ireland Minister or Northern Ireland department.”

All Ministers are therefore acting in an executive role for, and on behalf of, Her Majesty. That is what was signed up to in the agreement; there is no question about that, even though some people might want to move the goal posts. Surprisingly, Jane Morrice seemed to be trying to reopen a debate that had already been resolved in the agreement.

Is this a double-cross or a sign of a lack of integrity? It has been said of politicians that they will double-cross a bridge when they come to it. Is this argument about respecting the sovereign flag of this jurisdiction hard evidence of a lack of political integrity, or are some people doing a U-turn, thus failing to fully implement the agreement that they have accepted?

**Mr P Robinson:** Look who is talking about U-turns.

**Mr Foster:** The Ulster Unionist Party is fully implementing the agreement; it has no hesitation about that. Our stance is the same with regard to the crown on the crest of the Royal Ulster Constabulary. The crown is the symbol of Her Majesty’s sovereignty; it is portrayed on the crest of every other police force in the United Kingdom. It must be remembered that we are part of the United Kingdom; we seek no more than the agreement that received the overwhelming backing of the people in a democratic vote.

The Union flag is entitled to be flown on all Government buildings, as prescribed in the paper. It is also the solemn duty of Government to preserve the crown on the crest of the RUC. Any move to do

otherwise would be insulting and offensive and would deny the sovereignty of Her Majesty in this part of her realm. We must never forget that, and that has been accepted in the agreement. The matter has been resolved, and no one can move the goal posts.

For too long the Government have welshed on their duty to citizens in this part of the realm. The Union flag must be flown with dignity and decorum on the designated days, not as an act of offence but out of respect for the sovereignty of Her Majesty. The crown must be protected as a symbol of that sovereignty too. The motion is a further step in the full implementation of the agreement ratified by the majority of people two years ago.

**Rev Dr William McCrea:** I want to congratulate the Chairman of the Committee on the excellent task that he has carried out. We appreciate that it was a difficult task, considering that there are so many diverse opinions on the matter, which, we were told, was already solved. The hon Member from Fermanagh and South Tyrone said a moment ago that, really, there is no issue — it is a non-issue. That is far from the truth. In fact, the people of Northern Ireland have been sold a con trick. We are told by one pro-agreement group that everything was in the agreement, that everything had been agreed and signed up to and that the position of Northern Ireland within the United Kingdom was secure. We were told that everything was hunky-dory — in fact, so hunky-dory that the same Minister came to the despatch box a few weeks ago and reported from the cross-border bodies on behalf of his Colleague, Barbara Brown. Everything was wonderful.

Since the Assembly came back from recess, we have heard a raft of reports from cross-border bodies and cross-border meetings. There seems to be more cross-border meetings and cross-border bodies than there are meetings within the Province. It seems that the Irish Republic has more to say about what happens in Northern Ireland than the United Kingdom Government. That is the reality of the Belfast Agreement, and it exposes the total treachery of the Belfast Agreement. The people of Northern Ireland were sold a lie.

That the issue should ever arise is indicative of the folly of the Belfast Agreement. We have heard several interpretations of what the agreement means and what it stands for with regard to the flag. Now we are told that we can fly the flag on certain days. That is very gracious. However, we are not allowed to fly the Union flag on 12 July — that would be offensive. But we are allowed to fly it on other days.

5.30 pm

Northern Ireland is a part of the United Kingdom, but that is not because Barbara Brown, Martin McGuinness,



John Hume, Gerry Adams or Seamus Mallon tells us. It is part of the United Kingdom because the vast majority of the people of this country decided through the ballot box to be a part of the United Kingdom.

Members have given their views, and we have witnessed the bleating of Republican propagandists even though the majority viewpoint is that this country is part of the United Kingdom and part of Her Majesty's territory, and its flag is the Union flag. I am proud of that flag, and I am proud of those who served under that flag.

Every day that the Assembly sits the flag should fly upon the Building, giving it the respect it deserves as a part of the democratic process and the parliamentary procedure for this part of the United Kingdom.

I congratulate my Friend and Colleague for his expertise in chairing the Committee, and I trust that we will see the flag flying upon this Building every day that the Assembly sits.

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** A Cheann Comhairle. In relation to the motion and Mrs Joan Carson's comments I must make it clear that my civil servants did not ask me what to do about the flying of the flag. I took the ministerial decision. The only thing that I got from civil servants was a list of flag-flying days. I made the decision, and the suggestion by Mrs Carson that this decision was in any way prompted by civil servants is totally and utterly incorrect.

**Mr Armstrong:** I welcome the spirit of the Regulations but have some concerns on the detail. The only reason we are debating the issue of flying the Union flag is because of weak Government at Westminster. It is time that the British Government supported its loyal citizens. In Northern Ireland, as in the rest of the United Kingdom, it has been the custom and practice over many years to fly the Union flag on 20 designated days. When devolved Government was restored in June of this year three flag-flying days of the month were ignored by the Department of Health, Social Services and Public Safety and by the Department of Education.

A problem arose because two Ministers, who under the Belfast Agreement accepted Northern Ireland as part of the United Kingdom, did not accept what they agreed to in the Belfast Agreement. In the Belfast Agreement, under the principle of consent, Northern Ireland remains part of the United Kingdom. The Belfast Agreement states

"the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and, accordingly, that Northern Ireland's status as part of the United Kingdom reflects and relies upon that wish".

Like it or not, all the people of Northern Ireland live under United Kingdom laws and should abide by them. The Ministers have accepted their posts in the Northern

Ireland Executive as a devolved Administration under the United Kingdom Government and should therefore follow the same customs and practices as the rest of the United Kingdom.

The flying of the flag should be a country's way of displaying its allegiance and its national identity to the world at large. As such, a flag should be treated with the utmost respect in the way that it is flown and in the civic esteem accorded to it. The flying of the Union flag from Government buildings is a clear expression of the constitutional position. The flying of the Union flag is not held in the esteem that it deserves.

There is no specification of any penalties that would apply if the Union flag were not flown. The Union flag is the ultimate symbol of a constitutional position and it should be respected.

Flying the flag of the Union should not be an issue, but the Regulations have been deemed necessary, and therefore every detail must be examined and regulated so that there is no ambiguity. It is the responsibility of all Ministers who signed up to the Belfast Agreement to ensure that the Union flag flies on all Government buildings, as has been the custom and practice for many years.

**Mr Agnew:** It has been an interesting debate. Many of the issues related to the terms of reference, with which the Committee had difficulties, have been mentioned by Members this afternoon. I hope that those issues will be taken on board. Although the Union flag has never been adopted officially as the national flag of the United Kingdom, it has, as Dr Birnie said, become so through usage. The Government have already stated that it is the correct flag for use by British citizens. Practice is slightly different at sea, as the Government reserve the Union flag for specific military purposes. In fact, the flag should only be called the Union Jack by the Royal Navy.

We did not get into an argument over the Act of Union. I found out recently that the Flag Institute has published a draft Flag Act that would confirm in law the Union flag's status as our national flag. It has laid down specifications and a usage code. The institute is hoping to have the matter brought before Parliament in time for the bicentenary of the United Kingdom and the current Union flag in 2001.

Ms Morrice said that the Women's Coalition wanted to widen the debate, turning the Ad Hoc Committee into some kind of permanent Committee. I thank God that it was not made permanent. It was simply not in our remit to extend the debate. The Women's Coalition may be disappointed at that, but we could not accept that argument.

The principal argument from the Nationalist side — SDLP and Sinn Féin — put great emphasis on equality and parity of esteem. I have great difficulty with that.



Mr Ken Robinson wanted to intervene earlier. I suspect that he wanted to speak about the Union flag not being flown on 12 July. It was probably at the back of his mind that the Act of Settlement provided for a society in which there were equal rights for all and special privileges for none. Unfortunately, in Northern Ireland the minority appears to be denying the majority its rights. I believe firmly in equal rights for all and special privileges for none, but the minority must realise that the majority has rights as well, including the right to fly the flag of our country.

Equality and parity of esteem can mean many things. Some people, particularly on the Nationalist side, fail to realise that the Union flag is not a symbol of Unionist domination, or of a desire to put the Micks into the ground as it were — far from it. It is the outward and visible sign that the Unionist community believes in a society that is based firmly on civil and religious liberty. The Union Jack is the outward and visible sign of that society, a society that we have enjoyed for over 300 years.

**Mr C Murphy:** On a point of order, Mr Speaker. Is it in order for the Chairperson of a Committee to speak as a representative of his political party? He should speak on behalf of the Committee of which he is Chairperson.

Is Mr Agnew speaking as a Member of the United Unionist Assembly Party — or whatever its title may be — or is he speaking as Chairperson of the Ad Hoc Committee?

**Mr Speaker:** It certainly is the case that when a Chairman of a Committee, whether it is an Ad Hoc Committee or whether it is a departmental Committee,

proposes a motion on behalf of the Committee and or winds up, he is speaking as Chairperson of that Committee.

**Mr P Robinson:** On a point of order, Mr Speaker. Is there not a difficulty for this Chairman, in that this is not a normal Committee report? It is a report bringing a collection of views, albeit views that have been weighted by the degree of support there was in the Committee.

**Mr Speaker:** I have no doubt that that makes it difficult for the Chairman, but it still would not justify taking one particular element of the report and amplifying on that and not amplifying on the others. However, I do recognise his difficulty.

**Mr Agnew:** Even the interventions illustrate the difficulty the Committee had in dealing with this matter.

Today we have certainly heard a wide-ranging debate on the flying of the Union flag. Based on all of the submissions that we have heard today — and all that I have heard — it seems to me all the more amazing that the Committee was able to produce a report at all.

However, we do have a report that was agreed by the Committee, albeit setting out differing views. We have fulfilled the task that was set for us by the Secretary of State, and we can now let him have our views. In closing, I commend the report to the Assembly.

*Question put and agreed to.*

*Resolved:*

That the report of the Ad Hoc Committee on Flags set up to consider the draft Regulations laid by the Secretary of State under the Flags (Northern Ireland) Order 2000 be submitted to the Secretary of State as a report of the Northern Ireland Assembly.

## SECONDARY EDUCATION

### **Mr Gallagher:** I beg to move

That this Assembly notes the recent report 'The Effects of the Selective System of Secondary Education in Northern Ireland' and calls for wide-ranging consultations involving all of the education partners about the best way forward for post-primary education.

Devising the best possible system of post-primary education is one of the most important challenges that the Assembly will face. This recently published report should be used now to stimulate debate and to consult widely with all of the educational partners, administrators of education, parents, teachers, school governors and others about what should be the best way forward.

We have had selection for more than 50 years, and it has been a controversial issue. The accuracy and the legitimacy of the tests have been constantly questioned by teachers and others in education. Despite changes in the form at various times, the tests have never been able to accurately predict future educational performance. The use of coaching and practice papers to improve performance has become a widespread and expensive practice. Many families nowadays are prepared to pay £45 per week, in some cases more, on coaching. It is not difficult to realise that there are many children in deprived social circumstances who are losing out.

Since it was obvious that the introduction of open enrolment was making an already socially divisive system even more socially divisive, the Department of Education, two years ago, commissioned a review of the selective system of education in Northern Ireland.

*5.45 pm*

The report of the review team contained extensive research, and most here are fairly familiar with the five options set out in it for discussion about a possible way forward. We know too that many of the doubts that parents and professionals have had about selection appear to be borne out by the findings of the report. There is considerable evidence that we administer two unequal systems of post-primary education. The report recognises that we have some strengths in the system, but we all must accept that present arrangements are fundamentally flawed and unable to deliver equality of opportunity. We must therefore use this opportunity to initiate a debate. The debate should include something about the purpose of education and how it should best prepare young people for the twenty-first century.

Before the report was launched we had a consultation paper by the Council for the Curriculum, Examinations and Assessment (CCEA) about a new curriculum for schools. The CCEA stresses the importance of developing every child as an individual and as a contributor to society, the economy and the environment. One of the major challenges for us all is how to prepare

our young people for what is an increasingly global economy. They need to be, at the very least, as skilled and as competent as their counterparts in other countries. Education for employability requires that all young people be equipped with the basic skills of literacy and numeracy, and with the key skill of information and communication technology (ICT). These are the skills which will be demanded by employers. It is clear from the CCEA consultation document that these are key skills which will have to be imparted at all of the key stages, in education pre-16.

It is clear from the report of the review group — and it is a view that is also being mirrored in reports from the Education and Training Inspectorate — that because of the 11-plus some important areas of study are presently being neglected. Too much time is being spent on English, maths and science at Key Stage 2, and teachers at Key Stage 3 have the task of trying to compensate for earlier omissions. In the section of the report that deals with the impact of selective education on the primary-school sector it says that pupils are not receiving the broad and balanced experience envisaged by the statutory curriculum.

We cannot justify, and we can no longer afford to continue with, a system which, in the interest of a minority of children, narrows and limits the curriculum experiences of all children. The lack of equality of opportunity in education, is a handicap. It is a handicap that carries on into later working life, and it is something that needs to be tackled urgently. Our priority must be to put in place the means whereby all children receive the highest quality of education possible.

We have presently significant strengths, which are mentioned in the report. The high levels of attainment in our grammar, and some of our secondary, schools are examples of that. However, it is also very clear that we have a disproportionate number of low achieving secondary schools.

In our search for an improved form of education we must retain everything that is best about the present system while removing its inconsistencies, inequalities and injustices. We should aim to adapt rather than dismantle the present post-primary system. This can be done so that academic education and vocational education are accorded equal importance.

Five possible options are listed in the report but we might have to look beyond these. It could well be that one single option might not suit all parts of Northern Ireland. That is why it is important that we debate and consult widely about where education is going. If our post-primary schools are prepared to contribute to the debate to find a solution then a better and more comprehensive model of secondary education can be devised to suit the needs of every young person.

The five options give us a starting point. There is the Craigavon model, and I am sure some Members have experience of that and will be better placed to speak about it. We could go for a fully comprehensive model, but we will have to decide what type. We have examples of the strengths and weaknesses of comprehensive systems in Scotland, England and the Republic of Ireland. Our third option suggests a common lower-secondary school with children divided along different routes at higher-secondary level. The fourth option offers different post-primary schools with distinctive academic or vocational routes, but I think everybody would agree that it is important that there is parity of esteem between those routes. The fifth option is for the status quo.

Consultation should not be restricted to those five options. There is agreement between the Education Committee and the Minister that there should be no restrictions or limitations on the options we might consider. Prof Gallagher and Prof Smith shared that view when they met the Committee. I hope we can all agree that we need a wide-ranging consultation with everyone involved in education — where they will have an opportunity to put forward what they believe are the most appropriate models to serve the needs of all our children.

*(Madam Deputy Speaker [Ms Morrice] in the Chair)*

**Madam Deputy Speaker:** Given the number of Members wanting to take part in this debate, and the fact that we have allocated it two hours, I would advise Members to keep their speeches within the 10-minute time allocation. I call Mr Kennedy, the Chairperson of the Education Committee.

**The Chairperson of the Education Committee (Mr Kennedy):** I am grateful for the opportunity to debate this motion. I am a little surprised that the Gallagher Report has been launched. I would certainly have preferred to listen to the representations made, and even heard something from the review body, before the Assembly had taken it in this format. However, I hope the Assembly will have an opportunity later to review progress of this issue.

The report will trigger a wide-ranging debate on the future of education. It will be interesting to see how the different political parties operate within that debate, and I think there will be major differences within parties.

Some will say that I am used to that in respect of other issues, and it will be interesting to see where political parties fall on either side of this great debate. I certainly welcome it, it is a timely opportunity for me as Chairperson of the Assembly's Education Committee to speak about the launch of the Gallagher Report and its findings.

Looking at the consultation process that is being established by the Department — and I am glad to see

that the Minister is in his place — I welcome the opportunity to advise the Assembly on how the Committee views its role in that consultation exercise and to highlight some issues regarding selection that I and my Committee members will be discussing.

My colleague Ken Robinson, a Member of the Education Committee, has regularly described the education debate as opening Pandora's educational box. That is fairly apt. I am sure that, like everyone else in Northern Ireland, we welcomed the long-awaited publication of this piece of research. There has been an ongoing debate about education selection in Northern Ireland for some considerable time, and the Gallagher Report has ensured that that now takes on an added earnestness, and even a new focus that all previous reviews have lacked. We now have local representatives in this Assembly who are part of that process, and a cross-party Education Committee has been formed. I welcome that. As a result, people now believe, and rightly so, that their locally elected representatives will be making the important decisions that affect their lives and that they will listen very carefully to what all sections will have to say in this major debate.

I consider the report by Gallagher and Smith to be a very well-researched one. I pay tribute to Profs Gallagher and Smith, and I commend them on the manner in which it has been presented.

My Committee received a public presentation of the findings on the afternoon of its launch, which was very welcome and allowed Committee members their first opportunity for questioning the report's findings. I am sure that I speak for all my Committee's members when I say that we found this very useful and informative, but I have to say that the contents of the report were not entirely surprising in one respect.

My Committee has some concerns about the structures and the mechanism that the Minister has put in place to take this consultation forward, and we sought clarification from him about this at last week's Education Committee meeting. We can, I think, all agree on the need for such an emotive and highly sensitive issue to be handled openly and fairly. However, at the Education Committee meeting, members highlighted their concerns regarding the number of bodies being established to take the consultation exercise forward and the relationship between these bodies and the Education Department. The Committee also asked that, in addition to Prof Gallagher, the Minister should consider appointing another local education adviser to the panel of experts that will consider and assist the review body. Perhaps we will hear from the Minister today whether he has given that suggestion any active consideration. We also agreed that even though the report deals with a number of options, any other viable options should be considered.

6.00 pm

For example, my party outlined another option: it might be worth investigating the provision of additional grammar schools to offset many of the local problems in areas of the Province.

Concerns have been expressed about the timescale of the consultation exercise. I am particularly concerned about that. I understand that the Minister would like everything to be done by May of next year; I must greet that with scepticism. Organisations like the CCMS have also indicated that the proposed time frame is impractical.

There has been an undertaking that public meetings will be organised alongside those scheduled for educational experts within area boards. Given the importance of this debate, every effort should be made to set up accessible public meetings in all areas of Northern Ireland to ensure that everyone gets an opportunity to express his views and hear how this matter is progressing. Equally, the review body must ensure that information is presented in an easily understood format. To date there has been some confusion about the roles of the various bodies and the seminars for education providers. The review body must put procedures in place to ensure that the consultation process is transparent to, and understood by, everyone.

However, we must make progress with this issue, and it is important that we consider the time frame. Children, teachers, and parents await the outcome of this exercise. The Education Committee will play a leading role in the consultation process. My members and I are now defining precisely what this role will involve, and we hope to invite Mr Burns along very soon to outline his plans for the review body. We also plan to consider expert advice on the options outlined in the Gallagher Report to inform our decision on the approach we should take. All political parties will be able to make representations to the review body, but the Education Committee — and I want to stress this — will be able to take a more political focus in this, thanks to its powers as a Committee of the Assembly. We will have ongoing access to the review body, the panel of education revisers and the educational consultative forum.

**Madam Deputy Speaker:** Will the Member please bring his remarks to a close.

**Mr Kennedy:** My Committee intends to discuss the issues that have been highlighted with leading academics and to commission research on all possible options before publishing its response.

We all welcome this debate, and we must try to ensure that everyone participates and that all views are heard. We must also ensure that we get this right. We have the chance to put in place a system of secondary education which will give all the children in the

Province equal access to the quality education that they need. Our educational, social and economic perspectives can then start to grow as we move into the twenty-first century.

**Mr S Wilson:** This is an extremely important issue which has pre-occupied practitioners within education as well as parents and children. The Assembly must have the opportunity to discuss this issue in full.

Before discussing the DUP's approach to this question, I emphasize that the motion states that there should be

"wide-ranging consultations involving all of the education partners".

The Minister stated that he had set up a review body, a panel of advisers and various forums. It is significant that the two bodies which he ignored were the Assembly and the Assembly Committee. When the Minister was questioned by the Committee on its role, he said that we could make a submission to Mr Burns and his review body and examine the submissions made on the web site. He also said that we could get a final report from Mr Burns and that we could question him in Committee. We could do only two things of any significance.

As has happened in the past, the Department is seeking to bypass the elected representatives, and I suspect that the Minister is again seeking an outcome which is favourable to himself. We all know his views — the one thing he does not want is democratic scrutiny by the elected body of the results of this review.

I will outline four principles which the DUP believes must be applied to any post-primary system of education. First, we believe that selection is inevitable. There is a prevailing idea that the abolition of the 11-plus will do away with the selection process, but there will have to be some mechanism by which parents decide where their youngsters go when they leave primary school. That can be done on the basis of where you live, as happens in Scotland. Prof Gallagher says of the Scottish system that

"schools in both areas display a similar pattern of social differentiation."

Let us not pretend that neighbourhood comprehensive schools are inclusive, as stated earlier.

Alternatively, pupils can be allocated places on the basis of an interview with headmasters, where they live or what they can afford to pay. These systems of selection would be just as socially divisive, and they are methods which this House has rejected. We conclude, therefore, that some sort of selection is inevitable and that it should be carried out on the basis of what is the best education route for youngsters to take.

The second point is that any system of post-primary education will have to accept that differentiation is



necessary or, to use Prof Gallagher's term, that there have to be distinctive routes.

Not everybody has the same academic or practical aptitudes. We have to recognise that there are differences, and any system of post-primary education ought to accept that. We have a nonsense at present, and this is what has led to secondary schools feeling that they are second-class schools.

At present, we separate people at the age of 11 on academic grounds, and then send them to schools where they follow the same curriculum and end up in the same exam process. Those who have not got through the 11-plus go to secondary schools, and the results in those schools are not as good as those of grammar schools. One would not expect anything different. That explains the low esteem felt by youngsters who go to secondary schools and teachers who teach there.

My third point is that if we are going to have distinctive routes then those routes must have equal status. One must not be seen as being better than another. It has to be made clear that they have different objectives. The Gallagher report points out that there is a division between academic and technical or vocational education in many European countries. People know that they are heading for distinctly different goals, and they respect that the institution they go to has got the ability, the status, and the standing to deliver them to those goals.

If we are going to have equal status, there must be, as Prof Gallagher says, pathways between those different routes. If people find that they have set off on a particular route, and later they decide that it is not the right one, then they can switch. It is not regarded as a step down or a step up — it is simply a sideways movement to a more appropriate system. Gallagher points out that in some schools in Europe, if pupils do not reach a certain level in each year they are held back until they do, or they are asked to review whether they are in the most suitable system, and they move to a different one. We need to look at that. We must ensure that people do not feel that they are in a better system than someone else. There should be equal status for each part of a differentiated system. That would overcome many of the problems associated with the present system.

The fourth thing that we must bear in mind is that we cannot divorce this from the costs involved. Prof Gallagher hints that if we go down the route of simply having neighbourhood schools, or a totally comprehensive system, we could be talking about the closure or amalgamation of up to 60 schools. That is one way in which the costs might be absorbed.

The last time that this exercise was talked about by Lord Melchett, in 1979, the cost was put at £90 million.

I have heard people say that it does not matter what the cost is. Their attitude is to get the best system of education and then find the money for it. I have heard unions talk like that. That is nonsense. We have to work within the strict budget that we have. Therefore, we have to ask ourselves what kind of system can be put in place using the present framework.

We have to do two things. We must preserve the high academic achievements that we have in the present system. Gallagher pays tribute to that. In footnote 81, he points out that where selection is based on academic aptitude, the results between Key Stage 3 and Key Stage 4 show that there is value added.

We need to look at a system that does not ignore the fact that there is selection, a system which gives equal status to youngsters, whatever route they choose, and ensures there are options open to them to maximise their potential.

6.15 pm

**Mr McHugh:** Go raibh maith agat, a Cheann Comhairle. People will welcome the opportunity to hear our views and the current state of play in this important issue. I welcome the review of the present selection system and the consultation period proposed by the Minister. I hope that everyone will have an opportunity to put his views, wherever he lives in the Six Counties, and that all those views will be considered. I hope too that an early decision is taken so that we can proceed.

The Gardiner Report is one barometer that people can go by, and that report concludes that the vast majority of exam results are inaccurate — figures state that around 70% of results are questionable. The highly critical conclusions reached by Prof Gardiner about the 11-plus exam reinforce the widely held view that the 11-plus is a bad exam. It is bad for the child who sits it and for the education system as a whole. The report concludes that the exam should be scrapped. Many people share this strong view.

I have many difficulties with the present selection system. We need to provide choice — choice based on equality and equality of opportunity and not on the elitism of the current system. Branding children failures at 11 years of age is a difficulty for me. Secondary schools have to sweep up and try to reinvigorate children who have lost their confidence and have to try to regain it the following year so they can start to perform at a satisfactory level.

Under the present system primary schools are vying with one another. Principals and parents are involved in a race for academic achievement over and above everything else. Tremendous pressure is placed on children of that age to attain this spurious goal. Many parents do not take account of the fact that their child is not capable of

taking and passing the 11-plus, but they pressurise the child because they think it is the right thing to do.

This practice has been in use for 50 years. It creates difficulties for parents and children. This is about education. Education is a basic human right and we should seek to have a high-quality education system which is freely available and accessible to all. These are basic principles. Education should enhance the minds, and enrich and empower youngsters. Education is an investment in the future: a high-quality education system would produce a skilled and enlightened workforce, which could contribute to the economic wealth and well-being of society.

Education can also help to mould attitudes, and there is a need for a high-quality education system that will develop understanding and tolerance in our society. These are important principles, and there has to be a correct method with which to go forward — one that will take those principles to their ultimate conclusion. I am not even sure that the present curriculum is delivering that.

The time is right for us to discuss these issues, to deal with them and to debate them in public, particularly the issue of selection. It is controversial, and the debate on it will be intense and wide-ranging — especially when it goes out to the public. There is a need for informed debate on what is a particularly complex issue. People want change and will be looking for change.

When the results of the review are known we must find the best way forward. There are a number of options suggested, and there are other options which perhaps people could look at as benchmarks in relation to other models which have proved to be successful. Such models are found in European and other countries, and they are delivering in relation to the needs of today's society — and not just academically. We need options that are based on the needs of education in today's world. They should be based on equality of opportunity, where all remain equal from the start of their education through to the finish. They should produce children who are able to face the world outside and who not only have academic skills, but also have the interpersonal skills that are essential for a person to be able to handle situations and to reach full potential at all levels. That is where we need to get to with this debate, and I think that we will get there.

**Mrs E Bell:** I am one of the success stories of the 11-plus. I would not be here today if I had not passed it, but I am wondering whether "success" was the right word to use. This motion is timely, and we should state loudly and clearly that consultation on this important issue should be as wide, comprehensive and effective as possible. I will concentrate on the key point of the motion, which is consultation. That is the right message

to be giving to the Minister and to the review body. If the consultation process is right then the result should be right.

The findings of this report will be far reaching, and its impact on future generations will be massive and life forming. We must be very careful therefore about our final decisions. We must ensure that all interested parties — from teachers to parents — are adequately consulted so that, as far as possible, the most satisfactory outcome is achieved for all the pupils that it will affect.

The Gallagher Report, after all the years of emotional and subjective concern, gives us a focus on this issue. It did not tell us anything really new, but it has provided the basis for further consideration of the five options and others. We must look closely at these over the coming months, and also the submissions which will undoubtedly come from all areas and levels of the existing structures. We can but hope that concentration on the issues identified by Prof Gallagher will lead to the correct conclusions.

I say again that this motion is extremely timely, because of the press release which outlined the first stages of the consultation and gave way to some confusion. The meetings that have been planned so far, according that press release, are to be by invitation only for school principals and representatives of educational and related organisations. We asked the Minister about this at a meeting of the Education Committee and he said that this was only for the schools. However, it did not send out the right message, and I think that he knows that now.

We are told that public meetings will be held by the review body when it sets up its programme. I await the details of these meetings with great interest. I trust that they will be both many and widespread and that they will be held in the very near future.

Apart from the views of experts in education, we all know that there are a large number of parents with seven-, eight- and nine-year-old children who are fervently hoping that they, and their children, will not have to deal with the stresses that are currently being endured by P5 and P6 pupils and their families. These parents will want not only to attend the meetings but also to have their say, to have their questions answered and to have their heartfelt concerns met. These are the people who need to be listened to and to be reassured that whatever option is finally chosen it is the best way forward for their children — indeed, all the children of Northern Ireland.

The Minister has said that it is important that we have an informed debate on the report, and I totally agree, especially on the key issues that are raised in the report — the sense of failure; the severe blow to self-esteem; the long tail of low achievers; the divisiveness of the

grammar versus secondary systems; and the vastly detrimental impact that preparation for the transfer test currently has on primary schools.

All of us in the education field are well aware of these issues and have repeatedly seen their effect on schools. Parents have even gone to the extreme lengths of preventing their children from taking the test. We must consider and acknowledge this strength of feeling in our considerations.

The Education Committee will be taking these key issues very seriously indeed, looking at the options outlined in the report as well as others. The Alliance Party will also be looking closely at the record of all-ability integrated schools since they will show us how a modern comprehensive system might look. We must take the review seriously as its findings and eventual conclusions will substantially change the future of post-primary education and will improve the situation and potential of all of our young people in their future lives.

The Gallagher Report clearly shows the universally accepted disadvantages of the current education and examination systems caused mostly by the 11-plus exam with its weaknesses. I agree with Mr Sammy Wilson that selection may still be regarded as necessary or inevitable, but this must be done in the best interests of each child, whatever its age.

The Minister also said

“Everyone with a view on this issue must be given an opportunity to express it.”

I am sure that all sections of the community will approach this in a constructive way. It must be seen to be an all-inclusive real consultation. That means one that is not predetermined at any stage by experts, and one that will ensure that we get the education system that society, the economy, and most of all, our children deserve. Whatever we do with this system will be repeated across the whole of the education process for each child.

Finally, it goes without saying that our current system, which brands a large number of our future citizens as failures when they have lived, at most, one sixth of their lives, must be radically changed. We do not want change for change's sake, rather we want change for the sake of improvement. I support the motion.

**Mr B Hutchinson:** When I saw this motion I wondered what it was about for the report has been delivered, and it is quite clear what needs to happen. It might have been better to have this debate after the Education Committee had considered the report. However, now that it is taking place there are a number of points that I wish to make.

First of all, I want to commend the report. Mr Gallagher and Mr Smith have done what was asked of them by the Department of Education. They have met the terms of reference and produced clear evidence of the effects of selection. They have also given alternatives for consideration.

6.30 pm

I want to talk for a couple of minutes on the effects of the 11-plus. There has been a great deal of talk about that. Do any of us realise how badly this reflects on working-class areas? I am really concerned. This is not meant to be a sectarian comment, but I would like to ask the rest of my Unionist Colleagues if they have looked at the facts and figures on 11-plus passes in Protestant working-class areas and compared them with those in Catholic working-class areas. Catholics have a better pass rate; it is not all that much higher but is considerably lower than the national average. We need to focus on that. We say that we want to give people opportunity, but we are not giving them much of an opportunity.

In the area where I live and went to school, a number of years ago, people from the school I attended went to Queen's and to universities across the water, but nobody can do an A level in that school now. Is anybody going to tell me that Protestants have become stupid, or is there something wrong?

We need to look at the system. In many ways there has been a loss of educational value in the Protestant community. Perhaps that is to do with tradition; it may be due to the Protestant work ethic or to the fact that we have a different system now. In the past, people could get jobs in the shipyard, serve their time and get further education on day release and one night at school. We really need to take this seriously and look at how it affects working-class people.

We also need to examine the effect it is having on primary school teachers. While they are preparing children for the selection process, they are neglecting the remainder of the curriculum. What effect does that have on the other children?

We must also look at the whole notion that this system is fair. In my opinion, it is an accident of birth that someone can afford to pay for children to have a tutor. In other areas people cannot do that. I do not suggest that people should be prevented, but we need to look at this. Some people can afford a tutor; others cannot.

Children who attend secondary schools go to those schools with low self-esteem and lacking in confidence. Most of us could look around our constituencies and identify at least one secondary school that is perceived as a dumping ground. No parents want to send their children there. If they do they say “Johnny” — or



“Jane” — “is not going to do well anyway, so what is the point?”. That is an indictment of the education system.

Look at some of the children who are leaving school at age 16 with NVQs. In my constituency of North Belfast they cannot get an NVQ level 3 — nobody can do level 3 in North Belfast. A young person has to go out of the area to do one. The difficulty is that all children at the age of 16 can go on to Jobskills and other schemes through NVQ level 1 but not through level 2. They are the children coming out of the secondary schools. Is that not about self-esteem and confidence?

My Colleague Mr Sammy Wilson said that all children are not academically bright. I accept that. I do not accept an education system that does not produce a rounded child. We need to ensure that all our children reach their full potential. Whether that is about achieving academic success or vocational success, we need to make sure it happens.

What about the confidence and self-esteem of the teachers who have to teach in these secondary schools? That is on the wane. No matter how well they teach, they will never achieve the same success as grammar schools do, and that is as a result of the system. That is not fair on teachers, and we should look at how we can change that. Our taxes go towards putting teachers through teacher training school, and perhaps each of them should be made to spend at least three years in a secondary school in a disadvantaged area before being allowed to teach in a grammar school.

Those are things we need to look at. After all, we are the people who put them through the system to become teachers. We train them to be teachers. We spend a lot of money on the education system they go through before they become teachers. In my opinion — not that of my party — it might be better if we did not have grammar schools at all. That is another story for another day.

In the UK as a whole we deliver the worst education to low-income families. If people are not in the top 20% in Northern Ireland, they are not going to do well. The other 80% are out there somewhere, waiting about, down at the bottom. They are not going to do anything. They will just go through school. Some of them will come out unable to read and write. That is a difficulty. If people are in the top 20%, they are going to do very well, they are going to end up at university and get the best jobs. Low-income families do not get that chance. We need to ask ourselves why we are the worst in the UK as far as low-income families' education is concerned.

The hardest part of this debate is not proving that the present system fails but finding a suitable alternative. We have to consider change in order to pursue a policy that will tackle social inequality. We should create a system that delivers equality of opportunity, equality of

access to educational resources, equality of access to good teaching, and a safe and secure educational environment. We should also look at equality of respect for all pupils. We can talk about grammar schools or the 11-plus, but unless we focus on a system that delivers all those things in terms of equality, we are wasting our time. If we achieve that, then perhaps low-income families will be a lot better off in terms of education.

**Ms McWilliams:** This is a timely debate. I heard members of the Education Committee saying that we should have waited until the Education Committee had had a look at the report before coming to the Floor of the Assembly. People outside do not understand our structures. All they know is that Tony Gallagher and Alan Smith have produced a report. They heard the Minister on television talking about it and wondered what the Assembly was doing. It is good to have it here in the Assembly, with us debating it and taking note of it, and also having the Committee's opinion on it. There is no doubt that it will return here again.

I told the Minister on the day the report was launched that I was a little disappointed. I am sure it was not the fault of Tony Gallagher and Alan Smith that it took so long for the report to finally arrive with us. I know there were reasons for that, and indeed the terms of reference were extended. My major concern is that it seems that we have put this decision off for 40 years. Now that we have an opportunity to look at it, we should not delay. I am aware that the Minister said that the review he has established will be complete by May. I hope that it will not be pushed a further six months down the line. I am reassured that the Minister said that that will not be the case. By the end of May we should have the view of that body.

Nonetheless, the major points we need to make come from our constituents and from public meetings. This report speaks to two things. It asks what the purpose of education is, and it says that we have decisions to make about the structure of our education system. Do we want to reinforce social divisions, to make one group of elites and another of losers? Do we continue to have a limited concept of intelligence and punish the assumed lack of it? Punishing is what we do. I do not want to hear any more people say “I did not pass the 11-plus, but ...”. Neither do I want to hear people saying that they would not be where they are if it were not for the 11-plus.

It is not right to say these things. This is the only test that 11-year-old children will have to take and, if they fail, they cannot resit. My children completed the test recently. The incumbent trauma is exaggerated; these children are told that their entire life depends on this test from primary six onwards, by teachers under the stress of working in an education system based on selection. There is a hothouse effect for children whose parents have extra money, as when they come home from



school, they have extra tuition. There is stress in the home and in the school. Throughout the summer holidays, stress builds up as children are repeatedly made to study practice questions. Having put my own children through this process, it is not something I want for anyone else's children. However, there is currently very little choice in whether children take the test.

Do we want to continue dividing society like this? In a society that is bitterly divided by religion and national identity, we should not make further divisions according to class and social standing, or within families — children in the same family may end up in different schools. We have the opportunity to address these problems.

I believe that, through signing the Good Friday Agreement, we will create opportunities for the future. This is an area for opportunity which we can focus on. The transfer test is the very embodiment of division in our society.

A child will not be educated for life by studying for this transfer test, as it is so limited that it loses sight of the broader purpose of education. On the day the report was launched, readers asked if its terms of reference were academic achievement and the future of the economy. The review body's terms of reference must also include social and political outcomes. When I studied the terms of reference for the findings of this report, I was glad to see that a number of useful issues were highlighted.

Recently, there was a public meeting in Stormont on the issue of the transfer test, attended by the Chairperson of the Education Committee. Questions were asked by the public, including teachers, parents, trade unions and advisory bodies. Some of these questions were worrying: how would it affect the redeployment of teachers in schools and the physical infrastructure of schools? Would it have fitness for purpose? These reservations indicate that the current system is unfit.

If the system is to be more comprehensive, will it be fully comprehensive, or will it be selectively comprehensive? If the latter applies, what are known as "sink classes" will exist alongside the upper classes.

At the moment, there is a notion that some children are at better schools than others. I want the best for my children and for others in this country. I also want the best schools. I do not want us to go on talking like this any more. It is almost like a market system where people want to send their children to the "best" school. This idea has infiltrated people's minds. Otherwise, why would parents put their children through extra jumps and hurdles to get them into these schools?

6.45 pm

What sort of in-school support will be available for special needs children in a new, restructured system?

Obviously, there will be children with different abilities and different educational needs; the restructuring should address that. I compliment the Minister for establishing a review body, a local education forum and an advisory body. The three of them sit well together and provide a means of moving forward. I hope that they will all report at the same time.

Our public meeting on the transfer test produced a proposal for a parent/teacher council; Northern Ireland does not have such a council at present. The system is mainly led by teachers and those with a special interest in servicing the education system. Consumers, particularly parents, do not have much input. The representative of the parent/teacher council addressed the meeting, and what she said was very effective.

A delegate from Scotland told the meeting that, as a consequence of the restructuring that took place there in 1965, they have achieved an above-average level of attainment, lower levels of inequality and social segregation and less variation between schools. All of that is borne out by research. The Gallagher report shows that the benefit to a child of a grammar school education is 16 GCSE points.

For all those reasons, I call upon the Minister to address the way forward as comprehensively as possible and commend the findings of the Gallagher and Smith Report. We want a system that gives parity of esteem and status to a wide range of skills, not just the current little bit of maths, English and science. We want a much more comprehensive system—comprehensive in ethos, population and curriculum and more integrated, in terms of gender, class, culture, ethnicity and, most important of all, religion and ability. The final result will be a fairer distribution of resources and capital investment, and better targeting of social need. We should be able to put our hands on our hearts and say that we have enhanced equality and diversity in this country, not restricted it.

**Madam Deputy Speaker:** There are more names on the list than there is time for, especially if everybody speaks for ten minutes. If Members would reduce that further, others might appreciate it.

**Mr K Robinson:** The Gallagher report is particularly timely, and I welcome it. However, I have reservations about the timing of the debate. I would have preferred it if the public debate had been well under way before the Assembly met to discuss these matters. The issue is so important to the community's future. I noticed the great crowd in the Public Gallery who came to hear the deliberations, and the attendance in the Chamber. That reinforces my view that this was not the best time to bring the matter forward.

I wanted to start off on a slightly different tack, but I must say that it sounded as if Ms McWilliams was

sending her little wish list up the chimney. The Minister has never struck me as being a Santa Claus lookalike.

Perhaps more than most Members, I have seen the system from several sides. Like Mrs Eileen Bell, I went through the system when it was known as “the qualifying”. I sat an examination that I knew little about in a strange school with strange teachers supervising. I went back one day and received an letter saying that I had to go to a grammar school — whatever that might be. I was totally oblivious to all those things, because, in my house, it was a natural progression.

I was concerned to hear about all the stress, the work done during the summer holidays and the use of tutors — all emotive things. That is one of the fundamental problems with the transfer procedure.

There are faults in the procedure itself but they are hyped up, elaborated on and magnified by events that happen outside the school. I want to come back to those events later on.

I hate to hear the word “fail”. I hate to use it, and I have never used it professionally or in my home. In my family, two of us went to grammar schools, and one did not. In my own family, two of my sons went to grammar schools, and one did not.

The school that I first worked in as a principal, was a rural school and the sort of school that Barry McElduff and Gerry McHugh on the opposite Bench would recognise. The children were treated equally, and those people who wanted children to go on a certain course made sacrifices to get them into that. But we did not view those children who went on a different course as “failures”.

I can remember once pleading with parents who wanted to put their hands in their pockets to buy a grammar-school place and telling them very seriously that they would not be doing their child a favour. Their child would go on to blossom, and his talents would be expanded in another setting. I am delighted to say that those parents listened to me.

Mr Billy Hutchinson is here, and he has heard me speak on this in other places. I was a principal on the Shankill Road, and I know what it is like to try to get people through the 11-plus on the Shankill Road. Mr Hutchinson knows the reasons, which we will not go into now, for my feeling that the Shankill Road and other working-class districts have changed over the last 20 to 30 years. There is a problem there that must be addressed, but there are very specific reasons for that situation’s having moved on there.

I finished off in one of the leafy suburban schools — one of the “good schools” that were being referred to earlier. Parents viewed those schools as good for very specific reasons. We did not have a label outside the

school saying “This is a good school. Please come in.” We were responding to customer demand. They may have been buying the wrong goods — and we can come back to that later — but those are the situations that I have found myself in both professionally and personally.

I have no axe to grind in this. I want to hear as full a debate as possible, but I do not want to hear emotive words used. I noticed that there was a public meeting held in this Building, and I believe that it was a seminar and that it was perhaps held before the Gallagher Report was launched. Some putting the cart before the horse has been going on. Let us slow down, look at the real problems and see if we can come up with a proper, lasting and equitable solution.

They say that a week is a long time in politics — then surely 50 years is a very long time in educational terms. If you add in the frequent changes in the other facets of education that have taken place over the last five to ten years, the right and proper thing to do is stop and study this in depth.

I draw Members’ attention to the title of the Gallagher Report. It is to study

“The effects of the selective system of secondary education in Northern Ireland.”

I suggest that we cannot look at that in a vacuum. Other things impinge on that, some of which I believe Tony Gallagher came across as he developed his research. Other things still lie out there, and perhaps I can highlight some of them today.

I would like to flag up some of the pitfalls, which lie before us. This debate must focus on the issues in a constructive and objective manner. We will not do them justice unless it does. We will not serve our children or society at large properly if we allow the discussion to degenerate into an emotional diatribe between two opposing camps. We know that there are vested interests, but we do not want this to become a slanging match.

The Gallagher Report helps us to pause and look at the current situation, warts and all. There are faults in the system, but let us identify why the faults are there and see if we can cure some of them, if not all of them.

The public perception — and the Gallagher Report seems to reinforce this — is that we have a grammar-school system which is referred to as “successful”, and, as a result, we currently have about 35% of our transferring pupils being encouraged to take that route at secondary level. In some quarters, to which I have referred already, the other 65% of pupils are viewed as “failures” being channelled into an inferior sector. I strongly disagree with that view. As a parent, and as a former governor of a secondary school for eight years, I know the quality of education and the commitment of the staff that is available within the majority of such schools.

What I cannot ignore, what the Assembly cannot ignore and what wider society cannot ignore is the fact that a significant percentage of pupils leave formal education after 11 years without qualifications and — and perhaps this is even more serious — with impaired levels of literacy and numeracy.

That fact alone should focus all of our attention during this prolonged period of consultation, for it begs the question as to whether these children commenced the process of failure at the 11-plus stage.

**Mr Ervine:** I may be wrong, but there seems to be a contradiction in terms here. The Member cannot say that 65% are being branded as failures and then go on to explain why they are failures.

**Mr K Robinson:** I did not say that they were failures; I said that some people look upon them as failures. I certainly do not look upon them as failures.

Did these children commence the process of failure at the 11-plus stage, or is there a more fundamental flaw in our educational system? Is it a flaw that Gallagher was never required to explore? Nevertheless, it may be something that should inform our deliberations.

We also need to study carefully the methods of teaching and learning which provide boys and girls with the most successful outcomes. Boys and girls have different ways of learning. Teachers will tell one that that is naturally so, but there is research available which could help us identify the different methods by which either a boy or a girl could be more successful in their learning outcomes.

We also need to identify the social settings which either enhance or inhibit access to education and educational success. Billy Hutchinson referred to some of the problems that currently exist in parts of Belfast. There are reasons for these problems; we must identify those reasons and find solutions to them.

There are other instances where children who are faced with the same difficulties appear to succeed. What is making them succeed? Is it the quality of teaching? Is it the ethos in the home? Is it their peer group? Let us develop those areas and see what we come up with.

**Ms McWilliams:** The Member talks about the quality of teaching, the ethos in the home and the infrastructure in the wider social society. Can he prioritise those factors or tell the House which of them is the major cause of the problem. Members may remember that I was once criticised for helping my children write a letter to Santa Claus.

**Madam Deputy Speaker:** I ask the Member to be brief. He has 30 seconds left.

**Mr K Robinson:** I have been generous to a fault, as Members are aware.

**Mr Wells:** On a point of order, Madam Deputy Speaker. Mr Robinson has given way, and some valuable points have been raised, but when the Member gave way the clock did not stop. I think that that will deter other Members from giving way. In this type of debate there should be the flexibility to take interventions.

**Madam Deputy Speaker:** I am aware of the time limitations, but I am also aware of the number of people who want to speak in this debate. I asked Members beforehand to reduce their speeches to being less than 10 minutes.

**Mr K Robinson:** In response to Ms McWilliams' question, it is a combination of all the factors I mentioned. We also need to address the issue of when young people should be introduced to a formal education system. Our continental cousins leave that until later, and young people there appear to be equally as successful at the age of 11, 14, 16, or whatever.

I welcome the completion of the Gallagher Report and look forward to a rational debate informed in part by the report's contents. I trust that those who have an immediate and, to some degree, a vested interest in the current secondary arrangements will look beyond those and ensure that future arrangements, whatever they are, take into account the totality of our current education framework. We can no longer afford to compartmentalise our system from pre-school to primary to secondary, and so on.

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

**Mr K Robinson:** You were generous with the Chairman, Madam Deputy Speaker. He was allowed to speak for an extra minute. I have been generous to other Members, and I have almost finished.

**Madam Deputy Speaker:** Mr Robinson, your time is up.

**Ms Lewsley:** Education is a vital element in society, coming close in importance to food and shelter. It is also a basic human right.

7.00 pm

I do not need to tell Members about the key role which education plays in the development of young members of society, second in influence only to the family and the values that are taught there. Our aim should be to encourage children to develop their full potential in academic, sporting, vocational, musical, artistic or other abilities, and to cope with whatever limitations or difficulties they may encounter.

We need to prepare the child to play a full role in society and in the economy as a responsible, confident participant, aware of his or her rights and responsibilities and those of others. We need to equip children with the skills necessary to gain employment



and live as independently as possible, and not to brand them as failures at the tender age of 11. My party has been opposed to the 11-plus for many years on the grounds that it is unfair, divisive, ineffective and damaging. It is incompatible with the principles I previously mentioned, to brand a majority of children as failures and damage their self-esteem, often with lasting effects. As Ms McWilliams has already mentioned, it is the only examination where there is no opportunity to resit, unlike GCSEs, NVQs or A levels.

It is not just about exams. For many children the primary seven year is very traumatic. They sit the exam in November and have to wait until February for the results. Then they have another wait to find out if they have been accepted at the school of their choice. Many have to wait for weeks after that to find out which school they can go to. Employing tutors outside school hours to coach children, particularly in the 11-plus, adds to the pressure the child already feels in taking the test. It also puts a financial strain on families on low incomes or on benefits, who cannot afford to take this measure to give their child a better chance of success in the exam. It creates a two-tier system.

We should have equality of opportunity, which will tackle the issues of underachievement, rural schools, nursery education, special needs, et cetera. We must also ensure that we target social need. We need research and wide-ranging consultation on how to develop a fairer system of transfer to second-level education that takes into account the child's abilities and reflects the child's needs and parental choice. These consultations should ensure that everyone, from the users to the people who deliver the education services, has input into that process. The review body will have a vital role to play on consultation. I hope that that will enable it to make well-informed recommendations at the end. While this debate focuses particularly on the 11-plus, it cannot be seen in isolation. There needs to be a complete overview of the education system from pre-nursery through to third-level education.

We need second-level education that gives the same weight to a vocational route as an academic route. We have become a league table-driven society geared too much towards academia, thus showing that where we have a high level of excellence we also have a very high level of underachievement. We have the opportunity now to develop a system of education that is second to none. We need to move away from perpetual testing to perpetual teaching. We need to take up the challenge now to ensure equity for the children of the future. I support the motion.

**Mr Wells:** I am somewhat concerned about the way this debate is going. It seems to be a debate between the attractions of the selective system that we have at the minute, namely the 11-plus, and some system of compre-

hensive education where there is no selection. Members may be surprised to hear this from a member of the Democratic Unionist Party, but there is an alternative. There is an alternative that achieves excellent results and is almost universally popular with parents, many of whom opt in to the system, and which guarantees that a much higher proportion of children enter grammar school education. That system is known as the Dickson plan. I have first-hand experience of the Dickson plan, as do my children and my wife. It is a model that the Assembly should look at very seriously.

For the benefit of Members who do not know a lot about the Dickson plan, let me explain what happens. Under the Dickson plan, which operates in Craigavon, there is no selection at age 11. All children move from primary schools straight into what are called junior high schools. The children spend three years in the junior high, and at the end of the third year certain children go on to grammar school while others go on to the senior high.

But the major difference between that system and the 11-plus is that the children are not examined on the basis of two two-hour papers. I am very worried to find myself agreeing with Ms Monica McWilliams this evening: it is absolutely brutal to decide a child's future on the basis of two two-hour papers. We should not inflict that on any of our children. My two are going to Dickson plan schools, and while their friends in the neighbouring villages are cramming their minds with all the options that they might encounter in the 11-plus exam, my children are wondering what all the fuss is about. They are simply enjoying their education. We should consign the 11-plus system to the dustbin. I simply cannot see how it is fair that a child's entire future should be determined at that age.

The Dickson plan does not judge children on the basis of two or three exams. It involves at least ten exams combined with a strong element of continuous assessment from the pupil's first year. Therefore any child who has ability and who genuinely wants a grammar school education has an excellent opportunity to receive one. The proof of the Dickson plan pudding is in the eating. Parents whose children live in Craigavon have the choice to opt out. They can send their children to Banbridge, Lisburn or Dungannon, and during the first stages of the implementation of the Dickson plan in the late '60s, many parents did that. They took their children out of Craigavon and they sent them to Friends School or to Wallace High School in Lisburn, or to St Catherine's College in Armagh, in order to avoid the system. Slowly but surely, though, the penny began to drop and parents realised that the Dickson plan was much fairer. It guaranteed a grammar school education for far more children, and its results were excellent. Bit by bit, more children chose the system to the extent that now over 95% of the parents who have that choice in the Craigavon area opt for the



Dickson plan. Indeed, in peripheral areas, such as Waringstown, Moira and Moy, children are actually sent in to the Dickson area from outlying areas to enjoy the benefits of that particular plan.

What worries me about the Gallagher Report is that it seems to have simply overlooked the benefits of that particular option. Gallagher states that pupils who were not selected at age 14 years were not as well served by the system. That one line seems to dismiss the undoubted benefits of this option. Surely the solution is not to throw the baby out with the bath water by abolishing a universally popular system but to improve the standard of education for those at the senior highs.

Dickson still involves an element of selection. But if one accepts that there has to be selection somewhere along the line, this is the most equitable approach. It is perhaps no coincidence that many of the schools under the Dickson plan have featured at the top of league tables for academic performance. Some Members will say that those tables mean very little, and I accept that they are open to interpretation, but it is clear that schools under the Dickson plan are not at a disadvantage. Because of the way in which Dickson is modelled, more children have the opportunity to go to a grammar school and to achieve their academic optimum.

I urge the Chairman of the Education Committee, and perhaps some of its members, to go to some of those schools, and to see what is going on. First, he will find that they are all packed. Lurgan Junior High, for instance, has had its highest enrolment ever this year. Lurgan College is bursting at the seams, as is St Michael's, Lurgan. All these schools are bucking the trend of declining enrolment elsewhere, because so many parents want their children to be educated under the Dickson system.

While one may hear people like Mr Billy Hutchinson and Ms McWilliams complaining about the systems in their areas, one will not hear those complaints where people are being educated under the Dickson plan. One will not hear those complaints in Craigavon. People are content.

Finally, any system that produced Stephen Grimason and Noel McAdam, amongst many others, cannot be all bad.

**Mr Kennedy:** I was very interested in what the Member said up until his final paragraph — and some of the comparisons he was putting forward. Would he not accept that there is a potential problem in the cost of the Dickson plan and in extending it to other parts of Northern Ireland? In a peculiar sense, it has worked very well, and I accept that because I have some experience of it. It has worked very well in Craigavon, but it may not transfer to other parts of Northern Ireland.

**Mr Wells:** The hon Member makes a very valid point. At the very least, Tony Gallagher should have costed that option and looked to see whether it was viable to cover all of Northern Ireland.

What worries me is that a scheme, which seems so successful and popular, has been bypassed and simply brushed aside by means of two lines in his report. I do not think that they have looked at the Dickson plan carefully enough. Frankly, the only people who can really speak about the plan with authority are those who have either gone through the system or whose children are presently in it. Those people have first hand experience of the system. I do not think that Gallagher spent enough time in Craigavon talking to parents and teachers to find out what makes the Dickson plan work so well.

Let us get away from the idea that there are only two options — the full comprehensive education system and the present system. There is another system that is fair, more popular, and which I believe leads to much better education for our children. From my experience we could do a lot worse than adopt it for this Province.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. I support the tenor and spirit of the motion. The effects of the selection system for secondary education in the Six Counties, and the future provision of an appropriate system of education aimed at cherishing all of the children equally, challenges each of us intellectually. We are talking about all children, not just those of higher ability or social advantage.

I believe that, collectively, we possess the necessary genius and ability to design a suitable system of post-primary education that will serve to replace the transfer test once and for all. I am mindful of the damage that the present system has inflicted and I join with others in commending Prof Gallagher who has done a tremendous service to us by producing a comprehensive volume of important research identifying the issues and some, but not all, alternative models.

As Gaeilge, very briefly, tacaím le spiorad agus le brí an rúin. Is cóir go ndéanfaí tuairisc an Ollaimh Gallagher a phlé i gcuinníú iomlán den Tionól. Creidim go tréan go gcaithfidh rannpháirtíocht iomlán a bheith ag an phobal sa díospóireacht seo. Leoga, tá sé fiorthábhachtach má táimid le teacht ar chóras oideachais a thugann a gceart agus a gcothrom do iomlán ár gcuid bpáistí, chan amháin dóibh sin a bhfuil ardéirim nó buntáiste sóisialta acu.

Ón tús, ba mhaith liom moladh leis an Ollamh Gallagher agus leis an Ollamh Smith. Rinne siad taighde mór a chuideoidh le nádúr agus le cúrsa ár n-oideachais iarbhunscoile a mhúnlú sa todhchaí.

I want to commend Mr Tommy Gallagher, who tabled the motion. I think it is appropriate that the issue should be widened at this stage to include Members not on the Education Committee. After all, this is the single

most important issue faced by educational providers and policy makers for many decades. I appreciate the earliness of the debate, but I still think that we will revisit it in plenary format in the future.

In recognising this, it behoves all of us to get it right, and we owe it to future generations of school children to do so. I am certain that there is a tremendous appetite out there for people to become involved. There is no doubt about that.

7.15 pm

At a recent ceremony in Omagh to mark the amalgamation of schools into the Sacred Heart College, a principal talked to me about the appetite of people to have their voices heard. It is appropriate that we call for parents, pupils, teachers, employers and the business, community and voluntary sectors to become involved — anyone with an interest in the matter.

The Gallagher Report has identified many key issues — what has become known as the long tail of relatively low-achieving schools which sit alongside high-achieving schools, and the low self-esteem of pupils who do not secure a grammar school place. The distortion of the curriculum has been referred to by other Members. The displacement of key areas of the curriculum has contributed to a situation where, for example, creative writing is underdeveloped and there is tremendous pressure on pupils and teachers to prepare, in a narrow curricular sense, for the 11-plus. This denies pupils a holistic educational experience, or a broad and balanced curriculum, if that is a better definition. The sense of failure is unbearable for 11-year-old children and their families. I have often heard young ones talk about it as “the worst day of my life”. Teachers at secondary schools are often left to their own devices to rebuild pupils’ self-confidence.

It is appropriate to acknowledge the valuable work of teachers, not least in the secondary sector where teaching styles and methods have to accommodate children across a wide spectrum of ability level, which is not necessarily replicated in grammar schools. However, I want to pay tribute to all teachers.

The inability of many families to afford £15 per hour coaching sessions has shown us that performance is influenced by social advantage, or disadvantage, and is evidence of a system which is inherently fuelling inequality. The pressure on primary school teachers to teach —

**Mr K Robinson:** Does the Member agree that there is not only social disadvantage in the ability of some parents to pay £15 per hour for tutoring but also an inherent danger that an independent sector may grow unless we get the balance of this new system absolutely correct?

**Mr McElduff:** That is absolutely right. It is skewed in the manner outlined by Mr Robinson.

There is pressure on primary school teachers to teach a differentiated curriculum to two sets of pupils in the same class — those who are entering the exam and those who are opting out.

Rather predictably, the Irish language equips us with a philosophy for education. The word “*oideachas*” means education or foster parenting, “*oide*” being the foster parent or teacher, and the phrase “*mol an óige agus tiocfaidh sí*” means praise the young people and they will develop. This emphasis and philosophy takes us away from the pressure of academic success, which Ms Lewsley mentioned earlier when discussing recognising pupils’ inclinations towards other areas such as sport and music. I would include woodwork as another example.

Regarding the format of the consultation exercise that lies ahead, there is a key distinction between the dissemination seminars being organised in-house by the education and library boards for school principals and key practitioners and those being organised for the public. These public meetings will be crucial, and I am concerned that the education and library board areas believe that two will be sufficient. The Western Education and Library Board area, for example, contains rather different entities — Fermanagh, Strabane, Omagh and Derry. There need to be at least five public meeting exercises held in that board area.

The Education Committee envisages a central role for the Assembly, and it is up to the Minister, and the review body, to help facilitate us in this exercise. It is up to us as a Committee to assert ourselves and to impose ourselves on the debate. Other models need to be examined closely, and Mr Wells made a very valuable contribution in outlining the Craigavon model. That should be looked at formally by the Education Committee.

The system of education in the Twenty-six Counties should be looked at. I was disappointed that the Gallagher Report did not point us in that direction for some lessons.

Some of Mr Sammy Wilson’s criticisms appear to be motivated by his desire to be seen as a Rottweiler at the heels of the Minister at all stages, irrespective of merit.

**Mr Ervine:** He is looking for a lamp-post.

**Mr McElduff:** I will not comment on that. For the purposes of Hansard, let me point out that I was prompted by Mr Ervine.

Will the Minister reaffirm the commitment to actively relate to the Committee? I give the Minister credit — not just because he is a party Colleague — for grasping this nettle, and I look forward to our moving into the debate. It will be comprehensive and passionate. We

must all focus on emerging with a system of education that cherishes all children equally.

Mar fhocal scoir. Is mithid dúinn uilig ár n-éirim agus ár gcruthaitheacht chomhchoitianta a úsáid le córas oideachais a dhearadh a rachas chun sochair dár gcuid páistí uilig agus a chuirfeas ár gcuid páistí uilig ar comhchéim.

**Madam Deputy Speaker:** For those who could not get into the debate, I apologise for the shortage of time. I call the Minister of Education.

**The Minister of Education (Mr M McGuinness):** Go raibh maith agat, a LeasCheann Comhairle. I am grateful to Mr Gallagher for proposing the motion on this most important topic. I am also grateful for the contributions of other Members to the debate. It is true that the debate could have been better attended. Those Members who did attend have done themselves proud. Their contributions were very impressive. This was one of the finest, most positive and most constructive debates that there has been in this Assembly, and all parties, without exception, should take credit for that.

I would like to place on record my appreciation to Prof Tony Gallagher, Prof Alan Smith and the 18 or so members of their research team for their excellent and comprehensive report on the effects of the selective system of education. They have done us all a great public service.

Many findings in the report are familiar to us all, and that was evident from many of the contributions. Indeed, after 50 years of the current arrangements it would be surprising if they were not. However, the unique contribution made by the report lies in the firm and sound research base that it provides for considering the way forward.

We must focus on the future. The pace and extent of technological change and the rising expectations of our people demand that we do so. The time is right to consider whether our current education system helps all our children to fulfil their potential and equips them adequately for life in the twenty-first century.

I suggest that the evidence in this report shows that while some children do exceedingly well in the present system, many do not. There are four key findings in the report which support this view. First, there is the long tail of low achieving schools alongside the many high achieving ones. The research suggests that this polarity in achievement may be an inevitable consequence of the selective system.

Secondly, there is the significant boost to attainment resulting from attendance at a grammar school and the under-representation of children from socially disadvantaged backgrounds in those schools.

Thirdly, there is the detrimental impact which preparation for the transfer test has in primary schools. This is most evident in the narrowing of the Key Stage 2 curriculum.

Fourthly, a feature of the selective system — which is of great concern to me and to most parents — is the sense of failure and the huge blow to self-esteem felt by those who do not obtain a grammar school place. This group constitutes the majority of our children.

This report is a key document, and it has been widely circulated by my Department to all schools, colleges of further education, universities and other education interests.

Copies have been sent to representatives of industry and business, to community groups and to all Members of this House. It is available in public libraries and on the Department's web site, and the full text of the research briefing summarising the findings was carried in two daily newspapers.

The publication of the report has provoked extensive public, political and media interest and initiated a major public debate on selection and the structure of post-primary education. My strong sense of the public mood, which has been confirmed by the response to the publication of the research, is that there is widespread dissatisfaction in the community with aspects of our present education system, and there is an overwhelming desire for change.

There is less consensus or clarity, however, on what that change should entail. I am therefore very determined that there should be an open and informed public debate on the future shape of post-primary education. I am also determined that the debate should be structured in a way that enables views to be received, opinions and evidence to be presented and analysed, and proposals for change to be developed.

Public confidence in the objectivity and fairness of the review process is of paramount importance, and to promote this I have decided to establish an independent review body to examine the future arrangements for post-primary education. The review body will comprise up to nine members, and will be chaired by Mr Gerry Burns, the former ombudsman and previously chief executive of Fermanagh District Council. I am very pleased that he has agreed to take on this task, and I am confident that he will see it through to a successful conclusion. I have already consulted with my ministerial Colleagues and the Education Committee on the composition of the review body and will finalise the membership shortly. The review body will be supported by a panel of four education advisers. There will be one each from Scotland, England and the South, along with a local adviser, Prof Tony Gallagher, who led the selection research team. I have also agreed, on the back



of discussions with the Education Committee, to consider whether a further local person can be added.

In addition, an education consultative forum will be established, comprising our principal education partners and representatives of a wide range of opinion on selection. The consultative forum is intended to provide information, ideas and advice to assist the review body in addressing the matters set out in its terms of reference, and in particular to advise on the practical implications of any proposed changes to post-primary education arrangements. I expect the review body and its supporting arrangements to be fully established by the end of this month.

The review body's terms of reference are very wide-ranging. The body will be mandated to consider research and other relevant information and to undertake widespread consultation in order to identify and consider key issues arising from the current selective system of post-primary education. It will assess the extent to which the current arrangements for post-primary education meet the needs and aspirations of children and their parents and the requirements of the economy and society. It will report to me its conclusions and recommendations on the future arrangements for post-primary education.

The review body will be specifically asked to address a range of important issues, such as the age or ages at which transfer should occur; the administrative arrangements for transfer; the implications for the curriculum, school structure, further education, higher education, training and the economy; and the costs, timing and phasing of any revised arrangements. I expect the review body to report by the end of May 2001. The report will be published. I will then consider the recommendations in the report in consultation with the Executive Committee, the Education Committee and this House before deciding on how best to take them forward.

Quite a number of issues were raised in the course of the debate, and —

**Mr Byrne:** The current selection system in Northern Ireland is primarily what I call a supply-side-determined system. In other words, the numbers who are successful are determined by the total number of grammar school places in Northern Ireland. It is therefore not a fair and balanced system. Does the Minister accept that it is primarily the total number of grammar school places that drives the current system?

7.30 pm

**Mr M McGuinness:** It is important that people recognise and understand that this is not just a review of the 11-plus. This is a review of post-primary education and how we can put in place the best possible education system for all our children. In the course of the review

there will be a huge responsibility on everyone involved, including the review body, the consultative education forum and the advisers, to consider every aspect of education. We need to deal with the issues which Ms Lewsley and Ms McWilliams raised. Education is not just about preparing people for academia. Yes, it is important that we produce academics, but it is also important that we see education as preparing children for a future in a rapidly evolving world in technological terms.

Prof Gallagher raised the issue of the options. He outlined five that are around at this time. They are not exclusive. The review body has the right, under its terms of reference, to broaden the issues beyond the five options laid down in the report.

The Professor raised the issue of publicity points. It is important that the general population has access to information on how to make a submission to the review body. I have no doubt whatsoever that one of the most important debates on education is going to begin next month. It is vital that everyone understands how he or she can access the review body and make their contribution.

Mr Kennedy raised the range of the bodies and the relationships among them. The education advisers will be drawn from England, Scotland and the South and will include Prof Gallagher, who undertook the research. For Prof Gallagher to be there is a huge benefit because of the service that he has provided. Also, the participation of Prof John Coolahan from Maynooth University, who has agreed to serve on that body, will bring an Organisation for Economic Co-operation and Development (OECD) perspective. He has undertaken a considerable amount of work for that organisation.

The remaining two places will be filled shortly, and the advisers will provide a source of education expertise and bring a breadth of vision and a range of different perspectives to bear on the deliberations of the body. However, it will be for the review body to decide how, and to what extent, it wishes to use the advisers.

The education consultative forum is intended to provide information, ideas and advice to assist the review body in addressing the matters set out in its terms of reference and, in particular, to advise on the practical implications of any proposed changes to post-primary education arrangements. The forum forms part of the support arrangements, and it is up to the review body to determine the precise role it wishes the forum to play.

Mr Kennedy raised the issue of timescales and seminars and whether there was some confusion. Two dissemination seminars have been organised in each board area to provide the opportunity for school principals and other education interests to listen to the findings and raise questions. I must stress that these are



entirely separate from the public meetings which the review body is organising for November and December. There will be 17 or 18 public meetings across the North.

It is vitally important that the public understands that. Danny Kennedy referred to the prospect of there being a meeting shortly between Gerry Burns and the Education Committee, and I am hopeful that that will happen — possibly next Thursday. Education has a leading role to play, and I have made it clear, in the course of all my discussions and deliberations with the different educational interest groups, that I value a positive and constructive approach to this debate. This debate has been conducted in a positive and constructive manner. It sets a good example, and everybody in the public would do well to consider what has happened in the House tonight. People have approached this in a very sensible fashion and, as Minister of Education, I know that if we are to deal with this in a sensible fashion, then the best way is to achieve as much consensus as we possibly can. That is vitally important. I value the relationship with the Education Committee and with all of the educational interest groups which are going to embark on this very important debate.

Sammy Wilson raised the issue of the lack of involvement of the Assembly and the Education Committee —

**Madam Deputy Speaker:** I ask the Minister to draw his remarks to a close.

**Mr M McGuinness:** It is important to say that there is no predetermined or favoured outcome. The review body will consider all the options. The Education Committee and the Executive Committee have been consulted on the membership and terms of reference of the review body. I have met with the Committee, and Gerry Burns is going to meet with it. The Assembly, the Executive and the Education Committee will be consulted on the review body's proposals, and any legislation will, of course, be debated in the Assembly and the Education Committee.

There are other points that I wish to respond to, but we do not have the time. I will respond in writing to the other questions that have been raised.

The last thing I want to say is that I was to present prizes in a high school in County Derry at 7.30 tonight. Perhaps it is not important to a lot of people, but it is important to me. I am obviously not going to be there. It is incumbent upon everybody to consider — especially when one is asked to draw one's remarks to a close before having had the opportunity to respond to all of the issues — that there are many disappointed children out there who thought this morning that I was coming, and who are now wondering why I did not turn up. I hope that they will hear of this debate in the morning.

**Mr Davis:** I endorse the Minister's remarks. Some Members have sat this evening and did not get the opportunity to speak in the debate because other Members spoke on and on, despite the ruling from the Chair. Members should bear that in mind. Members who are prepared to sit here in the evening for a debate should have an opportunity to contribute.

**Mr M McGuinness:** I have almost finished, and I appreciate that there is pressure on people. However, I want to say that this is a vitally important issue. It is a hugely important educational and social issue. I was impressed with the eloquence of Members tonight, particularly those who spoke about the implications of this for society and for the community. Their concerns need to be taken on board very seriously.

This is one of the most important issues that I am going to deal with in the course of my stewardship of the Department of Education. If we continue in this very constructive vein, I have no doubt that this Assembly and my Department can make a huge contribution towards enhancing the education of all our children in the future.

**Mr Wells:** Madam Deputy Speaker, I draw your attention to the remarks made by Mr Davis. I ask for an assurance from you that, should this issue come before the Assembly again, more than two hours will be allocated to it and that it will not be held well into the evening. I do not know who made this decision, but a decision to allocate two hours to perhaps one of the most important decisions we will ever make — on the future of our children's education — is totally inadequate.

There are many disappointed people here this evening who wished to speak and were not given an opportunity. This must not happen again.

**Madam Deputy Speaker:** May I explain to Members who are not aware of the procedures that the time allocation for Assembly debates is set by the Business Committee and therefore by the party Whips. It would be better to give this advice to them so that they can recommend to the Business Committee accordingly.

I do declare a slight conflict of interest as my son is due to sit the 11-plus next year.

**Mr Gallagher:** As others have said, this has been a very constructive debate so it is very easy for me to sum up, and I do not intend to take very long.

I too was impressed by the contributions. All Members have a genuine feel for education and a concern about what it should deliver to the most important group in society, our young people. While different views were expressed, I feel it was right to have the debate. We can see the different standpoints more clearly, and that is no bad thing.

We had a graphic account from Mr Billy Hutchinson on people's educational experiences in his area. He

made a valid point about teacher exchanges. We have very little teacher mobility in Northern Ireland. Teachers tend to start work in a school and to stay there. Through this consultation we should look at how the system could benefit from movement of teachers — not long-term placements, but some experience in different localities and in different types of schools.

**Mr Gibson:** I listened with some interest tonight, but school management was not mentioned. A successful school must have successful management. The current system is probably feudal and is a result of transfers from religious institutions that took place well before anyone here was born. School management is vital, and someone has to make a wise choice that does not depend on social needs, poverty, or any of those things. It does depend on the quality of teaching. Can we find someone with the ability to make a wise choice?

**Mr Gallagher:** I agree that we should place great emphasis on the quality of management.

During the input from Mr Hutchinson the issue of parental apathy was raised. I am sure many of us have experienced that. This is something we should look at

because if we can improve parental attitudes, the value the community places on education will increase.

At the end of the summary report the authors recommend that before we get too heavily into the types of structures we would like to see we should look at the objectives of education — the social, educational and economic objectives. Once we have looked at those objectives, we can move on and look at the structures.

I think that that is useful advice to keep in mind. We are better informed for having this debate. That will stand us in good stead because at the end of the day it is up to us to take decisions about the best way forward.

7.45 pm

*Question put and agreed to.*

*Resolved:*

That this Assembly notes the recent report 'The Effects of the Selective System of Secondary Education in Northern Ireland' and calls for wide-ranging consultations involving all of the education partners about the best way forward for post-primary education.

*Adjourned at 7.46 pm.*







# NORTHERN IRELAND ASSEMBLY

Monday 23 October 2000

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

*Members observed two minutes' silence.*

## PLANNING (COMPENSATION, ETC) BILL

### First Stage

**Mr Speaker:** I have received notice from the Minister of the Environment that this Bill will be introduced on his behalf by the Minister of Enterprise, Trade and Investment.

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** I beg leave to lay before the Assembly a Bill (NIA 7/00) to abolish the right to compensation in respect of certain planning decisions; and to amend article 121(1)(c)(iv) of the Planning (Northern Ireland) Order 1991.

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

## HEALTH AND PERSONAL SOCIAL SERVICES BILL

### Second Stage

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** A Cheann Comhairle. Ar dtús báire, gabhaim mo leithscéal as bheith as láthair Dé Luain 16 Deireadh Fómhair. Tharla seo mar gheall ar mhíthuiscint faoi amanna, agus ní easurraim d'aonturas a bhí ann.

First, I wish to apologise for my absence from the Chamber when the Bill was called on Monday 16 October 2000. This was due to a misunderstanding about times, and no disrespect was intended.

Molaim go n-aontaítear leis an Dara Céim den Bhille um Shláinte agus Seirbhísí Sóisialta agus Pearsanta.

Pléann an Bille atáimid le breathnú inniu le réimse leathan de shaincheisteanna fiorthábhachtacha i Sláinte

agus sna Seirbhísí Sóisialta agus Pearsanta. Tá ceithre Páirteanna ann — tugann Páirt 1 an Chomhairle um Chúram Sóisialta isteach, agus déanann Páirt 11 tuilleadh forála do aisghabháil na gcostas a leag na seirbhísí sláinte amach ar chóireáil taismeach timpistí bóthair ó chomhlachtaí árachais.

Tugann Páirt 11 leasuithe éagsúla isteach, lena n-áirítear aisghairm na reachtaíochta maidir le cisteshealbhaíocht liachleachtóirí, agus bearta le seachaint táillí seirbhísí sláinte a laghdú. Foráileann Páirt IV do rialachán na gairme cogaisíochta agus ábhair ghineáralta eile. Leagfaidh mé sonraí gach ceann acu seo amach i ndiaidh a chéile.

Tá mé cinnte go mbeidh ceisteanna ag Teachtaí faoi pháirteanna éagsúla an Bhille, agus tá sé de rún agam plé leo seo i m'óráid chlabhsúir.

I beg to move

That the Second Stage of the Health and Personal Social Services Bill (NIA 3/00) be agreed.

The Bill we are to consider today deals with a wide range of very important issues in health and personal social services. It is in four parts, the first of which introduces the Social Care Council. Part II makes further provision for the recovery from insurance companies of the cost of Health Service treatment of road accident casualties. Part III introduces miscellaneous amendments, including the repeal of legislation relating to GP fundholding and measures to reduce the evasion of Health Service charges. Part IV provides for the regulation of the pharmacy profession and a number of general matters.

I shall set out the detail of each of these in turn. I am sure Members will have questions on the Bill's various parts, and I propose to deal with these in my closing remarks.

*(Madam Deputy Speaker [Ms Morrice] in the Chair)*

Part I deals with the very important issue of training and the standards of conduct and practice expected of all social care workers. At present, there is no professional regulatory body dedicated to overseeing standards in the social care field. The Central Council for Education and Training in Social Work (CCETSW) regulates social work training by setting requirements, approving and monitoring courses and making awards. However, there is no such organisation in other fields to take a lead in driving up both standards of training and quality of care throughout the workforce.

I propose therefore to remedy that gap and set up a Social Care Council which will carry out those duties. It will promote high standards, both in the conduct and practice of social care workers and in their training. Strong support for such a council was expressed by an overwhelming number of respondents to the extensive

consultation my Department carried out in the autumn of 1998.

Some 150,000 people receive social services of one form or another. These services are delivered by more than 30,000 social care workers, ranging from professional social workers to care assistants and home helps, and in a variety of settings, from nursing homes to clients' own homes. Around 80% of the workforce have no qualifications relevant to their jobs. If we are to provide the highest possible standards of care, this is simply not good enough. Social care workers deal with many difficult and distressing human problems. I know that the vast majority carry out their duties diligently and conscientiously, but unfortunately that is not always the case. There have been instances in every part of these islands of unacceptable standards of conduct and of vulnerable people, including children in care, suffering harm and abuse.

The council will therefore have two key responsibilities: to register and regulate the workforce and draw up codes of practice for both social care workers and their employers; and to ensure that staff are properly trained and qualified to do their jobs. The functions of the CCETSW will be transferred to the new council, as will the functions of the training organisation for personal social services in Northern Ireland. This should ensure that education, training and qualifications are to a high standard, fit for their purpose and meet the needs of the social care workforce. The ultimate aim is to raise the quality of the services provided and put in place better safeguards for the protection of people being cared for.

The council will register the social care workforce, starting with qualified social workers. Other high priority groups will be registered from the start, including team leaders, all staff in residential childcare and the heads of residential homes.

Separate transitional parts of the register will be opened for other groups of social care workers within a timescale set by my Department, initially on the basis of having signed up to codes of conduct and practice. Time limits will be set both for achieving appropriate qualifications, such as NVQs, for each particular job and for subsequent transfer to the main register. The definition of "social care worker" will be very wide. It will include not only people working in residential homes, but also those involved in the provision of personal care in other settings, including day centres or a service user's own home.

Registration will depend on an applicant's being of good character, being physically and mentally fit for the particular job, and satisfying the training or educational requirements laid down by the Social Care Council for that part, or parts, of the register for which the applicant seeks registration. The council will have power to suspend, vary, or cancel registration if individuals are unfit to

practise on the grounds of misconduct, bad practice, negligence, abuse or ill health. There will, of course, be an appeals procedure when registration is refused or cancelled in this way. Registration will make it possible for employers to check the suitability of potential employees and to keep unsuitable or undesirable people out of the social care workforce. Similar councils in Great Britain will also maintain registers, and there will be co-operation between all four councils.

The council will be an independent body but will carry out its functions in accordance with directions given to it by my Department, and it will be under the Department's general guidance. It is not intended that the council should be a self-regulating body for the social care workforce, and it will therefore have a significant lay membership. Though not specified in the Bill itself, I plan to introduce regulations to allow for a total membership of 21 to 25, which will include the chairperson. The membership will be split into approximately one third laypersons, users and carers, one third registrants and one third other stakeholders such as employers, unions and professional associations. This will create a balanced membership so that the interests of one group do not predominate.

The Bill will also make it an offence for anyone to register as a social worker with intent to deceive. Further, it will allow the Department to make regulations to prohibit people from working in certain jobs unless they are listed in the appropriate part of the register.

My Department provides funding of almost £500,000 annually to the CCETSW, and this will be transferred to the new council. I intend that the maintenance of the register will be paid for by setting an appropriate registration fee, which should eventually raise at least £300,000. The council will also be able to charge for other services and publications. It must be recognised that the council's role will be much wider than that of CCETSW, and some additional funding will be needed from within the existing budget of my Department.

Part II deals with the recovery of costs for hospital treatment for road accident casualties. It provides for the introduction of a new simplified procedure for the recovery from insurance companies of the costs of treatment, and it increases the maximum amount recoverable. While the Bill does not introduce any new charges, it does extend the current charge to include outpatient treatment. The provisions will not affect the amount of compensation paid to casualties.

Under the present law the charge for inpatient treatment, up to a maximum of £2,949 per case, is levied on insurance by a hospital when a road accident casualty makes a successful claim for compensation. The present system for collecting the charges is not efficient or effective. The proposed new provisions will help hospitals by easing the administrative burden on

them, will simplify the system, which will help insurers, and will bring charges more into line with actual costs.

The provisions in part II will centralise recovery arrangements for the cost of hospital treatment by placing the responsibility for this on the Department for Social Development instead of on the hospitals. In practice the Social Security Agency's Compensation Recovery Unit (CRU) will recover the charges.

10.45 am

The decision to use the CRU, which was taken following an option appraisal, makes good sense, because the new scheme will be similar to the benefit recovery scheme that the CRU has operated for 10 years. In line with the benefit recovery scheme, compensators, who are almost exclusively insurance companies, will be required to apply to the CRU for a certificate of Health Service charges for any case in which a road accident casualty claiming compensation has received hospital treatment. To help simplify the system and to stop hospitals from having to calculate charges in every case, a tariff of charges will be introduced. This means that the hospital, the insurer and the CRU, which will make the final calculation, will know from a few simple facts how much the charge will be. For the first time, the Health Service will be able to recover charges in cases where a driver who caused an accident is uninsured or untraceable and the casualty receives compensation from the Motor Insurers' Bureau. The Bill brings the bureau into the scheme.

Finally, although difficult to predict, it is estimated that the scheme could bring in an extra £2.5 million per annum. Recovered moneys will be paid directly to trusts, so that hospitals that provide the care will benefit from the income. The CRU's administration costs are estimated at about £150,000 per year, and those will be met by my Department. The effect on motor insurance premiums is not expected to be significant.

I now turn to part three of the Bill, which sets out a number of miscellaneous amendments. I am presently considering measures to replace GP fundholding. Pending decisions on those measures, as a first step, it is necessary to take powers to repeal the fundholding legislation, which can be given effect when I take the final decisions on the way forward for primary care.

The Bill introduces three new administrative measures concerning family health practitioners. First, technical changes will be made to the machinery for the remuneration of practitioners to clarify the statutory requirements for such remuneration.

Secondly, family health practitioners will be required to take out professional indemnity insurance. Most practitioners already hold such insurance, often through professional defence organisations, but this will be compulsory in future.

Thirdly, the Health and Personal Social Services (Northern Ireland) Order 1972 provides for the representation of family health services practitioners on local committees, which represent their interests in discussions with health and social services boards. The Bill aims to ensure that the practitioners themselves continue to be eligible to sit on local representative committees, but that, in addition, assistants or deputies will be allowed to represent them.

The Bill also contains measures aimed at reducing the evasion of Health Service charges by patients and fraud by family health practitioners. Health Service charges include prescription, dental and optical charges. Exemption from these charges is granted for a number of reasons, such as age, certain medical conditions, being in receipt of social security benefits or on a low income. There is evidence of considerable evasion of charges. It is estimated that during the last financial year, some £14 million was lost due to fraudulent exemption claims. The Bill introduces two deterrent measures. It creates a civil penalty for wrongful exemption from, or refund of, a Health Service charge, and it introduces a specific criminal offence for knowingly evading or fraudulently gaining a reduction in Health Service charges.

As I mentioned, the Bill also contains measures to deter fraud by family health practitioners. At present, a practitioner's name may be removed from a board's list if a tribunal, constituted under the Health and Personal Social Services (Northern Ireland) Order 1972, acting on representations, finds that the continued inclusion of that person's name in a list is prejudicial to the efficiency of the service. These are normally referred to as efficiency cases.

The Bill expands the tribunal's remit to hear representations that a practitioner's name should be removed from a list on the grounds that he has caused detriment to any health scheme by securing — or trying to secure — for himself or another financial or other benefit to which he is not entitled.

Reciprocal arrangements with England, Scotland and Wales provide that the removal of a name from a list in any one of those jurisdictions would mean removal from, or non-inclusion in, a list in any of the others. The new provisions, therefore, include provision for any person aggrieved by a tribunal's decision to appeal to the Court of Appeal, or — for example, where there is new evidence — to apply to the tribunal for a review of its decision.

The Bill will further provide for the disclosure of information obtained by the Commissioner of Complaints. During the course of investigating a complaint, the Commissioner may come across information suggesting that a person represents a danger to the health or safety of service users. The Bill clarifies the circumstances in

which such information can be disclosed to, for instance, an employer. Such information must only be given to persons whom the Commissioner considers need to know in order to prevent a danger to service users. He must also inform the person involved that the information has been disclosed and to whom it has been disclosed.

The Bill also makes a number of provisions concerned with the Department's power to direct trusts and with administrative changes in relation to their establishment and finances. For example, the Bill will enable the Department to set quality targets for treating service users and to determine the pay of trust chief executives and their senior staff.

Finally, part III makes provision for a number of miscellaneous matters. These include clarifying the legal basis for the exchange of information between the Registrar General's Office and the Department; limiting the liability of officers of health and social services councils acting in the course of their duties; permitting pre-registration house officers to undertake training in general medical practice; requiring health and social services bodies to open their meetings to the public; and clarifying the existing law that the sale of the goodwill of medical practices is illegal.

I come now to part IV of the Bill. An important provision here will enable the Department by order to amend legislation regulating the profession of pharmaceutical chemist. The Bill contains provision for the Department, by order subject to affirmative resolution of the Assembly, to amend the Pharmacy (Northern Ireland) Order 1976. This would facilitate flexibility in the arrangements governing the profession here similar to the regime introduced by the Health Act 1999 in relation to the pharmacy and other professions in Britain.

**Madam Deputy Speaker:** Given the number of Members who have put their names down to contribute, I ask that each Member limit his or her contribution to five minutes.

**The Chairperson of the Health, Social Services and Public Safety Committee (Dr Hendron):** As Chairperson of the Health, Social Services and Public Safety Committee, I welcome the Bill. I know that Committee members are looking forward to considering it at Committee Stage. I will keep my comments brief because it is important that the Committee is given the opportunity to consider the Bill in detail.

As the Minister said, the Bill covers four broad areas. Part I provides for a body to regulate the social work profession and other social care workers. That will be welcomed by social workers as they have long recognised the need to regulate the social care workforce to protect patients, carers and the workforce

itself. However, I suspect there may be a debate about the appointments procedure contained in schedule 1.

I understand that the aim of part II of the Bill is to simplify the system used to recover much needed cash for health and personal services from the compensation paid to the casualties of road traffic accidents.

Part III of the Bill covers a wide range of amendments to the law covering health and personal social services in Northern Ireland, including the repeal of the law which established GP fundholding. The Health, Social Services and Public Safety Committee is concerned that the lessons learned during GP fundholding are not forgotten, and it is looking forward to discussing with the Minister her proposals for a new primary care service.

The Committee has concerns, however, about the timing of the introduction of the changes. It is important that there is not a vacuum. Measures to introduce penalties for fraudulently evading prescription charges and changes to tighten the control exercised by the Department on the administrative and financial arrangements of trusts are also included. These are positive steps. Powers to regulate pharmaceutical chemists in Northern Ireland by subordinate legislation are covered in part IV. These will bring pharmacists into line with other health professionals, and that is welcomed.

Committee members will be looking in great detail at all the issues covered in the Bill, and we will return with amendments at Consideration Stage should they be considered necessary.

**Rev Robert Coulter:** I also welcome the introduction of the Bill. It is not before time that it is being brought before the House. The Bill is to be commended as it is providing for a professional body for social workers. The time has come for social workers to be given the respect and recognition they deserve. I am glad that the council will be independent and not be self-regulating and that the training schemes envisaged will bring greatly needed equality to the workforce in the social care area.

As the Chairperson has already mentioned, there are some concerns about the appointments procedure, and that is an issue that the Committee will be looking at in depth.

One of the problems in Northern Ireland is what happens to patients after they leave hospital, and it is welcomed that this area of care is being looked at. I also welcome part II of the Bill, which deals with the recovery of costs after accidents; this measure should have been introduced long ago, and I support it fully.

I am glad that, under this Bill, the Department of Health, Social Services and Public Safety will have the



power to direct trusts. Trusts will no longer be autonomous — they will be accountable to another body.

I support the regulations concerning pharmaceutical chemists. However, it is hoped that the Minister and the Department will ensure that the new council will not be just another centre for administration soaking up much of the badly needed funds for patient care. It is hoped that the council will be a well working, slim and efficient body. I welcome the Bill.

**Mr Berry:** I welcome the opportunity to speak on the Bill, although it is no thanks to the Minister for Sinn Féin/IRA who arrived with it a week late and with very little apology. I listened very closely to what the Minister said and all that I heard in her apology was the word “misunderstanding” — it was her duty to be in the House at the proper time on that day.

However, from the outset it seems that the only the Department of Health, Social Services and Public Safety will gain anything from the Bill. Any reading of it confirms the view that if anything should be reviewed at present it is the Department itself.

There is a range of matters in the Bill that I still seek clarification on. Members have listened closely to what has been said about social workers, and it is to be welcomed that they are going to be properly registered. However, there are still major concerns and a great need for clarification on the registers.

11.00 am

Clause 3 (2) of the Bill says

“There shall be a separate part of the register for social workers and for each description of social care workers so specified.”

Subsection (3) says

“The Department may by order provide for a specified part of the register to be closed, as from a date specified by the order, so that on or after that date no further persons can become registered in that part.”

Clarification is needed on where social workers stand if they are not able to be properly registered.

Clause 9 should include the word “must”. Clarification is also needed on the rules which will determine that, unless it is spelt out from the beginning, these bodies will conveniently dismiss those who ought to be consulted. The codes of practice need to be tightened up. The Bill states that the council shall do this and the council shall do that — the council should be held more responsible.

Clause 11 deals with qualifications gained outside Northern Ireland. There are currently many qualifications which ought to have equivalence but which the state does not recognise for fear that they will downgrade its imposed qualifications. I think of the anomaly with NVQs which are counted while other qualifications with historic standing in the world of business are

dismissed, simply because they would downgrade NVQs. This equivalence should be spelt out in greater detail.

One very important matter is the status of this council as set out on page 39. The Bill proposes to replace the existing Central Council for Education and Training in Social Work (CCETSW). That is all right, but the status that will be given to the new council needs greater clarification. What was the reasoning behind this? It reads

“The Council shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Council’s property shall not be regarded as property of, or property held on behalf of, the Crown.”

I want a list of all other bodies, especially state bodies, that have the same status, and I want to see book, chapter and verse of such status elsewhere. Once again, the Department intends to be good to itself financially. The estimated cost of this council is £1.4 million. I trust that this will not just be more bureaucracy in Northern Ireland. The Assembly needs to think very carefully before going to the taxpayers and telling them that they will have something else to pay for.

Part II deals with the payment for hospital treatment of traffic casualties, and I broadly welcome the principle of recovery. But what concerns me is that the only people who will do the paying are the companies of those who have insurance.

There are two glaring weaknesses. First, those who drive without insurance and cause death and injury make no reparation to the hospital, but they still get treatment. That ought to have been dealt with in the Bill. As it stands, you are worse off if you have insurance. Secondly, there is the matter of those who are charged with careless or dangerous driving and who have injured themselves. There is no mention of their making reparations to the hospital for treatment. That is a major problem at present.

Clause 39 deals with the repeal of the law about fundholding practices. I welcome the initiative to end fundholding, but it is quite pathetic that we have no template or vision for its replacement. However, the fact that the Minister herself has no vision or strategy — she thinks only of reviews — explains why this is so.

**Madam Deputy Speaker:** The time is up.

**Mr Berry:** There should have been three separate Bills for this major discussion today.

**Ms Ramsey:** Go raibh maith agat. I too welcome this Bill, one of the first Bills published by a local Minister who is accountable to the Assembly and, what is more important than that, is accountable to local people. This is a positive development as we can now scrutinise the Health Service. It is also positive as this is the first time

in some years that we will have a structured say in shaping that Health Service.

On welcoming the proposed establishment of the Social Care Council I support the need to regulate the working practices and training of the people involved in this scheme. The Department and the Assembly need to recognise the hard work and commitment of social workers in delivering a quality service.

The proposed council will enhance and maintain the work of social workers, and I support that. However, some aspects of the council concern me. While I welcome the Department's ensuring that its service users and lay-people are in the majority on the council, I have a problem with the Department's appointing it.

I welcome the Minister's statement that one third of the council will be made up of trade union representatives. However, a disciplinary procedure needs to be developed, not only with the delivery of a quality service in mind but with the inclusion of input from the unions.

The training remit needs to be strengthened and, more importantly, resourced. We are all aware of good legislation being put through here but with no resources or money following for it to be implemented. This cannot happen again. We need to take account of new pieces of legislation and the equality agenda.

Like my colleague on the Health Committee, Paul Berry, I welcome clause 11, enabling the council to recognise qualifications gained in European Economic Area (EEA) states as being equivalent to those gained in the North. There is a need for work practices to be developed in conjunction with bodies in the 26 counties to ensure quality of service and exchange of staff on an all-Ireland basis.

Sinn Féin is for free health care at the point of delivery. While, again, I understand the reasoning behind this part of the Bill, I remain to be convinced that this is the best way forward. The arguments put forward for supporting it are that this legislation will bring us into line with England, Scotland and Wales. We are a legislative body. This Assembly should decide its own way forward. Just because something happens elsewhere, does not necessarily mean that it is right.

Sinn Féin's position on GP fundholding has been on the record many times. We have been against fundholding from its inception as we believe it created a two-tier system. It also promoted inequality in the Health Service. I welcome the closing of this chapter, but we need to learn lessons from fundholding in order to make the Health Service more accessible to all.

We have also been opposed to the setting up of unaccountable trusts. These facilitate the establishment of an internal market. I do not believe that trusts can plan and deliver services at the same time, and we are

all aware of the recent report by the Audit Office on the amount of money paid out to chief executives. That report shows, and also makes me believe, that once again these are unaccountable quangos.

While we have been against the trusts, I welcome the provisions in this Bill that will give the Department power to direct trusts to provide services they should be providing at ground level and to set pay scales as advised by the Audit Office.

I welcome the new arrangements that will make trusts more open and accountable. On the issue of prescription charges, I agree that prescription fraud is high. However, we need to tackle institutional fraud in nursing homes and among GPs, chemists and dentists. Again, I welcome the provisions in the Bill.

I also welcome clause 51, which deals with the provision of information on births and deaths. We welcome this as a vital part of targeting resources and redressing inequalities in the Health Service. When the Bill goes to Committee Stage I would like more details on that provision.

Clause 54 provides for public access to meetings of health and social services bodies. At the moment, there is no statutory obligation for bodies to open their meetings to the public although I am aware that some do.

**Mr McCarthy:** The Alliance Party welcomes many of the measures in this Bill. For too long we have left many aspects of our health care unregulated. The vulnerable and needy have been harmed by this dereliction of duty. We can only welcome the setting up of a register for social workers. These workers perform an important function, and we recognise that the vast majority approach their jobs with a professionalism and dedication that can only be admired.

Having a register that would reassure employing agencies about the qualifications of social workers will go far to maintain the high levels of service that we have come to expect from our social care staff. We are also pleased to see that the Government have finally recognised that GP fundholding has had its day. Since its inception, the Alliance Party has been greatly concerned about it — anything that complicates matters for our already overstressed and overstretched doctors and is of doubtful benefit to the patients ought to be abandoned.

It is laudable that we are setting out to recuperate more funds for our Health Service through a more comprehensive recovery of the cost of treating road accidents and by trying to cut down on fraud in the NHS, particularly in relation to prescription charges. I urge caution with the estimate of the moneys that will be regained. I hope that we can increase the amount recovered from road accidents — currently £0.5 million per annum — but I fear that insurance companies and individuals will not always want to co-operate. The

collection of a few million pounds through that method will not ease the crises that our Health Service faces — the closing of wards, the cancellation of operations and the growth of waiting lists. We may want those who are responsible for road accidents to pay for the damage that they cause, but that would have, at most, only a symbolic effect and will do little to ease the financial strain faced by so many of our acute care providers.

Moves to tackle fraud are equally laudable, but I urge Members to think longer and more deeply about the problem. Perhaps one way to ease the cost of fraud would be to lower prescription charges; for some, they are too high already. People are hit with charges for a range of drugs. Faced with the costs, many are tempted to act fraudulently and fill out the back of the prescription form, thus claiming exemption. Perhaps lowering the costs would encourage more honesty. I am, however, convinced that people in the marginal sections of our society are confused by the many forms that they are required to fill in to receive benefits, including free prescriptions. We should be looking for ways to ease the cost of prescriptions, to ensure that those entitled to free prescriptions receive them and, finally, to tackle the fraud issue.

The Government have committed themselves to increasing the use of electronic forms and the use of IT generally in the administration of our health and other services. We should design software and hardware to aid the transfer of the necessary details onto the forms and ensure that people receive all their entitlements, and we should use the information to cut down fraud. We should not stop at the narrow provisions of the Bill but think about innovative ways to meet the needs of the population.

We support the Bill, which contains many worthwhile measures. However, it is just a first step towards creating the kind of health and social services that the people of Northern Ireland want, need and deserve.

**Ms McWilliams:** I will not reiterate the questions that were raised at meetings of the Health, Social Services and Public Safety Committee. There were many, and the five-minute time limit does not allow me to go into detail. I will simply take up some of the points that the Minister raised in her speech, some of which we may not have been au fait with until now.

First, I would like to raise concern about the proposal that the old Central Council for Education and Training in Social Work (CCETSW) is to be stood down, as provided for in the Bill. If the Bill does not go through in the expected time, will there be a delay in the establishment of the Northern Ireland Social Care Council? If so, what will happen in the interim? Will there be transitional arrangements?

11.15 am

Secondly, this is the first time I have heard about the make-up of the council. Although I am pleased with the nature of the appointments, I share the concerns of Ms Ramsey. It is important that we have detail on that. All we knew was that there was to be a majority of users and lay people. It now seems that a third of the council is to be made up of lay people and users and another third made up of those registered, which is something I would like more detail on. How can this be the case if we are attempting to register under the new procedures?

The final third will be from employers, trade unions and professional associations — which one might consider to be users. I welcome the fact that trade unions will be in a position to put forward names. One of the best presentations to the inquiry into residential and secure units for children was made by the Northern Ireland Public Service Alliance (NIPSA), which covers social services and social workers in particular. Since NIPSA is familiar with the pay levels, the conditions, the stress and the work of social workers, it is important that it be represented on this council. It is significant that we are discussing this issue at a time when social workers have found it necessary to go on strike in the Foyle area, following similar concerns in the north and west of Belfast. These matters are extremely important.

I would like to have similar reassurance on the transitional arrangements for when GP fundholding ends. What will happen then?

The Bill says that there will be no adverse impact on co-operation or common action under North/South or East/West relations. That is something that the Bill does speak to. It talks about European Economic Area (EEA) states and qualifications outside Northern Ireland. We need to turn that around and ask whether Northern Ireland qualifications are recognised abroad. This is an issue about professional qualifications. In some cases, for those who do not follow the undergraduate route in Northern Ireland, fewer years are spent studying than in other countries.

The question then arises of whether our social care workers will be able to practise elsewhere. This is not just about whether people coming in can practise here. There is an adverse effect. Those wishing to work in the Republic, Scotland, England or Wales are having their qualifications questioned because of the number of years' of equivalent practice.

This is the first time I have heard of hospitals producing charges or tariffs for the costs of operations. I am sure that that is the case, but is there a protocol that we could see? Is there further information on this? That is important.

The Minister says that prescription fraud now costs £14 million, although the explanatory note says £12 million. Have there been no savings from the



introduction on the prescription charge which asks people to identify whether they are on benefits and, therefore, exempt from prescription charges?

**Mr McFarland:** On initial reading, I broadly welcome the Bill. I particularly welcome the setting up of the Social Care Council. It is notable that some 80% of social workers currently have no formal qualification. In recent years a small number of wayward social workers, particularly in Great Britain, have given the profession a bad name. I suspect that the new regulations, the recognition and the training will protect the profession and restore its good name.

In terms of GP fundholding, does the Minister plan to extend to Northern Ireland the proposals on contracts contained in Great Britain's national plan? According to anecdotal evidence, certain GPs will never refuse to sign a sick note because they are paid according to the number of patients they have. If they refuse to sign the note, a patient will simply turn to another, willing GP. Likewise, few GPs will refuse to sign Disability Living Allowance forms. Such matters could, perhaps, be dealt with as part of this system.

I welcome the proposed widening of access to health trust meetings. At present, the public can attend a health board meeting but not a trust meeting. The new legislation will change this. I also welcome the thrust with which the appalling situation relating to trusts' chief executives is being remedied. Earlier in the year, chief executives were leaving and paying themselves enormous sums of money. They were operating under contracts which allowed them to leave one job with large remuneration as compensation before taking a job elsewhere. That seems crazy. I look forward to examining this Bill in further detail in the Health Committee. Overall, I welcome it.

**Dr McDonnell:** Perhaps a little learning is a dangerous thing, but I have some inside knowledge of the Health Service. I deeply regret that so much of the Bill should relate to bureaucracy and administration. The delivery of health care at the coalface is barely mentioned. Are the bureaucratic and administrative aspects of the Health Service our highest priority? The burning issue for people in the street — simple access to primary and secondary care — has been largely ignored. The Bill contains no plans to tackle the winter crisis, which is already upon us. Neither is there any mention of the fact that primary care, particularly community psychiatric care, is being bled dry.

It is easy to pay lip service to good things and to condemn sin. However, we are making no significant improvement to the Health Service.

**Ms McWilliams:** Is that not an unfair list of criticisms to direct at this Bill? Many of us agree with those comments, but the same criticisms could be

levelled at any piece of legislation, because one legal instrument will never be sufficient to cover every single problem in the system.

**Dr McDonnell:** No matter which Bill is before us, we must prioritise carefully. The biggest priority is to ensure that there is adequate funding where people need it most — in primary care, where the most efficient and most cost-effective service can be delivered. In this Bill I detect an increase in bureaucracy, but I do not see the need to channel funds in this way.

I want to comment on the bungling that has been associated with the abandoning of fundholding. Fundholding was introduced by the Tories for all the wrong reasons. We can all jump up and down and be opposed to fundholding for all sorts of political or philosophical reasons. Many, including myself, were forced into the fundholding system in the hope that patients would get a better level of care.

We found — not for the reasons intended but almost by accident — that a by-product of fundholding was considerable benefit to patients. For the first time in the Health Service there was accountability, and that is saying something, because it had not been accountable for 50 years. Decisions were being made at the bedside or otherwise in the primary care setting. Choices could be offered to the patients, and small amounts at the edges — maybe 4% or 5% of the fundholding budget — were flexible and patients' choices could be taken into account when meeting their needs. Perhaps most important of all, large monolithic extravagant hospitals were brought to account. If you want me to spell that out, I will. There were a number of benefits.

However, we have now got rid of fundholding — or have we? It is somewhere out there in limbo, and nobody knows what is happening. It is going, and it is not going. It has gone, yet it has not quite gone. Everybody is waiting for something to happen. There is no provision, financial or otherwise, for winding up fundholding.

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

**Dr McDonnell:** We are going to have commissioning, whatever that means. To me it means going back —

**Madam Deputy Speaker:** Your time is up.

**Dr McDonnell:** Thank you. It means going back ten years to the muddle and the confusion of throwing money at problems, rather than taking responsibility for them.

**Madam Deputy Chairman:** Time is up.

**Dr McDonnell:** We will have one big magic roundabout and no answers.

**Mr Shannon:** Many things in this Bill are agreeable, and we will be glad for them to happen, but we have concerns about some parts. It is good that the Minister



has appeared before the Assembly today. Can one hope that, last week, she was addressing the bed shortage at the Ulster Hospital or, perhaps, the long waiting lists for appointments, or the long hours that nurses and doctors have to work in all the hospitals — especially in the Ulster Hospital — or the staff shortages that we have? Perhaps that is the reason she was not here last week.

I would like to address two issues. The first is in relation to the recovery of charges in connection with the treatment of road traffic casualties. Obviously there is a clear need to find a method for recovering the cost of treating injuries to these people, and the new arrangements are to be welcomed.

The explanatory and financial memorandum states that recovery will be centralised and that the savings to the Health Service could amount to £3 million, compared to the £500,000 at present. The memorandum states — on page 21 — that there will be slight increases in insurance premiums. Will the Minister confirm that in the Department's dealings with insurance companies — and we hope that it has dealt with them — any insurance increase will be focused on those responsible for the accidents and thereby the injuries. We all know that the statistics very clearly indicate that the largest number of accidents and injuries are caused by the boy and girl racers who can buy a car with two years' free insurance. It would be encouraging for those who have to tax and insure their cars, and who find that the premiums rise regularly, to be sure that any future insurance increases were not directed against those who, by and large, do not have a record of problems and accidents.

I also ask the Minister if the Health Service will be pursuing recovery for injuries from Republic of Ireland drivers who are involved in accidents in Northern Ireland. It would be a disgrace to find that such recovery could not be made from drivers in that jurisdiction. Has sufficient legislation been made to cover this eventuality?

I would also like to address part IV of the Bill, which has direct implications for the pharmaceutical chemist. I have made it my business to speak to some chemists, and they expressed specific concern that they could be forced to sell, on prescription, the "morning after pill", the PC4. Under this legislation, will chemists will be forced to make a moral decision? Some will neither stock, nor sell this pill.

11.30 am

Not enough research has been done on this, and chemists have a real concern that the pill will be taken off prescription and they will be asked to sell it over the counter. Will the Minister confirm that this will not happen? Not enough research has been done to determine if the effects of the pill could be detrimental.

Following hard on the abortion debate and the overwhelming vote against it, I urge the Department of Health to be cautious towards pharmaceutical chemists who will, generally, refuse to accept any directive or ruling from the Health Department. Will the Minister confirm her position on the PC4 pill?

**Mr J Kelly:** Go raibh maith agat, a LeasCheann Comhairle. Along with other members of the Health Committee, I give this stage of the Bill a broad welcome.

If a little learning is a dangerous thing, Dr McDonnell is not in much danger, judging by his contribution. I am not sure whether he is happy or disappointed with fundholding, or if other issues which he raised were not in the domain of another Minister, rather than the one who is with us today.

I welcome in particular clause 2, which defines a social care worker. Clauses 3 to 7 detail the procedure for registering social workers, and that is an important matter. Clause 8, relating to registration and enforcement, is also significant. Clause 9, which defines the codes of practice, is to be commended and, despite some reservations that I have, clauses 10 to 13, which refer to a training function for social workers, are also to be welcomed.

As Mr McFarland said, we are particularly happy that clause 54 provides for "public access to meetings of certain bodies", as there is now no statutory requirement for health and social services bodies to open their meetings to the public. The Bill will make this a requirement, and we welcome that. We will also be looking at trust fund management and at how this Bill will make those responsible for trust funds accountable to the public in a way that they have not been before. We do not intend to allow the fat cats to get any fatter, and if they should happen to, they will have to be held accountable.

A LeasCheann Comhairle, at this stage we give a broad welcome to the Bill and look forward to further discussions on it.

**Ms de Brún:** A LeasCheann Comhairle. Gabhaim buíochas leis na Teachtaí as ucht a suime sa díospóireacht ar an Bhille seo. Is ilghnéitheach iad forálacha an Bhille agus tugann siad isteach athruithe do na Seirbhísí Sláinte, Sóisialta agus Pearsanta.

Thóg Teachtaí ceisteanna agus luaigh siad pointí suimiúla. Féachfaidh mé le plé leo uilig. Madam Deputy Speaker, I thank Members for their interest in the debate on this Bill. The provisions are diverse and represent changes to health and personal social services. Members raised a number of questions and made interesting points, and I shall endeavour to deal with all of them.

We had questions about how the Social Care Council will be funded, about the appointments procedures and about representation on it.

I will move first to funding for the council. The cost of regulating the workforce will be met from annual fees paid by the registrants. A sliding scale of fees will take account of different pay scales and registration categories, and that is expected to bring in an annual income of at least £300,000 when all staff are on the register. At present, Government Departments fund the regulation of education and training through the provision of almost £500,000 to the Central Council for Education and Training in Social Work. These funds will be passed to the new council. It will also have the power to charge for other services. I do not see the new Social Care Council becoming a drain on resources and taking away from the value of health and social services. On the contrary, I see it adding value and improving quality in the health and social services field.

Ms McWilliams queried representation on the council. Decisions have not yet been made about the precise procedure for appointments. However, the selection process will be fully transparent, with all posts advertised and applications considered strictly on the basis of merit. Service users and lay members will make up a section of the council. One third will be drawn from registrants, and the others will come from employment, professional and education interests. Obviously, the registrants will be selected from people who will have been registered at that time. We can go into this point in further detail at a later date. In addition to advertising the posts, we will invite the representative bodies to nominate people who can bring the necessary skills and knowledge to the work of the council.

Mr Berry asked a question about the fact that the Department may, by order, provide for a specified part of the register to be closed, so that, on or after a given date, no further persons can become registered in that part. He asked why this power was necessary and what impact it would have if people could not get on to the register. It is not envisaged that the part being closed will at any time be a part to which people would be seeking access. The power will allow the council to take account, over time, of the changing patterns of service provision. In the future, it may well be that certain categories of the social care workforce will no longer exist. This may apply to those working in educational or criminal justice settings. Let me give a clear example of this. If we had established a register 25 years ago, we would almost certainly have had a section of the register dedicated to hospital almoners. Such a category would not be appropriate today.

I have dealt with most of the questions that have been raised about the council. Ms McWilliams also asked whether there would be a delay between the standing

down of the Central Council for Education and Training in Social Work and the introduction of the new council. That will not be the case. The legislation provides for a shadow body until the council can be formally established. Members of the shadow body will also be selected through full appointment procedures. The shadow body will make the necessary preparations to facilitate a smooth transfer of responsibilities to the new body. This has been very clearly laid out, so there should be no hiatus or vacuum.

Ms Ramsey asked about the recognition of qualifications gained elsewhere. The Central Council for Education and Training in Social Work is working closely with the equivalent body in the South of Ireland to examine social work training and to facilitate opportunities for cross-border placements. Very clear guidelines are also in place which will ensure that people here can obtain qualifications which will allow them access to employment elsewhere.

Mr Berry also asked about the equivalence of qualifications. The National Training Organisation for Personal Social Services is working with employers to identify the skills required to deliver a quality service. The outcome of the consultation will dictate which qualifications are recognised. These will include the full range of qualifications and not just the NVQs and the professional qualifications that are recognised now.

At present, there is no agreed code of practice. Social care is so important to so many people that specific codes of conduct and practice are needed. We intend to introduce codes so that social care workers and their managers are clear about what is expected of them and to enable the public to see clearly the standards to which these staff must work. The four agencies who are working together on this, and who would have been previously represented, have commissioned a project to draw up draft codes of conduct and practice. This will be issued for consultation with the full range of stakeholders here. The Social Care Council will make the final codes widely available.

Finally, I note with satisfaction that several Members, including Rev Robert Coulter and Ms Ramsey, mentioned the dedication, commitment and hard work of social workers here. We ought to pay tribute to those working in the social care field. As Members have said, the imminent establishment of the Social Care Council has been widely welcomed by such people precisely because of their dedication and high standards.

I turn to the questions regarding the recovery of money following road traffic accidents. The Rev Robert Coulter said that the means to recover such money should have been introduced some time ago. The power to recover money from insurance companies has existed for some time under the Road Traffic Act. However, this new legislation will provide for a streamlined and less

bureaucratic system, as well as an increase in the recoverable amounts to a level which more closely reflects cost. I am pleased that the Member has welcomed these new streamlining arrangements, which are indeed timely.

I have two points in response to Mr Berry's question about whether it is only those with insurance who will pay. The impact on actual insurance premiums is not thought to be significant. An alteration of between £6 and £9 a year is being considered. It is the insurance companies which will be affected, and it will be for the insurance industry to determine how its customers are charged. The legislation will have an impact on those who cover insured drivers and on uninsured drivers. The introduction of the Motor Insurers Bureau into the scheme means that compensation will be paid in cases where a driver has no insurance.

Mr Shannon asked if the Department would recover compensation from drivers from the South. The Department has consulted fully with the insurance industry in developing the legislative proposals, but it will not recover compensation from drivers from the South.

I turn to the measures being taken to tackle the evasion of Health Service charges, prescription charges and fraud by National Health Service family practitioners.

11.45 am

Ms McWilliams queried whether dispensing checks had in fact brought any measurable benefit. Dispensing checks have had some success, and it is estimated that the income collected as a result has increased by approximately £1 million this year. However, this does not obviate our difficulties and the need to introduce further measures.

Mr McCarthy asked about reducing prescription charges. This Bill tackles the specific problem of the evasion of these charges, so that issue is outside its jurisdiction. A wide range of exemptions from charges is in place to protect people who may have difficulty paying or who have special needs. As part of my plans to ensure that the Department fully meets its equality obligations under the Northern Ireland Act 1998, I will be looking at the equality implications of Health Service charges in due course, but the matter is not relevant to today's Bill.

Ms Ramsey indicated the need to investigate institutional fraud in nursing homes, GP practices, dental surgeries and so on. The Department is already taking action to detect and prevent fraud in all areas. All health and personal social service organisations are required to have fraud response plans in place. I have established a counter-fraud unit in the Central Services Agency to assist boards in the investigation of potential fraud in family practitioner services. GP claims are subject to post-payment validation checks, and similar checks are undertaken for pharmacists, dentists and opticians.

Members will note that the clauses in this Bill relate not only to individuals but also to Health Service practices.

I shall now turn to the questions from Dr Hendron, Mr Berry and Ms Ramsey on the timing of the new arrangements for primary care. I intend to publish proposals for those new arrangements for formal consultation in the near future. I agree that it is important to learn from the lessons of fundholding and from other models of primary care commissioning. I make a point of working on the lessons of the past and building on positive experiences from the past when developing new arrangements. We must also ensure that those new arrangements reflect local circumstances.

Mr McFarland asked about GP contracts. I am aware that preliminary proposals to amend GP contracts are emerging from the NHS plan in England, and I will study those proposals closely and follow that debate. I will introduce new arrangements here only if it is appropriate to do so, given our local circumstances.

Dr McDonnell asked about fundholding. I accept that there were positive aspects to fundholding, and I will attempt to build on those. However, in general, Members will agree that it is time to end GP fundholding.

On the question of chief executives' pay, I recognise the problems highlighted by Mr McFarland. The Audit Office published a report recently in response to those problems and identified important lessons for setting contracts and regulating termination payments. Although they came to attention earlier this year, these problems arose a number of years ago. I want to ensure that they do not reoccur and that the powers of direction contained in this Bill will facilitate the introduction of fair and open arrangements.

I want to address Dr McDonnell's question on accessing services. I know there are difficulties in accessing services, but the problems identified by the Member concern resources, which are a priority for me. However, they are not concerned with legislation, which is why they are not being dealt with today. That is not to suggest, however, that they are not being dealt with at all.

Tá súil agam gur chlúdaigh mé iomlán na bpointí a luadh, ach gabhaim mo leithscéal má d'fhág mé ceist ar bith ar lár. Scrúdóidh mo chuid feidhmeannach tuairisc na díospóireachta, agus scríobhfaidh mé chuig Teachta ar bith nár freagraíodh a cheist nó nár clúdaíodh a cheist go hiomlán.

Gabhaim buíochas arís le Teachtaí as ucht a suime sa díospóireacht.

I hope I have dealt with the bulk of Members' questions, and I look forward to further discussions with Assembly Members and Committee members on the provisions of the Bill. I apologise if I have overlooked any questions. My officials will scrutinise the record of

this debate, and I will write to any Member whose question has not been answered. I would like to thank Members for their interest.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Health and Personal Social Services Bill (NIA 3/00) be agreed.

## CHILD SUPPORT, PENSIONS AND SOCIAL SECURITY BILL

### Further Consideration Stage

**Mr Speaker:** By leave of the Assembly, I propose to take clauses 1 to 64 of the Child Support, Pensions and Social Security Bill en bloc, there being no amendments and no indication that Members wish to speak against their standing part. This will be followed by clause 65, to which there is one amendment on the Marshalled List, and then by the remaining clauses, schedules 1 to 9 and, finally, the long title.

*Clauses 1 to 64 ordered to stand part of the Bill.*

#### **Clause 65 (Tests for determining paternity)**

*Amendment (No 1) proposed:* In page 64, line 11, after the second “that” insert

“, having regard to the age and understanding of the child,”. —  
[Ms Gildernew]

**Ms Gildernew:** Go raibh maith agat, a Cheann Comhairle. Clause 65, subsection 3 of the Child Support, Pensions and Social Security Bill will give the courts the power to force children under the age of 16 to give a blood sample to establish paternity through DNA testing. I have reservations about this section of the Bill. A child of 14 or 15 who has never known his father could be forced to give a blood sample. Is this child to be held down and forced to give that blood to determine his paternity?

If the person with care and control of that child does not believe that it is in the child's best interest to give blood, surely we should respect that view. To force a child to give a blood sample is a violation of the child's rights. Allowance for the child's age and understanding should be incorporated in the Bill, taking the child's needs into consideration.

The Minister has written to my Colleague, Sue Ramsey, to say that he cannot guarantee that the sample will be destroyed after the test has been conducted. We should not allow this clause to go unchallenged.

This would be the same as having that young person's DNA sample on record for life, and it could be used to convict him or her years later. That would be a breach of his or her civil liberties, and we cannot allow this clause in the Bill to go through without amendment. Go raibh maith agat, a Cheann Comhairle.

**Mr Ford:** I share Ms Gildernew's concerns, but I shall not repeat them at great length. I wrote to the Minister some time ago about where this section of this Bill impinged on the Family Law Reform Bill. He responded that that was a matter for another Minister, but there is clearly a problem when we have two related



Bills going through, one of which is being treated as a parity measure and as though all discussion on it is impossible. Yet again, as with some of the clauses we debated last week, easy reading of the Bill does not make for easy recognition of the rights of a child, and these rights are not necessarily the same as the rights of those seeking to enforce financial payments.

The Minister will tell us that as this is a matter of parity we should accept it, but that is not a good enough answer. Perhaps he could indicate whether it will be difficult to force the courts to take into account the views of the child in a case such as this, or whether it will merely be best practice for the courts to do so anyway. Will he give us a specific assurance that he is confident that it has passed the test of the ECHR (European Convention on Human Rights), because I am anything but confident that that is the case?

**Mr Morrow:** I have listened to the points that have been made, and if I seem slightly confused, I suspect the House will forgive me. The arguments put forward in support of the amendment, while I understand the sentiments, are based on a misunderstanding.

Under the existing law a blood sample cannot be taken from a child under 16 to determine paternity without the consent of the person who has care and control of the child. Normally such consent is given, but there are cases where it is not forthcoming. In a recent High Court judgement, the judge expressed the view that the existing law may not comply with the ECHR in that it can deny the child the opportunity to know its paternity. It is unsatisfactory that the person with care and control of the child, who may well be a party to the proceedings, should be able to frustrate those proceedings and prevent the child's paternity from being established. This can have the effect of denying the child the right to know his father, and the father the right to be recognised as such.

The provision therefore focuses on the best interests of the child when deciding whether to give a direction for tests to establish paternity. The court has the flexibility to distinguish between cases where establishing paternity is in a child's best interests and those where it may not be. Where the court considers that the child is old enough to express a view, it will take that view into account when reaching its decision. Clause 65(3) amends article 9 of the Family Law Reform (Northern Ireland) Order 1977 to allow a court to permit the taking of a sample where it considers it to be in the best interests of the child. This will ensure that directions given in the best interest of the child can be effectively enforced and that the law in this area complies with the ECHR.

Turning to the amendment, the court will take account of a range of issues, including the age and understanding of the child, when considering whether or

not to make a direction. Therefore, the amendment is unnecessary. However, the amendment, as drafted — and I cannot believe that the Member intended this — could have the adverse effect of fettering the court's powers. If the amendment were to be accepted, a court could interpret the legislation as allowing it to take account of the age and understanding of the child only, but of no other factors.

12.00

I cannot believe that that is what the Member intends. In view of the fact that the court will, as a matter of course, take account of the age and understanding of the child, and given the possible unintended implications of the amendment, I ask the Member to withdraw it. However, if the Member feels unable to do so, I must ask the House to reject it.

Regarding the destruction of samples used for DNA testing, I have written to the Member who raised that issue to confirm that samples are destroyed, normally after three months, although that period can be extended, for example, where the test results are challenged.

**Ms Gildernew:** Go raibh maith agat. It was useful to have that point clarified, and I am glad to hear that the court will not run roughshod over the rights of a child in order to determine paternity. I beg leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Clause 65 ordered to stand part of the Bill.*

*Clauses 66 to 69 ordered to stand part of the Bill.*

*Schedules 1 to 9 agreed to.*

*Long title agreed to.*

**Mr Speaker:** The Bill is now referred to the Speaker for further consideration. Normally, we would require a five-day interval between Further Consideration and Final Stage. By accelerated passage, however, it may be considered at an earlier time. However, between Further Consideration by the House and the Final Stage, the Speaker needs to satisfy himself that the Bill is still competent and conforms to the European Convention on Human Rights.

Since Final Stage can take the form of a debate if the House so wishes, Members may also wish to prepare some remarks to make at that time in the light of what has happened at Further Consideration Stage. It is intended, however, that the final Stage of this Bill will be taken after Question Time today at 4 o'clock.

Members will see on the Order Paper that the next item at that time is the Government Resources and Accounts Bill. However, I remind Members of the five-day interval required for Bills for which there is not accelerated passage. Since the First Stage of that Bill

took place last Monday, the earliest time at which it can be considered again is tomorrow morning. After the Final Stage of this Bill, the sitting will be suspended until tomorrow morning, when the Government Resources and Accounts Bill will be taken.

**Mr Dodds:** You anticipated my point, and I am grateful for your explanation of the timing and procedure with regard to the Final Stage of the Child Support, Pensions and Social Security Bill. Many Members will regret that we cannot proceed with Private Members' Business, although it is understandable under our present procedures. Perhaps if we have time later we will. However, I fully understand and accept the reasons you have given.

**Mr Speaker:** Part of the difficulty arises because we have a single Order Paper for the week. It would be different if we had an Order Paper for each day, and perhaps the Business Committee will consider that matter.

*The sitting was suspended at 12.05 pm.*

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

## Oral Answers to Questions

### EDUCATION

#### School Transportation

2.30 pm

1. **Mr Berry** asked the Minister of Education if he will outline his plans for the future development of school transportation in the next five years, and if he will make a statement. (AQO 216/00)

**The Minister of Education (Mr M McGuinness):**

The home-to-school transport arrangements approved by my Department support parental preference and enable education and library boards to provide transport assistance if a pupil is unable to gain a place in a suitable school within statutory walking distance of his or her home. The definition of a suitable school has regard to well-established categories — controlled, Catholic maintained, integrated and Irish-medium schools and, in the grammar school sector, denominational and non-denominational schools. I have no plans to extend the policy. To do so would be to divert resources from the classroom when our aim should be to concentrate maximum public resources on teaching and learning.

**Mr Berry:** There is great concern about the safety of schoolchildren after a bus driver has dropped them off. There is also concern about overcrowded buses. I would like more answers from the Department of Education.

I am not convinced that the Minister of Education is concerned about the children of Northern Ireland. After all, his party has been leaving them orphaned for over 30 years. *[Interruption]*

**Mr Deputy Speaker:** Order.

**Mr M McGuinness:** The Department of Education is concerned about the safety of our children. It is essential that everybody charged with responsibility for the safety of children — either at school or when transporting them to and from school — is conscious of the need to ensure that children are looked after and educated about the need for public safety.

In relation to the safety of children who travel on buses, the Member will know that legislation on the carrying capacity of vehicles is the responsibility of the Department of the Environment. Education and library board and other providers of home-to-school transport operate within the terms of that legislation. I am aware

that the Environment Committee is to hold a formal inquiry into transport for schoolchildren which will include consideration of the legislation governing the number of children permitted to travel on buses.

**Mr Hussey:** I note the Minister's answer to Mr Berry's question. The Minister is obviously aware of public concern about how schoolchildren are obliged to stand on school buses. He will realise that this is worse in rural areas where schoolchildren travel distances of 20 to 25 miles for their secondary-level education. Will future developments for school transport address the issue? Would it not be circumspect for the Minister to issue a directive to all education and library boards to impose a moratorium on all carriers forbidding schoolchildren from standing on buses until a full inquiry has been completed?

**Mr M McGuinness:** I do not wish to repeat myself. I made it clear that legislation regarding the carrying capacity of vehicles, indeed everything to do with safety on buses, is the responsibility of the Department of the Environment. It is not that of the Department of Education. It is important that the formal inquiry into transport that the Environment Committee intends to hold takes place as soon as possible. That inquiry will consider all those matters, and the Department of Education keenly awaits the outcome. Any decisions taken by the Minister of the Environment, or any advice offered by the Environment Committee, must be taken seriously by my Department. We have a huge responsibility, first to see the outcome of that inquiry and, secondly, to consider its full implications. Many Members are concerned about that issue, including myself. That is the most sensible way to proceed.

**Ms Lewsley:** I wish to commend the Minister's Department for putting together the training package for drivers and escorts for children with special needs. At present that package has been delivered to the escorts. How long will it be before drivers are also offered that training package? Also, will the Minister's Department consider offering that training to the private sector and encourage that sector to become involved in that training by extending contracts from one year to three years?

**Mr M McGuinness:** I agree that this issue is vital. People know that steps have been taken to ensure the safety of children on buses. We take care of the extra difficulties created by the fact that we are dealing with children who, in some circumstances, are disabled and have particular problems and difficulties.

I am keen that everyone should receive the highest quality of training available, and I will ensure, from the perspective of the Department of Education, that all relevant authorities involved in the safety and proper provision of school transport adhere rigidly to the training.

**Mr C Murphy:** Go raibh maith agat, a LeasCheann Comhairle. Does the Minister agree that the rigid application of the school transport policy restricts rather than helps choice? This is particularly true in the case of those parents who can least afford school transport. Their choice of a particular school is adversely affected by the transport policy since they cannot pass a school that is deemed by the Department of Education to be suitable for them. Does he also agree that examination of this policy is required in order to give people a wider choice, particularly in relation to secondary or grammar schools in rural areas?

**Mr M McGuinness:** This is clearly a sensitive issue, and the Department has dealt with a number of letters from parents who have sought this particular facility for some time. Applications are often refused simply because it has been decided that the code is the most sensible way of ensuring that as many children as possible can avail themselves of the facility.

Everyone knows that transport costs have been a heavy burden on the Department. Over the 1996-97 period there was an increase of £7.8 million, and last year we spent around £46.2 million. We are concerned about the increasing cost of home-to-school transport and the detrimental effect that this has had on the resources available in the classroom.

The current policy on nearest suitable schools was introduced to reduce the numbers eligible for transport with the aim of containing the rising costs and directing more resources to schools. It is important that people recognise and understand that this is an expensive issue and one that uses up considerable resources within the Department.

For the purposes of transport arrangements the term "suitable school" has a precise definition, and, as I said earlier, relates to the established educational categories of controlled, maintained, integrated and Irish medium schools and also to the grammar sector — both denominational and non-denominational.

Transport assistance will be provided to a school that is outside the statutory walking distance in a chosen category provided that there are no similar schools within statutory walking distance to which the pupil could have been admitted. People need to consider that if that measure were to be relaxed, the Department would be faced with the huge problem of having to direct elsewhere the much needed resources that it is trying to direct into the classroom. That would have a detrimental effect on our education system.

### Schools: Safety of Staff and Pupils

2. **Mr Paisley Jnr** asked the Minister of Education if, following the recent attack on staff at a school in Ballymoney, he will outline the steps he is taking to

ensure the safety of pupils and staff at all schools in Northern Ireland. (AQO 213/00)

**Mr M McGuinness:** The recent attack on staff in Dalriada was disgraceful and I deplore it. While responsibility for health and safety matters falls to employing authorities, my Department has issued guidance to all schools on security and personal safety in schools. This document provides practical advice and guidance on matters relating to the security and overall safety management of schools and other premises used by young people.

**Mr Paisley Jnr:** This is a wholly unacceptable answer from the “couldn’t-care-less” Minister of Education. A bit of paper to protect a school and children — that is unacceptable. I want to know why the Department appears to have learned nothing from this pernicious and evil attack on a school in my constituency. Why has it learned nothing from other attacks on schools in other constituencies? I want to know what resources and strategy the Minister is going to put in place to protect children from similar attacks.

The majority of this House will agree with me when I say this: when you appoint a terrorist to a position in the Government of Northern Ireland, it is little wonder that there is a drop in standards in education.

**Mr M McGuinness:** The law places responsibility for health and safety on the employer, in this case the school authority. However, I take the issue of school security very seriously and my Department has issued guidance to schools on the development and implementation of a school security policy. Employing authorities have an important responsibility for ensuring that their schools are safe and secure for staff and pupils. As well as having security strategies they should ensure that risk assessments are undertaken to enable security needs to be identified and addressed.

I recognise that it is difficult for authorities to guarantee school security under all circumstances and there are limits to what can be sensibly done to protect against the most extreme incidents. A proper balance must be struck between making schools secure and keeping them accessible.

Over the course of the last four years my Department has made available additional resources of some £4 million, specifically for basic security measures in schools. The measures have taken the form of access controls on doors to control visitor access, internal audio and visual monitoring systems and intruder alarms. The measures are largely directed towards personal protection of staff and pupils and are determined on the basis of risk assessments carried out by individual schools. These are in addition to more significant capital works undertaken by boards and individual schools to protect school buildings. These

take the form of fencing, CCTV, external security lighting, security grilles on windows and the provision of security stores. This followed on from the many lessons that were learned in the aftermath of the fatal stabbing of the headteacher, Philip Lawrence, in England. We always have to be conscious and aware of our responsibilities to schools, to the people who work in them and to the young people.

It is also important to point out that during the summer quite a number of schools were attacked in the north Antrim area. I was very pleased to see that the Paisleys — Mr Ian Paisley Snr and Mr Ian Paisley Jnr — have at long last decided to say something about that. That is an encouraging development because at one of the schools that was attacked the board of governors was actually meeting when someone threw a petrol bomb into the school. There was not a cheep out of Mr Paisley about that incident then. *[Interruption]*

**Mr Paisley Jnr:** Liar. You are a liar.

**Mr M McGuinness:** In the course of the last couple of weeks — *[Interruption]*

**Mr J Kelly:** Point of order, a LeasCheann Comhairle.

**Mr Deputy Speaker:** There are no points of order during Questions.

**Mr M McGuinness:** In the course of the last couple of weeks, and the recent attacks, *[Interruption]*

**Mr Paisley Jnr:** Liar.

**Mr M McGuinness:** It is most welcome that Mr Paisley Snr and Mr Paisley Jnr have at last found their voices.

**Mr Paisley Jnr:** You are a liar.

**Mr Deputy Speaker:** Before I call the next Member I remind all Members that we are only at Question 2 — we have a substantial number of Questions still to get through. If Members would keep their Questions relatively short and the Minister the answers relatively short, we might get through more business.

**Mr K Robinson:** Does the Minister agree that it is far from satisfactory that term-time only staff, such as school secretaries, find themselves in the frontline of defence in the security systems of many of our schools? Will he bear this in mind when job evaluation exercises and negotiations over retainer fees for such staff are being discussed by the agencies under the aegis of his Department?

2.45 pm

**Mr M McGuinness:** I agree with the Member. The people presently involved in the joint negotiating council should seriously consider these matters in relation to the ongoing discussions to resolve the problems relating to term-time workers. As everybody is aware, one proposal is that a job evaluation process



should be established. I certainly agree that this is important and should be taken into consideration.

### School Standards (Rural Areas)

3. **Mr B Bell** asked the Minister of Education if he will detail his plans to sustain a high standard of schools in rural areas, and if he will make a statement.

(AQO 202/00)

**Mr M McGuinness:** The accommodation needs of rural schools, like those of all schools, are addressed by my Department's capital prioritisation arrangements. These give high priority to the replacement of rural schools that are currently operating in sub-standard accommodation. It is important that rural communities have a network of strong local schools with the necessary accommodation, equipment and range of teaching experience. On the rationalisation of rural schools, I will wish to be satisfied that every option has been examined in consultation with parents and the community before making any decisions on closures.

**Mr B Bell:** I note from the Minister's reply that he shares some of my concerns. How does he intend to ensure that school facilities in rural areas are maintained and improved? Do the capital building priorities address this problem?

**Mr M McGuinness:** In previous Question Time discussions I have made it clear that rural schools, and small rural schools in particular, make a huge contribution to community life. Anybody who knows me will know how greatly I value this contribution. To progress this issue, it is vital that consultation takes place involving local communities, school authorities, boards of governors, school principals, teachers and parents. It is crucial to get this right. In the course of our deliberations on school capital funding programmes and on suggestions or proposals for rationalisation we must ensure that we move forward sensibly on this issue. It is of great concern to people, particularly those living in rural areas.

The rural nature of this area, and the structure of education here, means that there will be a significant number of small rural schools. The accommodation needs of these schools are met via the Department's capital prioritisation arrangements. There are limited funds available for new school building schemes each year, so only high-priority projects can proceed in planning. This includes the replacement of those rural schools currently located in sub-standard accommodation. Following completion of an economic appraisal, the planning of a project is permitted to proceed to enable the scheme to compete for funding under the annual new starts programme. It is important to appreciate the huge contribution that such schools have made. It is vital that we move forward sensibly, bearing in mind that resources are limited.

**The Chairperson of the Education Committee (Mr Kennedy):** Given the high levels of need experienced by rural schools, what proactive measures — and we have heard much in extremely general terms in the earlier replies — does the Minister intend to take to address this problem?

**Mr M McGuinness:** The Department of Education considers it important that rural communities have access to a network of strong local schools with the necessary accommodation, equipment and range of teaching experience to provide a broad and balanced curriculum.

A strong rural school has advantages in the range of the curriculum, the expertise of the staff, the educational benefits of single-age-group classes, enhanced interaction for pupils and teachers, and more curricular activities. In moving this issue forward and ensuring that a proper locally based education is provided in small rural communities, we must take account of the limited finances and resources available. Many small primary schools throughout the North are over 100 years old. There is huge pressure on the Department in terms of what can be achieved in any given period.

For example, the largest ever capital building programme for schools was announced at the beginning of this year — £70 million. I have made it clear that when one considers the problems and difficulties that exist, this is only a drop in the ocean, and there are few in the House who would disagree. As a result, there has been a debate about rationalisation in education: how to improve facilities and conditions for children, parents, teachers and school authorities, and how to do that sensibly with the available resources. It will be difficult, and it will not be possible to please everybody.

The Department is looking proactively at the issue of rural schools, particularly small rural schools. We appreciate the contribution that they make. There are a number of outstanding proposals before my Department, on which I expect to announce decisions over the next few weeks. People will find these decisions are an interesting departure from previous policy.

**Mr Deputy Speaker:** I again remind Members to keep their questions and answers relatively brief. There are still a number of questions to be put.

**Mr Gallagher:** The importance of small schools has quite rightly been stressed. Nowhere is that more important than in the west of the Province, especially in the Western Education and Library Board area, which has the highest number of small schools of all the boards. From Hallowe'en, canteen staff in some small schools in the Western Education and Library Board area will have their hours cut because fewer children are taking school meals because of increased meal prices from 1 September at primary and secondary school

level. Given the serious implications of that issue, will the Minister consider a review of all aspects of this decision, including the provision of free school milk for families on income support in all board areas?

**A Member:** On a point of order, Mr Deputy Speaker. That question is not relevant.

**Mr Deputy Speaker:** I will take points of order after Question Time, but on this occasion I will ask the Minister whether he considers that question relevant to Question 3.

**Mr M McGuinness:** It is not relevant to the question before us today, but it is a relevant question. It is one that should concern us. Members will be aware that the education and library boards have the key responsibility for the cost of school meals. The Department can only do so much.

Again, this question relates to the level of available resources and whether we are pushing as much finance as possible straight towards our children's education in an attempt to ensure that resources are classroom-based, as opposed to the other difficulties. We must give serious consideration to the matters raised by Mr Gallagher. I am involved in ongoing discussions with the education and library boards about these issues.

**The Deputy Chairperson of the Education Committee (Mr S Wilson):** Perhaps, Mr Deputy Speaker, you will inform the Minister that although this is described as Question Time, it requires that some answers be given to the House.

I notice that in his responses to the questions on rural schools he has told us —

**Mr Deputy Speaker:** Mr Wilson, do you have a question?

**Mr S Wilson:** Yes, I do, and I would like an answer to the question. My preamble is to ensure that we do get an answer.

The Minister has told us that he thinks that this is an important issue and that he is going to give it serious consideration. Perhaps he would tell us what he intends to do to help rural schools. Secondly, will he give this House an assurance that in this year's capital spending programme we will not see the same bias as we saw last year when the money went in favour of maintained schools at a ratio of four to one?

**Mr M McGuinness:** The last comment is totally inaccurate, as usual — we should not be surprised about that. The reality is that the school capital building programme, which I announced at the beginning of this year, was very well received, and there was very little criticism, even from the Member's own party, at the time.

One thing is certain in the Department of Education, over which I have stewardship: under no circumstances

will any community be treated the way the community that I come from has been treated over the course of 70 to 80 years under British rule.

It is also vital to state that my Department is committed to ensuring support for small rural schools and for education in the rural community. A number of issues are currently before me, and I will take decisions on those over the next couple of weeks. The decisions taken will clearly demonstrate — better than any answer I can give in this House — that I am absolutely committed to the preservation of the rural community and of education within the rural community.

### Schools Reorganisation (Strabane)

4. **Mr McMenamin** asked the Minister of Education if he will outline when the proposed major reorganisation of schools in Strabane will be announced. (AQO 175/00)

**Mr M McGuinness:** I hope to be in a position to make an announcement later in the autumn.

**Mr McMenamin:** I appreciate the implications of the current review for the whole of the North of Ireland in relation to secondary education. However, Strabane is alone in these new proposals and this is causing tremendous uncertainty and concern. Parents and teachers have been left in limbo for too long. Will the Minister take steps to assure me that there will be an announcement sooner rather than later?

**Mr M McGuinness:** First, and I do not think that anyone will be surprised at this, it would be totally inappropriate of me to pre-empt the outcome of the development proposal in relation to the school in Strabane. My Department is currently preparing a submission for my consideration which will examine the key educational, structural and management factors involved, as well as taking account of the objections raised. The issue that the Member mentioned will, of course, have a huge impact not only in Strabane but also in areas all over the North.

By the end of this month I hope to announce the composition of the review body that will be charged to take forward what I consider to be the most important debate on education that we have had in 100 years. I hope that the review body will come back to me by May 2001 with definite proposals as to how this should be taken forward. Of course, all of this will impact not only on the development proposals for Strabane but also on schools throughout the North.

We will make a decision on the Strabane proposal soon, and we will continue with the debate into post-primary education. I hope that at the end of that process we can come forward with proposals that will allow us manage the whole issue of post-primary education in a way that benefits all our children.

**Mr Hussey:** The question refers to the major reorganisation of schools in Strabane. The Minister has addressed the issue of the maintained sector and a particular problem in Strabane. However, I also understand that last year the board of governors of Strabane Grammar School entered into discussions with the Western Education and Library Board and the Department with regard to the school's long-term accommodation needs and that various options were to be investigated and costed. Can the Minister update the Assembly on the current situation of Strabane Grammar School which, to quote its principal, "urgently needs a new-build programme to bring it into the twenty-first century"?

3.00 pm

**Mr Deputy Speaker:** Will the Minister please make his answer brief.

**Mr M McGuinness:** Discussions are taking place, and have taken place, between the officials of Strabane Grammar School and representatives from the Western Education and Library Board. We are very concerned about the state of the schools estate throughout the North, not just in Strabane Grammar School, and it is vitally important that we deal with this in a sensible way.

The Department of Education believes that the announcement of the school capital building programme at the beginning of 2001 will go some way towards alleviating the difficulties of many schools throughout the North. However, there is an added consideration now as a result of the pilot schemes that have taken place with relation to the private finance initiative approach. The Department of Education is also considering how it can take that initiative forward in order to enhance the quality of accommodation at different schools throughout the North. When one considers the huge legacy of neglect and underfunding, I am sure Members will agree that that is the sensible approach.

**Mr Deputy Speaker:** The time is up.

**Mr J Kelly:** On a point of order, a LeasCheann Comhairle. Is it in order for a Member to refer to a Colleague as a liar without having supporting evidence for such a serious allegation?

**Mr Deputy Speaker:** It is not in order for a Member to describe the Minister as a liar, and I give Mr Ian Paisley Jnr the opportunity to withdraw the remark.

**Mr Paisley Jnr:** How can a Member withdraw something that was said from a sedentary position when it does not appear on the public record?

**Mr Deputy Speaker:** It will appear in the record now because it has been raised as a point of order.

**Mr Paisley Jnr:** If the Minister is not happy with being called a liar — even if he is — the public record

should show that he has been a purveyor of blatant untruths. Let the public record also show that he is a stranger to the truth and an apologist for murder. I would put that on the public record.

**Mr Deputy Speaker:** Mr Paisley, are you withdrawing your remarks?

**Mr J Kelly:** A LeasCheann Comhairle, you asked for a withdrawal. Did we get it?

**Mr Deputy Speaker:** I ask Mr Ian Paisley Jnr again to withdraw the remarks.

**Mr S Wilson:** On a point of order, Mr Deputy Speaker. The only person on record in the House as having called the Minister a liar is his own Colleague. The remarks of my Colleague will not be on the record because they were made from a sedentary position. As far as I am aware, the only person who made the comment that will appear on the record was Mr Kelly. Maybe he would like to withdraw it.

**Mr Deputy Speaker:** Order, Mr Wilson. I will examine Hansard and come back to the matter. I am now moving on to the next item — *[Interruption]*

**Mr B Hutchinson:** On a point of order, Mr Deputy Speaker — *[Interruption]*

**Mr Kennedy:** Further to that point of order, Mr Deputy Speaker. I am grateful to Mr Hutchinson for giving way — even though it was not willingly.

Mr Deputy Speaker, I am extremely dissatisfied at the conduct of questions to the Minister of Education. We had a total of four questions. Question 1 lasted for nine minutes 52 seconds; question 2 lasted for six minutes 48 seconds; and question 3 lasted for a record time of — *[Interruption]*

**Mr Deputy Speaker:** Mr Kennedy, what is your point of order?

**Mr Kennedy:** I am not satisfied with the chairing of Question Time. It has been done in a manner in which all Members who took the time and trouble to place on record — *[Interruption]*

**Mr Deputy Speaker:** Mr Kennedy, you are out of order. No statement concerning the chairing of the Assembly can be made from the Floor. I drew the attention of the Minister and Members to the length of questions and answers.

**Mr B Hutchinson:** On a point of order, Mr Deputy Speaker. Standing Order 19(7) states — and this is what I would have said if Mr Kennedy had allowed me to continue —

"For the purposes of scrutiny, questions should be answered as clearly and fully as possible."

However, that is not my point of order. My point of order relates to Question 3. You allowed your Colleague



from Fermanagh and South Tyrone to introduce a question which was not on the paper. Standing Order 19(7) states that

“a supplementary question may be asked to elucidate an answer”.

His question did not do that. He asked a different question.

He did not then have the decency to stay to listen to the reminder of the questions to the Minister of Education. It was a cheap shot to let his constituents know that he was concerned about what was happening in Fermanagh and South Tyrone. You should have ruled under Standing Order 19(7) that he sit down and that the Minister not answer the question.

**Mr Deputy Speaker:** Mr Hutchinson, it is for me to decide on what to rule, not you. I am on my feet.

**Mr B Hutchinson:** Further to that point of order.

**Mr Deputy Speaker:** Mr Hutchinson, I am on my feet. Order. The Minister was asked whether he wished to take the question and he continued with it. We are eating into the business of the next section —

**Mr B Hutchinson:** Further to that point of order.

**Mr Deputy Speaker:** I am sorry, Mr Hutchinson. I am taking no further points of order at this stage.

**Mr B Hutchinson:** Further to that point of order.

**Mr Deputy Speaker:** I am taking no further points of order.

**Mr B Hutchinson:** Further to that point of order.

**Mr Deputy Speaker:** I am now moving on to questions — *[Interruption]*. Order.

**Mr B Hutchinson:** Further to that point of order.

*Mr S Wilson rose.*

**Mr Deputy Speaker:** Order. Sit down, Mr Wilson. I am on my feet. I am moving on to the next item of business.

**Mr B Hutchinson:** Further to that point of order. You cannot stop me making a point of order. It is in the rules.

**Mr Deputy Speaker:** I am taking no further points of order at this stage.

**Mr B Hutchinson:** Further to that point of order.

**Mr Deputy Speaker:** I am on my feet, and I am taking no further points of order.

**Mr B Hutchinson:** Further to that point of order. You must take my point of order. I have the rule book here.

**Mr Deputy Speaker:** I am taking no further points of order. I am moving on to the next item of business, which is questions to the Minister of Health, Social Services and Public Safety. I call Mr Roy Beggs.

**Mr B Hutchinson:** Further to that point of order.

**Mr Deputy Speaker:** Mr Hutchinson, if you do not sit down you will be named.

**Mr B Hutchinson:** Further to that point of order.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### National Health Service Direct

1. **Mr Beggs** asked the Minister of Health, Social Services and Public Safety if she intends to introduce the National Health Service Direct service to Northern Ireland, and if she will make a statement. (AQO 188/00)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Go raibh maith agat, a LeasCheann Comhairle. Níl pleananna ar bith agam faoi láthair NHS Direct a thabhairt isteach anseo. Bheadh £3 milliún sa bhliain air dá dtabhairfimis a léithid de scéim isteach anseo. Níl mé cinnte go dtabharfadh sí an luach airgid is fearr dúinn nuair a chuirtear san áireamh na tairiscintí eile ar acmhainní na seirbhísí sláinte atá san iomaíocht léi.

I have no plans to introduce NHS Direct here at present. The introduction of an equivalent scheme here would cost around £3 million per year. I am not convinced that it would give the best value for money, bearing in mind the other competing bids for Health Service resources.

**Mr Beggs:** I am most dissatisfied with that answer. Is the Minister aware of the Modernising Government annual report 2000, ‘Putting Citizens First’, in which the nursing director of NHS Direct in Hampshire says that she is saving lives and that figures show that around 43% of callers have been helped directly without having to leave their homes? This service would benefit the entire community in Northern Ireland. I ask the Minister to reassess her position carefully and to look again at where she is spending the money in order to find this £3 million.

Perhaps if the Minister stopped spending money on speaking Irish and on issuing press releases in Irish and spent it on the patients, we could afford this service.

**Ms de Brún:** I have yet to spend £3 million on speaking Irish.

Officials have read and analysed the recent review of the operation of NHS Direct in England. This contains a variety of factual information but the summary assessment of NHS Direct’s performance merely says that it may be beginning to achieve the policy objectives for which it was designed. Officials and board colleagues have also visited Scotland, information has been obtained from Wales,



and the different approaches are being discussed. However, we need to ensure that we identify the most appropriate way forward to suit local circumstances and that we do that within the resources available to us, not the resources available to England, the resources available to Scotland or the resources available to Wales. As I have pointed out on several occasions, all of these are greater than the resources available for the Health Service here.

**Rev Robert Coulter:** The Minister will be aware that NHS Direct now covers 65% of the United Kingdom population and that by the end of this year all of England, Scotland and Wales will be covered by it. Does the Minister not agree that it is a poor reflection on her stewardship of health care here that this successful innovation has not yet been implemented in Northern Ireland?

**Ms de Brún:** Rev Robert Coulter will be aware that there are differences in approach in Scotland and England. I am determined to ensure that the public here gets the best services possible given the resources available, and that means assessing relative priorities to ensure resources are targeted on the greatest needs. We need to ensure that the type of service we have is the most appropriate one for our local circumstances. That could include, for example, nurse triage to support better self-help, or more appropriate referrals to the various branches of the Health Service, in particular GPs, out-of-hours and hospital accident and emergency services.

As I said, I am not convinced that even if all the resources elsewhere were to become available to me, spending £300 million a year on NHS Direct would give the best value for money, and specifically not when bearing in mind the other competing bids for the existing Health Service resources.

**Mrs Carson:** I would like parity with the rest of the UK in the Minister's replies. Has the Minister discussed the matter with the Secretary of State for Health? If not, will she undertake to do so at the earliest opportunity?

**Ms de Brún:** That is being done at official level and, as I have said, officials have read and analysed the review of the operation of NHS Direct in England, they have visited Scotland and information has been obtained for Wales. I need to base my proposals on what is the best method to meet local needs within available resources. Therefore, I do not think it would be a good use of either my time or Alan Milburn's time to have such a discussion at present.

### **Down Lisburn Trust: Mental Health Services**

2. **Ms Lewsley** asked the Minister of Health, Social Services and Public Safety if she will detail the criteria used by Down Lisburn Trust to divert funding from the mental health department to other programmes within

the trust in the last five years, and if she will make a statement. (AQO 197/00)

**Ms de Brún:** Tugadh le fios domh go ndearna Iontaobhas an Dúin agus Lios na gCearrbhach iarracht tabhairt faoi na brúnna taobh istigh dá chlár géarmhíochaine ospidéal sa bhliain reatha trí chistí a aistriú go sealadach ó chlár mheabhairshláinte, mhíchumais agus chúraim phobail. Dá bharr seo, aistríodh tuairim le £100,000 ón chlár meabhairshláinte agus suim den mhéid chéanna ón dá chlár eile. Is lú ná 1% de chaiteachas iomlán na seirbhísí meabhairshláinte an £100,000. Ní dhearnadh aon aistrithe ábhartha eile cistí chuig clár ar bith eile le cúig bliana anuas.

I am informed that Down Lisburn Trust has sought to address pressures within its acute hospital programme in the current year through a temporary transfer of funds from the mental health, disability and community care programmes. As a result, some £100,000 has been transferred from the mental health programme, and a similar amount has been transferred from the other two programmes. That is less than 1% of the total mental health services spend. There have been no other material transfers of funds to other programmes over the past five years.

I am also informed that the trust hopes to restore the funding to mental health services next year, subject to resource availability. All of this, as I would remind Members, happens within the context wherein Scotland spends £128 more per head each year on health and social services and Wales spends 51% more per person, per year.

I have been assured that the trust remains committed to the delivery of high-quality mental health services, as demonstrated by the recruitment of an additional six consultants in mental health services over the past five years.

**Ms Lewsley:** In light of the concerns expressed, in particular by GPs in the Lisburn area, about access to emergency psychiatric beds, it seems that mental health is always seen as the poor relation. If cuts are to be made, they are usually made in mental health services first. Does the Minister not agree that it is entirely inappropriate for Down Lisburn Trust to divert £150,000 from the mental health care programme to other programmes within that trust over the past 12 months?

**Ms de Brún:** I refer the Member to my previous answer. As regards spending on mental health services, overall expenditure on those services here has risen from £93.7 million in 1995-6 to £114.7 million in 1998-9, which is an increase of 22%.

Notwithstanding that, I have made it clear that I believe there is a need for a significant increase in

spending across all programmes of care if the needs of the population are to be fully met.

3.15 pm

**Mr Dallat:** Does the Minister agree that it would be best if decisions regarding the transfer of funds were made by elected representatives, and that there is now a greater urgency to review the role of health trusts and replace them with elected representatives?

**Ms de Brún:** Regardless of who is making the decisions, I believe that where circumstances arise that necessitate a particular transfer of funds, that should occur. We will come to the question of the review of structures later, within the overall Executive programme for reviewing public administration.

**Ms McWilliams:** Can the Minister assure us that this is not happening in any other trust? Does she agree that once you start doing something like this, it becomes custom and practice?

**Ms de Brún:** I agree that once you start a practice like this, it does continue. However, one of the problems with ring-fencing — which is, of course, the other way of tackling this problem, to ensure that transfers cannot be made — is that the flexibility to deal with emergencies is not there. If it became clear that certain services were constantly losing, and losing substantially, to other aspects of the service, I would immediately take action. However, where emergencies arise and there is a temporary transfer of funds which is clearly intended to be replaced and is not a large-scale pattern, the matter needs to be left open to those on the ground dealing with particular situations.

### Acute Hospital Beds: Winter Provision

3. **Mr Ford** asked the Minister of Health, Social Services and Public Safety if she will detail what provision is in place to avert a winter bed crisis in acute hospitals. (AQO 184/00)

**Ms de Brún:** Ar an 16 Deireadh Fómhair bhuail mé le cathaoirigh agus le príomhfheidhmeannaigh na mbord chun aithbhreithniú a dhéanamh ar na pleananna a bhí acu chun déileáil le brúnna an gheimhridh. Tá na boird agus na hiontaobhais i ndiaidh pleananna cuimsitheacha a ullmhú chun déileáil le brúnna an gheimhridh. Bainfear breis úsáide as scéimeanna cúraim idirmheánaigh chun líon na ndaoine a chuirtear gan ghá chuig ospidéal a laghdú agus chun a chinntiú go bhféadfadh daoine a chur abhaile nach gá dóibh fanacht san ospidéal a thuilleadh.

Maidir le cúram príomhúil, tá socruithe déanta le breis seirbhísí liachleachtóirí agus cogaisíochta a sholáthar taobh amuigh de na gnáthuaireanta i rith an gheimhridh. I ndiaidh dúinn leas a bhaint as na

ceachtanna a d'fhoghlaim muid anuraidh, is iad seo a leanas cuid de na bearta atá curtha i gcrích cheana: beidh leapacha breise géarchúraim, ardspleáchais agus míochaine á soláthar; beidh an vacsaíniú in éadan fliú á thabhairt feasta do dhaoine os cionn 65 bliana d'aois. I limistéar Mhórcheantar Chathair Bhéal Feirste beidh ionad le haghaidh iontrálacha éigeandála agus beidh sé ina chuidiú i dtaca leis na hiontrálacha éigeandála a chomhordú i gcás roinnt ospidéal.

On 16 October I met with board chairpersons and chief executives to review their plans for dealing with winter pressures. Comprehensive plans have already been drawn up by boards and trusts. Greater use will be made of intermediate care schemes to reduce the need for inappropriate hospital admissions to ensure that people who do not need to be in hospital can be discharged. In primary care, arrangements have been made to provide additional out-of-hours GP and pharmacy services over the winter.

Building on the lessons of 1999, the measures in place include extra intensive care and high-dependency beds, additional medical beds and the extension of flu vaccinations to the over-65s. In the Greater Belfast area, an emergency admissions centre will help to co-ordinate emergency admissions for a number of hospitals.

**Mr Ervine:** On a point of order, Mr Deputy Speaker.

**Mr Deputy Speaker:** There are no points of order during Question Time.

**Mr Ford:** Given that we had a crisis last January, to hear that the meeting only took place on 16 October causes me some concern. I am not sure whether it is because I wrote to the Minister a few days earlier.

United Hospitals Trust has had a proposal for 20 additional medical beds in Antrim Hospital for the past 18 months, but no action has yet been taken by the Northern Health and Social Services Board. Is the Minister aware of that? Presumably, she is aware of the Eastern Health and Social Services Board report that an additional 100 medical beds are needed in Belfast hospitals. I know where the extra intensive care beds are, but could the Minister please tell us where extra medical beds have been provided since last January? They are needed to deal with a crisis that will inevitably blow up within two months at most?

**Ms de Brún:** The Member will be aware that I commissioned two reviews immediately after last winter's pressures; one was into the availability of intensive care beds and the other was into community care. That resulted in the report 'Facing the Future', which came out during suspension. The report included specific measures and timetables, and I have consistently followed up on progress with boards and trusts and reported to the House. The suggestion that I met the boards to review progress only on 16 October is

completely and utterly unacceptable and does not reflect the situation.

Board plans have included a number of measures, including extra beds, that will be put in place. Each board will have detailed plans as to where those beds will be. This winter, boards plan to introduce around 300 additional hospital beds to cope with likely pressures. They will also have about 1,000 additional community care places this winter. That figure includes intermediate care schemes to reduce the need for inappropriate hospital admissions, as well as schemes to ensure that people who do not need to be in hospital can be discharged.

I am aware of the problems facing hospitals. I have made it clear to the board chairman that plans must take account of the pressures facing specific hospitals before I will approve them. Following my meeting on 16 October, at which planned measures were discussed in detail, I asked my officials to take up a number of issues with the boards, including the impact of current pressures on hospitals.

**Mr Deputy Speaker:** I remind the Minister that a substantial number of people want to ask questions, and we are only now at Question 3.

**Dr Birnie:** As the Minister said, outbreaks of flu play a critical part in the annual beds crisis. Obviously, vaccination of Health Service employees, to avoid staff shortages at such a critical time of the year, would help with that to some extent, but which institution would carry the cost of such vaccination? We should ensure that GP surgeries and hospital trusts have a financial incentive to vaccinate staff against flu to ensure that workers are available at peak times of demand in the winter.

**Ms de Brún:** Boards and trusts have taken on board the issue of vaccinating Health Service staff. We have dealt with the question of the uptake of flu vaccination for the over-65s, and officials are now discussing with trusts the progress made in encouraging staff to take up the vaccination. There is a clear incentive for trusts and GP surgeries to ensure that staff are vaccinated, so that the full complement of employees is there to cope with winter pressures.

**Mr J Kelly:** Go raibh maith agat, a LeasCheann Comhairle. In recent years — particularly last year — one of the major causes of the winter pressures was elderly people falling on ungritted footpaths. Has the Minister any plans to meet the relevant Minister to discuss how the dispute between local councils and the Department of the Environment about responsibility for gritting footpaths could be resolved?

**Ms de Brún:** As I have frequently said, pressures on the Health Service do not arise only from matters that fall within my Department's remit. Indeed, some of the

measures that could be taken to improve the health of the population are not solely the responsibility of my Department either.

I look forward to the full co-operation of my Executive Colleagues in helping to ensure that all measures come together so that the winter pressures do not have the same impact this year and in years to come.

**Mr Byrne:** The crisis in acute hospital services is having an enormous effect on the people of the south-west area of the North, particularly Counties Tyrone and Fermanagh. Does the Minister agree that in the light of the population projections compiled recently by the Statistics and Research Agency, which estimate a growth of 11% in the population of the Western Health and Social Services Board's area over the next 13 years, the counties of Tyrone and Fermanagh need support from her Department?

**Ms de Brún:** Is there a link between the specific question and the acute hospital review? It is precisely because I consider local hospitals so crucial to their communities that I asked for a short, focused review that will report to me in the new year.

### Paedophiles

4. **Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety to outline the steps she is taking to ensure that her Department has adequate safety provision to protect against paedophiles.

(AQO 212/00)

**Ms de Brún:** Reachtlann mo Roinnse an tSeirbhís Chomhairleachta Réamhfhostaíochta a ligeann d'fhostóirí agus d'eagraíochtaí deonacha measúnú a dhéanamh ar oiriúnacht daoine atá ag iarraidh a bheith ag obair le páistí. Beidh mé ag cur moltaí chun tosaigh maidir le Bille um Chosaint Leanaí, lena gcuirfear an tseirbhís seo ar bhonn reachtúil.

Chomh maith leis sin, chuir mo Roinnse ábhar ar fáil don treoir-lámhleabhar ar mheasúnú agus ar bhainisteoireacht priacal maidir le ciontóirí gnéis a d'eisigh Oifig Thuaisceart Éireann.

My Department runs the pre-employment consultancy service which allows employers and voluntary organisations to check the suitability of those applying to work with children. I plan to propose a Protection of Children Bill which will place this service on a statutory footing. My Department has also contributed to a guidance manual for the assessment and management of the risks posed by sex offenders, issued by the Northern Ireland Office. My Department is represented on the joint working group on child protection established by the North/South Ministerial Council. This group aims to develop an arrangement for the reciprocal identification of people considered unsuitable to work with children.



**Mr Paisley Jnr:** Given that her own party has failed to hand over to the authorities three known paedophiles identified in 'The Sunday Tribune' of 27 August 2000, is this House expected to take the Minister seriously on the subject? Does she accept that it is unacceptable for her to remain as Minister while her party protects these undesirable individuals?

**Ms de Brún:** My Department and I have done, and will continue to do, everything possible to ensure adequate safety provision against paedophiles. Furthermore, throughout my political career I have consciously avoided making a political football of this issue. I have never made any statements regarding allegations of child sexual abuse — whether they were against members of the RUC, against members of other political parties, or against members of other churches. This is something that happens in every section of society, in every social class and among every political persuasion. We must take action to prevent child abuse and to ensure that there is no complacency at any level in dealing with allegations about this crime. Those with a statutory responsibility to co-operate in investigating child abuse must discharge that responsibility. Our work must fully protect the rights of the child and minimise the distress caused.

*(Mr Speaker in the Chair)*

3.30 pm

**Ms Lewsley:** You can have all the legislative and policy change you want, but unless parents understand the real risks their children face, how can they actually protect them? Does the Minister agree that in conjunction with the Northern Ireland Office and the statutory and voluntary agencies her Department should lead on a strategic approach to this issue? What steps is the Minister's Department taking to fund a mainstream parent education programme?

**Ms de Brún:** It is very clear that something needs to be done. I discussed this recently with the Health Committee to ensure that on this question and a range of others there is the greatest possible collaboration between Departments, a co-ordinated effort to ensure that our children have the protections and services they deserve. This is one reason I welcomed the setting up of the joint working group on child protection in the North/South Ministerial Council's education sector that was organised by my Colleague Martin McGuinness. It will ensure that co-ordinated action of this nature is implemented throughout the island of Ireland. I accept that there is a need for the maximum information to be given to parents so they know the dangers their children face. More importantly, information should be provided to children who may face abuse in their own homes as well as abuse outside. We are very anxious to see initiatives to set up helplines and provide information for children.

**Mr S Wilson:** The Minister has mentioned the need for maximum information to be provided to parents and children, and she has said we can afford no complacency. Will she give the House an assurance that if her Department is aware of paedophile activity, it will pass on such information to the RUC so that the appropriate action can be taken?

**Ms de Brún:** I refer the Member to the previous response, where I clearly said that there has to be maximum co-operation among all those bodies who have a statutory responsibility for investigating child abuse. As for my Department's liaising with the RUC, checks are already carried out against criminal records under the pre-employment consultancy service that my Department runs, and there are also links to the social services.

**Mr Beggs:** Does the Minister agree that the judiciary and the rule of law are the only appropriate means of dealing with allegations of child abuse? Will she dissociate herself from paramilitary groups who have taken the law into their own hands and attacked people who have been accused of child abuse and who have made allegations even against members of her party?

**Ms de Brún:** My view of those who take the law into their own hands and physically attack people is that it is wrong, that it should not happen and that it should stop. As to whether the judiciary as opposed to the rule of law is the only avenue, some people prefer to deal with social services, with groups such as community-based restorative justice, or with women's organisations or others. If people in local areas find that members of their families have allegations of abuse against others and wish to use other avenues, I will certainly not dictate and say that there is only one way in which to deal with such a matter. However, any approach has to be within the law, within human rights norms, and in the interests of the child or the person who is alleging the abuse.

## Cancer Services

5. **Mr O'Neill** asked the Minister of Health, Social Services and Public Safety if she intends to introduce a regional cancer plan similar to the national cancer plan in Great Britain, and if she will make a statement.

(AQO 180/00)

**Ms de Brún:** Tá clár á chur i bhfeidhm cheana chun nuachóiriú agus feabhas a chur ar sholáthar seirbhísí ailse anseo i gcomhréir leis na pleananna a fógraíodh i Sasana ar na mallaibh. Tá na nithe seo a leanas i gceist sa chlár atá go maith chun tosaigh: ionad réigiúnach ailse a fhorbairt i mBéal Feirste chomh maith le haonaid ailse in Ospidéal Cheantar Aontroma, in Ospidéal Cheantar Craigavon, in Ospidéal Alt na nGealbhan agus in Ospidéal Uladh.



A programme of modernisation of, and improvement to, the provision of cancer services here, similar to plans announced recently in England, is already under way. The programme, which is well advanced, includes the development of a regional cancer centre in Belfast, as well as cancer units at Antrim Area Hospital, Craigavon Area Hospital, Altnagelvin Area Hospital and the Ulster Hospital. Radiotherapy and chemotherapy services currently provided at Belvoir Park will be relocated to Belfast City Hospital, where a state-of-the-art oncology centre will be built. Work on this project is on course to be completed by 2003. To support this programme of work, a further £8 million has been allocated this year.

**Mr O'Neill:** I welcome the Minister's comments. Does she not agree that the plan announced by the Prime Minister of Britain, Mr Tony Blair, at the Labour Party Conference contained aspects that would be of great benefit to cancer research and cancer services? Does she not also agree that all those involved welcomed that plan and pointed out how people in Northern Ireland would benefit from its introduction here?

**Ms de Brún:** I agree that people welcomed the plan but many aspects contained of it are already under way here. Thanks to tripartite arrangements with the rest of the island of Ireland and the USA, cancer services here are well on the way to being at the cutting edge. I hope to be able to further this progress within the available resources.

The cancer units being developed at the Altnagelvin, Antrim, Craigavon and Ulster hospitals will mean that chemotherapy services and outpatient clinics in breast, colorectal, lung, ovarian and neurological cancers will be available locally. Patients with more complex cancers will, of course, be treated in the cancer centre in Belfast. We have made great strides in our work on the cancer registries and with the National Cancer Institute in the USA.

**Ms Gildernew:** Go raibh maith agat. What liaison has taken place with the Minister for Health and Children for the rest of the island, Mr Micheál Martin, with a view to improving North/South co-operation in fighting cancer?

**Mr Speaker:** The time for this group of questions is up, and on behalf of the House I request the Minister to reply in writing to the last supplementary.

## FINANCE AND PERSONNEL

### EU Structural Funds Monitoring Committees

1. **Mr Leslie** asked the Minister of Finance and Personnel if he will make a statement on the establishment

of the new European Union structural funds monitoring committees. (AQO 199/00)

**The Minister of Finance and Personnel (Mr Durkan):** Pending the completion by the European Commission of its Community Support Framework (CSF) for Northern Ireland, an interim CSF monitoring committee was established, representing the social and economic partners, as well as the Government, local government, equality and environmental interests.

Following the resumption of devolution, I asked a working group of that committee to consider how the new structural funds monitoring committees, to be established under the EU regulations, might be composed and structured. The conclusions reached by the working group, and endorsed by the interim CSF monitoring committee, were presented to the Executive Committee in July, which approved the size of the sectors to be represented on each of the three monitoring committees. These are the community support framework monitoring committee, the Peace II monitoring committee and the committee on transitional Objective 1. My Department then invited nominations from a wide range of interests, including local government and the social partners. Nominations have now been received and will be considered by the Executive Committee soon — *[Interruption]*

**Mr Speaker:** Order. May we please have less noise in the Gallery.

**Mr Durkan:** I hope, therefore, to be able to announce the membership of the new monitoring committees soon. The Peace II monitoring committee will contain an equal number of representatives from the South, and we hope that we can make a joint announcement.

**The Deputy Chairperson of the Finance and Personnel Committee (Mr Leslie):** While I welcome the Minister's answers, I think the word "soon" could be subject to a variety of interpretations. Can the Minister reassure the House that by "soon" he means that these committees will be established before the end of the year? Can he also assure the House that the representation of locally elected representatives will be higher in the new committees than it was in the old ones?

**Mr Durkan:** "Soon" means well before the end of the year. As I indicated, I will bring the matter to the Executive Committee very shortly and after that I hope to be in a position to make an announcement. We have the nominations, on which there has been broad agreement.

We are particularly grateful for the work of the working group and the interim community support framework monitoring committee that helped to establish the new format for the monitoring committees. We are grateful too for the assistance that we have since received from the Northern Ireland Centre in Europe to consolidate and ease the nomination process.

I hope to be in a position to make those announcements soon. We have nominations available. I make the point that the Peace II monitoring committee will be a joint committee with an equal number of members from North and South. We hope to make a joint announcement in relation to that. It will certainly be well within the time limit that the Member has requested.

**Ms Morrice:** How does the Minister envisage those parties which are not in the Government being represented on these committees? How does the Minister expect the Assembly to scrutinise European affairs in the absence of a committee of this type?

**Mr Durkan:** I have already indicated in previous answers that I am in favour of the establishment of an Ad Hoc Committee of the House to look at these points. This applies not least in relation to Peace II — all parties in this House are eager to guarantee the distinctiveness and the additionality of the programme. I explained this to the Finance and Personnel Committee.

All parties in this House were also members of the interim community support framework monitoring committee. There was a fairly desultory pattern of attendance at its meetings, and the proposals that came forward from the working group did not address the position of party members from an Assembly perspective.

In relation to the previous question, four local government representatives will sit on each of the three monitoring committees. I am considering accepting the recommendation that we increase the local government representation on the overall community support framework committee to five, precisely to accommodate a wider range of parties than is currently accommodated.

## EU Structural Funds and Peace II Programmes

2. **Mr Byrne** asked the Minister of Finance and Personnel if he will detail the current position in regard to the finalisation of the EU structural funds and Peace II programmes. (AQO 194/00)

**Mr Durkan:** The European Commission's community support framework for Northern Ireland for 2000 to 2006 will be implemented through two operational programmes: Peace II and transitional Objective 1.

While I had hoped that the Commission would have finalised its community support framework by the end of August, we are still awaiting the final text of the document. However, this has not prevented progress on our negotiations with the European Commission on the two operational programmes, original proposals for which were sent to the Commission during suspension last April. We received detailed comments from the Commission on both draft programmes in August and since then have sent back revised working drafts. These

are now the subject of ongoing negotiations with the European Commission, which we hope will be finalised by the end of November.

3.45 pm

**Mr Byrne:** I thank the Minister for outlining how the discussions and the negotiations are going. Does he agree that European Union funds have played a major role, particularly in helping to regenerate urban and rural communities, over the past 10 years or so? And does he agree that local delivery mechanisms are important for the administration of European-funded programmes, particularly the Peace programme? Given the merits of the district partnership model in Peace I, can the Minister say if any final decision has been made on how Peace II will be administered?

**Mr Durkan:** I recognise the value of the EU programmes to the whole region and to particular localities. However, I particularly recognise the value of the special and distinctive role played by local delivery mechanisms, not least by the district partnerships and the work they foster and sponsor. The Executive wants to see this role develop under the Peace II programme. Therefore we are trying to ensure that these mechanisms can evolve into more strategic development partnerships at each district level, furthering the existing partnership between local government and social partners, and representing community interests on district partnerships.

The Executive Committee is determined to secure primary allocations for the district partnerships, and also to promote local delivery through those measures that Departments themselves will administer and deliver. The Executive Committee is also setting a particular premium on ensuring that Departments employ local delivery mechanisms in social inclusion measures — particularly for women, children and young people — and in cross-border measures. These concerns are very much at the top of the Executive agenda as we try to advance the work on Peace II.

**Dr O'Hagan:** My question has been covered in the previous answer.

**Ms Morrice:** On the question of gap funding between Peace I and Peace II, is the Minister considering releasing more funds to fill that gap? Women's centres, cross-border projects and capacity-building projects in single-identity areas are desperately in need of funds. Could they possibly be given a loan from future budgets?

**Mr Durkan:** We have addressed these concerns over gap funding before. The Executive Committee previously allocated £2 million to assist the voluntary and community sectors involved in Peace I and other EU structural funds over this period. That assistance was made available through the Department for Social Development. Also, approximately £3.3 million was

made available by the Department of Higher and Further Education, Training and Employment to assist eligible, needy projects in the gap between the Single programme 1994-99 and the new transitional Objective 1 programme. We continue to monitor problems, and if people have detailed information on real problems I would appreciate their making it available to my Department. I hear many reports and discussions about the problem, but often the precise details do not materialise. Nonetheless, we want to continue to monitor problems, and the Executive will do this as it reviews our progress in negotiating the new programmes.

**Mr McHugh:** Go raibh maith agat, a Cheann Comhairle. Does the Minister agree that one of the lessons learnt from the last funding, and from Peace I in particular, was the impact of the involvement of voluntary and other wide-ranging agencies? Will these lessons be drawn on in Peace II, and in distributing structural funds the next time round?

**Mr Durkan:** We want to build upon the positive lessons that were learnt from Peace I, not just to improve and bring forward developments for the life of the Peace II programme, but in ways that ensure the sustainability of these models and mechanisms beyond the Peace II programme. I do not believe in treating district partnerships and similar models simply as biodegradable containers for carrying money on a temporary basis from Europe. If we are serious about these models, we need to build them into our own long-term plans, and to apply them to our own measures. Therefore that will be a factor in how we approach Peace II.

Tomorrow I will meet a representative group made up of people from district partnerships, local government, intermediary funding bodies and so on, before having a wider and fuller colloquy with them next month. We aim to agree the best way forward under Peace II in order to make progress on the vital and important work that developed under Peace I.

**The Chairperson of the Finance and Personnel Committee (Mr Molloy):** Last week, when the Committee met a delegation of district partnership boards, there was still quite a gap in funding. A number of people who had applied for funding from the last round, particularly from the Department for Social Development, had been refused, and we have asked them to forward those applications to the Minister so that he can assess the current need.

**Mr Durkan:** I thank Mr Molloy for the helpful direction he gave to the groups who were in front of the Committee last week. The more solid information we have, the more helpful it is. All the money in Peace I has been allocated, but not all of it has been drawn down and it needs to be spent before December 2001. We are encouraging everyone with a direct interest to

make sure they are making full and best use — and fairly ready use — of the moneys available under Peace I.

In relation to Peace II, we want to help people who will be genuinely caught with a gap in funding. Equally, we have to be aware that the European Commission requires Peace II to be a separate and distinctive initiative. Care must be taken when making assumptions about which programmes will continue on a roll-over basis from Peace I to Peace II.

A number of facts need to be considered. People who want to bring forward new measures, new proposals, new projects for Peace II have a relevant interest also. We cannot assume that everything funded under Peace I will automatically receive funding under Peace II and some comments being made about gap funding put us into that position. We are trying to be helpful to Peace I initiatives without being unhelpful to the other key interests that will come forward under Peace II.

**Mr Hussey:** The Minister is aware of concerns in the Unionist community — they were echoed by the Deputy First Minister when he realised that there was a slight problem in applications and that perhaps a proactive approach to encouraging applications from the Unionist community for this type of funding is required. What measures are in place to ensure that there will be a more equitable distribution of funding this time?

**Mr Durkan:** Equality interests are represented on the new monitoring committees, and the Equality Commission will be represented on those committees. Equality considerations have been built into the horizontal principles that will inform the programmes. That includes equality of opportunity for people applying for funds, and making good any gaps or disparities there have been in uptake or access in the past. The Executive Committee has been determined about that, and it is an area in which the European Commission has been particularly encouraging.

### Newry Social Security Office

3. **Mr Fee** asked the Minister of Finance and Personnel if he has plans to replace the Newry social security benefit office. (AQO 209/00)

**Mr Durkan:** Yes, I intend to replace Newry social security office, and I will soon be inviting expressions of interest from developers.

**Mr Fee:** I thank the Minister for the directness and the brevity of his answer. This is one of those occasions when a little more detail would have been helpful. However, I accept fully the direct reassurance the Minister has given.

Bearing in mind that the current benefit office accommodation in Newry for applicants and staff is so



poor, can the Minister indicate the timescale for finding a new location, where that location might be, or how it will be determined? Can he give us any assurance that the current staff complement will not be reduced in future?

**Mr Durkan:** The Member asked for more detail — he is now asking for quite a lot of detail. With regard to time, I indicated that we will invite expressions of interest from developers. We hope that advertisements to that effect will be placed in a couple of weeks. We actually want schemes to be submitted by 24 January 2001 and we hope to have those assessed and appraised by early to mid-March. We hope to be in a position to make appointments then. It is estimated that it will take about 15 months to complete the building and occupation stages. I hope that work should be completed by summer 2002.

As to location, we will await proposals from developers. The previous site in Bridge Street is still there and is still available. However, developers might suggest other sites. The site would have to be within a mile of the town centre, which is taken as being the middle of Hill Street.

As far as numbers are concerned, all social security staff will occupy the new building. DHSS and Training and Employment Agency staff would also avail of the new building. Some of the other Departments made alternative arrangements since the fire, and those alternative arrangements will stand. Those people will not come into the new offices.

**Mr Speaker:** Before calling any further supplementaries, may I advise that I will rule Members out of order for asking for the replacement of offices in other places. This is not the first time I have had to take such a line, because Members are prone to give in to the temptation to take a question concerning a particular constituency and a specific issue and apply it willy-nilly to others.

I gaze around for any indication that a Member wishes to speak. Mr Hussey wishes to risk it.

**Mr Hussey:** I congratulate the Minister on his first answer. It is nice to hear a Minister giving a very short answer and I am sure Mr Fee appreciated it. Are there plans with regard to other social security offices throughout Northern Ireland, and is the Minister aware of the particular problems in Strabane?

**Mr Speaker:** On the latter part of the question, I am ruling the Member out of order. On the first part, I congratulate him on his ingenuity and the Minister on the conciseness of his earlier reply.

**Mr Durkan:** Mr Speaker, I thank you for advising the Members with that very helpful moratorium. We are aware that a number of social security offices, and indeed a number of offices of different services, need to

be improved, and we are aware that commitments have been made to a variety of localities, not least the one that the Member rather sneakily mentioned. We obviously hope to be in a position to bring forward appropriate details when we are ready.

**Mr Beggs:** In considering the redevelopment of benefit offices, will the Minister look carefully at the approach taken in pilot areas such as Lisburn and Dungannon, where the benefit offices and the Training and Employment Agency have been integrated? Unemployment has been reduced by 25% and this has been attributed to the change.

**Mr Durkan:** That is one consideration that will be borne in mind when we look at future social security office accommodation needs. It would go along with all the other basic service needs of social security offices. In relation to the proposal for Newry, I did say that the Training and Employment Agency will also be located in the new office. The two Departments concerned — the Department for Social Development and the Department of Higher and Further Education, Training and Employment — have been successfully developing the very pilot schemes that the Member referred to, and the Executive Committee wants to see further progress made.

4.00 pm

**Mr Dodds:** I am grateful to the Minister for the information he gave about the location, or possible location, of the new office in Newry. In the light of forthcoming events at the weekend, I wonder whether he might be in a position to tell Members from Newry, and other Members, the location of their social security offices.

**Mr Speaker:** It is unreasonable to ask the Minister for information of that kind at a time like this.

### Civil Service: Administrative Assistants

4. **Ms Lewsley** asked the Minister of Finance and Personnel if he will detail the number of administrative assistants employed on a casual basis by the Northern Ireland Civil Service over the last five years, and if he will make a statement. (AQO 192/00)

**Mr Durkan:** In relation to the previous question, I will, of course, refer those who may ask to the Minister for Social Development — or, rather, a former Minister for Social Development. He might well have a helpful list somewhere.

The numbers of administrative assistants employed on a casual basis as at 1 January in the past five years were as follows: 1996, 1,272; 1997, 1,584; 1998, 1,391; 1999, 1,388; and 2000, 1,295. Casual appointments are made by the employing Departments to meet their business needs, particularly in relation to, for example,



short-term vacancies, special projects and projected staffing levels.

**Ms Lewsley:** I wish to ask the Minister why so few permanent positions were made available. Does the Minister agree that it is a waste of resources to bring these people in for a year, train them and then let them go? The figures he quoted in relation to the past five years prove the need for permanent staff in some areas.

**Mr Durkan:** Again I make the point that casual appointments are made by the appointing Departments to take account of particular circumstantial pressures and needs. In many cases, because of vacancies at other levels, people are “acting up”, and that in turn creates temporary vacancies at the level of administrative assistant. That is why many of these appointments are temporary and casual.

While I gave the figures, as asked, for casual administrative assistants, perhaps I should also give figures for permanent appointments over part of the same period. During the period December 1996 to March 1998, 650 permanent administrative assistants and administrative officers were appointed. In the period April 1998 to March 1999 the figure was 1,640, and in the period April 1999 to April 2000 it was 1,590. While the figures for casual appointments may seem high, a considerable number of permanent appointments are being made.

### **Rates Revaluation (Domestic Properties)**

5. **Mr Close** asked the Minister of Finance and Personnel if he has any plans for a rate revaluation for domestic properties in Northern Ireland. (AQO 208/00)

**Mr Durkan:** As part of the work on the Programme for Government, and as previously indicated in the Chamber, I intend to review the rating system in Northern Ireland, and a domestic revaluation will be considered within this review.

**Mr Close:** I thank the Minister for his reply, and I look forward to the review of the rating system. I am sure that the Minister will agree with me that the current system, whereby money is raised from taxpayers throughout Northern Ireland, is based on a system that is not transparent, is not at all progressive and levies money through an iniquitous regional rate, which all of us abhor. Does he agree that the sooner such a system is done away with the better?

**Mr Durkan:** I make the point that I have made before. Clearly the Assembly has some reliance on the regional rate to fund part of our public expenditure. In relation to trying to overcome any of the anomalies, difficulties and problems that many have with the district rate, the regional rate and the rating system in

general, we need to take account of what alternatives are available to us and what we would put in their place.

I do not believe that we can afford to opt for blanket abolition if we want to continue to spend at the sort of level we indicated in the Budget last week. If we are to create alternatives, we need this type of wholesale review to identify precisely all the issues involved, along with the alternatives and the possible problems that might attach to those alternatives.

**Mr Dodds:** The Minister will be aware of the concern that has been voiced about any possible increase above the rate of inflation in rents for Housing Executive tenants. It is an issue that many Members have concerns about, including those of us on these Benches. Can he give the House a reason why he proposes to increase the regional rate by 8%? When he considers rate revaluation for domestic properties in Northern Ireland, will he not reconsider this? I know that the proposed increase has caused concern to domestic ratepayers. The Minister has a little more work to do to persuade people that an increase of that magnitude is justified.

**Mr Durkan:** If we compare the total rates bills of householders in Northern Ireland with those across the water, we find that contributions here are not particularly high or excessive, even with the 8% increase scheduled on the domestic rate for next year. If we take a ready reckoner on this, each per cent of increase on the domestic rate would work out at £2.2 million in terms of public expenditure. Therefore, for each lower rate increase of 1% that we make, we have to alter the spending plans for next year accordingly by £2.2 million.

If Members want to suggest alternatives for funding the lower rate increases, then that is something that could be looked at in the context of the overall Budget consideration. We want to try to deal with many of the underlying concerns and anomalies in the rating system in the broader rating review. We want to make it more transparent so that householders — the key fund-givers — actually understand the value of what they are contributing to and the value of what they are getting in return.

**Mr Neeson:** The Minister has stated that he and his Department are looking at alternatives. Is it an alternative that this Assembly should have tax-varying powers?

**Mr Durkan:** Property-related taxation — the rates — comes within the competence of the Assembly. Tax-varying powers are a different area and are not transferred matters.

**Mr S Wilson:** Does the Minister agree that since £20 million is spent on North/South bodies, the people of

Northern Ireland would probably appreciate no increase in the regional rate —

**Mr Speaker:** Order. The Member knows perfectly well that that is well outside any conceivable, reasonable supplementary relating to this question. It is also now outside the time, and I therefore move to the next item of business.

## **CHILD SUPPORT, PENSIONS AND SOCIAL SECURITY BILL**

### **Final Stage**

**Mr Speaker:** The Further Consideration Stage of this Bill having been completed, along with my own consideration, which is that the Bill, as it now stands, is competent and conforms to the European Convention on Human Rights, we move to the Final Stage. I call the Minister for Social Development.

**The Minister for Social Development (Mr Morrow):** I beg to move

That the Child Support, Pensions and Social Security Bill (NIA 1/00) do now pass.

In agreeing to the provisions of this Bill, the House will make a major contribution to the ongoing process of welfare reform. I will not go over the provisions in any detail, but I will comment briefly on what has been achieved. The foundations have been laid for a new, fairer, simpler system of child support which, above all, will do what child support has always aimed to do, which is to get the money to the children who are entitled to it.

In the field of pensions, the most significant achievement is the introduction of the state second pension to help those who, through no fault of their own, cannot earn enough to build up a good pension under the State Earnings-Related Pension Scheme (SERPS) or through an occupational or personal pension. We are doing much to increase the independence in retirement of a significant section of society, including carers and the disabled, who until now had no option but to rely on means-tested benefits in their twilight years. We have also improved the regulation of occupational pension schemes by extending the functions of the Pensions Ombudsman and making it easier to obtain information about prospective pension entitlements.

The provisions dealing with housing benefit decisions and appeals bring that benefit into line with procedures for other social security benefits and child support, and are entirely beneficial. After a lengthy debate, we have put measures on the statute book to allow for both the withdrawal of a driving licence for failure to make child support payments and for the withdrawal of benefits where a court decides that a person has breached a community sentence.

I am aware of the depth of feeling in the House about the severity of those measures. It is incumbent on me to remind the House that while those measures will be used if necessary, they are intended primarily as deterrents. The threat of a driving licence withdrawal is intended to deter non-resident parents from defaulting

on child support payments. The benefits sanction is intended to encourage compliance with the terms of a community sentence. I remind the House that the provisions dealing with community sentences will not be brought into operation in Northern Ireland before they have been piloted in England and Wales. Following evaluation of the pilot schemes, they will both be brought into force throughout Great Britain.

I would like to put on record my deep appreciation to all those who contributed to the debates on these sensitive matters. Many people spoke with feeling and with considerable knowledge, allowing us to fully consider the relevant issues. David Ford and Monica McWilliams showed particular interest, albeit in opposing certain clauses. There were of course those who were very positive and who latched on to the merits of the Bill and spoke accordingly. These included Peter Robinson, Ian Paisley, Jim Shannon and others.

Several Members expressed reservations about the use of the accelerated passage procedure for a Bill of this size and complexity. I will not rake over the embers of earlier discussions about who may or may not have objected to the accelerated procedure had they been able to be here at the appropriate time. That is a side issue. The accelerated passage procedure is tailor-made to cover this area of legislation. The unique position of social security, child support and pensions is specifically recognised in the very Act that set up this Assembly and from which we draw our legislative competence.

Had we not been able to avail of accelerated passage, this Bill would, in all probability, have taken several months to complete its passage. In earlier debates I spoke at length about parity. I trust that all parties in the House recognise the major advantages that parity brings. It is clearly not right to delay the implementation of parity legislation for several months and to deny the people of Northern Ireland the same rights as their fellow citizens in Great Britain. Even we can avail of the accelerated passage procedure.

The procedure is not perfect, but in the course of the passage of the Bill we were able to fully debate all the issues that Members wanted to raise. As far as I am aware, every Member who wished to speak was able to do so. I trust that I answered every question asked of me. I ask those Members who expressed concern about the use of accelerated passage to consider carefully what I have said. In conclusion, I thank Members for their contributions to what have been lively and thought-provoking debates.

4.15 pm

**Ms Gildernew:** A Chathaoirleach, while I accept that this Bill has some merit and value, I would like to put it on the record that it contains clauses and principles that

we cannot support. As we cannot support the Bill in its entirety, we will vote against it.

**Mr Ford:** It will come as no great surprise to the Minister that my Colleagues and I remain unpersuaded by his arguments, specifically on clause 16 and clauses 53 to 57. We found the Minister's arguments no more persuasive than our friends who heard Ministers advocate similar arguments in Westminster did. Nonetheless, we recognise that 90% — if not more — of the Bill is uncontroversial and contains principles of parity which we in this part of the Chamber fully support. Although we may not accept parity in every dot and comma, it is clear that there should be parity in the benefits paid in specific cases.

Ninety per cent of the Bill went through uncontroversially, and the Minister, his party Colleagues and his silent followers in the UUP defeated us on other matters. To date, the Bill has passed through its stages properly, and we will not oppose it further.

**Mr Morrow:** I welcome Mr Ford's remarks. Even if he has not seen the light entirely, at least there is a glimmer of hope. I thank him.

**Mr Ford:** If you go on like that — *[Laughter]*

*Question put.*

*The Assembly divided: Ayes 57; Noes 14.*

#### AYES

*Billy Armstrong, Alex Attwood, Roy Beggs, Billy Bell, Eileen Bell, Paul Berry, Esmond Birnie, P J Bradley, Joe Byrne, Gregory Campbell, Mervyn Carrick, Joan Carson, Seamus Close, Wilson Clyde, Robert Coulter, John Dallat, Duncan Shipley Dalton, Ivan Davis, Nigel Dodds, Arthur Doherty, Mark Durkan, David Ervine, John Fee, David Ford, Tommy Gallagher, Oliver Gibson, Carmel Hanna, William Hay, Joe Hendron, David Hilditch, Derek Hussey, Roger Hutchinson, Gardiner Kane, Danny Kennedy, James Leslie, Patricia Lewsley, Alban Maginness, David McClarty, Donovan McClelland, Alasdair McDonnell, Alan McFarland, Michael McGimpsey, Maurice Morrow, Sean Neeson, Danny O'Connor, Eamonn O'Neill, Ian Paisley Jnr, Edwin Poots, Ken Robinson, Mark Robinson, George Savage, Jim Shannon, John Tierney, Denis Watson, Jim Wells, Jim Wilson, Sammy Wilson.*

#### NOES

*David Ervine, Michelle Gildernew, John Kelly, Barry McElduff, Gerry McHugh, Mitchel McLaughlin, Pat McNamee, Monica McWilliams, Francie Molloy, Jane Morrice, Conor Murphy, Mick Murphy, Dara O'Hagan, Sue Ramsey.*

*Question accordingly agreed to.*

*Resolved:*

That the Child Support, Pensions and Social Security Bill (NIA 1/00) do now pass.

*The sitting was suspended at 4.29 pm.*







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# NORTHERN IRELAND ASSEMBLY

Tuesday 24 October 2000

*The sitting begun and suspended on Monday 23 October 2000 was resumed at 10.30 am (Mr Speaker in the Chair).*

## ASSEMBLY: UNPARLIAMENTARY LANGUAGE

**Mr Speaker:** During Oral Answers to Questions yesterday a Member described, from a sedentary position, another Member as being a liar. This is clearly unparliamentary language, and I must ask the Member to withdraw the comments made. The Member was Mr Ian Paisley Jnr, and I ask the Member to withdraw his comments.

**Mr Paisley Jnr:** Thank you, Mr Speaker, for calling me. You know that in all conscience I cannot withdraw something which I know to be the truth.

**Mr Speaker:** I must advise the Member that if he does not withdraw the comment I will order him to leave the Assembly and its precincts for the rest of the day.

**Mr Paisley Jnr:** I accept your ruling, Mr Speaker.

*The Member withdrew from the Chamber.*

**Mr Dodds:** On a point of order, Mr Speaker. In addition to the ruling that you have made, will it be possible to make a ruling on the untruthful and wholly false assertions made by the Minister of Education at Question Time yesterday as they have no basis whatsoever in reality?

**Mr Speaker:** Order. The Member knows that by proceeding in the way that he is doing he is merely compounding the unfortunate circumstances which we have already experienced.

## PROGRAMME FOR GOVERNMENT

**Mr Speaker:** I have received notice from the Office of the First Minister and the Deputy First Minister that they wish to make a statement on the Programme for Government.

**The First Minister (Mr Trimble):** With permission, Mr Speaker, we would like to make a statement on the draft Programme for Government on behalf of the Executive. In accordance with paragraph 20 of strand one of the Belfast Agreement the Executive agreed a draft programme on 16 October, incorporating the agreed budget and linking this to policies and programmes. We are therefore laying this Programme for Government before the Assembly for scrutiny and for future approval, after examination in the Committees, on a cross-community basis.

Today's statement is the start of a process of consultation. The statement focuses on the principles underlying the programme rather than on the detail of its contents, although we will say something on the content later in the statement. We also wish to set out proposals on how we might take forward our discussion on the draft programme, how these proposals relate to the Assembly's scrutiny of the draft budget, and how these two processes can be brought together in the new year in a final agreed document. The letter to the Speaker, which Members received last week, explained how the Programme for Government and the budget could be progressed through the stages of Assembly scrutiny and debate.

As Members are aware, this is an important task, which we will return to each year. In future years, with less pressure on time and with more experience, I believe we can create a longer cycle, allowing more time for consideration and reflection. This year, inevitably, we have all faced severe time constraints, and we are very grateful for the Assembly's assistance in this process.

The document is a first approach to the important task of linking the work of Departments and agencies, creating a new sense of priority and direction. We believe we have started to map out a new agreed direction addressing the real problems that Northern Ireland faces and creating more accountable government.

We believe that this process is unique — certainly in the history of Northern Ireland — in producing the equivalent of the Queen's Speech and a multi-party manifesto rolled into one. It is a comprehensive document covering the aims, priorities and intended actions of the new Administration, and it sets out the context for the draft budget. Transparency is one of the watchwords, and, as in Scotland and Wales, the public will now be in a good position to see, with some precision, what this Administration is about. As we develop the programme

with targets for the implementation of actions, that transparency will be extended to allow people to assess our effectiveness in delivering the programme. We believe this is a first in shining new light into the darker recesses of government.

This document, however, is not the last word. It reflects the best efforts of the Executive and officials in the time available. We have necessarily made choices, sometimes difficult choices, to fit our aspirations within the resources available. The last word, however, resides in this Assembly. This draft programme is the start of a phase of consultation with the Assembly and of subsequent refinement. We will also seek the views of other organisations wishing to contribute to our future to produce a final document for the Assembly's approval.

It is necessarily a complex document. It contains over 230 actions, set out in over 30 sections. The majority of these actions are covered by the budget proposals for next year, which, following consultation, will need the Assembly's final agreement by December. As we explained in our letter, we therefore propose that we should hold a longer debate in mid-November to receive the Assembly's broad views on the programme, once the Committees have had an initial opportunity to consider the document. In particular, the Assembly may wish to give its view on whether the programme provides an appropriate basis for the budget. If Committees have views on the programme and on the many specific actions included in it, which have implications for expenditure in 2001/02, we would ask that these are fitted into their consideration of the budget. A revised budget will then be presented to the Assembly and voted on before Christmas.

As individual Committees scrutinise the programme, and also consider their budget, Ministers will be able to explain the details of their actions more fully. The Assembly will have until January to let the Executive have its views on the wider programme. We will then consolidate revisions to the budget with those to the Programme for Government and will present a consolidated programme to the Assembly for final agreement.

The Programme for Government is central to co-operation between the different parties to the agreement in Northern Ireland. Through their Pledge of Office, all Ministers must participate with their colleagues in the preparation of a Programme for Government, and co-operate within the framework of that programme when it is agreed in the Executive Committee and endorsed by the Assembly.

The document therefore provides an open statement, to be democratically agreed through the Assembly, of the policies and actions that bind all Ministers together for the better government of Northern Ireland. It will become the joint agreed declaration of policy of this

Administration, which all members of the Administration will need to support. In turn, the public can have a clear understanding of what they can expect from the new Administration. After almost 30 years of unaccountable direct rule, it will be a contract between the Government and the public.

I hope that this programme can be of value to other organisations — the voluntary sector, business groups, trade unions and others who also have an important role to play in the future of Northern Ireland. I hope that this programme, as we develop it in the coming months and years, will help to provide a focus for the future of Northern Ireland, helping all to work together effectively.

The role of the Government, in many fields, is to set out a framework incorporating vision and direction within which others can act. This programme is designed to provide such a framework. The end result must be greater trust and understanding between all levels of government and the public. That will be essential for securing peace and deepening our democracy.

We also need to create an agreed sense of priority about our overall policies to enable us to ensure that all Departments contribute to that agreed vision and direction. The Administration is not made up of 11 separate entities, each run by individual Ministers looking after totally discrete policy areas. That would lead to inefficiency and frustration. We have all dealt with constituency cases in the past where resources were poorly spent, co-ordination was poor and different Departments were at loggerheads.

The public, frankly, do not care which Department solves the problems they are seeking to be answered. What they want is good quality services and effective policies, meeting real needs. For this reason our key policy areas are cross-cutting in nature, requiring different Departments and agencies to co-operate for the benefit of the public. In many cases it is only when a number of Departments get together, agree a common vision and set out policies which complement one another that we achieve the significant gains that are needed.

As a first step in achieving joined-up government we devote a significant part of this Programme for Government to setting out priority policy areas, broadly defined, where we wish Departments to work together to improve society. The Deputy First Minister will elaborate on the nature and content of those priorities in a moment.

To develop these priorities, the Executive is considering establishing a limited number of sub-committees to take forward policy work on key cross-cutting policy areas so that the relevant Ministers can work together to review the effectiveness of policies and, where necessary, adopt new innovative approaches. The work of developing cross-cutting priority areas will be assisted by the evolving



role of a new feature in managing public spending. These are the Executive programme funds. These will be managed directly by the Executive as opposed to being pre-allocated to Departments. They will seek to assist the development of new policies and programmes and new improved services as well as dealing with major infrastructure projects.

The main policy areas we propose that they should cover are: social inclusion and community regeneration in order to combat poverty and support communities; service modernisation to promote efficiency and innovation within the public sector; new directions to encourage the development of innovative new policies tackling important areas; infrastructure and capital renewal to support the modernisation of our increasingly dated transport and other infrastructure in partnership with the private sector; and finally — but by no means least important — to support and protect children in need and young people at risk.

The focus of these Executive programme funds will be on policy and service innovation, on tackling weakness in infrastructure and on ensuring effective targeting of programmes on groups and areas. Proposals will either be of major regional importance or cross-cutting in their nature. The funds should in many cases help lever in other resources, from a number of other Departments or even elsewhere, to create new funding bases for cross-cutting policies.

In the first year of this programme, starting in April 2001, the Executive proposes that £16 million be devoted to these funds. With the experience of the first year of this initiative behind us, we then propose to rapidly increase the value of these funds to £100 million in 2002-2003 and £200 million in 2003-2004.

One aspect I wish to stress in the Programme for Government is the desire to concentrate resources on real needs in Northern Ireland. We have to be realistic. We have to make clear the challenges we face. We have to make clear that we will not solve all deep-rooted problems overnight. It has not been either possible or sensible to attempt to make all of the fundamental changes we wish in the first few months of this new Administration. Major changes need to be carefully planned and thought out. That is why the programme contains a significant number of major policy reviews which will influence the direction of policy in important ways in future years.

*10.45 am*

I will not list all of these reviews. There are too many to do so briefly, but I will mention a few. There are ongoing reviews of the structure of selection, of secondary education and also of student finance. There are also reviews of transport strategy and, most importantly, of road safety, which it is hoped will maintain a

reduction in deaths and injuries on our roads. We will introduce a review of public administration to ensure, among other things, that the costs of administration are minimised. In addition, a number of new strategies are to be developed, including those for public health, sustainable development and energy markets.

As these reviews are completed and considered by both individual Ministers and the Executive, policy in Northern Ireland will increasingly be tailored to our unique circumstances and to reflect the needs of our people.

While we have seen a significant increase in finances, those finances are still limited. A budget increase of 4.7% in real terms provides some room to manoeuvre, but it does not enable us to do all that we would have wished. We must still make choices. Making choices is not easy. It requires freeing up resources from aspects of expenditure considered less essential to allow us to do more in those areas of policy we view as particularly pressing. Increased flexibility of this sort requires a sea change in the culture of departmental administration, and this we are determined to achieve.

As an important start in this direction we intend that the Programme for Government will include a set of targets associated with the specific actions listed under each priority area. These targets will be incorporated in public service agreements, which themselves form a contract between individual Departments and the Executive as a whole. This will clarify what services are provided for the resources received. Public service agreements are new to Northern Ireland. They will introduce a culture change in the delivery of services, a culture change focusing not only on inputs into Departments but also on the outputs of services to the public.

The detail of the public service agreements will be developed between now and January 2001 and will be made available to the Assembly to consider in a consolidated programme in advance of the final debate in February. Our aim will be to develop the scope of public service agreements in future years which, in turn, will develop accountable and efficient government.

Of course, if we had more money, we could have achieved more. We do not believe the Barnett formula that determines the funds available to this Administration is fair. The formula strictly applied does not take account of above average needs in allocating additional funds. As a result, Northern Ireland is falling behind the rest of the United Kingdom in terms of increases to expenditure, even if we are still ahead in terms of per capita spending unadjusted for need. We fought hard in the summer and won certain concessions on this, and we have made clear to the Treasury that we will continue to fight for change. However, it must be

realised that we will not resolve the Barnett formula in the short term.

Those are some general considerations affecting the Programme for Government. The Deputy First Minister will now outline the content of the programme.

**The Deputy First Minister (Mr Mallon):** May I also thank all of my ministerial Colleagues, their Departments and their officials for their work on the Programme for Government.

In developing this programme the Executive looked at the key challenges which we face and where needs were greatest. As we analysed each problem we also considered how to work together to create real change in both the short term and the long term.

The first obvious challenge is that here in Northern Ireland we have a divided society emerging from thirty years of conflict. The Good Friday Agreement gives us the necessary framework and principles, and creates the real prospect of enduring peace and stability. We will build on this through the Programme for Government. In the Executive we are developing a capacity to work together and have evolved a broad consensus on the importance of equality, human rights, social justice and culture diversity. However, we do not underestimate the challenges ahead.

There are deep divisions in our society, with high levels of distrust and segregation in housing, in education, and socially. We must develop approaches which help to resolve conflict. We must promote partnership and trust right across the community.

There also remain considerable inequalities within our society, particularly in unemployment, which must be addressed. There are also significant levels of deprivation, high long-term unemployment and high dependency on social security benefit. We must address urban deprivation and recognise that our rural areas face major challenges.

All of these challenges point to a priority area for action, which we describe as “growing as a community”. It covers not just equality, human rights and the needs of victims, but also tackles poverty and social disadvantage. We also place a particular emphasis on the needs of children, the renewal of our most disadvantaged neighbourhoods, and on tackling divisions through improved community relations, and respecting and celebrating cultural diversity.

This is a massive canvas on which Departments must work together. We will all see in the Programme for Government how we have examined each area and set out over 60 different actions for the coming year, including areas where we will start to develop new policies. Some of our new commitments include implementing all equality schemes, as approved by the

Equality Commission; achieving all the targets and actions in the new targeting social need (TSN) plans and developing them annually; reviewing under-representation in the senior Civil Service; providing over 500 places for work-related programmes for the disabled and adapting 1,500 houses to meet their needs; a new grant scheme for households suffering from fuel poverty; a taskforce on unemployability to reduce long-term unemployment; and proposals to introduce free travel on public transport for older people.

The Executive programme social inclusion/community regeneration fund and the EU structural funds will play a major role in support of this priority, assisting action against poverty and supporting community measures in both urban and rural settings, as well as actions on community relations and cultural diversity.

The second area that we see as a priority is working for a healthier people. We have the third youngest population of all the regions in the European Union, together with a growing elderly population. Overall, our health record has not been good. Death rates from coronaries and some cancers are among the highest in western Europe. Our young men are likely to die early due to accidents, and we have one of the highest rates of teenage pregnancy. We are concerned by the links between poor health and low incomes, and will target resources accordingly.

Of course modernising and improving hospital and primary care services are important responses, and the financial resources — an extra £150 million — have been given to them, but the major new focus of the Executive in this area will be on tackling the causes of ill health, reducing preventable disease, ill health and health inequalities by a cross-cutting public health strategy combining social intervention and education, and ensuring that factors such as the quality of our water, our air and our recreational facilities all support health.

In short, while the Department of Health, Social Services and Public Safety has a major role in working for a healthier people, at least six other Departments have important roles to play.

Some 40 actions are set out in the Programme for Government in support of this priority. They include work to reduce waiting lists and meet winter pressures; restrictions on tobacco advertising; a new road-safety strategy; the provision of up to 50 extra specialised staff for the cancer services; an additional 230 community-care packages; and measures to reduce the misuse of drugs and alcohol.

We will use our proposed Executive Programme children’s fund to provide support for children in need and young people at risk. We will increase the coverage of the Sure Start programme in areas of social disadvantage from 11,000 to 16,000.

The third priority area for action is investing in education and skills. Our young people are an important focus for attention. However, with high rates of adult illiteracy, and with the real need for reskilling throughout our working lives, this priority is relevant to all of us. The basic right to education opens opportunities for the individual; education and training are key to our development as a society and economy.

Our education system is doing well for many of our young people. However, there are major problems of low achievement and underachievement that have to be addressed. Among the existing workforce there are too many people with few or no formal qualifications.

There are 27 specific action points covered in this priority area. They include the review of selection and student support, which will have a long-term impact on the structures of our system and on equality of opportunity. There are also actions with early effect, such as an extra 500 training places in areas of skills shortages and an extra 200 undergraduate places on top of the 4,200 places planned by 2004. We aim to fulfil the target of providing one year of pre-school education for every child by 2002-03.

The fourth priority area for action is securing a competitive economy. A modern competitive economy is central to creating an inclusive society, providing opportunity for all with new knowledge-based skilled jobs. We must face the challenge of global competition and tackle our over-dependence on declining or slow-growing industries.

Already there are signs of success. Since December the IDB has promoted 7,100 new jobs — 3,000 more than in the previous year. Manufacturing output has increased by over 7% since last year. Unemployment, at 40,100, is at its lowest level since 1984. Investors and business want to see stability and the success of the institutions to continue those trends.

In developing this priority we have taken a wide view of economic development, covering education, skills and infrastructure policy, promoting enterprise, innovation and creativity, and working to make Northern Ireland more attractive to inward investors and visitors.

If our businessmen and women are to succeed in a tough global economy and are to create the employment we need, then, as Government, we have to have to do everything we can to give them the right environment and the right cost structure to compete. That is why improved planning, good quality transport and telecommunications will be crucial. That is why good quality business services and support for research and development will be key. Through the programme all Departments will have to work effectively together to plan the new infrastructure and services for the needs of business and the public.

In many areas of our infrastructure public investment under direct rule was inadequate. We now have to tackle serious problems in areas such as roads, rail, water and sewerage. The same lack of investment is found in some of our education and health estate, also with damaging effects on our society and economy. The new executive programme infrastructure renewal fund will help us support strategic projects using, where possible, public and private partnerships. We regard infrastructure as a means to a policy end, not as an end in itself.

11.00 am

Under this priority we will also give a special focus to the regeneration of the rural economy in which our agriculture industry plays a key part. Its development and diversification are vital to the survival of many communities. However, access to other types of employment — to second incomes — will also be important. The development of our rural towns must be carefully considered; tourism in rural areas has got to be enhanced. The development of public services must take into account the needs of all rural areas. All relevant policies will therefore be rural-proofed.

Finally, sustainability must be a key concern. We have set out targets and programmes to protect and enhance our environment and to integrate environmental concerns into policy.

We have outlined 49 actions under this priority. Specific actions include giving Northern Ireland a world-class telecommunications infrastructure with the necessary broadband capacity, access and cost; becoming a world-class centre for e-commerce; exploiting the potential of the North/South trade and business, tourism and waterways bodies and preparing an all-island energy market strategy; agreeing and implementing regional development and regional transport strategies; eliminating the backlog in planning applications by 2002; sustaining 50 high-tech, value-added, new start-up companies each year; and implementing the beef quality initiative to increase the number of clean cattle to 180,000 per year by 2006-07. These are examples of the sustained effort that we propose in this and other areas.

Our fifth priority area for action relates to developing North/South, East/West and international relations. Since devolution the role of dealing with other Administrations has fallen to the Executive. We intend to play this role to the full. We will use the structures set in place by the agreement to the maximum benefit of Northern Ireland, and to contribute to the development of our neighbours. The Programme for Government will be an important tool of communication in this process.

The North/South Ministerial Council, and the implementation bodies and areas of co-operation, must continue to deliver tangible benefits. Immediate tasks include completion of cross-cutting studies on barriers



to North/South mobility — living and working — and on enhancing the competitiveness of the two economies and using the present round of European funding to promote North/South co-operation.

In the East/West structures the Executive will be leading work on transport issues and pursuing the fuel tax issue.

Some of the things that will need to be done are outside our control. Some issues — taxation, for example — are not devolved, while others are decided at European or international level. We will develop effective links in the European institutions by establishing an office in Brussels in the coming months, and in North America — so important for investment — we will better co-ordinate our activities to take full account of successful devolution. We will pay special attention to improving our image internationally with, for example, strategies to secure high-profile sporting and cultural events for Northern Ireland and to help support Belfast's bid to become the European City of Culture 2008.

In the final section of the programme we have set out key internal governmental issues that we must tackle if we are to create the quality of public services that the public needs. We will modernise, through the e-government programme and work on the continuous improvement of services, with support from the new Executive programme funds. We will examine decentralisation and public procurement policy, taking account of a number of factors, including their impact on equality of opportunity. We will seek to work as a team with local government, the social partners, and the voluntary and community sector.

We need to explore new ways of financing public services to enable us to tackle the poor infrastructure we inherited from direct rule and to ensure that all public sector services are used to cut down on fraud. In this draft programme, we have made some difficult choices, allocating scarce resources between competing priorities. But ultimately it is the Assembly that will decide. Out of it will come a better programme, with a stronger democratic mandate.

The key point is that these choices are being made here, through the democratic process, and that a local, accountable Government is heading the change. The hand-over of the draft programme is a defining moment in the life of these institutions. Let us not waste the opportunity we have been given to write our own script and to truly serve the people who have elected us.

In conclusion, on behalf of the Executive, we commend the draft Programme for Government to the Assembly.

**Mr Speaker:** Members will know that a one-hour limit for questions on a statement is given in Standing Orders. Members and Ministers should be as succinct as

possible because a very large number of Members wish to ask questions.

**Dr Birnie:** I thank the First Minister and Deputy First Minister for their statement. This is the first plan for a devolved Government here in 25 years. If devolution is to make a positive difference — as it can do — it should achieve joined-up government. What criteria will be used to allocate the so-called Executive programme funds?

**The First Minister:** The Member mentioned that this is the first programme for the administration of Northern Ireland that has been drawn up by elected representatives of Northern Ireland for nearly three decades. That is a very significant achievement, about which we should be very pleased and proud. I hope that the community appreciates that, for the first time in 25 years, Northern Ireland's elected representatives are ahead of the game in making decisions and choices.

The Executive programme funds are a significant new development — the Executive will handle collectively a significant and increasing amount of resources. This will help enormously to enhance the collective responsibility of the Administration. We are proposing five different programme funds, and the amount of money allocated to each is, I must emphasise, merely indicative. We are feeling our way on this, but we hope that the programme funds will become major levers for change, particularly in years two, three and thereafter.

With regard to way the programme funds will operate and the criteria to be applied, a number of principles will govern the distribution of money. We want to promote policy and service innovation, to tackle weaknesses in infrastructure and to target the areas, groups and individuals in greatest need. Consequently, the programme funds will be used to support the most important programmes and projects which will assist the development of actions across Departments or provide resources to support an individual departmental activity. The funds should help lever in other resources from other Departments, or elsewhere, and, I hope, will create new funding bases for cross-cutting programmes.

**Dr Hendron:** I congratulate the First Minister and Deputy First Minister on the production of this historic programme for Government. I am very pleased with what I have heard.

There are major inequalities in our society: in health, in education and among the massive number of unemployed people. The principle of targeting social need (TSN) is very important to Members and to the people of Northern Ireland. Bearing this in mind, what action has been taken to ensure that new targeting social need is reflected in the Programme for Government?

**The Deputy First Minister:** I thank the Assemblyman for his question. New TSN has underpinned and informed



the Programme for Government and has shaped its priorities. Ministers agreed that it was particularly important that the new TSN action plans be integrated into the Programme for Government. For that reason, in the draft programme all Departments have committed themselves to implementing all of the actions and targets in their soon-to-be-published new TSN action plans. These plans will be reviewed each year, and there will annual reports on progress with the full evaluation of policy in the year 2002.

The draft programme also explicitly mentions many key new TSN actions and targets. These include building socio-economic disadvantage into the funding formula for the resource element of the new general exchequer grant for district councils; delivery of comprehensive regeneration strategies for the most disadvantaged communities in our two major cities; and establishing partnership between the community, voluntary, private and public sectors in the most disadvantaged areas in the form of a neighbourhood regeneration taskforce. A further target is to ensure that health and public services boards implement new TSN action plans to tackle inequalities in the administration of resources to the victims of accidents, cancers, circulatory disease and infant mortality.

New TSN will also be considered in policy reviews such as the review of decentralisation of Civil Service accommodation. Particular regard will also be had to new TSN in the allocation of executive programme funds. The amount of money available from these funds is projected to rise quickly from £16 million in the year 2001-2002, to £200 million by 2003-2004. Ensuring that these funds advance new TSN aims and objectives is therefore of particular importance. One of the focuses of the funds will ever be to ensure effective targeting of programmes at the individuals, groups and areas in greatest needs.

**Mr Poole:** The Programme for Government has a lot of meaningless statements in it, and once one removes a lot of the verbiage and refines the details, one finds that the First Minister's scriptwriters have failed to cover up the all-Ireland nature of the current process. I see one North/South body after another, whether it be language, health, road safety, tourism, trade, co-operation, strategic communications — the list goes on and on.

We also note that bureaucracy has been increased rather than decreased here. Why have quangos not been dealt with? We have now found that a new North/South Civic Forum is to be set up.

Who will monitor the Office of the First Minister and the Deputy First Minister? Will that be allocated to the Committee of the Centre or to a variety of Statutory Committees?

**The First Minister:** The Member has mentioned three different points. His first point is wholly erroneous, so I think things have to be put into perspective. There are of course several areas of North/South co-operation which are significant and which will bring practical benefits; we have already mentioned a few of those. I will give one example; the encouragement of an all-Ireland energy market is extremely important to our efforts to bring down energy costs in Northern Ireland, and that is critical for Northern Ireland industry. That will be of significant benefit to us, so instead of having a knee-jerk reaction to this, Members should look at things on their merit and put them into context.

I do not know if the Member actually researched this, but the expenditure of the Northern Ireland budget on North/South co-operation next year is £11million. Now put that in the context of £5.5billion of total expenditure. I think that says it all.

With regard to quangos, the Member will have heard reference to the review of public administration, which we hope to get underway before long. It is within that context that the issue of quangos will be addressed. We want to examine public administration, and we want to see what can be done to make the system more efficient, both in terms of the delivery of services and of the cost involved. It is axiomatic that throughout the period of direct rule there was a growth of quangos. Some were needed, and others were simply set up to fill the democratic deficit.

11.15 am

That democratic deficit is now filled by this institution and, consequently, it is appropriate that we should look at the quangos concerned. On the question of the scrutiny of matters that fall within the remit of the Department of the Centre, I hope that the Member and his Colleagues on that Committee will be more effective in scrutinising the Department than he has been in addressing questions here.

**Mr Molloy:** Go raibh maith agat, a Cheann Comhairle. This is the first time since partition that Unionists, Nationalists and Republicans have come together to put forward a Programme for Government for administering the Six Counties, for co-operation with the rest of the island and for building an all-Ireland economy. In light of this, do the First Minister and the Deputy First Minister, on behalf of the Executive, agree that the eradication of the community differential in unemployment between Catholics and Protestants is an urgent priority? Will they make a statement on what specific actions and commitments there are in the Programme for Government to tackle this disparity?

**The Deputy First Minister:** I agree that this Programme for Government is highly significant as being the line of demarcation between a past which is well gone and a

future that we all want to build together. I agree that tackling the unemployment differential must be a priority for this Administration. Indeed, the agreement itself commits us to the goal of progressively eliminating the differential in unemployment rates between the two communities.

The Programme for Government explicitly recognises the importance of tackling community differentials, and specific measures in it should contribute to the elimination of the differential. These include New Deal, lifelong learning and the welfare reform programme, which will give people the skills and incentives to get jobs and escape the cycle of deprivation; the New TSN action plans, which will be reviewed annually; and the establishment of a task force to reduce long-term unemployment and increase employability. There will also be new training programmes for adults with basic literacy and numeracy problems; an additional 500 training and further education places in skill shortage areas; and regeneration strategies for the most disadvantaged communities in the two major cities — something which should not be underestimated. Also included are neighbourhood regeneration task forces to reduce disadvantage in the most deprived urban areas, and the implementation of the equality schemes of public authorities in Northern Ireland, including a review of public procurement.

However, the actions needed to tackle the community differential in unemployment are also found throughout the programme itself in areas such as infrastructure and planning, and equal access to education for all.

**Mr Close:** I thank the First Minister and the Deputy First Minister for their statement this morning and for bringing forward a draft Programme for Government to the Assembly.

I give the programme a general welcome. The public want to see devolution making a difference, and I therefore welcome the phrase in the First Minister's statement that

"Transparency is one of its watchwords and ... the public are now in a good position to see with some precision what this Administration is about."

Although there is clarity in the 230 implementation areas, I find much of the programme aspirational rather than demonstrating direct action. Can the First Minister and the Deputy First Minister assure the House that if this Programme for Government were fully implemented that coronary death rates and death rates from some cancers, which are now the highest in Europe, would be among the lowest in Europe?

Can they also assure the House that the number of local authorities would be reduced if this Programme for Government were implemented, and that our students would have places for tertiary-education places and not be subject to fee paying?

**Mr Speaker:** Order. We are having questions on the Programme for Government, but not on every aspect of it.

**The First Minister:** I appreciate the points made by the Member that some of the matters put down here are aspirational, as inevitably they will be in some respects. There are precise targets in a number of areas. This number will increase as we refine this process over the next few months by working out more precise actions and targets, something we will do through the public service agreements. When people look back on this, perhaps after a year or two, I hope they will see that the introduction of public service agreements was critical to enable us, as well as the public, to assess performance. Too often, particularly under direct rule, there was a tendency for the Administration simply to trundle on in the way it had done in the past and to think about how much extra money was going in. Extra money went in, but it was not always the case that more came out the other end, in terms of action taken and services delivered to the public.

I completely agree with the Member that we want to focus on the end product, that is the service that the public gets, because that is the most important thing. The Administration does not exist simply to serve itself and those who are employed by it. The Administration exists to deliver a service to the community, and that is the critical thing. A number of points were raised, and there are figures in here about the number of places. Whether that meets the need or not is another question that we will have to assess.

I am not going to respond to the question on local authorities because we are just starting a review on that. It would be quite inappropriate to say anything that would imply that we have a particular outcome of that review in mind. There are particular things in the area of health that we want to focus on. However, to give an assurance that we will, as a result of action taken, have the lowest rates for certain things would be quite inappropriate.

We have to realise, particularly in health, that some things are beyond our control. Northern Ireland has a remarkably high incidence of heart disease, a feature that it shares with the west of Scotland. What is the reason for that? Is it because of the present level of service in the Health Service? That is something that we can improve. Is it because of certain cultural factors, such as the incidence of poverty? We might be able to do something about that. But is it because of other cultural factors, such as diet? It is very difficult for us to change that. Is it also possible that the high level of heart disease here is because of genetic factors? There is very little we could do to affect that.

**Mr Roche:** There are three or four features in this statement from the First Minister that raise a fundamental question in my mind. First of all, as far as the 230 actions over the 30 sections are concerned, what is said

about these actions is so vacuous as to be virtually devoid of content. There is absolutely no indication of how these objectives are going to be achieved. It is also impossible to link this statement with the budget allocations so we cannot see exactly how the budget will be used to finance this programme. Another point that follows on from all of that —

**Mr Speaker:** This is an opportunity for questions not for a series of statements, and the Member is about to make another one. I press him to ask a question.

**Mr Roche:** I will ask my question. The document does not provide a real framework for subsequent negotiation, so why has it been produced at this time? Why have we been presented with a document devoid of any real content about the problems that confront people in Northern Ireland? Is it an attempt to create the appearance that we have a working Executive when we know that this whole process is in serious crisis?

**The Deputy First Minister:** I will deal with the last question first. For the first time in almost 30 years, an Administration in the North of Ireland is planning its own Programme for Government and deciding its own budget. The Assembly is also deciding how it will deal with its representative capacity on behalf of the people of the North of Ireland. That is an important reason for producing this document now. The alternative is the type of situation that the Member seems to favour, where we would all trip up to see a visiting direct rule Minister and make representations to him in relation to the 230 actions in this programme, rather than devising it ourselves.

The Member described the 230 actions as vacuous. When he reads the programme further he will see that they are specific in a way that is almost dangerous. Indeed, their specific nature indicated some of the dangers to us, but we made a clear decision to be specific rather than vacuous about what we wanted to do.

The Member also says that there is no indication how these actions can be achieved. It is clear that they will be achieved in relation to the budget, after decisions are made in Committees and in the Assembly. When this ceases to be a draft document, it will be a Programme for Government honed on all the elements of this institution. Then it will be added to and strengthened, and given an even more specific role in relation to the points that the Member has to date failed to see.

**Mr Ervine:** I give a guarded welcome to today's statement. Nevertheless, it is an historic and significant day. It is the first time in my adult life that such a statement has been made by Northern Irish people behaving in a manner that is beneficial — I hope — to Northern Irish people.

We have heard about task forces and partnerships. We need agreement from those who have control of

reserved matters. To achieve agreement on the Barnett formula, we must get people to hear our arguments. On the issue of drug and alcohol abuse, the partnership must be with those who control the security services. On the issue of children, the partnership must include the justice system, which is a reserved matter.

How confident are the First Minister and the Deputy First Minister that they can achieve those agreements and partnerships? Will they acknowledge that while there are those who will attempt to let on that they are the opposition in this Chamber, there is a real and genuine opposition, ineffective so far, which must be consulted? Will the First Minister and the Deputy First Minister give consideration to having proper consultation in the future with those who do not form the Government in this Chamber?

**The First Minister:** I take the Member's last point. There is some force in his comments. In the circumstances, we did extremely well to get the document to this point. The same is true of the budgetary exercise — the two are related. In normal circumstances the programme would come before the budget, and although the budget was announced first, that does not mean that it was drawn up first. We were unable to produce the programme as a finished document in the time available, and the time pressures constrained the extent to which we could consult.

11.30 am

It is intended that there will be a transparent process that will make it easier to consult. One of the culture changes that needs to occur because of the nature of this Assembly and the way in which it operates is that across the whole public service, officials will have to appreciate that everything needs to be much more open than in the past. The system whereby governmental decisions emerge from a process of private consultation will have to change.

On the specific matters the Member mentioned, a great deal is already happening in terms of working together with the Government in London on reserved matters. There are a number of areas where the partnership between the devolved Administrations and the Government in London is already there. There is a joint working group between the devolved regions and the Government on the drugs issue, as there are on other issues, so we have a mechanism to deal with that.

The Member mentioned two specific areas. With regard to drugs he mentioned policing and justice matters. Of course, that is an issue that could be devolved to this body, and I personally hope that it will be devolved sooner rather than later. It is essential from the point of view of our operation on a number of matters.

On the matter of finance, one should always bear in mind that the so-called Barnett formula is not some arcane calculation. When devolution was proposed in



the 1970s, it was necessary for Government to quickly think of some criterion. Joel Barnett, after whom the formula is named, was chief secretary to the Treasury at the time. He is quite prepared to tell people how he quickly drew up the formula on the back of an envelope in order to meet the crisis. Devolution did not actually occur in the 1970s, and so the Barnett formula has been there ever since.

Devolution has now occurred, and consequently we can confidently expect a serious reconsideration of the financing of the devolved Administrations. Nobody seriously expects that a 23- or 24-year-old formula can continue to be pressed into service in that situation. It is an extremely complex matter, but I expect that it will be addressed in coming years. That is the appropriate timescale. The Member can be assured that we will play a vigorous part in that consultation and re-examination.

**Ms Morrice:** We welcome the Programme for Government and congratulate the Executive on achieving this milestone. We are particularly pleased with the recognition given to issues such as disadvantage, poverty and division in the chapter entitled 'Growing as a Community.' I normally look for things that are missing from a programme, and I was going to mention integrated education, but I found it on page 26, and I am delighted to see that. How much of the programme ultimately depends on private finance? Secondly, in terms of consultation what flexibility is there to take on board the Committees' recommendations, for example, on student finance?

**The Deputy First Minister:** I cannot say at this stage what funds may be available from private finance. That is something that has to be explored. It has possibilities, but, like everything else, it is not a panacea for all our problems. We will examine very carefully how we can utilise that facility in our Programme for Government, and if we find it to be advantageous, then collectively we should use it.

However, if we find that it is not, we may have to take a different position on the issue. One of the strongest points is how that and other aspects, in being dealt with by the Assembly and its Committees, will be bolstered up, added to and refined. I recommend to the Committees and the Assembly itself that the very pertinent question the Assembly lady asked be among those that they seriously consider.

**Mr Speaker:** Now that all the parties have had an opportunity to intervene, I appeal to Members to forgo their welcoming — or unwelcoming — perorations and stick to concise questions. Let us all hope that such questions will bring succinct answers, thus allowing as many Members as possible to participate.

**Rev Robert Coulter:** Thank you, Mr Speaker. I shall take your advice. The First Minister will be aware that,

of all the bread-and-butter issues, healthcare is probably that of greatest concern to the people whom we represent. Will he assure me that standards of health care will improve through this Programme for Government?

**The First Minister:** I understand Rev Robert Coulter's point about the important issue of health. That is the reason for the significant increase in the health budget. The increase of 7.2% raises the budget to £2.3 billion. In other words, an extra £153 million is going into health next year, and that represents a massive increase in available resources. We wish to see both an improvement in health outcomes and what we are getting from our money, and we want to make sure that management throughout the service is providing us with the best return. As I said earlier, public service agreements will be a key matter in ensuring that focus.

The question of ill health and the generally poorer levels of health enjoyed in Northern Ireland is a complex matter which cannot be improved simply through increases in funding, although we have provided them. We must look at reductions in preventable disease and at the number of road traffic accidents. We must also deal with drugs and encourage people to adopt healthier lifestyles. That is the reason for the emphasis in the Programme for Government on a new public-health strategy which will attempt to deal with health in the round.

**Mr A Maginness:** The First Minister and the Deputy First Minister have referred to the historic underinvestment in infrastructure in Northern Ireland. I should like to explore that area in relation to the future of the railway network here. Can the First Minister and the Deputy First Minister explain the implications of the programme for this issue? Given the budgetary restraints, how can we tackle the infrastructural deficit which we have unfortunately inherited?

**The Deputy First Minister:** Both parts of the question are totally relevant. The A D Little strategic review of railway safety clearly showed the scale of investment necessary just to ensure that the existing railway system continues to operate safely. That report highlighted the fundamental need for both short-term and long-term strategic decisions to be taken about the future of railways. The railways taskforce gave us a very valuable indication of how we might start to address this issue and provided a useful framework within which initial decisions can be taken on the future of Northern Ireland's railways.

At the first stage in the consideration of the existing network, additional funding of almost £20 million has been provided in the draft budget for 2001-2002. I believe that this signals the beginning of an investment programme which will bring the existing network up to modern safety and quality standards, and that includes the procurement of new rolling stock. As the taskforce



made clear, the ten-year transport strategy provides the next key building block in developing a coherent view on this issue. We look forward to the Department's bringing this to the Executive and the Assembly as soon as possible.

By budgeting for an infrastructure renewal fund the Executive has also started to plan how it might finance such significant developments. Any proposal must fit into the overall transportation strategy and be backed by a clear business case. We need to think in new ways. We have to see if it is possible to draw private sector funding and management disciplines into this type of investment. That is one of the key questions that this Assembly and its Committees have got to address, and we should address it as soon as we can — honestly and openly — because it will be crucial to this and other matters. That is the way we should progress, so that we can get the best value for money out of the rail system.

**Mr Dodds:** In trying to differentiate between spin and substance, will the First Minister and the Deputy First Minister accept that there will be deep disappointment? For instance, while there is emphasis on the renewal of disadvantaged neighbourhoods and regeneration of our towns, cities and rural areas, budget allocations for that have been cut. Also, there will be a sense of disappointment that while the draft Programme for Government deals with the issue of victims, only four words can be found in a statement of 21 pages on the needs of victims.

The First Minister talks about the amount of money going to North/South bodies. Will he accept that there will be deep disappointment, resentment and opposition among the people we represent at the "North/Southery" that is rampant throughout this Programme for Government that is designed to implement the all-Ireland aspects of the Belfast Agreement? Will he accept that it is wrong to prioritise the implementation of that all-Ireland dimension instead of dealing with important areas such as children and infrastructure renewal? He should remember that every £1 million spent on all-Ireland bodies could go towards building 25 new homes for the homeless, adapting 1,000 homes for the disabled and installing central heating in 300 homes. Does he accept that many people believe that money would be better spent on those items than on all-Ireland institutions?

**The First Minister:** I am surprised that the Member has returned to the issue of North/South co-operation, and I remind him of the point I made to his Colleague. If he had looked carefully at the budget, which he has had the opportunity to for over a week — not the Programme for Government, which he has had for a few brief hours only — he would have seen that the total spend on that subject next year is £11 million out of nearly £6 billion. That puts it in perspective.

If he had then looked at the specific items that the £11 million was to be spent on, he would have seen that they are good things. I talked to his Colleague about an all-Ireland energy market. That could equally be described as an all-British Isles energy market, because one of its key elements is to make sure that energy resources, particularly gas, become available throughout the island of Ireland to benefit us as well as everybody else.

I could also cite the example of the expenditure on waterways. One of the objectives — although it will take some time to come through — is to restore some canals, starting with the Ulster canal and going on to others. That will be of considerable significance to tourism, which is very important for the Northern Ireland economy. If one looked at that, one would appreciate how valuable it is. I am prepared to do a commercial for waterway holidays, having enjoyed them twice in the last three years. However, that is a significant economic sector.

As regards the question of victims, when the Member has had the opportunity to peruse the document he will see that there are five different actions in it dealing with the needs of victims. They are aspirational, in some respects, for example, putting in place a cross-departmental strategy for ensuring that the needs of victims are met. Such a strategy is very necessary, and there will be financial aspects to consider as well. The Office of the First Minister and the Deputy First Minister is establishing a victims unit to deal with issues of this nature. We are dealing with these problems in a practical way, rather than trying to make a totally misconceived political point, as the Member did.

11.45 am

**Ms Gildernew:** Go raibh maith agat. Do the First Minister and the Deputy First Minister agree that expanding North/South co-operation can aid economic development and provide significant benefits in terms of savings and service delivery? Will they make a statement on the action, measures, targets and commitments in the Programme for Government to build on the contribution that North/South co-operation can make to our economic and social well-being? Furthermore, do they agree that the Executive could ask the Irish Government to provide additional funding for some elements of the Programme for Government?

**The Deputy First Minister:** The last part of the question appeals to me because of its political content and its mischievousness. I know that the Member will not expect me to give a definitive reply.

The establishment of the new institutions has meant that expenditure decisions are now taken in a wider context. That will produce efficiencies of scale and more effective delivery of services in both parts of Ireland. Furthermore, we expect a high level of added value

from this expenditure. I will give some examples. The new trade and business development body is urgently tackling the low levels of cross-border trade in Ireland, and I expect, as does that body, a fairly immediate increase in trade levels. The special EU programmes body (SEUPB) is focusing attention on the benefits of EU programmes North and South. Anybody who is aware of the problems in the border areas will immediately recognise how effective those can be if we get them right.

The new all-Ireland tourism company, which is soon to be established, will market the whole island for foreign tourism to an unprecedented level. That should not be underestimated. The potential for tourism in Northern Ireland is enormous. The relationship with the South of Ireland through that tourism company will greatly benefit Northern Ireland. As an Assembly we should focus on increasing and developing tourism, as it is an area of great potential.

Co-operation in important areas of administration including education, health, agriculture and the environment will produce major benefits for everyone on the island. I will end by returning to the Member's last point. It is something I find piquant, and I will certainly refer it to the relevant authorities.

**Mr Leslie:** While responsibility for setting the rates of fuel taxation rests with Westminster, the First and the Deputy First Ministers will appreciate that people in Northern Ireland wonder if the Administration can do anything to ameliorate this problem. Do they have any means at their disposal to address that matter?

**The First Minister:** Unfortunately this is a complex issue. As the Member acknowledged, fuel taxation is a matter for Westminster, and, consequently, it is not directly within our gift. However, we have done what we can. Part of the Programme for Government is about developing a strategy to target lobbying for the benefit of the people. We have discussed fuel taxation with the Treasury and with Downing Street, and we have also raised the issue at the British-Irish Intergovernmental Conference (BIIC). If there had been another BIIC then we would have raised the issue again, and we look forward to having the opportunity to do so.

We also have access to Brussels, where the issue can be raised in the European context, with regard to the effects of fuel taxation differentials. We have examined the problems in the Dutch border areas, where a degree of assistance was given to some sectors. Unfortunately, I am advised that we would have difficulty with the state aid rules in having the same arrangement here. However, it is an issue that we will continue to pursue.

**Mr O'Neill:** As a result of the troubles over the last 30 years the economy has been faced with difficulties in that potential investors have a particular perception of what things are like here. How does the Deputy First

Minister intend to use the Programme for Government to change that international perception and make Northern Ireland a more competitive location for investment? More specifically, how does he intend to take advantage of the North/South dimension to assist in terms of investment?

**The Deputy First Minister:** The obvious and immediate answer is that the perception of the North of Ireland is what we make it. In respect of business and trade, people's first reaction to what Northern Ireland is all about comes from the daily news, so if there is more stability and things become more peaceful here, there will be a greater perception that it is a place to do business in. We should not lose sight of that.

In the Programme for Government we recognise that a competitive, knowledge-based economy requires the right education, skills and infrastructure policies. I believe that they are contained in the Programme for Government.

As was mentioned in the statement, 27 specific actions have been planned in the priority area of education and skills. Business is increasingly being conducted electronically, and in order to compete effectively in the global market, we need a cutting-edge telecommunications infrastructure. The Executive will work hard to encourage this. We will also ensure that access to the opportunities provided by e-business is available to all sections of society and to all areas.

We will undertake a programme of structural maintenance for roads based on good practice treatments. In time, this will reduce the significant backlog in roads maintenance that has built up over recent months. The road infrastructure is crucially important to those wishing to invest in the North of Ireland with the sort of businesses that we hope for.

As for the second part of the question, we must strengthen gas and electricity interconnection — north, south, east and west. We need to progressively open these markets. That will help improve business competitiveness and give consumers greater choice at affordable prices. I will mention energy specifically, because the Member asked about the North/South infrastructure. We plan to take the following actions: by 31 December 2001, we will prepare an energy market strategy for Northern Ireland in an all-Ireland, all-island and European context; by April 2001, while working with our Southern counterparts, we will secure firm private-sector proposals for North/South and North/West gas pipelines; and also by April 2001, we will aim for agreement between Northern Ireland Electricity and the Electricity Supply Board on action to address the conclusions of a joint feasibility study into further interconnection between their networks.

**Mr S Wilson:** The First Minister told the House about his holiday arrangements. He talked about the fact that

he had gone sailing, but perhaps the words “selling” and “down the river” spring more to mind as we listen to him.

I want to press the First Minister on some points that my Colleagues made. I noted the glowing references that he made about North/South bodies — perhaps I got it wrong last week when I heard him threatening to withdraw from them. Assuming that his figure of £11 million is correct — and we will examine last week’s budget statement to see if he needs to apologise to the House again — will the First Minister tell us how many extra care packages we could have had over and above the 230 announced, had we not gone in for “North/Southery”?

How many training places for skills, which are in short supply, over and above the 500 announced could we have had? How quickly could pre-school places have been made available, had we not gone in for “North/Southery”?

Secondly, will the First Minister tell us why we are concentrating on the review of under-representation in the senior ranks of the Civil Service? Is he not of the vast under-representation of Protestants in the lower ranks in some Departments? Why has that been ignored in this Programme for Government?

Thirdly, a great deal of money has been announced for politically correct causes — the promotion of the Irish language, the equality industry, cultural diversity, and so on. Will the First Minister tell us how much money the Programme for Government is devoting to the promotion of the politically correct lobby in Northern Ireland?

**The First Minister:** I am going to resist the temptation that the Member has put in front of me of trying to work out a definition of what is and what is not politically correct. For that reason I am not in a position to say how much has gone into the politically correct lobby. While I am sure that we may agree on many things, we may not agree on the definition of what is and what is not politically correct.

With regard to the review of senior Civil Service appointments, of course we want to see that the Civil Service broadly represents society. That is equally as important at senior level as it is at junior level. I am not in a position to comment on the question that the Member raised regarding junior ranks in the Civil Service, but I will look into it and correspond with him on the matter. One of the main objectives of the review — and I want to emphasise this — is to ensure that we get the best people at the high levels. The primary overall objective is to get the best people.

The function of the Northern Ireland Civil Service is changing, and it is changing in one very important respect that relates directly to this exercise. Through the direct rule years the Administration here largely replicated policies evolved across the water. Consequently there was not a great need in the Northern Ireland Civil

Service for a capacity to think about and evolve policy. It was simply a matter of Ministers flying in and saying “Do this; do the same as we are doing in England.” and of our making adjustments.

Now, of course, we will follow — and necessarily follow because of funding arrangements — the broad shape of public policy evolution as it takes place throughout the United Kingdom as a whole. However, there is now much greater scope for policy development and evolution here, and the capacity to evolve policy becomes much more important in terms of the senior appointments in the Civil Service. We need to look again at the criteria regarding appointments to ensure that people with that capacity are coming through. That is a very important feature of the exercise.

Once again, I am sorry to say, there has been a reference to North/South expenditure, and so on, and I can appreciate the little joke that the Member tried to engage in. If I may, I will use the phrases that are used in another place. It says here that the Northern Ireland contribution amounts to £11.1 million, and I can break that down with regard to the implementation bodies. Waterways Ireland costs are £2.26 million; the language body’s costs are £3.5 million; costs in respect of the food safety promotion board are £1.46 million; those in respect of the trade and business development body are £2.88 million; £0.6 million is attributable to the costs of special EU programmes body, and in respect of Loughs and Lights they are £0.44 million.

Again I make the point that that must be put in context and weighed against the expenditure elsewhere. With regard to what is happening specifically on these matters, we are going to get value for money. I have no doubt about that — and that is important. Of course the £11 million could be spent elsewhere, and I hope that we would get the same value for money if it were.

12.00

**Mr P Doherty:** A Cheann Comhairle, I welcome the publication of the draft Programme for Government. It is an important milestone in the peace process, and I congratulate the Executive on its collective effort in producing it.

Do the Ministers agree that concerted action is needed to eliminate the unequal distribution of resources and investment west of the Bann? Will they make a statement on the specific actions, measures and commitments in the Programme for Government to direct investment and investors to specific areas, for example, in my constituency of West Tyrone?

**The Deputy First Minister:** I note the latter part of the Member’s question, but I am sure that in the interest of the greater good he will allow me to concentrate on the wider aspects.



The Executive, through the Programme for Government, is committed to tackling poverty and economic and social disadvantage wherever it arises. It is clear that there are higher levels of poverty and economic disadvantage west of the Bann. Tackling that is a complex issue requiring action on a range of policies. Under the new TSN policy, Departments are committed to directing resources and efforts to areas of greatest socio-economic disadvantage defined by objective criteria of need. That involves, for example, differential grants for industrial development in disadvantaged areas and encouragement to investors. In the Programme for Government, Departments commit themselves to meeting all those targets and to all their actions in the TSN action plans.

The Programme for Government also emphasises that rural development will benefit the area west of the Bann, with its high rural population. The issue of rural development should be carefully looked at in the Assembly and in Committees to ensure that that strategy comes to the fruition that I believe we all want to see. It proposes balanced regional development and sets out measures to make Northern Ireland more attractive to visitors. That will benefit rural areas. We are not using our remarkable advantages, especially in rural areas, to develop what could be a burgeoning interest in tourism in Northern Ireland.

The Programme for Government commits us to tackling disadvantage in the education and training system, particularly in disadvantaged areas, and that includes 12,000 business development training places for farmers. Ultimately the agriculture industry, and all things concerned with it, is going to be crucial to the success of the Programme for Government in areas such as the Member has specified.

**Mr Ford:** Given what has just been said about the development of the economy, do the First Minister and the Deputy First Minister agree that the additional 200 undergraduate places projected over four years is a little low? Also, there appears to be no mention of postgraduate places. Do they agree that the importance to Northern Ireland's economy of keeping people on higher degrees must not be underestimated? Similarly, do they also consider that the role of an information technology commission to identify the economic opportunities that may arise should be included in the Programme for Government?

**The First Minister:** I take the Member's points on postgraduate places and information technology. They are extremely important factors in the economy of Northern Ireland, and there has been a significant expansion in the number of information technology postgraduate places in Northern Ireland. I am not in a position to comment on future trends, but no doubt we will have the opportunity to explore the matter further.

The Northern Ireland economy is doing very well, particularly in the software sector, where there have been significant year-on-year increases in the number of persons employed. A few weeks ago we had the pleasure of opening a plant for Service and Systems Solutions Ltd (Sx3). This company, which was once connected to Northern Ireland Electricity, has trebled its employment in just a few years. That is an indication of what can be done.

Also, unemployment is now at its lowest since 1984, which is a remarkable achievement. To get that down further, we will have to concentrate as much on basic skills as on skills at the top, particularly if we are to achieve the levels of social inclusion that we want. The best way to deal with the problems caused by social exclusion and to make people feel included is by getting them jobs. The people we have to get into employment to enable them to play a full part in society and to contribute to it are those who have problems with basic skills — even the ability to count, to read and to write, which are absolutely critical in this respect. What has been done in terms of IT and postgraduates has contributed to the economy and will continue to do so, but we have to balance our priorities.

**Mr Speaker:** I suspect that Mr Beggs will have time to do little more than to put his question.

**Mr Beggs:** Will the First Minister and the Deputy First Minister give an assurance that funding will be allocated to improve the delivery of services and that it will not be wasted in excessively increasing administration? Will they also encourage Ministers and Committees to scrutinise the funding proposed to be spent on administration in their own remit so that the benefit to the citizens in terms of delivery of services can be maximised?

**Mr Speaker:** I am afraid that the time for questions is up. Therefore I shall have to ask the First Minister and the Deputy First Minister to write in response to the Member's question. Many other Members wish to ask questions, but I regret that Standing Orders restrict us to an hour. However, as the First Minister and the Deputy First Minister said, the Programme for Government will be the subject of a major debate in the near future.



## GOVERNMENT RESOURCES AND ACCOUNTS BILL

### Second Stage

#### **The Minister of Finance and Personnel (Mr Durkan):**

I beg to move

That the Second Stage of the Government Resources and Accounts Bill (NIA 6/00) be agreed.

Resource accounting and budgeting is a new system of planning, controlling and reporting on public expenditure. The Bill marks a major milestone on the way to the full implementation of resource accounting and budgeting in Northern Ireland Departments and demonstrates a commitment to introducing best practice accounting methods to the public sector. The Bill largely follows similar legislation recently passed at Westminster — the Government Resources and Accounts Act 2000 — and in the other devolved Administrations.

The Bill will deliver two major reforms. First, it introduces resource accounting and budgeting to government accounts and modernises the operation of other aspects of the Exchequer and Audit Act (Northern Ireland) 1921. That will improve the way in which the Assembly votes and scrutinises public spending with proper measurement of the full economic costs of government activities, better treatment of capital spending and systematic reporting of allocation of resources to objectives.

*(Madam Deputy Speaker [Ms Morrice] in the Chair)*

Secondly, the Bill provides enabling legislation for the preparation and audit of consolidated accounts for the whole of the Northern Ireland public sector. That information will, in turn, be included in the United Kingdom-wide government accounts to be produced by the Treasury.

The resource accounting and budgeting initiative was launched in 1993 during direct rule. Since then, Northern Ireland Departments have been actively working towards the introduction of resource accounting and budgeting. For Members unfamiliar with the technicalities of the move to resource accounting and budgeting, resource accounting applies accruals accounting techniques to central Government by focusing on resources consumed rather than cash spent. Therefore one main change from the current system is in the treatment of fixed assets.

Resource accounting will reflect the cost of consuming fixed assets, and the cost of holding them, through a charge for depreciation and the cost of capital, rather than just the cost of acquisition as under the present cash-based system of accounting. By highlighting the real costs that arise through neglect of capital assets, this

system will bring home to us all, and to Departments, the true effects of financial decisions on capital assets.

Resource accounting is based on generally accepted accounting practice in the United Kingdom. It reflects the accounting and disclosure requirements of accounting standards issued by the Accounting Standards Board, and the Companies (Northern Ireland) Order 1986, to the extent that this is appropriate to central Government. Resource accounting will form the basis of resource budgeting, so that we can plan and control central Government expenditure on an accruals basis.

As I said in my budget statement last week, the public expenditure plans from 2001-02 onwards are on the new basis. Subject to Assembly approval, supply will be voted on an accruals basis under resource accounting and budgeting. Resource accounts will replace appropriation accounts, but will essentially fulfil the same function.

Resource accounting and budgeting applies the best financial reporting practices of the private sector to central Government. For the first time, we will produce the equivalent of the main financial statements in commercial accounting. That includes a balance sheet, an operating costs statement, a statement of recognised gains and losses and a cash flow statement.

However, resource accounting and budgeting goes even further. Under the new system, there will also be a summary of resource out-turns, reflecting Assembly control, and, critically, a statement of resources by departmental aims and objectives under Public Service Agreements. That will enable us to focus on outcomes, not inputs, and on the products of our spending, not just the size of our investment. In turn, we can ensure that future public spending is planned and controlled prudently. I emphasised last week that the Executive see this as a very important opportunity to improve the way we plan and manage spending.

Resource accounting makes two important improvements to the outdated and outmoded present system of cash-based accounting. First, it will ensure that the full economic cost of a Department's activities is measured properly by including costs, such as capital consumption, which are not reflected in cash-based accounts. It will also match the costs to the right time period, providing the Assembly with a better basis for allocating resources. It is more realistic to bring costs or income to account when commitments are made, rather than when cash changes hands. Secondly, it will bring about improvements in the treatment of capital spending, so that instead of simply identifying the cost in full in the year of acquisition, the cost of capital will be spread over its useful life, which is obviously sensible.

In the longer term, the Treasury's aim is for resource accounting and budgeting to lead to Whole of

Government Accounts (WGA), which is the natural next step. The Bill would make it possible to produce WGA for the Northern Ireland public sector, which can, in turn, be incorporated into WGA for the UK. These accounts will improve the information available to the Assembly and provide greater transparency for taxpayers.

However, to produce full audited WGA, we will need greater conformity in accounting policies, systems and procedures. That is a major challenge. A staged approach is therefore being adopted wherein we will first concentrate on delivering audited accounts covering Government Departments, agencies and non-departmental bodies. A final decision to extend coverage to the whole of the public sector will be taken in due course, when the outcomes of various developments in financial reporting and other developmental work are clear.

The Comptroller and Auditor General and his office will play a pivotal role in the implementation of resource accounting and budgeting. I fully support the work of the Comptroller and Auditor General and recognise the importance of his independence and the need for him to have wide-ranging powers to report to the Assembly. This is reflected in the detail of the Bill.

12.15 pm

However, the current draft of the Bill excludes one important clause that was included in the Government Resources and Accounts Act 2000 after a protracted debate. The clause requires the Treasury to consult an advisory board before issuing accounting guidance in order to demonstrate that any departures from generally accepted accounting practise are justified by the public sector context. This role is fulfilled by the Financial Reporting Advisory Board (FRAB) established by the Chancellor. FRAB is required to report annually to Parliament on its activities.

There are several ways in which we could deal with this issue in the Northern Ireland context. I intend to discuss this in detail with the Public Accounts Committee and the Finance and Personnel Committee with a view to tabling a suitable amendment as the Bill progresses.

As I indicated earlier, the spending review has already been conducted on a resource accounting basis, and the intention is that the estimates process should be moved to a resource accounting basis for the financial year 2001 - 2002. This means that the first resource accounts to be audited and laid before the Assembly will be in respect of the financial year 2001 - 2002.

In conclusion, Departments are already proceeding with the implementation of resource accounting budgeting systems and procedures. This has not been a trouble-free process, not least because of dual running and the other significant competing pressures faced by Departments. In the circumstances I wish to pay tribute

to Departments which have done a tremendous job in developing resource accounts alongside cash accounts, and to the Northern Ireland Audit office for its support during the process.

It is not surprising that there has been some slippage, but we believe enough progress has been made to suggest that we remain on course to deliver on time. Accordingly I commend the Bill to the Assembly, and I will try to answer points raised by Members when I speak at the end of the debate.

**The Chairperson of the Finance and Personnel Committee (Mr Molloy):** Go raibh maith agat, a LeasCheann Comhairle. As the Minister indicated, the Committee will review the Bill and, it is to be hoped, we will be able to advise the Assembly of future changes or recommendations. I will keep my comments to a minimum at this stage, but I would like to ask the Minister if it is valid to equate the accounting systems used in the private sector with those in the public service? The public service is not in the business of chasing profit margins and satisfying investors. Can we still maintain the services which are required as part of the public sector?

Will this Bill reduce the number of spending reviews we have seen over the last couple of years? Will it eventually wipe them out? Spending should be clearly accounted for within the resource accounting system. Can the Assembly assume that the Bill will introduce a genuinely simpler, more transparent and streamlined system of accounts for the future?

**The Chairperson of the Public Accounts Committee (Mr B Bell):** I welcome the proposals contained in the Government Resources and Accounts Bill and recognise the value of resource accounting in leading to improvements in the clarity and quality of financial information available to Members of the Assembly for scrutiny purposes. It is important that Northern Ireland Departments have financial accounts that conform to best practice in the rest of the United Kingdom. The Bill will help to ensure that.

I am aware that aspects of the comparable legislation in GB have been very contentious and that Lord Sharman is currently reviewing the arrangements for public sector audit. I expect that the Department of Finance and Personnel will consider the implications of the Sharman review for Northern Ireland.

One of the areas being addressed is the right of the Comptroller and Auditor General to inspect the books of bodies that spend public money and report to the Assembly. Those rights are extensive, and the Comptroller and Auditor General audits all Departments and most public bodies. However, as the public sector develops, those inspection rights need to be kept up to date, and Assembly Members will be determined to see

that access rights for the Comptroller and Auditor General are as adequate as those at Westminster.

I am glad that the Minister has said that he and his officials will meet the Public Accounts Committee shortly to discuss these matters further. Members' ability to hold the Executive to account depends on the information provided by the Comptroller and Auditor General in his reports. Therefore, his access rights are our access rights. The Assembly's auditors ought to follow public money wherever it is spent in Northern Ireland.

**Mr McClelland:** I listened intently this morning to the exciting initiatives, new developments and breaks with the past presented to us in the Programme for Government. It is unfortunate that the same media attention is not given to this new initiative; perhaps that is because accounting procedures are not considered to be quite as exciting as other issues.

I welcome the initiative for a range of reasons. It will bring best practice in the private sector into the public sector. That is important, because good cost benefit analysis is important in both the public and private sectors. The initiative will enable the Assembly to make better-informed judgements and will make the Executive more accountable to the Assembly. We will have greater control over stock, debts and credits in the public sector. One of its most important features is that it will promote greater transparency in Government. Finally, I would like the Minister to assure us that the introduction of the measures in the Bill will not involve more expenditure on the Assembly.

**The Deputy Chairperson of the Finance and Personnel Committee (Mr Leslie):** I give the Bill a qualified welcome. In time, it may emerge that several proposals may not work as smoothly and as sweetly as expected. We must be aware that, to some extent, the blind are leading the blind. This is a new departure in Treasury accounting and must be followed in the devolved institutions, although I would not be surprised if certain aspects required some revision at a later stage. That is not in any way a criticism of what is proposed here, but it may be a realistic view.

I caution the Minister against making what is a strong statement — that this is a move towards best practice; it is a move towards a practice that is common in the private sector and is best suited to the private sector. Whether that is necessarily the best practice for the Government sector may emerge and be subject to scrutiny over time.

What concerns me in relation to Treasury accounting is the propensity of the current Government to double and treble account at every opportunity — to the extent that they seem to have forgotten where they started. I commend our Minister for resisting that practice, and I

trust that he will continue to do so. However, I suspect that moving to resource-based accounting may improve the Government's ability to double and treble account and make it more difficult for those scrutinising their measures to find out.

Turning to the detail of the Bill, I note the intention to value Government assets. It will be extremely useful to know the value of the Government estate.

Can the Minister tell us what valuation method is proposed? If an outside valuer is to be used in any instances, what costs are likely to be incurred? With what frequency will those assets be revalued, and what costs are likely to be incurred on those occasions? Part of the process of placing a value on those assets is that they will then be depreciated. What depreciation policies does the Minister intend to follow? Clearly, the depreciation policy for a building will be different from that for a piece of modern technology such as a computer. The private sector swings about on which depreciation model to use. Therefore, having established what we are going to do, we will need to keep the matter under review.

I have some comments about moving to an accrual basis. The essence of accruals is that the accounts reflect the intention to spend money in a time frame, irrespective of whether the cash has changed hands. It is not as straightforward to apply this method to capital assets. The essence of a capital asset tends to be that the money has been spent. One accrues the liability over time, because the use of the asset is spread over a number of years, and so its value only arises over time. However, in cash terms, the likelihood is that the money has been spent.

There is a potential contradiction between the intentions under the cash system and how capital expenditure is going to be treated. At Treasury level, that is, in effect, dealt with by the Government borrowing requirement through the gilt market. By borrowing money, say for 10 years, the cost of acquiring that asset is spread over that period until the money is repaid. Government borrowing is not hypothecated in any way — certainly not at this stage — so there is no direct link between the issue of a particular gilt and the expenditure of particular money, but there is, in essence, an indirect link. I wonder whether it will be possible to apply these measures to capital assets without putting in some mechanism to identify the borrowing relating to the acquisition of the capital asset. For example, were we to engage in a five-year programme to upgrade the railway system, we might take a 15-year view on the benefit. However, the money for the upgrading would have to be found over five years.

On the other hand, the ability to mobilise and use private finance through private finance initiatives would clearly be enhanced. That is one of the Bill's intentions, and that should be welcomed, but the Minister must



focus very carefully on exactly how the accounting in these areas is going to be done.

It is important that the parallel running of the cash system and the resource-based accounting system should go on for some time, because the transition may prove to be quite difficult. It will be difficult under the resource-based accounting system — certainly in the early years — to make proper comparisons with previous years unless the old system is run in parallel.

**Mr Fee:** From the Explanatory and Financial Memorandum in respect of the Bill I see that it is expected that the resource accounting and budgeting will cover only the central Government sector in the immediate future. However, the Bill permits the Department to designate other bodies such as health boards, trusts and local councils, et cetera. Has the Minister given any thought to the timescale for the application of this accounting system across all public administration?

12.30 pm

**Mr Durkan:** I thank Members for their contributions and questions. Several points have been raised, and I wish to deal with as many of those as I can in the short time available.

The Chairperson of the Finance and Personnel Committee, Mr Francie Molloy, raised several questions. I welcome the fact that the Committee will be giving full consideration to this Bill. It is more than a technical financial management instrument. It has key policy implications in that it will change how policy priorities, commitments and ambitions are articulated within spending plans and the management of public expenditure.

On Mr Molloy's question as to whether it is appropriate to incorporate accounting procedures from the private sector into the public sector, I would make the point which was later made by Mr McClelland. We are trying to incorporate best practice, and that should be the business of the public sector.

With reference to the UK generally accepted accounting practice (GAAP), that is a ready-made set of rules. We are not talking about following them blindly, as some people are worried about. The Northern Ireland resource account manual interprets GAAP as being appropriate to reflect the fact that resource accounting will form part of the planning and control system for central Government and also to reflect the non-commercial nature of Government activities. We are talking about best practice relating to accounting methods but not about ignoring the fundamental nature of Government business and public-service operations. We will have due regard for the realities and requirements of both.

Concerns were raised about whether this could lead to fewer spending reviews. The main issue here is not so much whether there will be more or fewer spending

reviews, but there will be a different way of conducting them. That is the whole point of moving from the focus's being on inputs to outcomes — what it is we are trying to buy as an Assembly.

We are talking about a system whereby the Assembly will decide to buy particular service outcomes and results from various Government Departments and public bodies, funded by public expenditure, so that will change and fundamentally improve the nature of spending reviews in the future and should allow for improved scrutiny by the Assembly and its Committees.

Mr Billy Bell spoke as Chairperson of the Public Accounts Committee, and I appreciate the fact that he was able to give a broad welcome to resource accounts and budgeting and that he recognises the importance of such accounts conforming to best practice elsewhere, which we have to take into account. The whole move to resource accounting and budgeting is not confined simply to the UK. We should follow it, not just because it is being followed elsewhere in the UK, but because it is becoming the norm in a variety of jurisdictions.

As Mr Bell said, the access rights of the Comptroller and Auditor General are being reviewed by the Sharman committee, and we will take full cognisance of anything that develops. We are keeping a watching brief on that, and we will bring forward appropriate measures for Northern Ireland in due course.

Donovan McClelland gave a broad welcome to the thrust of the Bill. I can assure him that the use of resource accounting and budgeting should not, of itself, create any extra costs in the planning and management of public expenditure. Obviously, insofar as the move to resource accounting and budgeting may have involved additional expenditure, then that has already been incurred by Departments in setting up the necessary accounting systems. I can reassure him that there will be no extra costs built into the system.

A Member asked whether this is about best practice, and I am glad to answer in the affirmative. It really is about best practice. It is not about trying to pretend that the public sector and public services are not the public sector and are not public services; it is to make it clear that we know we are in the business of responsible financial management. If we are to be properly accountable and transparent, then we need to perform to those standards.

James Leslie raised several points. I take his point that more detail will have to be considered as we take this Bill forward. I want to speak to both the Finance and Personnel Committee and the Public Accounts Committee about various aspects of the legislation.

As for the treatment and valuation of property assets, major property assets will be valued by the Valuation



and Lands Office on a cyclical basis, probably every five years. That will help to spread the cost of valuation.

In regard to the public sector borrowing requirement and the Treasury, the cash system that we currently have does not bring home to public sector managers the opportunity cost of holding assets. It will make a difference if they have to account for a capital charge or for depreciation. The logic and motive should be clear. I accept that there are further issues that we need to explore on how we handle, manage and portray depreciation. That is one of the further details of the Bill that the Assembly and Committees can work through.

To date, the systems have run in parallel. That creates some difficulties and, going back to Donovan McClelland's point, incurs some cost. However, I am prepared to look at how long we should continue parallel running if people believe that it will help to improve the judgements made in relation to the value of resource accounting and budgeting.

We cannot continue parallel running indefinitely. We want to move in a committed and unambiguous way towards resource accounting and budgeting. The Assembly would find it easier to concentrate on one method, as would Departments, and, I believe, the Committees.

On Mr Fee's point, the whole of government accounts clauses address the extension of resource accounting and budgeting outside central Government. That will take a number of years to implement. At this stage, we are focussing on central Government Departments and the bodies most directly related to them. In due course, we will make proposals to extend the measures across the public sector, but we need to do that on the basis of our experience and knowledge. It would be gratuitous to set a timetable at this stage. On that basis, I thank Members for their consideration of this stage and their contributions, and I commend the Bill to the House. I look forward to further consideration of the Bill, both in the House and in the Committees.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Government Resources and Accounts Bill (NIA6/00) be agreed.

*The sitting was suspended at 12.42 pm.*

*On resuming —*

*2.00 pm*

## **ASSEMBLY: COMMITTEE ON PROCEDURES**

*Resolved:*

That Mr Nigel Dodds be appointed to the Committee on Procedures and that Mr Ian Paisley Jnr shall replace Mr Sammy Wilson as a member of the Committee on Procedures.— [*Mr Dodds*]

## CIVIC FORUM

### Mr Dodds: I beg to move

That this Assembly urges the First Minister and the Deputy First Minister to take appropriate and immediate steps to appoint a representative of the Grand Orange Lodge of Ireland to the Civic Forum.

Members will recall that the First Minister and the Deputy First Minister announced the membership of the Civic Forum to the Assembly on 25 September. At that time many of us raised a number of general points of contention about the make-up of the Civic Forum. People had problems with the fact that there are 10 representatives, for instance, from the business and agriculture/fisheries sector. Compared to the representation from the voluntary and community sector, which numbers 18, there seems to be an imbalance. Victims have only two representatives on the Civic Forum. In addition we have the incongruous position whereby the First Minister and the Deputy First Minister represent — I am indebted to the Alliance Party's Mr Ford for this figure in a previous debate — only 0·00012% of the population, yet they have nominated 10% of the members of the Civic Forum. I also note that Mr Mallon appointed someone who lives and works outside Northern Ireland. It seems a strange set of criteria to use in appointing someone to the Civic Forum in Northern Ireland.

We raised many issues relating to the general make-up of the Civic Forum when the matter first came before the Assembly on 16 February 1999. On 25 September the First Minister time and again referred to the fact that it was a bit late for Members to raise issues because the Assembly had previously agreed on a way to nominate members to the Forum. He failed to point out that many Members had spoken out and voted against that system. On 16 February, 28 Members went into the Lobbies against the proposed make-up of the Civic Forum. There is no point in representatives of the First Minister coming here today, as they did on 25 September, and telling us that everything is agreed. It was agreed on a vote, but it was not agreed by many who sit on these Benches, so we are quite entitled to raise these matters.

I also noted when I went through the record of the debate of 16 February that Mr Ford of the Alliance Party had an interesting suggestion, which was that members of the Civic Forum be rotated. That that is an interesting observation in the light of some of the criticisms he has since made about the principle of rotation.

After the Assembly's approval in February 1999 of the way in which the Civic Forum was to be made up, we all expected that there would be a realistic attempt to achieve balance, fairness and inclusivity and a general

willingness to see that the principles of equality were implemented. On 25 September Mr Mallon told the House that the body should incorporate the total width of views in Northern Ireland. Anyone who looks down the list of members can see that we have ex-terrorists involved, we have a failed politician involved and we have a whole litany of "Yes" people involved. With a few honourable exceptions, there is little room for people who have a different view on the Belfast Agreement or for people who represent the Grand Orange Lodge of Ireland at a high level. That is a grave omission, which once again cuts across pledges and promises that were made not only in the House but outside it as well.

Whatever members of the various parties in the House may think of the Orange Order — and as a member of that Order I have to declare an interest — they have to accept that it is one of the largest Protestant organisations in Northern Ireland. It has many thousands of members. It has a vital role to play in the cultural identity of the Protestant and Unionist people of Northern Ireland. It is a grave omission indeed that the First Minister and the Deputy First Minister have not seen fit to recognise the Grand Orange Lodge of Ireland in a proper and fitting way by having a member from it on the Civic Forum.

In the debate on 21 September Mr Mallon stated that he wants the Civic Forum to be a body that is uncomfortable for the Assembly. It certainly will not cause much discomfort to Mr Mallon and his party, or to the pro-agreement parties, because there are not many voices in it that will be raised in disagreement with their political point of view.

I have no doubt that when the Ministers come to reply to this debate, they will suggest that our raising this issue and our expressing an interest in the Forum membership implies support for the idea of the Civic Forum. Nothing could be further from the truth. The Civic Forum has been appointed, and we have a right to express a view on its membership. However, nothing we say should be taken as an endorsement of the idea of the Civic Forum.

One of the Ulster Unionist Party's leading research aides, who perhaps wrote Mr Nesbitt's speech today, has expressed concerns about the Civic Forum in the local press. We all know why it was set up and who was behind its setting up. One political party has good reason to support its creation because it is the only place in which it can get any sort of representation.

On 25 September the First Minister said that because Members had raised the omission of Grand Orange Lodge representatives, or even one representative, this somehow was to misunderstand the nature of the process. No doubt this tired old excuse will be trotted out today by the Ministers. The reality is that we fully

understand the nature of the nomination process. Sectors were identified, applications were invited, and interview panels were set up.

The First Minister said that it would be inappropriate to give a specific body like Grand Lodge power to nominate. We understand that. However, he is missing the point. The reality is that having appointed someone — and I make no comment or cast any aspersions whatsoever on the integrity or ability of the person appointed by the First Minister — who would be representative of the Orange Order, it would have been appropriate for the First Minister and the Deputy First Minister to have looked at who had applied for membership from within Orange ranks. At least two members of the Grand Orange Lodge of Ireland applied for membership of the Civic Forum. They were unsuccessful, but it was open to the First Minister and the Deputy First Minister to look at those applications and say “If we are going to appoint somebody who knows about Orange views, who is representative of the Orange Order, we will appoint someone from Grand Lodge.”

We have often heard it said that people should be appointed to various groups by a process of consultation, that what that group or sector thinks itself should be taken on board. You should empower groups so they have a real role to play, but the First Minister and the Deputy First Minister are saying “We know better than the Grand Orange Lodge as to who should be representative of Orange views.” That is not acceptable.

By not appointing a member of Grand Lodge to the Civic Forum they have done the Orange Order, one of the largest Protestant and Unionist groupings in Northern Ireland, a grave disservice.

I note that the Deputy First Minister said that there would be a review of the operation of the Civic Forum 12 months after its appointment. I also note that the Deputy First Minister, in saying that the Civic Forum should reflect all views in Northern Ireland, said

“I ask the Assembly to accept that, and if I am wrong I will make the matter right very quickly.”

I appeal to the Office of the First Minister and the Deputy First Minister to have a review in less than 12 months, in view of that statement made by the Deputy First Minister a couple of weeks ago, to see if this matter can be put right quickly. If they refuse to review the matter, that will compound the error they made in the first place. This is an important matter. There are many people in the community we represent who are very resentful that an ex-terrorist can be appointed to the Civic Forum. Those representing few people in Northern Ireland have been appointed, and yet an organisation that speaks for tens of thousands of people and has contributed a lot to the Protestant community over the years has been completely ignored.

2.15 pm

**Madam Deputy Speaker:** Many Members want to participate in this debate and we have a two-hour limit. Members are asked to keep their remarks to less than five minutes in length. When Members have 10 seconds left, I will advise them to bring their remarks to a close.

**Mr Weir:** I find myself in a fairly unusual position. With the possible exception of the junior Minister, who will be speaking on behalf of the Executive, I may well be the only Ulster Unionist to speak in this debate. I am also in the very unusual position of advising the First Minister to review the situation and his previous decision, which is something unnatural to me.

In supporting the motion I have to declare that I regard myself as agnostic at best on the benefits of the Civic Forum. Down the years, Northern Ireland has been ruled too much by quangos, and the creation of another quango at public expense concerns me. Whatever the criticisms of the Assembly are, its advantage is that it has been elected by the people of Northern Ireland, and if we reach another Assembly election, the people will be able to give their verdict on individual politicians. The same will not be the case with the Civic Forum — it does not have that same representative quality.

Having got a Civic Forum we need to have it strive to be reflective and representative of society in Northern Ireland. While the Executive will carry a certain amount of baggage, the Civic Forum, if it operates correctly, will be able to command the respect and support of the whole of Northern Ireland. This is one of my reasons for supporting the motion.

Within the Orange Order is a community principally drawn from a Unionist society that feels disillusioned and aggrieved with this process. It is up to the Civic Forum to ensure that it commands the support of a lot of those people. I am disconcerted by the fact that an organisation as large and important within the political life — indeed the entire life — of Northern Ireland as the Orange Order is not officially represented. To be able to provide a true reflection of society here there needs to be at least one representative from Grand Lodge.

The key word in this motion is representative. It could be argued, and has been argued by the First Minister when this matter has been raised, that he himself selected and appointed a member of the Orange Order. I cast no aspersions on the abilities of Richard Monteith, who is a good advocate for the Unionist and Orange cause, but the reality is that he is not there as a representative — he is an appointee who happens to be an Orangeman. Let us look at the other sectors. There are people representing the trade union sector; there are also people representing other sectors who are trade unionists, but are not there as representatives of the trade unions. There are two people representing victims,

and I would be surprised if among the other 58 members there was not at least one who has been a victim in some way. Various people, who are in the Civic Forum through other routes, can also reflect a different point of view. The fact that someone who has been appointed also happens to be a member of the Orange Order does not ultimately make him a representative of the Order. That is the crucial difference.

The First Minister and the Deputy First Minister should take this opportunity to look at the overall make-up of the Civic Forum. By necessity, it was delegated to various sectors to nominate members. The one disadvantage in that is that the situation in Northern Ireland as a whole is not reflected.

I urge the First Minister to evaluate the situation in order to ensure there is direct representation from the Grand Orange Lodge. It is important to see the wider picture and to understand where the weaknesses in the Civic Forum are with regard to representation. The First Minister must ensure that new proposals are brought before the Assembly, perhaps to expand the number of people in the Civic Forum so that it fully represents Northern Ireland society. Whatever our feelings about its initial set-up we should have a Civic Forum that fully reflects the views, and carries the respect, of all the people in Northern Ireland. I urge Members to support the motion.

**Ms Hanna:** I oppose the motion. It is a typically opportunistic motion from the DUP and is a case of closing the stable door after the horse has bolted. The DUP, in keeping with its negative attitude to the institutions set up by the Good Friday Agreement, did not participate in the cross-party study group that was set up to advise the First Minister and the Deputy First Minister on the composition of the Civic Forum. However, now it is giving its views on that forum.

There is another reason why this motion is so fundamentally dishonest. Not only was the DUP opposed to the institutions set up under the agreement, it was particularly opposed to the idea of the Civic Forum from the outset. I quote from a statement issued by Mr Paisley Jnr on 25 September, the day the membership of the Civic Forum was announced in this Chamber. These are some of the pejorative phrases he used to describe the Civic Forum: "the cronies Forum;" "nodding dogs;" "yes men;" "a comfort blanket for the pro-Agreement parties;" "a toothless wonder". Despite this, DUP Members have come to the Assembly today to demand seats for the Orange Order. It puts me in mind of a line from Groucho Marx:

"I don't want to belong to any club that will accept me as a member".

In his statement, Mr Paisley Jnr also complained that there are too many trade unionists in the forum, that

voluntary groups have double the representation of business and agriculture, and that the number of the First and the Deputy First Minister's appointees is triple the number of victims' representatives. However, there is not a word in that statement about the alleged under-representation of the Orange Order. What has changed in the last month? The first time I heard the DUP mention the Orange Order with reference to membership of the forum was in this Chamber when the membership was announced.

There is another matter, which is one that only the Orange Order itself can decide. This relates to whether the Orange Order is a religious, a political, or a cultural organisation. If the Order has applied for membership of the forum, under which heading has it applied? If it has not applied, why not? The Civic Forum is a body, which, as the Deputy First Minister said, should represent all views. Indeed he is on record as saying that he would have welcomed a recommendation from the Orange Order, or from the Apprentice Boys. The Civic Forum is not bureaucratic. There are many imaginative independent thinkers who will discuss and debate the thorny issues of this society such as the transfer test, the relationship between poverty and ill health, sectarianism, the economy, and many other issues.

The SDLP wholeheartedly supports the purpose of the Civic Forum. We believe that it has a very positive role to play in the public life of Northern Ireland. It will also foster pluralism and diversity. It will, through time, prove its worth to all. This is the first opportunity for civic society to take ownership of the peace process and to have its voice clearly heard.

**Dr O'Hagan:** Go raibh maith agat, a LeasCheann Comhairle. My initial reaction on seeing this motion was that maybe it had some merit. Exposure to wider civic society and to a diversity of people and views might help to open some minds. On reflection, the reality is that the Orange Order is beyond redemption in this regard.

There are any number of groups, many of them of a much more benign and positive nature, who could ask for special treatment. Why should the Orange Order be given special treatment on the Civic Forum, especially given the nature of that organisation? For centuries, the Orange Order has had an undue and malign influence throughout society in the North of Ireland — in Unionist political parties, the judiciary, the police force and in business. These are positions of power and influence. How many members of the Civic Forum are already members of the Orange Order? Indeed, how many Members of this Assembly are members of the Orange Order?

The Orange Order is a sectarian and racist organisation. This motion is akin to asking the Ku Klux Klan to make a positive contribution to American society. It is very



telling that, last year, a Ku Klux Klan spokesman stated that his organisation was concerned at being compared with the Orange Order. The Orange Order's *raison d'être* is to keep Fenians in their place. I will not go into the history of its bloody birth at the Battle of the Diamond, or the widespread disruption, murder and mayhem that have accompanied Orange marches and parades ever since. Everyone in Ireland, especially on the Garvaghy and Ormeau Roads, and throughout the world, knows only too well the Orange Order's negative and malign influence.

For example, who will forget the disgraceful scenes at an Orange Order parade on the Ormeau Road when participants laughed, jeered and celebrated the murder of five people from the local community in Sean P Graham's bookmaker's shop? Who could ever tolerate the ongoing brutalisation and intimidation of the Garvaghy Road community in Portadown in order to facilitate a swaggering, triumphalist Orange Order parade through an inoffensive minority community?

The Good Friday Agreement and its institutions, including the Civic Forum, are supposed to be about a new way of organising society — not a mere replication of the old, failed ways of the past. Members of the Orange Order have no positive contribution to make to the Civic Forum. It is a secret society. It is not just any old benign secret society whose members wear funny hats, carry swords and engage in strange rituals, although members of the Orange Order undoubtedly do all of those things. The Orange Order is a sectarian and racist organisation founded on hatred of anything Catholic or Irish. It is an organisation that fomented and fosters inequality and division in our society. One only has to read some of the words of Orange tunes — “We're up to our necks in Fenian blood. Surrender or you'll die.” — to see how offensive the Orange Order and its philosophy are.

This motion has more to do with the divisions in Unionism and the DUP's attempts to show how much more Unionist it is. The hypocrisy of this motion is appalling, although it is what we have come to expect from the DUP in this Assembly. It is appalling because the Orange Order, with the help of loyalist paramilitaries, has succeeded in tearing civic society apart for the last five years in their futile and dangerous attempt to march along the Garvaghy Road.

The Orange Order refuses to speak to those who disagree with it. Not only do its members refuse to talk to Nationalist residents and their chosen representatives, but they also refuse to talk to the Northern Ireland Parades Commission. The DUP puts down a motion asking for special and preferential treatment for such an organisation —

**Madam Deputy Speaker:** The Member will draw her remarks to a close.

**Dr O'Hagan:** It is time for elements within Unionism to realise that “the times they are a-changin’”. The time for propping up bigotry and sectarianism and making it respectable is over.

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

**Dr O'Hagan:** Move into the modern world. We should be discussing ways of ridding our society of sectarianism, instead of trying —

**Madam Deputy Speaker:** Time is up. Order.

2.30 pm

**Mr Boyd:** The decision to exclude the Orange Order from membership of the Civic Forum demonstrates a bias against the huge section of the Protestant community that belongs to that organisation. It graphically illustrates that the Civic Forum lacks credibility and that its apparent inclusivity extends — with a few exceptions — only to those people who follow the Government's pro-agreement line. It is clear that despite the Orange Order's huge membership — and I have no apology for being a member — it has been excluded because of its opposition to the Belfast Agreement. What other reason can there be for excluding it from membership of the Civic Forum?

There are people who try to demonise the Orange Order, and we have just heard five minutes of sheer black propaganda. I want to counter that with the truth about the Orange Order. The Orange Order has, from its earliest beginnings, given leadership at all levels of society. It is a Christian organisation and has included in its membership ministers of religion, bishops, moderators, mayors, councillors, politicians and even the First Minister. It would be interesting to know whether the previous speaker is now accusing the First Minister of racism. Members can be found serving their community in all walks of life. The Orange Order has members both male and female, young and old, in many countries including England, Scotland, Wales, Canada, New Zealand, Australia, Togo, Ghana and the USA.

Traditionally the Orange Order is seen as a marching organisation. Much work goes on unseen, such as caring for orphans and supporting widows. The Orange Order has also supported numerous good causes including hospitals and hospices, as well as a multitude of charities and missions. That is in addition to individual contributions by many members.

More recently the Orange Order has embarked on aid to churches in Eastern Europe and support for modern communication of the gospel overseas. The Orange Order has been encouraging young people, through bursaries, to develop their own business, commercial and industrial skills in order to improve the economy of Northern Ireland — unlike Sinn Féin/IRA, which for 30

years has terrorised this community, attacking over 250 Orange halls and destroying many businesses.

The Orange Order stands for civil and religious liberties for all and is committed to Christian principles and the gospel message. The Orange Order's ideals are far above any that the so-called Civic Forum may have or claim to stand for. The Civic Forum lacks credibility, as it does not truly reflect civic society and is not inclusive. The Orange Order will continue to prosper and stand firm for its principles, as it has done for many years, while the Civic Forum will, I suggest, last only a matter of weeks.

**Mr Watson:** There seems to be some misunderstanding among Members of why the Orange Order wishes to have a place in the Civic Forum, given its opposition to the Belfast Agreement. I remind Members that on 12 July 1998 we stated from all Orange Order platforms our resolution that

"We must all do what we can to help make this country well-governed, fair, just, peaceful and prosperous ... Positive participation in the Assembly will ensure that the full strength of Unionism is concentrated in every debate, discussion and decision taken at Stormont."

In the 'Orange Standard' of that month, the editorial comment read

"The situation being as it is, it is imperative that every effort be made to make the Assembly work to the advantage of all the people — that we get good government, fair and just treatment for everyone, regardless of class, creed or race in what is becoming a multi-racial society."

I have listened with interest to the debate. Sadly, one of the Members for Upper Bann is not present in the Chamber. I was saddened to listen to Ms Hanna's comments earlier. Clearly, no account has been taken of the fact that the Orange Order is one of the largest organisations in Northern Ireland and certainly encompasses all shades of Unionism.

It is well and good for the First Minister, when he announced his nominations, and for Mr Richard Monteith, who is a solicitor acting on behalf of Portadown District. On that occasion the First Minister attempted to justify the appointment of Mr Monteith as a back-door representation for the Order. However, it is quite plain that Mr Monteith is there in his own capacity as a member of the Civic Forum. He cannot speak on behalf of the Orange Order because he is not a member of the Grand Orange Lodge of Ireland.

The Orange Institution will not be sneaking in through the back door of this Forum as if it is in some sort of shame. The Orange Institution deserves and should be afforded official representation. At the time of the nominations the First Minister assured us that each of the three nominations he made was

"specifically to ensure that balance and inclusion did occur."

There can be no balance and inclusion when the epitome of Protestant culture and heritage is omitted from the list.

Contrary to what Carmel Hanna said, the Orange Institution did go through the proper channels. When we approached the Office of the First Minister we were told how to apply, and I am aware of at least two members of the Grand Orange Lodge of Ireland who applied for positions on the Civic Forum and were unsuccessful. I understand that there are two members of the Civic Forum who may be members of the Orange Institution — and we congratulate them on their appointment — but they are not there to represent the views of the Grand Orange Lodge of Ireland.

Even the Prime Minister of the United Kingdom has recognised on numerous occasions that the Orange Order is important in the community and has a role to play in the civic society of Northern Ireland. It is widely acknowledged, even by those opposed to the Orange Order and by Members of the House, that the Order is the largest social provider in the Protestant community. Many community audits clearly show how important Orange halls are to the life of our local communities, often forming the heart of them. Community audits recognise that, but unfortunately the First Minister and the Deputy First Minister choose to ignore it.

The Orange Order is saddened that it does not have a place on the Civic Forum. It has been subject to the worst kind of black propaganda and we have listened to it here again today. It is equalled only by the vilification of the RUC. The political process has attempted to make the Orange Order and its members distasteful to the wider public. Our institution has been reviled and maligned by misinformation and misrepresentation by those who know nothing about its make-up or its principles and, worse still, by those who do.

The Orange Order should have the right to speak. It is owed the right to reply. It deserves the chance to have its voice heard, and apparently the place to do so is the Civic Forum. This morning the Orange Order received a letter from Downing Street. The content clearly states the Prime Minister's position in relation to our institution.

**Madam Deputy Speaker:** The Member will please draw his remarks to a close.

**Mr Watson:** The Prime Minister acknowledges "the contribution the Grand Orange Lodge makes to Northern Ireland society."

**Madam Deputy Speaker:** Time up.

**Mr Ervine:** I rise with some reluctance to speak on this issue. I am a member of the Protestant community; I am not a member of the Orange Order, but many

members of my party are. If they had been listening in the Chamber today, they would have felt insulted on two counts, and probably more.

One severely unbalanced comment — one of the most sectarian comments that I have ever heard in the Chamber — was made by the Member for Upper Bann, Dara O'Hagan. It is insulting for her simply to write off, in the manner that she did, those whom she does not understand or disagrees with, whether or not those people will talk to her. That in itself is sectarian. To some degree she is right to chastise the DUP for carrying the cudgel on behalf of the Orange Order, but considering her political requirements it is somewhat hypocritical.

It might be worth pointing out that the leader of the PUP, Cllr Hugh Smyth OBE, has been a member of the Orange Order for more than 50 years. When the Orange Order declared itself to be anti-agreement, no one asked him for his opinion. No one asked anyone in his Lodge for their opinion. The Grand Master of the Orange Lodge, a decent man who I know very well, stood with political forces arrayed against the Good Friday Agreement. I feel that, tragically, as we approached the referendum day and stood hand in hand, he changed the context of the Orange Order as I had always understood it.

However, as I did not move in the hallowed halls of power or in the halls of justice and just lived in the streets of Belfast, I have no sense of anger, hurt or frustration towards the Orange Order. I feel a sense of affinity and appreciation, because its members lived in my home, lived next door to me and lived in the next street — I associated with them all day, every day. The suggestion that there was manipulation in our society in the past resonates with me, but it has to be placed on record that one side has simply castigated and vilified the Orange Order without realising the decency and integrity of the ordinary people who are members of it. At the same time, the only hope that this society has for its future has been vilified, without the membership of the Orange Order — who undoubtedly disagree in large numbers with the leadership — being questioned, debated with and consulted.

I would welcome the Orange Order having membership of the Civic Forum, but the Orange Order has a responsibility to define its political and religious outlooks. Peter Weir described it as a group with great political significance, but he should have said that it has great social significance. He described it as a political organisation. All those who are not members have a big fear about the manipulation of the Orange Order.

**Ms McWilliams:** Until Mr Watson spoke I was confused about the procedures that the Orange Order had followed to ensure that it had seats on the Civic Forum. That point needs to be addressed in the debate, although I am pleased to hear that its participation has

been enthusiastically followed. During the negotiations I put forward the idea of a Civic Forum, and I recall that some people were very disparaging about it. I am often chastised by DUP Members for putting forward confused arguments. Until Mr Watson spoke, I was slightly confused about the position taken by the proposer of the motion — the DUP is against something but is still very anxious to ensure places on it. Peter Weir said, though not in these words, that it was the democratic wish that there should be a Civic Forum and, as one had been established, the Orange Order should have membership of it.

I shall leave that aside, because there is much confusion about whether the Orange Order wanted membership of the Forum. I, along with Carmel Hanna and others, participated in some of the negotiations on who should be represented on the Civic Forum. It was decided that there would be a sector representing cultural organisations. Last February it was agreed that there would be such representation and that would be agreed through the Cultural Traditions committee of the Community Relations Council. My understanding is that a public advertisement was placed in the papers inviting people to sit on a nominating consortium. Some groups responded and six were put on the consortium, although not all took their places. The Orange Order, as an institution, did not apply to become a member of the nominating consortium.

After the consortium had been established, another advertisement was placed inviting persons to apply for membership of the Forum. Those who applied had to follow an interview process. Four persons were appointed, including at least one who is a member of the Orange Order, but not a nominee of that institution. He represents the Ulster-Scots in the cultural sector. Once again, however, no formal Orange Order nominations were received in response to the second public advertisement. Everyone knew about the advertisement. One would have thought that representatives of a cultural institution that had not already applied would have taken that opportunity to apply to become part of a consortium. However, they did not do so.

2.45 pm

As far as I understand the situation — and perhaps the proposer will come back to this point at the end of the debate — the Orange Order, as an institution, did not propose any members. So it was a wasted opportunity.

Surely, they are not telling us that not having gone through the most transparent and accountable method of selection they then went to the Office of the First Minister, which I think is what Mr Watson was saying in his speech. They had not got their “act” together as far as making those nominations was concerned, unlike everyone else who had a fair and equal opportunity.



Denis uses the word, “fair” in relation to the institution. The institution itself would probably feel that that was the fair and appropriate method of applying.

It is unfair to suggest that you should go to the Office of the First Minister and seek preferential treatment. Members who were party to the negotiations will remember that when we asked the Office of the First Minister and Deputy First Minister to make nominations it was with a view to those organisations that had not been named and who actually felt that there was no place for them. That is my understanding of how some of these people were nominated by the Office of the Centre.

I am also very pleased that Denis Watson says that the Orange Order statement in July referred to their desire that the country should be well governed, fair and peaceful. If they had been members of the Civic Forum that would indeed take place. Last July left us with a desperate feeling in this country that whatever happened we were not well governed, and it certainly was not fair and peaceful.

**Dr Birnie:** I feel compelled to tackle two points. The first relates to the comments made by the lead Sinn Féin speaker, and the second relates to the coherence of this motion.

First, with respect to first Sinn Féin speaker and indeed the rather colourful comparison between the Orange Order and the Ku Klux Klan. That was unfair and unhelpful. If we had time — and it probably would not be helpful but it would perhaps not be unreasonable — we could trace the antecedents of our own party and some of the rather unpleasant far right neo-fascist groups in continental Europe that Sinn Féin have been associated with over the years. The brush of racism can tar in a number of directions and Members who charge the Orange Order with that particular position need to examine the beam in their own ideological eye.

Secondly, as regards the motion lacking coherence. As far as I can see, there is in fact no appropriate and immediate action that can be taken by the Office of First Minister and the Deputy First Minister. Therefore, this motion is asking for something that, in any case, cannot be done. Of course the proposers will undoubtedly say that it is the Ulster Unionist Party’s fault for structuring the Civic Forum in that way in the first place. The response to that is that this is yet another case where the Democratic Unionist Party and others absented themselves from the negotiations and then feel that they can carp about the results of those negotiations.

As has been pointed out already, there are a number of Orange Order members in the Civic Forum. Given that it is an organisation with between 40,000 to 80,000 members on the island, it is entirely appropriate that that block of so-called civic society should be represented. Undoubtedly there will be problems in the structure of

the Civic Forum — there always are when new institutions are set up. I am not just thinking about the representation given to the various cultural organisations — there are broader issues. These problems can be addressed in the review of the Civic Forum, which I understand will occur one year after its onset of operation.

**Mr Poots:** If evidence were required to show that the Orange Order should have been appointed to the Civic Forum, perhaps it is in today’s debate; particularly after comments from those representing the Nationalist community in this Assembly. Ms Carmel Hanna, who I deem to be a very reasonable Nationalist, clearly does not understand the Orange Order, its workings, or what it is about. Obviously, representatives of the Orange Order will not have the opportunity, in the Civic Forum, to help other diverse groups in the community to know exactly what it is about.

As for Sinn Féin, I do not expect anything else from them. To talk about everyone else being bloodthirsty, racist, and bigoted is somewhat farcical given their track record in this Province over the past 30 years.

I would return to Mr Mallon’s comments in relation to the establishment and representation on the Civic Forum:

“We will ensure that the Forum has the appropriate balance to enable it to represent fully all sections in Northern Ireland.”

It is a very clear statement; “all sections in Northern Ireland”. The Orange Order subsequently went through the process of applying for membership of the Civic Forum. Whether you agree with the body is immaterial, the fact is that they applied for membership. We do not agree with the structures of the Belfast Agreement — this Assembly is one of those structures — but we went to the people, were elected to this Assembly, and so we are entitled to be here. The Orange Order put its name forward for representation on the Civic Forum despite disagreeing with the structures brought about by the Belfast Agreement.

In my view it is arrogant of Mr Trimble and Mr Mallon to say that they have appointed members of the Orange Order and that that representation is sufficient. It smacks of what Sir Reg Empey did when he appointed Mr Bertie Kerr as chairman of the Food Safety Board. In that instance he indicated that a farming representative should be appointed as chairman, but he did not ask the Northern Ireland Agricultural Producers’ Association (NIAPA) to put representatives forward; he decided who would be the best person to represent the farming community. In this instance, Mr Trimble has shown a great degree of arrogance in that his decision as to who should represent the Orange Order is above what the Orange Order would wish for itself.

There has been a constant attack on the Protestant culture, the Orange culture, and on the Unionist culture.



Mr Ervine talked about the social importance of the Orange Order: it has a religious importance, a political importance, a social importance and a cultural importance. Eighty thousand men belong to the organisation. Many women and young people also support the organisation although they are not members. For people to demean the Orange Order and write it off as being something like the Ku Klux Klan shows a severe lack of understanding of what the Orange Order is.

In relation to Ms Hanna's comment that the DUP wants to bar the door after the horse has bolted, Mr McGrady said on 16 February 1999 that the DUP had been complaining about the potential composition of the Civic Forum and not about the principle of the Forum. So we are not complaining after the event, we were complaining before the event. We sent out early signals that this might well happen and, in this instance, it has. Our voice has been ignored; the voices of those within the Assembly opposed to the Belfast Agreement have been ignored, and the voice of the Orange Order has been ignored.

In conclusion, I believe the Orange Order should have been entitled to a place in the Civic Forum. The First Minister and the Deputy First Minister must look at this matter again. It is not fair to write off such a substantial section of our community while we can have the Irish language, Gaelic associations and other exclusive organisations from the Nationalist community represented.

**Mrs Nelis:** Go raibh maith agat. That this motion came from the DUP must have raised a smile—if not outright laughter — from other Members. The “No” camp said “No” to the Civic Forum. Now, they want the Assembly — in particular, Members from all the parties that worked long and hard to make the Civic Forum a reality — to urge the First Minister and the Deputy First Minister to appoint a representative to the Forum. Are they really saying “Yes” to something, at last?

The following sectors were invited to set up consortia that would be responsible for shortlisting candidates and ensuring a balance of gender, community background, geographical spread and age among nominees: business, agriculture and fisheries, trade unions, voluntary community work, churches, culture, arts, sports, victims, community relations, education and the Office of the First Minister and Deputy First Minister. The DUP, who rubbished the Civic Forum, now wants to add another sector — the Grand Orange Lodge of Ireland — so that that organisation can be represented. Did the consortiums that came together from all the sectors of civic society that I have mentioned to nominate representatives to the Forum think so little of the Grand Orange Lodge of Ireland that they did not consider anyone from that organisation to be worthy of nomination? Perhaps, the Grand Orange Lodge of

Ireland is fully represented by nominations from the various sectoral nominees. Maybe, they are in the closet and have just not come out yet. That may happen at the next meeting of the Civic Forum; they might don their bowler hats and collarettes and proclaim that they are really members of the Grand Orange Lodge. Or does the motion mean that the DUP is under orders to support the Civic Forum, lest it become — in its warped analysis — another concession to Republicans? Do the Grand Orange Lodge and the DUP think that the Civic Forum — whatever its democratic limitations — could become a stabilising influence in their wee Province, where consensus politics is a new experience? Perhaps, they want to make sure that that does not happen.

The DUP's contribution to civic society has been limited to brandishing Union Jacks and attacking everyone who disagrees with them. Our response to the motion is “if you are not in, you can't win”. More fundamentally, the Civic Forum should not have within it any group with the title “Grand”. Equality must be the cornerstone of civic society. Go raibh maith agat.

**Mr Hilditch:** I will get back to reality. I urge the First Minister and Deputy First Minister to seize the opportunity to appoint a representative of the Grand Lodge of Ireland to the Civic Forum immediately. The motion gives us the opportunity to expose the nonsense peddled by the pro-agreement parties that the Belfast Agreement is an all-inclusive agreement and that the Civic Forum would give representation to spokespersons from all walks of society, including churches, cultural and community groupings. Once again, the Unionist community has been discriminated against by the refusal of the Office of the First Minister and Deputy First Minister to include a representative of the Grand Lodge of Ireland on the Civic Forum.

The Orange family in Northern Ireland extends to approximately one quarter of a million people, and is one of the largest religious and cultural groupings in the Province. That the Order was not offered at least one representative on the Civic Forum is a snub to its members and our community. Once again, it demonstrates clearly that the Belfast Agreement has nothing to offer the law-abiding, decent citizens who had the forethought to say “No” to the policy of appeasement of IRA/Sinn Féin.

We would not expect the Deputy First Minister to value the Orange Institution. We condemn the part that he and other senior members of the SDLP have played in trying to demonise the Order, while supporting moves to get the armed wing of the pan-Nationalist front into Government.

However, we expected the First Minister to openly acknowledge the Orange family, membership of which he used to launch his political career and become Leader of the Ulster Unionist Party. This is a position which, I have no doubt, will come to an abrupt end

soon. Alas, he appears to have as much commitment to the Orange Institution as he has shown himself to have for his election manifesto. He has broken promise after promise.

3.00 pm

The Prime Minister, Mr Tony Blair, publicly stated that he values the important role of the Orange Institution in Northern Ireland life. Does the First Minister also value the very important role that the Orange Order plays in Northern Ireland life? If so, why should he have the effrontery to fail to offer it a place on the Civic Forum? Mr Trimble does not appear to value its important role in Northern Ireland. After all, he is leading a charge in his party to reduce, and ultimately sever, the links with it.

Furthermore, there is the case of Portadown District No 1 on Drumcree Hill, whose members are denied their civil and religious liberties, refused access to the Queen's highway and prevented from returning home from worship, all at the behest of IRA/Sinn Féin. If the First Minister was genuinely interested in the Orange Institution, would this situation have been allowed to continue for so long? I suspect that the Orangemen on Drumcree Hill are paying the price for saying "No" to the Belfast Agreement. By not offering the institution a place on the Civic Forum, David Trimble is carrying out a petty vendetta against it, because it stood firmly against a sell-out of the Ulster people.

The Belfast Agreement discriminates against law-abiding people. It has constantly rewarded those who use violence, threaten violence, show no remorse, show no intention of mending their ways, and show no regard for those who have exercised their democratic right to say "No". The Civic Forum has been gerrymandered to exclude all but the "Yes" men. This is the democracy that David Trimble and Co call "all-inclusive".

I wanted to expose the nonsense and lies peddled by the pro-agreement parties — that the Belfast Agreement is an all-inclusive agreement — and I have used the example of the Civic Forum to demonstrate that the Office of the First Minister and the Deputy First Minister discriminate against an enormous section of the Unionist community to further its political agenda.

I support the motion.

**Mr Agnew:** One of the difficulties that I had with the agreement was that it allowed all the evil elements of our society — murderers, thugs, gangsters, racketeers and drug dealers — to sit in the Government of our country. I feel sick in my stomach today when I listen to the representatives of those people lecturing me, as an Orangeman, on what my rights are. I say at the outset, I do not belong to any secret society, and I do not belong to any racist group. To suggest that the Orange Order is a racist organisation is to tell a blatant lie. Lodges in

Africa, born out of the zeal of missionaries who went out there, have brought the gospel to many coloured people. I have heard nonsense today from people who know nothing about my culture or my history. They know only that they want to beat us into the ground and take from us our history and culture. I do not want to hear this nonsense; I want justice in this debate for the Orange Order — what is right and just for what I represent.

There is no justice in this proposal. We hear so much about equality, but what is meant by that? This so-called equality discriminates against me, as a representative of the majority community. An attack on the Orange Order is an attack on the Protestant community and on the Unionist community itself. We should never forget it, but that is what we have heard today. David Ervine was right. We heard a sectarian attack from someone whose background hardly justifies attacking other Members or the groups which they represent. An injustice has been done, whether or not one likes the Orange Order.

I represent a broad section of the Protestant community. It is larger than any church, sporting organisation or political party, but it is not represented in the Civic Forum. Yes, members of the Civic Forum may be members of the institution, but the Orange Order itself is not officially recognised or represented there. Therefore, that injustice against the Institution and the Protestant and the Unionist community needs to be rectified. The non-participation of the Orange Order in the Civic Forum represents discrimination against it, even though that body of opinion represents the interests of some 80,000 people plus their families in this community. The Orange Order is far reaching, stretching into 11 countries and it is time that was recognised.

Let us do away with the nonsense that we hear about the Orange Order. For goodness' sake, those who do not like us and do not know what we represent should learn a little bit about us, speak to us and read about us. We have only to look at recent history to know the background of some of those people across the way and where they are coming from. That is living history, and we know what it represents — death, destruction, bombing and murder, yet we have had to listen to this drivel today.

I am no great lover of quangos or civic forums. I believe in democracy, although I am prepared to work systems, even though I do not particularly like them. However, the Civic Forum was established through the Belfast Agreement and it has to be representative of all the interests in the community. The Orange Order is more representative of the Protestant community than any other individual or group on the Civic Forum. Various bodies and groups may be represented, but what do they represent? Only some groups and, in some instances, nothing but themselves and the Orange Order has blatantly been discriminated against through this

process. I have no difficulty whatsoever in lending my support to this Motion.

**Mr Berry:** I welcome this Motion. At the outset, I declare my interest as a member of the Loyal Institution and one who is proud to be so. There is no doubt that there is a great imbalance in the Civic Forum and there should be proper representation on behalf of the Grand Orange Lodge of Ireland. It has been pointed out clearly that it is one of the largest organisations across Northern Ireland. Sadly it has been under-represented because of its lack of involvement in the Civic Forum.

Although some Members seem to have ignored his remarks Mr Dodds, who tabled this Motion made it clear that although we were against the Civic Forum it is in place and we believe in our hearts that the Orange Institution should be represented. We do not like its make-up or the fact that it was brought into being, but now that it is there, it is important that members of the Grand Orange Lodge of Ireland should be fully represented.

Many people are not aware of what the Orange Institution stands for. We have listened to various members today, but one — Dr Dara O'Hagan — was quite sectarian. The Orange Institution is not just about marching around this country. It is our right to march to express our culture and heritage, and that has a lot of positive aspects. On many occasions Orange halls across Northern Ireland have held fund-raising events for charities namely Cystic Fibrosis Trust and Action Cancer. At the weekend I shall attend a fund-raising function for health charities at an Orange hall.

The Orange Order also holds church services across Northern Ireland. Those are positive contributions that it has made in Northern Ireland, although we are often demonised by the enemies of Ulster.

Orange activities are not just for the Protestant community. Children's meetings held in Orange halls are open to everybody in the community; gospel missions are open to everybody in the community; there are youth clubs and community events — the list goes on. The Orange Order has been very positive in Northern Ireland over a number of years. It is a positive organisation that has stood up for truth and righteousness in this country.

We firmly believe that the Orange Order has been shunned by the First Minister and the Deputy First Minister, and that should be rectified today. As Members of the Assembly we demand that this matter be reviewed with urgency.

The Orange Order has suffered greatly over the past 30 years. We have had our Orange halls attacked. Orange members have been murdered simply because they were members of the Orange Institution. I think of Tullyvallen in my constituency. We have suffered so much, yet we are not represented properly on the Civic

Forum. It is most important that our views and concerns are heard, and for that to happen, we must be represented on the Civic Forum.

Our enemies can point to things that have happened — indeed, things that should not have happened — within the institution. One Member referred to the incident on the Ormeau Road that happened in relation to the murder of those people at the bookie's shop. I have no doubt that all Members in this Chamber who are members of the Orange Institution condemn what happened on the Ormeau Road. We do not stand up for those people who put up their hands and chanted as they were walking along the Ormeau Road. I was totally disgusted when I saw that happening. That does not represent the views of the vast majority of the Orange Institution. However its enemies are quick to point out any fault and wrongdoing. The Orange Institution has been one of the largest and most positive organisations in Northern Ireland and, without it this country would be in a much worse state today. It must be represented.

I support the motion.

**Madam Deputy Speaker:** I remind Members that when comments are directed at particular individuals in the Chamber they come close to infringing parliamentary courtesy.

**Mrs E Bell:** As always, I will try to keep to the wording of the motion, although I confess that I am at a loss to see what the purpose of the motion is. Has the Grand Orange Lodge made its concerns known to the Office of the First Minister and the Deputy First Minister and to the Community Relations Council's cultural traditions section? I have heard the concerns of members of the Orange Order and have asked Members from Mr Dodds's party if the Grand Orange Lodge applied to be considered for nomination to the Civic Forum. I have been told by a number of people that it did not reply to the advertisement inviting applications.

The procedure for selection for nomination was, I believe, carried out in strict adherence to the Nolan principles. It would be very wrong specifically to invite now, as the motion is suggesting, one organisation, however strong it may be, to apply after the process has been gone through and the nomination list closed. I am not opposing the inclusion of the Grand Orange Lodge. What I am saying is that its inclusion should only come about with equity and through the observance of agreed procedures, so that no one feels discriminated against. What is proposed in this motion would patently not be in accord with those procedures.

If the motion succeeds, and immediate steps are taken to appoint a representative, that will beset a dangerous precedent that will fly in the face of the Nolan principles. It could only result in a flow of similar applications from other organisations and individuals



who were not selected and who feel just as strongly that they should have been.

I am not going to comment on the general make-up of the Civic Forum. Suffice it to say that, obviously, a lot of hard work has been done to create the most comprehensive and representative forum possible. It will have a heavy task in following a widespread programme of work, which should be relevant and complementary to the Assembly's work. Throughout the troubles, one of the greatest weaknesses in our society has been the division between political and civic society. That is why my party has been supporting the idea of a civic forum since 1988.

3.15 pm

The Civic Forum, if allowed, should reduce this weakness in Northern Ireland. It is vital that correct, transparent methods of selection be maintained at all times in all sectors of society. It is also essential that the Assembly set the right example with the establishment of the Civic Forum. I accept that it is unfortunate that such a significant and traditional organisation should not be admitted, but you can take a white horse to water.

I urge the Grand Lodge to ensure that its concerns are noted in the right places and to apply for membership when the Forum is reviewed in due course. I hope that it will then be included. For that reason, I cannot support this motion.

**Mr Shannon:** I support the motion. In the past two years the people of Northern Ireland have been forced to stand by as David Trimble and his band of merry capitulators set about deconstructing the principles of Unionism upon which his party was once based. The latest phase of this grand plan of surrender has been the construction of a so-called Civic Forum. Purported to be consultative, the Civic Forum has been created to give businesses, trade unions and the voluntary sector a direct line into the Assembly. Nobody is being fooled about any aspect of the Belfast Agreement and the true thrust of the political process anymore.

Certain pro-agreement parties lauded the Belfast Agreement as a means of ridding Northern Ireland of its quango culture. However, in the very same breath they are breathing life into what is the biggest and most prominent quango to be launched in Northern Ireland.

This unelected, unaccountable body serves a two-fold purpose. First, it was designed as a safety net for the representatives of those organisations who played a crucial role in hoodwinking the Unionist electorate yet did not receive a democratic mandate in the referendum. Secondly, it is clear from the body's make-up that it exists to support the pro-agreement stances of Nationalism and minority Unionism within the Assembly Chamber and in the Province.

As an integral part of the Belfast Agreement, the Forum was set up as a direct result of the pressure exerted through terrorist atrocity and crime. It exists solely to appease those who are committed to returning to violence, should concessions dry up. Never in the history of democracy has there been any political precedent for giving a place in a Government institution to those who use violence to undermine democratic liberties while retaining and retraining private armies. It is a practical and theoretical impossibility for such an institution to act as the foundation for any sort of democracy.

The stark reality of the Civic Forum is that its membership has a 2:1 Nationalist/Unionist ratio. This is evidence of how the Forum and the agreement are devoid of democratic principle. Nationalism remains committed to undermining the authority of the Crown, the integrity of the United Kingdom and the legitimacy of British culture in Ulster. In practice, the Belfast Agreement was designed with the principles of Irish Nationalism in mind. This intolerance extends to the Civic Forum which, it is claimed, exists to accommodate cultural diversity, despite the fact there has been a failure officially to appoint a member of the largest cultural organisation in Northern Ireland.

The Orange institution, wedded to the principles of democracy and liberty for all, does not merit inclusion under the agreement. To include it would be to accept and acknowledge the organisation, its principles and its right to cultural expression. This is not part of the Nationalist agenda so it is not a surprising development. It is symptomatic of the oft-mentioned new dispensation under which any majority, which has pro-democracy and pro-Union views, is disregarded as being unhelpful and is accused of seeking to return to what are referred to by some as "the bad old days". What were those "bad old days"? Those were the days when a person was free to express his cultural identity peacefully, free from the grip of intolerance, free from intimidation and free from persecution. I take exception to some of the remarks that have been made here today in reference to people, such as the many law-abiding members of my lodge.

These law-abiding people, who have not even had so much as a parking ticket in their lives — in 30, 40, 70 or 80 years — will all find remarks that have been made today scurrilous, aggressive, scandalous and hurtful. It is essential that one cultural identity in Northern Ireland be not promoted over and above another. Unfortunately, as long as Nationalism remains true to its elitist and sectarian principles, and while certain sections of Unionism are prepared to subscribe to the principles of surrender, our culture will never receive the parity or respect which is its due.

The Civic Forum is just one more unnecessary layer of bureaucracy, created out of political expediency and



draining the taxpayer of funds which should be diverted to a crumbling Health Service. The Civic Forum exists only as part and parcel of a greater plan to maintain a situation in which IRA/Sinn Féin does not feel the need to put bombs in London to force its political agenda. Mr Trimble has stumbled, jumped and scrambled throughout the process, and he has now fallen flat on his face. The Civic Forum is just one more blunder.

**Junior Minister (Office of First and Deputy First Ministers) (Mr Nesbitt):** The debate has been interesting and quite wide ranging this afternoon. I wish to make some general comments on matters of principle which have permeated the discussion. The Civic Forum is one of the institutions of the Belfast Agreement, and, like it or not, the Belfast Agreement is about inclusiveness. It is about having institutions in Northern Ireland to which the vast majority of people can feel an affinity and an allegiance. That is what we are trying to achieve — a normal society in which democracy works, in which people may not like individual, elected representatives but at least have respect and regard for the institutions in which those representatives operate. The Civic Forum is clearly nestled in inclusiveness and involvement and in getting the community involved in democracy in Northern Ireland after 30 years of violence.

Mr Agnew noted that many references have been made to equality and rights in this debate. There are no such things as Unionist rights, Nationalist rights, orange rights or green rights. We want to see the rights accepted by democracy throughout the world accepted here. We all have rights and responsibilities and rules by which we should abide.

The issue of rules is relevant today; there has been a slight confusion with two words — “organisation” and “sector”. When referring to all sections of Northern Ireland, Mr Poots spoke of an Gaelaras as being an exclusive organisation with some right to be there. No organisation has a given right to be there. That was the rule agreed by the Assembly. Rather, sectors have the right. Mr Weir mentioned the trade union sector. He is correct: the trade union sector has a right to be a party to that process, but not ICTU or NIARC or any other trade union organisation. It is not an organisation but a sector which is represented, and people are nominated from that point of view.

Another report came before the Assembly in February 1999, which again clarified where the nominations would come from. They were to come from 10 specified sectors, and not from individual organisations. The report also said that there would be a cultural traditions group and that within that group would be a four-member consortium. An advertisement was placed inviting organisations to apply to the consortium. I use

the word “organisation” carefully; an organisation could be part of the consortium, but not individuals.

After the Civic Forum secretariat received a letter from Mr Patton of the Orange Order, it advised him on 11 August that members of the Order could apply. To date no applications have been received. The fact that there is a distinction between an organisation and a sector has permeated this debate. The Orange Order is seen as an organisation, not a sector; it is not eligible to apply.

The criteria used for selection were that on application had to come from an established Northern Ireland cultural organisation that had a proven background in community relations and showed an understanding of, and commitment to, the principles of equity, diversity and interdependence.

When the consortium was formed it decided on its selection system, and details of that were included in the report endorsed by the Assembly. My aim has been to distinguish between an organisation and a sector, the core of this argument.

The Civic Forum is an element of the Belfast Agreement. It is to do with inclusiveness, not an easy issue. Mr Haughey and I have met with groups that feel they have been left out of the system. However, the general consensus is that the Forum is broadly representative. It may not be ideal, and it may not reflect what has been said by the proposers of the debate this afternoon. However, in difficult circumstances we have done our best to put appropriate representatives on it. As my party Colleague Dr Birnie, said this procedure will be reviewed within a year.

**Junior Minister (Office of First and Deputy First Ministers) (Mr Haughey):** I want to refer to two general issues. Mr Poots and others have alleged that people who are not members of the Orange Order are ignorant of its nature, its beliefs and its function in the community.

3.30 pm

Throughout this debate I detected a lack of appreciation of the nature of the Civic Forum and its function in this community as envisaged in the Good Friday Agreement. The purpose of the Forum is to enable this Administration to engage in a structured, formal dialogue with important sectors of the community in the social and economic sphere. Many Members missed that point.

It is not enough to assert that the Orange Order has a right to a special dedicated place in the Civic Forum. You have to provide a cogent and persuasive argument as to why, alone of all organisations — cultural, social, religious, sporting and so on — the Orange Order should have a dedicated place within the Civic Forum. That would not be an argument for a right, but rather for

a privileged, different and unique position for the Orange Order. I am prepared to listen to such an argument, but I did not hear one.

If that argument were conceded, exactly the same argument could be made on behalf of the Royal Black Preceptory, the Apprentice Boys of Derry, the Royal Arch Purple and many other organisations on the Unionist side, let alone those on the Nationalist side. I am not going to mention names, because there is no exact parallel to the Orange Order on the Nationalist side of the community. However, there are many organisations on the Nationalist side that are as big, and as culturally significant, as the Orange Order is within the Unionist community. Would we have to examine which of those had a right to a dedicated place within the Civic Forum?

As Minister Nesbitt pointed out, there was no ban on the Orange Order seeking a place within the Civic Forum. In fact, the Orange Order made early contact with the authorities, and was told in no uncertain terms how to go about seeking a place in the Civic Forum. It chose not to do so. That is its right, but a question mark, as well as an eyebrow, has to be raised if subsequent to the appointment of the Civic Forum it comes along and says it was ignored, left out, or discriminated against.

No one in the Administration, nor anyone in this House, would wish to discriminate against or deliberately or unfairly exclude the Orange Order. However, a pathway was there for it to seek entry into the Civic Forum, and it chose not to follow it. It has come along later and, with the support of those who proposed this motion, sought a privileged position, but without any persuasive argument as to why the Orange Order alone should have a dedicated place.

The confusion comes down to something Edwin Poots said. Some Members supporting the motion described the Orange Order as a religious organisation, others as a cultural organisation. Denis Watson described it as an organisation of enormous social significance in the Unionist community, and he referred to the community audits that have borne that out. Mr Poots then said it is all of those things — political, religious, social and cultural — and I do not doubt that he is right. However, if it is a political organisation, should it not have sought representation in this Chamber, which is the political centre of the Administration?

Many of my Colleagues on the other side of the House are members of the Orange Order and can to one degree or another — I see Paul Berry smiling — speak for the Orange Order. This is the place for political argument. If the Orange Order is a religious organisation, is the place for religion not in church? Should it not have sought representation in the Civic Forum through the churches panel? If it is a cultural organisation, should it not have sought representation through the

cultural panel? Why did it not do any of these things? No one has answered that question, and therefore I cannot understand why eyebrows are being raised and people are alleging discrimination.

I want to refer to some particular points made? Mr Dodds referred to the fact that the overwhelming majority of those in the Civic Forum are supporters of the agreement. I do not know how he is aware of that, but if it were so, I would not be surprised, given that 72% of the people of this community voted for the agreement. It would not be unreasonable to assume that the majority of those in the Civic Forum are from that 72% of the community.

Mr Weir confessed that he is an agnostic. I have no interest in his personal habits — *[Laughter]* — but as to his charge that the Forum is a quango, I suggest that he has got it wrong. I refer Members back to what I said at the beginning of the debate. The Forum is a structured body which is meant to communicate between civil society and Administration. The Administration is not going to limit itself to using the Civic Forum as the only means of engaging this community in dialogue, and I suggest that this is one of the ways in which this Administration can distinguish itself from what went before, in that we engage in honest, open dialogue with civil society, not just through the Civic Forum, but through many other channels.

Mr Boyd alleged that the Orange Order had been excluded from the Civic Forum. In fact, it was not. The path that would have led to their having representation on it was open for them to take. Monica McWilliams, in a telling speech, pointed out that a position of privilege, not of right, was being sought for the Orange Order.

I congratulate my own Colleague Ms Hanna. She made a telling and constructive contribution to the debate in which she reiterated the confusion about the Orange Order and the fact that it did not seek a representative position through the normal channels but wished to take a privileged route into representation.

I want to refer to a point that Mr Shannon made. He alleged that the composition of Civic Forum favoured Nationalists as opposed to Unionists by about two to one. That is not true, as the community background of the members of the Civic Forum is, in so far as they declare themselves, 55% Unionist and 45% Nationalist. That is roughly reflective of the balance in the wider community. Members ought to acquaint themselves with the nature and purpose of the forum and appreciate that it is not appropriate to seek a privileged position for one organisation above any other. If an organisation feels it has a contribution to make, it should try to get into the Civic Forum through the normal channels.

**Mr Dodds:** I am grateful to all those who participated in the debate in a constructive way. However, to listen

to Sinn Féin/IRA spokespersons talk about the bigotry and hatred of the Orange Order smacks of the utmost hypocrisy, when they have been guilty of the murder of Protestants, Unionists and members of the Orange Order, many of whom were going about their ordinary daily business and many of whom were attending their places of worship. It is nauseating to have to listen to people berating an organisation which is Christian in character and full of decent people. This organisation has been berated and denigrated by representatives of an organisation that has used murder, bombing, maiming, racketeering, and intimidation against innocent people — every foul and heinous crime in the book. The Sinn Féin/IRA contribution to this debate goes a long way towards explaining to the vast majority in the Province the reasons why they are unfit to be in the government of Northern Ireland.

They talked about the Orange Order's having no contribution to make to the Civic Forum. Of course, someone who attempted to murder an RUC officer — and only failed to do so because his gun jammed — does have something to contribute to the Civic Forum. However, the largest Protestant organisation in this country has nothing to contribute, according to Sinn Féin/IRA. As my Colleague, Mr Watson from Upper Bann noted, the Prime Minister has been in contact with representatives of the Order today, pointing out the valuable role that that organisation plays in civic society. This is a Prime Minister who is so often relied on and quoted by the pro-agreement parties represented here. However, his evaluation of the Orange Order is dismissed.

I flagged up in advance many of the points that I expected to be raised during the debate, but that did not stop Members of the Opposition from making them. However, given the way in which most of their speeches were delivered, I suspect they did not listen to a number of points that we raised, preferring, as they did, to read prepared scripts. Why let a few facts get in the way of your pre-prepared speech, written by a scriptwriter and hand-delivered to you?

In reality — *[Interruption]*

We always let the facts speak for themselves, and a number of facts stand out. I would be grateful for silence, and some good manners, from the hecklers in the opposite corner. I hope, Mr Deputy Speaker, that you will be assiduous in treating equally all parties in the House. We listened with great courtesy to most of what has been said, even when Members attacked the Orange Order and the DUP on these issues.

At the outset Mr Weir said he suspected that there would be no Ulster Unionist Members speaking, apart from himself. As it turned out, Dr Birnie rose to the challenge and made a small contribution, but he was the only Member from the Ulster Unionist ranks to do so. I

am disappointed that Mr Trimble, who made these appointments, along with Mr Mallon, has failed to show up in the Chamber to listen to the criticisms and some of the points that have been made. Under the legislation the nominations are made by them.

Dr Birnie talked about the coherence of the motion, and said that no action could be taken. On the contrary, the Deputy First Minister said in his speech on 25 September 2000 that if it was found that the Civic Forum did not include a wide range of opinions and views, swift action would be taken to remedy that. I ask the First Minister and the Deputy First Minister to do something, given the outcry and the concerns that have been expressed about the non-representation of the Grand Lodge. In the light of what has been said since the nominations, I take him up on his offer and challenge him — a challenge to which the junior Ministers did not respond — to review this and review it quickly.

Mr Haughey said that the Civic Forum is not a quango. It is very much a quango — it is unelected, and it exists to duplicate what the Assembly Committees will be doing, if its members do their job correctly. I do not accept what the junior Minister said about quangos.

It has been repeated many times by Members, and by the Minister, that the Orange Order did not apply for membership of the Civic Forum. That is not the case at all. If they had listened to what was said by Mr Watson and me — and Mr Watson is in a position to know this — they would have taken that on board, instead of repeating what is clearly not the case.

The method by which nominations and appointments were to be made was set out on 16 February 1999. We voted against them at the time and anticipated some of the inevitable problems, and we have been vindicated. The Orange Order realised that and made contact with the Office of the First Minister and the Deputy First Minister. It was advised about what it should do and it followed that advice. As Mr Watson has already explained, two members of the Grand Orange of Ireland did apply for membership of the Civic Forum.

Those applications were unsuccessful, but it remained open to the First Minister and the Deputy First Minister, when it came to their nominations, to appoint a representative of an organisation that had not been included, in the same way that they decided to appoint a representative of a political party that had failed to get selected on any other criterion.

3.45 pm

**Ms McWilliams:** Will the Member give way?

**Mr Dodds:** No. The Member has had her opportunity to speak. I am winding up and want to deal with as many points as I can.



That member of a political party was specifically appointed, according to the First Minister, to ensure that balance and inclusion did occur. In the light of the nominations that came forward through the selection process, the First Minister saw his job as ensuring that balance and inclusion occurred. He took the step of including the leader of a political party that had not been selected. What did he do to the Grand Lodge of Ireland? He chose not to include a representative of that, but to include another member of the Orange Order. That person has his own abilities and talents. I cast no aspersions on him personally, but he is not a representative of the Grand Orange Lodge of Ireland, and the Grand Orange would not have put him forward. That is the point.

The First Minister and the Deputy First Minister had the opportunity, in their nominations, to do what they said the purpose of their nominations was — to ensure that balance and inclusion did occur. They used that argument to justify the appointment of the leader of a party that had not been selected under the normal selection process. They chose not to do that when it came to a representative of the Grand Orange Lodge of Ireland. It is clear — and there can be no excuse for this — that a deliberate decision was taken that no representative of the Grand Orange Lodge of Ireland would be included.

One has to ask why that should be. Perhaps someone in the Office of the First Minister and the Deputy First Minister shared Mr Irvine's views on the anti-agreement stance of the Orange Order. Other people represented on the Civic Forum of people have, in the past, espoused violence and murder as a means of achieving their ends. When there was an opportunity for Mr Trimble and Mr Mallon to practice inclusive democracy, as opposed to just talking about it, their actions fell well short of their words. All the attempts of the SDLP and others to justify it simply do not hold water. There is no balance, as Mr Watson has said, if the epitome of Protestant culture and heritage is missing. A number of Members, including Mr Hilditch, pointed out that if the First Minister is trying to break the link between his party and the Orange Order, it is no great surprise that he should be taking such a vindictive attitude towards the Grand Lodge.

There is an opportunity to right this wrong. Mr Haughey said that I had said that a majority of Civic Forum appointees were pro-agreement. If he checks the record he will find that what I said was that the Civic Forum was, with a few honourable exceptions, made up entirely of pro-agreement failed politicians and ex-terrorists. There is very little room for an anti-agreement point of view. If he checks the record and the list of appointments, he will find that that is the case. Where is the inclusive democracy there?

We then face the red herring argument that because we opposed the creation of the Civic Forum we are not entitled to talk about the composition of it. We are perfectly entitled to do that, and we said so on 16 February 1999 in this House when there was a debate on the means by which the Civic Forum would be composed and nominated. That is why we took part in that debate. We took the opportunity then; we did not come along later and criticise. We voted against it at that point, along with Colleagues who pointed out some of the problems that were going to arise, not least that no criteria were set down by the First Minister and Deputy First Minister on how they would use their appointments.

I remember that some of the other parties that were in favour of the Civic Forum said in principle that this was an agreeable mission. There was no indication from Mr Trimble or Mr Mallon on how they would use those appointments. The reality, as we can now see, is that Mr Mallon used one of his appointments to select someone who does not live or work in Northern Ireland. Mr Trimble appointed someone who could not get elected and someone who he thought was a better representative for Orange issues than the Grand Orange Lodge of Ireland. If these principles were applied when approaching community organisations, voluntary organisations and others, and if those sectors were not allowed to appoint their own representatives, how should that be viewed?

*(Mr Deputy Speaker [Donovan McClelland] in the Chair)*

Many Members have spoken eloquently and passionately about the Orange Order, about its role in civic society, about the work the Order has done over the years, about the loyalty it evokes among tens of thousands of people in Northern Ireland and about the grave injustice that is being done by not having a voice from the Orange Institution — and from Grand Lodge in particular — on the Civic Forum. Today the Prime Minister, Tony Blair, wrote to representatives of the Grand Lodge to praise its role in society. It is remarkable that, on the same day, representatives of the First Minister and the Deputy First Minister have come to the House to reinforce the snub to the Orange Order, which has already been delivered.

Mr Nesbitt said "We have done our best." That was his comment on this process. Through you, Mr Deputy Speaker, I want to tell Mr Nesbitt that the vast majority of the people whom we represent, and those in the ranks of the Orange Order, will not accept that their best is good enough. I trust that the House will support the motion.

*Question put.*

*The Assembly divided: Ayes 21; Noes 52.*



**AYES**

*Fraser Agnew, Roy Beggs, Paul Berry, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Nigel Dodds, Boyd Douglas, Oliver Gibson, William Hay, David Hilditch, Derek Hussey, Roger Hutchinson, Maurice Morrow, Edwin Poots, Ken Robinson, Mark Robinson, Jim Shannon, Denis Watson, Peter Weir, Jim Wells. [Tellers: William Hay and David Hilditch]*

**NOES**

*Ian Adamson, Billy Armstrong, Alex Attwood, Billy Bell, Eileen Bell, Esmond Birnie, P J Bradley, Joe Byrne, Joan Carson, Seamus Close, John Dallat, Duncan Shipley Dalton, Ivan Davis, Arthur Doherty, Pat Doherty, Reg Empey, David Ervine, John Fee, David Ford, Tommy Gallagher, Michelle Gildernew, Carmel Hanna, Denis Haughey, Joe Hendron, Billy Hutchinson, John Kelly, James Leslie, Patricia Lewsley, Alban Maginness, David McClarty, Alasdair McDonnell, Barry McElduff, Alan McFarland, Eddie McGrady, Gerry McHugh, Mitchel McLaughlin, Eugene McMenamin, Pat McNamee, Monica McWilliams, Francie Molloy, Conor Murphy, Mick Murphy, Sean Neeson, Mary Nelis, Dermot Nesbitt, Dara O'Hagan, Eamonn O'Neill, Sue Ramsey, George Savage, John Tierney, David Trimble, Jim Wilson. [Tellers: Gerry McHugh and John Tierney]*

*Question accordingly negated.*

## **COMMONWEALTH PARLIAMENTARY ASSOCIATION**

### **Ms McWilliams: I beg to move**

That this Assembly agrees to apply for admission to membership of the Commonwealth Parliamentary Association, such membership to be effective immediately on approval of the application by the General Assembly of the Commonwealth Parliamentary Association, and to abide by the provisions of the constitution of the Commonwealth Parliamentary Association; that the required membership fee be paid to the Commonwealth Parliamentary Association; and that this motion be communicated to the secretariat of the Commonwealth Parliamentary Association immediately following agreement.

This motion is timely considering that the Programme for Government outlined that one of its themes is to promote Northern Ireland and build networks on an international scale. One of my reasons for proposing the motion is because the parties in the Executive have an opportunity to meet with other parliamentarians through the British-Irish Council, the North/South Ministerial Council and the various parliamentary forums that have been established. However, it is unlikely that the smaller parties will ever have that opportunity.

One of the benefits to Northern Ireland has been that we have learned a great deal from other countries — either those that have gone through conflicts similar to ours, or those with Parliaments similar to our own. That is one reason why I am making this proposal. Ours is a new Assembly and I have often found that, rather than constantly looking inward, it is extremely important and useful for us to look outward.

At the invitation of the CPA, I attended a recent meeting involving all member countries — those that are in the Commonwealth and those that are not. Members need to know that it is possible to attend such meetings as an observer. The meeting, which was about the role of women in public life, was one of the most useful that I have ever attended. I met women Ministers from India, South Africa, Canada, Australia and many of the smaller countries.

Currently, 142 national, state, provincial and territorial Parliaments are members of the Commonwealth Parliamentary Association. Our Assembly would benefit from membership. Member states said that, against all the obstacles, they too have found innovative and imaginative ways of introducing policies, getting resources and producing legislation on issues that are culturally sensitive in their countries and that challenge and confront the old, traditional ways of doing things. That says a great deal for those who work in a country such as India. Having learned from that experience and having spent time with those working in other Parliaments, I feel that we are missing out by not being part of the Commonwealth Parliamentary Association.

It should also be noted that the CPA is a charitable organisation, and its constitution states that, should it ever be wound up, its funds would go to charity. Lest there be any misapprehension that the CPA is a mysterious organisation that has been increasingly trying to get people to join the Commonwealth by the back door, I must say that that is not the case. The association involves countries that are part of the Commonwealth, including the new nations — in particular, the provinces of South Africa and of India — as well as observers. However, I must propose that we become a full member and pay our membership accordingly.

Currently, 14,000 Members of different Parliaments throughout the world are part of the Commonwealth Parliamentary Association. Over the past 10 years more than 30 new Parliaments and other legislatures have joined. Only legislative bodies are entitled to do so. As the Assembly is a devolved legislature, it is entitled to become a full member. It is important for those of us who are concerned that military dictatorships should not be in the association to note that Pakistan is no longer a member. Following the 1999 coup that country is no longer a parliamentary democracy.

We would also benefit greatly from discussing global political issues, such as the situation in Cyprus. The association also has networks and databases. Speaking from my own interest, I would tell Members that the association has a worldwide database of women parliamentarians. As we are so few — not just in this Assembly, where we are only 14, but in other Assemblies — we would benefit greatly, in terms of both procedures and how we connect with minorities elsewhere, were we enabled to join our colleagues, in this case our sisters, from other Parliaments.

South Africa went through its conflict and emerged from it. In the initial stages of establishing the national Parliament and the provincial Assemblies, 200 South Africans — new Members of Parliament — were trained by the Commonwealth Parliamentary Association in parliamentary procedures. No doubt that was of great assistance to them.

South Africa's is a young Parliament; ours is a very young Assembly. Being able to connect with the new Parliament and provincial Assemblies of South Africa would allow us to examine our own procedures and see whether they fit this Assembly. We have said that we will not follow Westminster just because it has an old, established way of doing things. We can borrow good practice from elsewhere.

If you do not know about those examples of good practice, you cannot borrow them, and this network of legislatures would enable an exchange of ideas and information.

4.15 pm

**Mr McClarty:** I am pleased to support the motion. Renewed membership of the Commonwealth Parliamentary Association (CPA) would add a further dimension to the growing status of the Assembly. The preamble to the constitution of the CPA establishes that it was set up by

“Commonwealth parliamentarians who, irrespective of gender, race, religion or culture, being united by community of interest, respect for the rule of law and individual rights and freedoms, and by pursuit of the positive ideals of parliamentary democracy”.

We in this Assembly should aspire to membership of an organisation that promotes such noble, pluralist ideals. Some Members among us may oppose the motion through some twisted and unshakeable anti-British and anti-Commonwealth prejudice. I challenge any Member to read that preamble and tell me how it fits in with the myth of being beaten into the clay through seven heroic centuries. The fact is that the CPA is a community of legislatures, committed to furthering democratic ideals in the modern era.

Regrettably, there are those in the Assembly who themselves do not live up to those democratic ideals. We might be right to wonder whether we are asking a lot of the CPA to accommodate an Assembly which, while itself democratically elected and committed to the delivery of accountable democracy, has within it Ministers whose commitment to non-violence and exclusively peaceful and democratic means is, at best, questionable. However, I do not think that the rest of us, who are committed unquestionably to democracy, should have our place in the international community undermined by those who are in default on their Pledge of Office.

We may be permitted to hope that our corporate subscription to the democratic principles of the CPA will contribute to dragging those who still have difficulties with democracy into the twenty-first century. I still believe that the best way to persuade people of the benefits of democracy is to expose them to it at every opportunity. We must not miss the opportunity to rejoin the CPA.

Not for the first time we find ourselves lagging behind Scotland and Wales, where branches have already been established. For them, of course, it is first-time membership; for us, it would be re-establishment. Northern Ireland first joined the then Empire Parliamentary Association in 1924. We remained active members until our membership was set in abeyance in 1973. A brief re-establishment in 1974 was followed by our membership's again being put in abeyance in 1975. We have remained in that position ever since.

**Ms McWilliams:** Will the Member remind the Assembly that the word “empire” has since been dropped and that it is no longer in the title of the Commonwealth Parliamentary Association.

**Mr McClarty:** I agree.

In spite of that, Ulster Unionists have continued to play an active role in the CPA through the National parliament at Westminster. I make no apology for supporting the motion, because membership of the CPA fits my Ulster Unionist belief in pluralism, democracy and the rule of law. I commend the Women's Coalition for raising this matter. If other parties oppose this forward looking initiative, this opportunity to bring us into an organisation that accommodates far-flung legislatures in Canada, Mozambique, Jamaica and India, those parties must ask themselves where they stand in the modern world.

I look forward to this Assembly having its membership of the CPA confirmed. I hope that we will still be here in 2011 to join in the centenary celebrations of the Commonwealth Parliamentary Association. I support the motion.

**Mr Wells:** The DUP gives this motion its full support. We believe that Northern Ireland is already part of the Commonwealth by virtue of its status as an integral part of the United Kingdom. Our athletes participate in the Commonwealth Games, and we believe that it would be a tremendous benefit for the Assembly to join this association.

The Commonwealth Parliamentary Association has a tremendous breadth of interest and experiences ranging from India — the largest democracy in the world — to many small Caribbean islands that have only recently adopted democracy. There is much that we can learn and things that others can learn from us. I believe that nothing but good can come from this. Our colleagues in Scotland and Wales have joined, and, in the interests of parity, we should follow that lead and join also.

Perhaps one thing we can teach our colleagues in other Commonwealth countries is that any form of democracy which is sold on the basis of a Prime Minister's lies and of promises made but not kept, and which enables terrorists to be allowed into government without the decommissioning of their weapons, is doomed to failure. If other small democracies, on an off day, think that they might go down the road that Northern Ireland adopted under the so-called Good Friday Agreement, perhaps we could tell them to think of the consequences and look at what happened to us. We could suggest to them that they adopt a structure that is based on genuine non-violence and real democracy.

But apart from that I think that we can learn. We have had the privilege of welcoming many of these parliamentary groups to the Assembly. I, for some reason, seem to be picked by my party to meet many of these groups, and it has been a privilege to do so. I have met representatives from Canada, Australia, and Zimbabwe — or Rhodesia, as it used to be called — and

have had useful exchange of views with these parliamentarians.

I hear that there might be Members who are thinking of opposing this motion. What is their motivation? What can they possibly lose by supporting the motion?

**Mr Poots:** They are racists.

**Mr Wells:** Is there an element of racism? Do they not want to be associated with people of different races, persuasions and religions from other parts of the world? Have they something to fear from meeting these people and learning from them? Or is it just that their party political dogma is that anything remotely attaching itself to the British link is to be opposed?

I am proud to support the motion, and I congratulate Ms McWilliams, Member for South Belfast, for bringing it forward. My party will throw its full weight behind it and give any help it can on the issue in the months ahead.

**Mr C Murphy:** Go raibh maith agat, a LeasCheann Comhairle. It is interesting that Mr Wells related what he anticipated to be our attitude to this motion. His party refuses to go into the Executive with people elected to this Assembly, and it refuses to participate in any North/South business with its nearest neighbour on the other side of the border, yet Mr Wells accuses Sinn Féin of racism and anticipates that we will not engage with a wide range of people.

It will not surprise anyone in the Assembly to hear that we, as Irish Republicans, have difficulty and deep concerns about this motion. That is not from a desire to deny networking opportunities but from the fact that the legacy of the British Commonwealth has negative connotations, particularly for people of a Nationalist and Republican persuasion in Ireland.

We do not want to frustrate opportunities for networking, and we believe that many opportunities for networking among parliaments already exist. They are not limited in any shape or fashion to the four parties that make up the Executive in this Assembly. We would prefer for the Assembly to deal, in the first instance, with some of the parliamentary links that were envisaged under the Good Friday Agreement, such as an interparliamentary organisation between ourselves and the Dáil, which has yet to be fully realised. We would prefer to get these relationships in order before considering other formal relationships or joining any other parliamentary organisations.

Anybody from the Commonwealth Parliamentary Association listening to the two Unionist Members might not be waiting with bated breath to see whether we enter into this. Their attitude appears to be "We will go along and join this, but we apologise for some of the people that we are bringing with us." David McClarty's attitude is very condescending. Talk about people and



their democratic credentials: his party brought us one-party rule for 50 years, introduced gerrymandering to this part of Ireland for so many years and disenfranchised a large section of the population represented by this side of the Chamber. His is a condescending attitude that we reject entirely. We are here on our democratic credentials and it is time that Mr McClarty and his party recognised that.

When we establish a formal and proper relationship with our neighbouring island — and that is my aspiration as an Irish republican — we can examine the relationships we have with certain parliamentary organisations that take their existence from the British Commonwealth. Until such times as we establish proper relationships on our own island and with our neighbouring island, Sinn Féin, as Republicans, will not be supporting this motion.

**Mr Ford:** It is unfortunate that a motion introduced in an attempt to be uncontentious has created such difficulties across the Chamber. I share most of the concerns expressed by most Members about what other people have said or are about to say.

I commend Monica McWilliams and Jane Morrice for bringing the motion forward. To have such a petty bicker about an issue like this shows how much this Assembly needs to broaden its contacts in the wider world. Those of us who had the pleasure of meeting members of the Quebec National Assembly benefited from learning something from their experiences. Some were of relevance to us and some not. It was an indication of how we can benefit from those wider links.

The Commonwealth is not the only link that we should be looking to. Conor Murphy referred to parts of the Good Friday Agreement that clearly specified that there should be a link between the Assembly and the Oireachtas and that there would be an encouragement to links between the elected institutions represented in the British/Irish Council. If I have a problem with this motion, it is that it has come forward at this stage without any reference to those other links that it would have been useful to explore at the same time.

We have obligations under the Agreement that, as the First Minister told me a few weeks ago, are not the Executive's business but the business of this Chamber. I will see that the Business Committee follows that up. I hope that the Executive, which is the only body currently involved in the British/Irish Council, will encourage links with other bodies, particularly the other devolved institutions in Scotland and Wales and the other institutions represented in the British/Irish Council. That is for the future. At present, we must face this motion, and I urge the House to support it in the terms in which it was proposed by Monica McWilliams, if not necessarily in the terms in which others supported it.

**Mr Irvine:** I support the motion, but I am confused and imagine that when the Women's Coalition arrive home this evening to have their evening meal with their partners, they might begin to understand the close relationship between the word "commendation" and the word "condemnation". I am not sure which one they would feel to be more beneficial coming from certain parts of this Chamber.

This is a valuable contribution on the day that we launch our Programme for Government. While there may be difficulties with that, it embraces the suggestion that an outward-looking Northern Ireland will be a more prosperous country. It will be a Northern Ireland that can learn and teach, and the first thing it might learn is that if Zimbabweans came here, there had to be terrorists in their Government — unless, of course, they were Rhodesians who behaved like terrorists before the terrorists who were the Zimbabweans became the Government. You know what I mean. You might talk about Jomo Kenyatta or Archbishop Makarios.

Many other arenas of past conflict against my Government have now developed into warm, reasonable and sensible relationships, irrespective of whether they began as terrorists in government. The recognition of the need to explore and explain and the importance of networking ensure that not only are benefits gained but a two-way street can be offered. That could mean the African nations, or Malaysia, or perhaps — and I say this not in any sense of hurt or attempt to inflict hurt — the Irish Government, which may, through Dáil Éireann, believe that this is a worthy body to join.

4.30 pm

It is a body that is not about agendas but about hope, the future and experience. It is a body where we can all learn. Many of its members have come through massive change and completely embraced the path of democracy. Some of them still struggle, as we still struggle to define our future and how it might fit with the rest of the world. I commend the Women's Coalition and their motion, irrespective of how they may feel about the sense of duplicity that apparently appears from time to time when they suggest anything.

**Mr Attwood:** I have two comments on the debate so far. The contribution of Conor Murphy, despite how some might portray it, was quite thoughtful. His argument was that this is not an issue about membership of this association. It is more an issue of timing than of principle, and, while he might not concur with that characterisation of his comments, I think that it is accurate.

**Mr Wells:** Does the hon Member think for one moment that if we had the links that Mr Murphy was requesting with the Irish Parliament and then proposed that we join the Commonwealth Parliament Association,



he would be on his feet saying “Hear, hear. I agree with that.”? Does he honestly think that that would happen?

**Mr Attwood:** Mr Wells should never underestimate the ability of people to change their attitudes. Many people in this Chamber have radically transformed their attitudes, and will change them in the future — including myself and perhaps, one day, Mr Wells. There is a maturity emerging in political society, or at least in elements of political society in the North.

When the Good Friday Agreement states that there shall be equality and parity of esteem, sometimes it means accepting what other people value even if you do not value it yourself.

The SDLP is bringing that perspective to this debate. We as a community do not have any natural identification with the concept or the institutions of commonwealth, but we know that there are people in this Chamber and in our community who value that concept and that practice. We will be supporting this motion, primarily because of that principle and because we honour the Good Friday Agreement when it refers to fair treatment and equality. It is a matter of our respect for other traditions and communities and for what they say and value. In this instance, its manifestation is the Commonwealth Association. For that reason we will be accepting this motion.

We do say, however — and this has been hinted at elsewhere — that this issue and the wider relationships between this Parliament and other Parliaments should have been addressed in a wider context, including that of the relationship between the Dáil and the Assembly, as possibly envisaged in the Good Friday Agreement. As Monica McWilliams pointed out, there is value and purpose in relationships with other parliamentary associations and Parliaments around the world, inside and outside the Commonwealth. That should have been the context of this debate, and in that context perhaps Sinn Féin — perhaps all of us — could have signed up to associations or relationships with other parliamentary associations, not just with that of the Commonwealth Association.

Jim Wells is quite right. People in the North have something to share with the rest of the world — not necessarily the issues of “terrorists in government”, inclusive government and weapons. Where we have most to share with other societies is what the UN High Commissioner for Human Rights said in Belfast in December two years ago: the world is most interested in the Good Friday Agreement because of its issues of rights. What they understand best are the rights provisions of the Good Friday Agreement. The greatest concern is rights, not who is in government or what happens to weapons. It is the issue of rights. Membership of the association may enable us to share

with it our experience of rights and the denial and future protection of rights.

I will not deny for one minute that in our community the concept of Commonwealth has in the past had unhappy images of exploitation, empire and economic expansionism.

It is therefore difficult for our community fully to understand what the Unionists value and to identify with that. However, we want to show respect, now and in the future, for a principle that will be espoused throughout the Chamber in coming weeks. We will accept the motion.

If the Unionists Members are arguing for membership of the interparliamentary association then hopefully this weekend they will not argue for withdrawal from interjurisdictional associations in the country.

**Dr Birnie:** I have learned one thing in the course of this debate. Following Mr Wells’s hint that he is the acceptable face of the DUP, I would like to second my Colleague Mr David McClarty in strongly supporting the motion. We commend Ms McWilliams for bringing the motion to the House. The Commonwealth Parliamentary Association has a number of fine aspirations: the rule of law; individual rights and parliamentary democracy. Membership of the Association has not always resulted in perfect adherence to such principles, but over time the Commonwealth has acted as a mechanism to encourage countries to move in the right direction.

Referring back to Mr Ervine’s comments, I think that given the conditions that we experience in the Assembly and in the Province, we might learn from the experience of other countries where parties and politicians have successfully made a transition from paramilitarism to non-violence.

The case for this motion is that we are talking about restoring a link that existed in the past. We had a branch membership in the old Stormont Parliament from 1924 to 1975. It is possible to meet two main objections which have been raised. First, there is no incompatibility between support for the motion and the idea that, when the time is right and circumstances allow, there should be interparliamentary links between, for example, the Assembly and the Dáil or between the various devolved and national-level Governments within the British Isles.

The second objection seems to be that the Commonwealth Parliamentary Association is contaminated by historical association with the rights or, as some would see it, the wrongs of the record of the British Empire. There is an answer to that. Mozambique has joined the Commonwealth and is now represented in the Parliamentary Association. Mozambique was never a member of the British empire; it was a Portuguese colony. Let me point out, for those who feel sensitive about the subject, that there is no

connection with British imperialism. I reiterate that the Ulster Unionist Party fully supports this timely motion.

*Question agreed to.*

*Resolved:*

That this Assembly agrees to apply for admission to membership of the Commonwealth Parliamentary Association, such membership to be effective immediately on approval of the application by the General Assembly of the Commonwealth Parliamentary Association, and to abide by the provisions of the constitution of the Commonwealth Parliamentary Association; that the required membership fee be paid to the Commonwealth Parliamentary Association; and that this motion be communicated to the secretariat of the Commonwealth Parliamentary Association immediately following agreement.

## ZERO WASTE STRATEGY

4.45 pm

**Mr M Murphy:** I beg to move the following motion:

This Assembly calls upon the Minister of the Environment to agree a waste management strategy which would progressively work towards zero waste targets. This Assembly believes that such a strategy is vital to the future economic, environmental and social well-being of our society. Further, this Assembly calls for such targets to be achieved within a generation — that is, by the year 2025. This Assembly further calls upon the Minister of the Environment to initiate joint actions with his southern counterpart to develop an all-island zero waste management strategy.

Go raibh maith agat, a LeasCheann Comhairle. This motion is very appropriate, especially given that this is Environment Week. As political leaders and activists, many in the Assembly have worked closely with local communities on environmental and planning issues. They have been lobbied on a diverse range of environmental projects, such as protecting the Black Mountain and Cavehill overlooking Belfast, the consequences of fly dumping and the raising of public awareness about the environmental impacts of gold mining in Tyrone, and lignite mining around Lough Neagh. Some of us have been asked to support campaigns against the construction of incinerators. Two main lessons have been learned. First, collective action by communities, which gained support from the general public, can achieve real and positive change and solve environmental problems. This also leads to an overall heightening of public awareness of the importance of environmental issues.

The second lesson that we have learned is that environmental problems are not only a local or national concern, they can have global implications too. Public concern is widespread about issues such as ozone depletion; the greenhouse effect; legal and illegal emissions from nuclear installations; the commercial harvesting of biogenetic engineering crops; and the destruction of the rain forest.

How do you solve these problems? Where do you start looking? A local Assembly, even one with strictly limited devolved authority, is the obvious place to seek redress on these important matters.

Simply stated, the problem is that we as a society of producers and consumers are producing too much waste. The EU Commission distinguished between different types of waste, and it defined 27 categories of waste under EU Directive 78/319/EEC. The main category is solid waste, which is domestic waste, industrial and commercial waste, and litter and waste from mining, quarries, constructions and agriculture, including sludge and semi-sludge, that cannot be discharged into water and air.

There are also definitions for toxic and dangerous waste, as well as what the EU defines as priority waste. These include used tyres; end-of-life vehicles; construction, demolition and packaging waste; and waste from electrical equipment, polychlorinated biphenyls (PCBs) and solvents. There is a landfill crisis, and we are needlessly producing waste. Many of the industries whose goods we consume and export are producing dangerous toxic waste, which is polluting the air we breathe, our rivers, our water supplies and our seas. The solutions which they use for containing waste are failing.

The most common method of dealing with waste is to dig a hole and bury it. As late as 1980 it was assumed that we could solve the problem by digging increasingly bigger holes to contain the waste. This method is better known as “landfill”, and it is no longer practical or accepted.

There are two significant problems with the use of landfill sites. First, many landfill sites are sources of pollution in themselves. Pollutants from the waste stored in these sites are leached into the water system of surrounding areas, causing damage to the local environment. Current EU regulations reflect the grave danger to the atmosphere posed by methane, a potent greenhouse gas. The second pressing problem is that available sites are running out.

Throughout Ireland, local government bodies are responsible for the maintenance of landfill sites, so they are simply established in those areas where there is least public resistance. The environmental sustainability of such sites has come a very poor second to local authorities’ need to find sites.

It is clear that waste is — to quote Mary Douglas — “matter in the wrong place”. The next obvious question is whether a means of redirecting this matter into the right place is needed. If waste paper, glass and metal make up the bulk of most municipal waste streams, they could be recovered to take the place of primary materials, creating the environmental and financial benefits of a secondary material industry.

The island of Ireland is establishing itself as a leading player in the new economics of information and communications-led technology. Few economic sectors will be left untouched by the knowledge-led revolution. Local communities celebrate their commitments to knowledge-based industries, and political leaders rush to champion their towns and cities as the new “Silicon Valley”. Unfortunately the waste management sector has proved resilient to the influence of a smart Government and new technologies.

Unless we address the gap that persists between the rapid development in smart technology and the new economics of resource efficiency, Ireland’s “Silicon Valley” will inherit a waste management infrastructure which was originally designed for the nineteenth century.

Over the coming decades our society will have to adapt. Zero waste represents a new planning approach and defines the discipline required to create a more viable pattern of interactions with our natural world, including the principles of conserving resources, minimising pollution, maximising employment opportunities, and providing the greatest degree of local economic self-reliance.

The following guiding principle on zero waste must be translated into practical policies and measures: responsibility for waste management must pass from the taxpayer and local authorities to the manufacturers and producers of goods who can ensure that the design of their product and packaging includes plans for the recovery of the material. Local authority engineers and other officers must be retrained to depart progressively from landfill and incinerator approaches to waste disposal and to adopt a modernised procedure. These techniques aim to create enabling frameworks for producers and consumers to increase the resource productivity and reduce hazards through the design of products and processes.

Manufacturers could close the loop by using materials collected through recycling programmes to produce their new products and packaging. There could be initiatives to encourage households and businesses to reduce waste and to recycle and a scheme could be introduced to bring about changes in waste disposal and material recovery.

These changes would involve phasing out existing disposal methods — landfill and incinerators — and waste which produces pollution in our air, on our land and in our sea. The true long-term environmental impact and health implications of such methods of disposal should be taken into account and must eventually lead to the withdrawal of publicly funded subsidies such as the EC Non-Fossil Fuel obligation. In that context, I wish to welcome the recent comments of Steven Byers, the Secretary of State for Trade and Industry. He has announced that the British Government intend to exclude energy from waste facilities for such incentive schemes and instead to focus resources on genuine sources of renewable energy. This announcement should send a warning about financial uncertainties surrounding incinerator technology, uncertainties which do not feature in the consultation report from local authorities.

We propose investing in a new jobs sector for waste recycling. The potential for job creation in this area is promising, especially when we factor in the opportunity for creating local enterprise.

The development of a new market for these services is a powerful response to Ireland’s wasteful status quo. Markets are a function of political and cultural preference and often require regulation and incentive structures to establish the viability of desirable

technology and design. An all-Ireland inland scheme of incentives for the development of this market is required to support a zero waste strategy. The economic playing field must be levelled. Sustainable development is on the lips of policy makers at all levels, but it is all too easy to adopt an abstract commitment which is somewhat removed from today's concrete decisions. Waste management and material recovery strategies will be a litmus test of the extent to which policy makers have internalised the rationale and regulations of sustainability and agreed disclosure.

I ask the House to support the motion.

**Mr Ford:** I beg to move the following amendment: Leave out all the words after "to" in line 1 and add

"set a target of 50% of domestic and non-domestic waste to be recycled or composted within 10 years, with further progressive reductions in line with best economic and environmental practice in other European regions.

This Assembly further calls upon the Minister of the Environment to initiate joint actions with his southern counterpart towards this end."

At first the motion seemed attractive in principle. It deals with an area which we need to take seriously and in which we have not performed very well in the recent past. However, when I read its wording I came to the conclusion, and my Colleagues agreed with me, that the detail was suffering a little from "Dallat syndrome". My political handbook for 2000-01 defines this as a motion which is fairly good in principle but whose words do not quite add up as they were meant to in practice.

This is probably the first time I have ever stood up in the Chamber and accused Sinn Féin of being too idealistic for this world, but I fear that with this motion, that is indeed the case. There is no doubt that the party has dark green credentials in one aspect of our political life, but I fear that the dark green credentials in this motion go even further than those of most of the environmental groups who lobby us on matters like this.

In September I asked the Minister of the Environment about recycling targets. The response, which I received last week, referred to the Department of the Environment's setting a target of 15% of waste to be recycled by the year 2005.

It is a measure of how poorly we were governed under direct rule that measures that went through in England, Wales and Scotland were not carried forward into legislation in Northern Ireland and Ministers made no effort to encourage such targeting.

5.00 pm

At least the new Minister has established that much, and the waste management strategy that resulted from his efforts and Mr Howarth's during the suspension of devolution means that we are, starting to move forward.

There is no doubt that the current talk of 15% in five years' time is well below the targets that have been set for councils across the water, and it is inadequate for our needs. It is also significantly below the best practice that is being achieved elsewhere.

In Great Britain a number of councils are close to achieving the 50% referred to in the amendment, not in 10 years' time, but in the next year or so. I have figures showing that Eastleigh in Hampshire has already exceeded 42% and that the London borough of Sutton expects to achieve 50% recycling by the end of this financial year. Our 50% is fits in with that best practice.

Across the water the Department of the Environment, Transport and the Regions, having gone through one set of criteria for recycling, has now removed waste composting from its targets. This comes at a time when it is acknowledged that putrescent waste going into a landfill is the major cause of methane pollution and leachate run-off.

If the Minister responds to this debate I hope he can give us an assurance that he is not going to follow the route of the Department of the Environment, Transport and the Regions and that he will set better targets for Northern Ireland. No doubt his experience as a councillor will enable him to follow through the implications of that.

One of the problems in Northern Ireland is that over the last decade or so, councils district gave every household a large wheelie bin. Nothing encourages large amounts of waste to be thrown out more than doubling the size of a bin.

Speaking as a member of one of the best local authorities in this respect (Antrim), I can say that even there we have — *[Interruption]* Calm yourselves. Even there a black bin containing up to 240 litres of rubbish is collected every week, and a blue bin containing up to 120 litres of paper, plastic and aluminium is collected every four weeks. We need to do something to redress the balance if we are ever to stop putting vast amounts of waste into landfill and get real recycling underway.

The authorities that have achieved most in England and Wales have introduced two equal-sized bins with alternate week collection — one week for the recyclables, and one week for the landfill. We could make significant advances in this way. One council has claimed a 30% increase in its recycling in less than three years by the introducing that scheme combined with the provision of green composting bins to reduce the amount of putrescent waste that goes into the bins, thereby getting major benefits for its landfill management.

In Northern Ireland three groups of councils have started to build on the Department's waste management strategy. Whatever the DUP may think, this is not just a Northern Ireland issue. As I understand it, Donegal



County Council is part of the north-west consortium along with Strabane District Council, Derry City Council and others. We should look for the appropriate level of cross-border supervision, support and co-operation — although I would not wish to see Northern Ireland becoming the dumping ground for the entire island, which might be inferred from an all-island as opposed to a cross-border strategy.

The 50% target set out in the amendment is realistic in the sense that it is optimistic and attainable. There is no point in having a target that we could not reach, and no point in having one that is reached too easily.

The zero waste target set out in the original motion would create difficulties. The only way we could possibly achieve a zero waste target would be by incineration. Incinerators will eat the greater part of the waste stream, whether or not parts of it would be better diverted for reuse or recycling in other areas. What comes out of an incinerator has to be used in some way. A zero waste target is unrealistic given our current level of knowledge. The amendment speaks of a target of 50% with further progressive reductions, a realistic option which is in line with best practice elsewhere in Europe. I urge the Assembly to accept it.

**Mrs Carson:** I shall oppose the motion and the amendment. I am not against the goal of waste reduction with a sustainable development focus. Nor am I against North/South co-operation on the issue of waste reduction, which is encouraged by EC directives. East/West co-operation within the United Kingdom is also needed to ensure that we achieve parity with UK legislation.

The motion calling on the Minister of the Environment to agree a waste-management strategy to achieve a zero level of waste within a generation sets a target which is unachievable under present conditions, unless we re-educate society. The amendment merely compounds the problem without seriously addressing the question of re-education of the public.

The aspiration of zero waste is admirable, but if zero waste management is pursued as suggested in the motion, the process will contradict the four main principles in 'A Better Quality of Life: A Strategy for Waste Management in the United Kingdom', published in May 1999 by the United Kingdom Government. The four principles are: all-encompassing social needs; effective protection of the environment; prudent use of natural resources; and the maintenance of high and stable levels of economic growth and employment.

The cost of implementing zero waste management would be monumental and would not allow for sustainable development. Waste reduction involves not only the destruction of rubbish, but also transport, sustainable development, industry, agriculture, energy

and so on. We, the publicly elected representatives are very concerned that something be done to tackle the growing problem of waste.

The present waste-management strategy for Northern Ireland is based on three sound principles — reduce, reuse and recycle. We should reduce our output of rubbish and think carefully about what we use. We should reuse what we can, for example, refilling bottles instead of throwing them away. We should recycle as much as possible, using the "banks" available for bottles, clothes and paper. Recovery is also an issue — gaining something of value by composting organic materials, and the recovery of energy by incineration or biogas plants. We can easily dispose of clinker and ash from incinerators by using them for roads and road building. All such actions are commendable, but the key lies with the first objective — to reduce the production of waste.

We live in a throwaway society where shiny new plastic objects are the norm and everything old is thrown in the bin or dumped outside, usually in a ditch or bog — a nice wet place thought to have no environmental value. Northern Ireland needs a re-education policy. There must be an immediate culture change to encourage people to use items that are meant to last and items that can be repaired and valued.

Expensive household appliances such as washing machines are now only required to last a few years. When a machine is two or three years old, a maintenance engineer will say that it is not worth fixing, it would be cheaper to buy a new one. I look forward to the return of the cobbler's shop, to the kiosk where a lady would darn socks and mend ladders, to woven shopping baskets and to glass milk bottles. I am sure Assembly Members can think of other such examples.

At the Rio summit in 1992 it was put forward in Agenda 21 that environmentally sound waste management must go beyond this mere safe disposal or recovery of wastes that are generated and seek to redress the root cause of the problem by attempting to change unsustainable patterns of production and consumption. That was eight years ago, and nothing has changed.

In one way this motion is most worthwhile, at this time, especially when the IRA seems to be having a problem in zero waste management with regard to the disposing of its weapons. May I suggest that the two Gentlemen who put forward this motion help their associates commence their own zero waste strategy so that they may lead by example. An excellent way would be to recycle their armaments for peaceful ends. In the words of the Bible, they should

"beat their swords into plowshares".

I cannot support this unrealistic motion or the amendment.

**Mr Poots:** I am mystified by this motion's being put down in the first place. We have in this Assembly a structure of Departments and Committees. The Environment Committee deals with this, and both proposers of the motion sit on that Committee. That Committee looked at and gave its unanimous support to a waste management strategy proposed by the Department. That policy was proposed on 20 March 2000 and work has now started on its implementation.

The targets set by the Alliance Party in its amendment would largely be met by the proposals in the waste management strategy. Under the strategy, which we are already implementing, it is hoped to recover 40% of household waste by 2010 and 25% by 2005. It is also hoped to reduce the industrial and commercial waste landfill to 85% of 1998 levels by 2005, 75% of 1995 baseline levels for biodegradable municipal waste by 2010, 50% by 2013, and 35% by 2000. The proposals in the motion and the amendment are already in place. We have already supported the recycling of materials legislation, which enforces business to become responsible for the waste it produces and forces it to recycle 50% of its own waste.

The Environment Committee has been working with the Department on this issue to ensure that waste is reduced. This is not something that has just come out, something that the Department has not been working on. And whether it wanted to work on it or not is irrelevant. EU directives have enforced the Department to react, and it has started work on that with the support of the Committee and, subsequently, the support of this Assembly.

There are a number of key principles set out in the waste management strategy. The first is the waste management hierarchy, which indicates the relevant priority of different methods of managing waste. The hierarchy adopted for this strategy is reduction, re-use, recycling, energy recovery and disposal. The strategy then looks at finding the best practicable environmental option, by a systematic and balanced assessment of a range of different development options. It looks at the best available technology, not entailing excessive costs. That is the method used to select a technology that is best at preventing pollution and is reasonable to implement in financial terms. We have the "polluter pays" principle. Waste generators should pay the full costs of providing services to manage waste. We have the proximity principle, which is the need to treat or dispose of waste in reasonable proximity to the point of generation. Finally, we have self-sufficiency, and perhaps this impinges on both the motion and the amendment as it requires EC members to be self-sufficient in waste management practices.

5.15 pm

All that is already in place and is up and running. I commend the Department on the work that it has done so far. The presentations made by Steve Aston and Jim Lamont from the Department on these issues were the best made to the Committee. They knew what they were doing and what the EU directives demanded of them, and they set themselves practical, deliverable targets. In dissociating our party from the motion and the amendment, I stress that the Department has its finger on the pulse of the issue and will have the support of our party and our Committee for as long as it is implemented and managed sensibly.

**Mr A Doherty:** Just over a week ago the SDLP issued a call for a real debate on the important issue of waste management. That did not receive wide coverage; waste is not the hottest issue for the media or for the public. It has failed to register with them that we are living through a quiet, insidious ecological meltdown, the effects of which are seen most starkly in the far-off famines and other tragedies in what we call the Third World. In fact, there is only one world; we are part of it, and we are responsible for it.

I was pleased that the motion appeared on the Order Paper so quickly. Perhaps it was a happy coincidence. I read the motion with great interest and high expectations. In it, the Minister is called upon to

"agree a waste management strategy which would progressively work towards zero waste targets".

That is excellent, if rather vague and theoretical. Nobody could disagree that such a strategy, if successful, would do wonders for the future economic, environmental and social well-being of our society. So far, so good.

The motion also says that such targets are

"to be achieved within a generation, that is by the year 2025".

We would all love to see that achieved in 25 years, or even in 50 or 100 years. For thousands of years, mankind has had a culture of waste and destruction. We make, we package, we use a little and discard a lot. We cut and slash and dig. We create deserts, dust bowls and wastelands. We poison the air and pollute our waterways and seas. That is just what we do to our planet; what we do to each other does not bear repetition. When did it first dawn on a few enlightened people that we live in a finite world with limited resources? It was not long ago — a century or so, perhaps. Can all that destruction be undone in a generation? I wish that it could.

I do not want anyone to think that we do not take the issue seriously. It is a deadly serious matter, and nobody is more conscious of that than the SDLP. We have been castigated for being green — on this issue, we are greener than green. We are involved with councils and

council groups in work to develop a realistic waste management strategy, not only for Northern Ireland but for the entire island. We are involved in joint North/South action and, beyond these islands, international co-operation.

We heartily endorse the principles of minimisation, re-use and recycling. We urge a massive change in public appreciation of the role that individuals play in creating waste and can play in co-operating to solve waste management problems. That will entail a heavy commitment at all levels of Government: local, national and international. The implementation of waste management strategies will be a complicated and expensive process. Ratepayers and taxpayers will receive a serious shock. They must be persuaded that the benefits far outweigh the costs — costs that can be reduced if they are prepared to co-operate fully.

Before we can even begin to assess whether zero waste is an achievable end for such a process or just a noble aspiration, there is a mountain of work to be done. Every option at every stage must be analysed, costed and tested against the highest environmental standards. Currently, councils are heavily engaged in this work, with limited central government assistance. Neither their hands nor those of the Department should be tied at this stage by the adoption of any strategy, unless there is evidence that it has been fully tested and proved to be both superior and achievable. We do not have that evidence.

With regard to the Alliance party's amendment, we accept the need to set achievable targets. However, it is not right to pre-empt the councils at this stage. We should await their deliberations, rather than make policy on the hoof, as we are in danger of doing here. We ask Sinn Féin to take this motion back, take a close look at it, and put some meat on the bones of a rather spare skeleton. If they do so, we will be delighted to give their detailed proposals the fullest consideration.

**Ms Morrice:** Zero waste is an admirable goal. I congratulate Mr Murphy for bringing this motion to the Floor of the Assembly and encouraging debate on what is, without doubt, an important subject. I also thank Mr Poots for providing information on where we stand today and the Committee's work in this area.

However much we strive to achieve zero waste, there will always be a certain amount of residual waste in society. Therefore any waste management strategy must place greater emphasis on waste minimisation. We agree that there must be a fundamental shift in thinking away from the management of waste to the prevention of waste. As Joan Carson said, the guiding principle should be to reduce, reuse, recycle and recover, with the disposal of waste as a last resort only.

It is also necessary to re-examine the ways in which waste is disposed of. We are all aware of the problems of landfill, which have been reiterated in the Assembly

today. We need to encourage a move towards a reduction of waste processes in industry, business and the commercial sector. Businesses should be encouraged to rethink their design processes and recognise that producers have a responsibility too.

Partnerships were discussed today. Partnerships among the stakeholders in waste management are vitally important. We need to look at all the different levels. At the regional level, co-operation within Northern Ireland is a must. We welcome the coming together of local authorities on this issue. Co-operation on the island of Ireland is essential because of the potential for joint ventures, for example, in reprocessing procedures. We welcome partnerships at the cross-border level too — for example, the previously mentioned Donegal/Derry/Strabane partnership. Co-operation is also required on an East/West basis within these islands, in the European Union and on a global scale.

However, all this must be underpinned by investment at the first level to provide for what the householder can do. It is essential that people know what they can do on an individual basis, such as home composting and box schemes for the collection of paper and plastic. A healthy example of this is a pilot programme proposed by Bryson House, which some Members may not be aware of. It is a door-to-door, multi-recycling programme in partnership with three local authorities. Here we have an excellent example of something that is going to be up and running.

Finance should be provided for this, and at least a percentage should come from central sources for these projects and for ongoing research into new techniques in waste management. Funding should also be considered for existing non-governmental organisations (NGOs), and we must not forget the very valuable work that they do collaborating with community groups, local councils, local businesses and schools to promote waste management at grass-roots level. The work of conservation volunteers in this area is one example.

There is also a need to identify and invest in sustainable markets for recyclable products, and there is tremendous scope for innovation in terms of design, and so on, and in how we reuse our products. This can help to phase out, for example, peat-based compost by using waste-derived compost. Glass reprocessing is also important, as is the use of processed waste paper. An alternative application for reclaimed tyres is another example. This helps job creation and contributes to economic growth.

We should not forget the value of education, not only for the public but also for industry and business. The Minister should ensure that his Department establishes close working relationships with the Department of Education in this area so that the authorities responsible



for the curriculum develop it with waste management issues included at all key stages.

The “polluter pays” principle, which has been mentioned, should be applied to waste management in Northern Ireland. Fees and charges should be set at appropriate levels in order to cover fully the cost of waste management and enforcement. The landfill tax credit scheme should be revised to focus on supporting the implementation of a waste management strategy. The use of secondary raw materials should be encouraged, possibly by levying additional taxes on primary sources.

Above all, central and local government must demonstrate leadership in sustainable waste management by immediately adopting green housekeeping and purchasing policies. To this end, we call for an audit of Stormont and all Government buildings regarding basic housekeeping practices in areas such as the use of recycled paper, energy-efficient lighting, heating, waste disposal and paper.

Waste management is not just about providing separate bins for household waste or about handling industrial waste. It is about changing attitudes, attracting new investment, creating jobs, and, most importantly, it is about protecting our health and environment.

**Mr Wells:** I find it somewhat ironic that this motion should have been proposed by these two Members. Did they not think about the amount of waste that has been consigned to landfill as a result of their bombing activities the length and breadth of this Province? When they were blowing up Claudy, Enniskillen or La Mon did they stop and think about all the rubble, glass, and wood that would end up in landfill? If they had not created vast tonnage of waste by their own activities they might have a right to speak on this issue this evening. Of course, who could forget the ultimate waste — the waste of 3,000 totally innocent lives?

I noticed, Mr Deputy Speaker, that you were about to call me to order. I am totally in favour of waste management but not as advocated in this motion.

If we were to go on in the way we are going as a society, if everyone in the world were to use the world's resources at the rate that we in Western society are doing, by the end of this century we would need three planets to sustain us. The only thing that is saving the situation at the moment is that Third-World countries are using a fraction of the resources that we, as Western society, are using.

One quarter of the world's energy is used by one country — the United States. The average person in the EEC and in the United States uses between 60 and 70 times the amount of energy and resources that someone in central Africa or South America uses. We must grasp this problem, but in an achievable way. What is proposed in this motion is not achievable. Everyone

would like zero waste but that will not happen by 2025, or even by 2125.

5.30 pm

For once I shall not criticise the Department of the Environment because it has grasped the issue and developed a waste management strategy. More consultation has taken place as part of this strategy than for any other. I have been invited to countless meetings about this strategy, and no Member can claim that he does not know about it or has not been consulted.

I am not a district councillor, but I understand that district councils were also consulted widely on this vital issue. As the waste disposal authorities, they had to be consulted. Members of the party proposing this motion sat in district councils along the length and breadth of the country, from Londonderry to Newry, and from Fermanagh to Moyle. They listened to presentations on the strategy and gave it their seal of approval. The proposal then went before a series of public meetings at which we, as public representatives, were entitled to express our views. I went to at least two meetings and heard nothing from those representing Sinn Féin/IRA at local government level. Its members sat placidly and accepted what was being suggested.

The proposal then went before the Environment Committee, which questioned Dr Aston and his colleagues closely. I am not on the Environment Committee, but I wish I were because I would like to have had the opportunity to question him too. After that vigorous questioning the Committee gave the proposal its firm seal of approval.

This document has been well and truly aired. One reason it has generally been accepted is that the targets in it are attainable. I wish that the targets were more stringent and that we could have greater waste reduction, but at the moment that cannot be done.

In a previous incarnation I did a study on waste disposal for a conservation organisation. One of the tremendous barriers to adequate waste management in Northern Ireland is the fact that we have 26 waste disposal authorities in the form of 26 district councils. Each authority tries, if at all possible, to run its own waste disposal site. The problem is that the huge capital resources required for waste management are spread among 26 authorities which, apart from Belfast, are relatively small. In Leicester, which has a population equivalent to that of Northern Ireland, all waste is disposed of at two sites. Northern Ireland has about 40 publicly managed and private landfill sites. The Department faces enormous problems and must therefore set targets which are realistic.

We must give the Department the resources, encouragement and political support that it needs to



ensure that it not only meets but tries to exceed those targets.

However, the Assembly must put its own house in order. Its use of resources is absolutely disgraceful. How many forests have been chopped down to provide paper for this institution? Where is the so-called paperless office that we were promised? Day after day the postman groans under the weight of paper from the Assembly. Does all our paper come from recycled sources? Is the paper that is thrown into the bins in our offices and outside our buildings recycled? I have been asking those questions, and no one can give me the answers.

On many counts, people could rightly say that we are setting a target for them but that the Assembly needs to put its own house in order. I support what the hon Lady for North Down (Ms Morrice) said about the creation of an environmental audit committee. The Assembly needs a committee to consider what it is doing with its own waste and to make recommendations to the Executive about cutting down the vast amount of waste that is so evident in all Government Departments in the Province.

A practical measure that we could take from next week is recommend that the Assembly sign up for the eco tariff for electricity. All the electricity that is used in Government offices in Northern Ireland would then be purchased from an energy pool that comes from sustainable sources, such as wind and wave power.

That would send out the most enormous signal to the community that the Assembly means business as far as the future of our Province is concerned. The world simply cannot sustain the way in which we are currently going. The people are looking to us for an example. We should give the Department the political support and resources it needs to implement the plan. That is the way forward.

If, by doing that, we feel we can increase the targets, increase the amount of recycling and control over the use of energy and waste, all well and good. However, it would be nonsensical if the Department, having gone through that lengthy process — which unfortunately generated a lot of waste paper in its own right — said “Everyone has agreed that policy and we are happy with the targets, but we are scrapping all that. We are going for a zero waste strategy by 2025.” That is not practical.

The Alliance Party — in particular, Mr Ford, who is normally a sensible individual — is not prone to the “Dallat factor”. Most of his motions are thought through, but there is a wee bit of the “Dallat factor” in this one. Mr Ford knows that this issue is too important to be clouded by political dogma, and Northern Ireland is a big enough unit to deal with the waste strategy by itself. We produce so much waste that the economies of scale are such that we can tackle this problem as a Province. We do not need to run to Dublin to establish

cross-border bodies — there is plenty of waste to be going on with in the Province.

**Mr Ford:** I am not sure whether the Member was present for my speech, but I said that the motion refers to joint actions. I referred specifically to cross-border initiatives in the north-west and said that I was not discussing an all-Ireland issue.

**Mr Deputy Speaker:** I must remind Members of the time. Many Members wish to speak. I would like to see this as a family-friendly as well as an environmentally friendly Assembly.

**Mr Wells:** The Member knows our deep suspicion of proposals for any form of cross-border bodies — we know the hidden intent behind them. The concern is not about waste, but the gradual absorption of the two parts of Ireland. Needless to say, we are not interested in going down that route. We can solve this problem ourselves. We should give the Department the support it deserves.

**Ms Hanna:** I wish to question the sense in tabling a motion that, for the most part, is unrealistic. Unfortunately, the motion is framed in absolutist, all-or-nothing terms. The proposer should know that those who demand all often end up with nothing. I strongly support the concept of a waste management strategy that will achieve the highest possible waste recycling targets. No society in the world recycles 100% of its waste, including countries such as Germany and Switzerland, which have been far more environmentally proactive and aware than us for decades.

The Department of the Environment published a waste management strategy for Northern Ireland based on wide consultation with a large number of environmentally-interested groups. It was able to obtain a large degree of consensus in formulating the strategy. More importantly, it is now up to the 26 district councils to co-operate, working at the sharp end of waste management, in producing and implementing a strategy on the ground, based on the strategy document.

No one has questioned the general thrust of the strategy, although there is room for debate over the target being set. I believe the target is too low. The motion does not make it clear what zero waste means. Does it mean that by 2025 our society will produce no waste?

It may be a pious aspiration, but it is unrealistic. The danger of adopting such an unrealistic target is that it may be counter-productive and undermine the development of programmes to deal with the grubby reality of the waste problem.

In Northern Ireland there is a 3% increase in the production of waste each year, and we recycle less than 2%. There is evidence that there is a linkage between economic growth and increased production of waste.

We need to develop the creativity and ingenuity to break that linkage. We are a throw-away society, and a massive education programme and culture change are needed to persuade the population to face up to the implications of what they are putting in their bins every week. People need to start taking responsibility for the environment.

We need incentives to encourage recycling, and deterrents to make the polluter pay. But in the meantime what are we doing with all this rubbish, bearing in mind the EU regulations on landfill? We are still putting batteries, fluorescent tubes, paints, adhesives, medicines, weedkiller, insecticides, polish, detergents and oil into our landfill sites. We have a long way to go. What are we doing with our waste in this Building? That question was asked earlier, and we need to tackle that issue and lead by example.

We need to set serious, challenging, realistic, but achievable, targets, and make sure that they are pursued vigorously. At present there are very low levels of recycling of household waste. We need to develop programmes for the more sustainable management of that waste. There is currently a very low demand for recycled material. Developing new, economically viable and stable markets for recycled material is a massive task.

**Mr Wells:** Does the Member agree that if we, as an Assembly, along with the 10 Government Departments, decided, from a certain date, that we would only use recycled materials, it would give an enormous boost to the recycled material market in Northern Ireland?

**Ms Hanna:** I will consider that, but in the meantime I will finish my points. We will need help from many bodies, operating at a more global level, if we are to develop sustainable markets. We must foster a society preference for recycled goods and a culture of repair, rather than replacement. The SDLP is, of course, committed, through the Annex to Strand Two of the Good Friday Agreement, to North/South co-operation on environmental protection, pollution, water quality and waste management. I acknowledge that polluters do not recognise borders or separate jurisdictions. The SDLP is in favour of establishing an all-Ireland environmental protection agency and all-Ireland markets for recyclable materials to cover what is, after all, a small island of 32,000 square miles and five million people.

We need to take the issue of waste management very seriously, but realistically. We are always aspiring to achieving higher targets of reducing, reusing, recycling and recovering.

**Mr Hussey:** I support the thrust of the amendment as it represents a much more realistic approach to the growing problem of waste management than the original motion, which I regard, and I gather others regard, as an unobtainable, idealistic expression. The zero waste idea

may come more from a possible electoral threat in the Republic. I understand that a zero waste group may be fielding candidates there, and perhaps the proposers of the motion are more concerned about that.

However, I feel that Mr Ford, in his amendment, might have been better looking at EU targets for waste production and, indeed, the proposals coming from the Environment Committee, as outlined so well by Mr Poots. Mr Wells has referred to the number of authorities with responsibility. Again, through the discussions this afternoon, Members will be aware of the establishment of a number of council consortia to address the waste management strategy requirements. I heartily welcome such co-operation.

5.45 pm

My own council is one of the constituent bodies in the north-west region cross-border group of councils, which includes Donegal, as has been mentioned. I welcome the proposal's recognition that waste management may need to be addressed, where appropriate, on a cross-border basis.

There is a recognition that a proper strategy to deal with waste requires a critical mass to ensure economically effective outcomes. I trust that all Members can agree that the aim of any option on waste management under consideration is to target the least environmental impact within the bounds of economic viability. I sincerely believe that a balanced option of prevention, reduction, re-use, recovery and disposal is appropriate and can deliver targets while focusing resources to minimise costs.

The motion partly addresses tools that can be used in the recovery process — namely, recycling and composting. There will still be a residual, unusable waste, and I believe that the proper recovery tool here is energy from waste, thus utilising residual waste and further reducing that which will have to go to landfill. Despite the prior extraction of many materials, new processes and energy-to-waste ensure clean burn of residual unusable waste, notwithstanding its reduced calorific value. One has only to look at Denmark, where, I understand, there are about 30 energy-to-waste plants there.

There are many issues for consideration such as waste generation and reduction at source. Mr Murphy suggested that manufacturers should take a lead role on that and I totally agree with him. Mr Ford dealt with separation at source, and again I agree with him. Education was mentioned by Ms Hanna and Mrs Carson, and nobody can disagree with the fact that people need to be educated. Markets for recovered materials and research and development were mentioned, and the suggestion was that there needs to be some sort of Government intervention in these areas. Perhaps this Assembly should suggest — and I totally agree — that

we should be using recycled materials. Members will note that I am using a recycled notepad.

**Mr Wells:** Hear, hear.

**Mr Hussey:** Thank you. Unfortunately, time prevents me from going into that, as I realise that there are others yet to speak.

Whatever way we go forward, investment will be required, and I contend that it will be necessary for additional funding from the Government to ensure an effective and acceptable solution to the problem of waste management in the future. Was landfill tax an environmental tax or a revenue-raising tax? If additional funding to ensure efficient and effective waste management strategies cannot be made available via a greater level of support from landfill tax credits, we will then know the answer as to whether this Government at Westminster was a green or a money-grabbing one.

**Mr Dallat:** At this late stage in the proceedings I could be accused of recycling many of the ideas that have already been mentioned. I was particularly interested in Mr Wells's contribution and his frustration at the volume of paper he receives. I suggest that that may have something to do with the success of the Assembly.

Developing a waste strategy is not a problem. The problem lies in persuading the public to pay for its delivery and achieving the targets set in it. To do that, there would have to be significant changes in public attitudes. People would have to pay significantly more in taxes, so there could be greater financial input and fundamental revisions of the existing planning regime. Without these elementary principles, the aims and aspirations for a national waste strategy will never be realised.

In Britain and Ireland there is significantly less investment in waste management than in other European countries. To date the producers of waste are but bystanders, not directly responsible for the serious amount of waste they generate.

In Northern Ireland the arrangements for waste disposal are hopelessly inadequate, even piecemeal. The problem can only get worse for local authorities that provide disposal facilities as opposition to waste disposal sites intensifies. We may not have even started to win the hearts and minds of the public, to change its attitudes to waste minimisation and waste recycling. This is elementary and should begin at school, be brought home to the family and carried on to the work place. The Government's national waste strategy focuses on household waste, which accounts for only 5% of waste production. It is unclear whether the targets for commercial and industrial waste are purely aspirational, or even legally binding. Many other key areas are addressed inadequately, if at all.

As members of the public, we may ask "What can we do?" And the answer is one word — "Plenty." Every year over 400 million metric tonnes of waste is generated in the UK, and it is estimated that an average household produces over a tonne of waste per year. If every family were to start a compost heap at the bottom of its garden and give its backing to recycling, we would have begun to create the ethos for a much cleaner environment.

The Government have set a target for 17% of household waste to be recycled or composted by 2004. Is this achievable and who will verify it? Municipal waste is increasing at the rate of 3% per annum. Over 60% of our personal consumption is on food and alcohol. Satisfying this demand leads not only to materials being prepared, packaged and transported, sometimes for thousands of miles, but also to the increasing use of take-aways, which has resulted in packaging being disposed of on the streets. If everyone works together, we can tackle this throwaway society. How will we achieve it? The Government have made available £25 million over three years towards the Waste and Resource Action Programme (WRAP). However, this money will be wasted if there are no long-term sustainable markets and end uses for recycled material. Even if all funding for waste management is added up, we will find that we will still spend no more than £1 per person per year over the next three years, which is not a lot.

This is a national issue that has to be addressed by everyone. For us, the issue is an all-Ireland one. Pollution in all its evil forms does not stop at the border, and there are many benefits should we adopt an overall strategy for the whole island.

Peering into the future is easy. In the nineteenth century we had the Industrial Revolution. The twentieth century brought a revolution in information technology. However, we are not sure what the twenty-first century will be remembered for. Waste and how we manage it is a serious challenge. At least we now have strategies and attempts are being made to impose targets, but we still need to talk seriously about waste prevention and avoidance. Waste has been the Cinderella of the utility services for too long. We have seen fundamental changes in the way we deal with waste over the last 100 years, not least with the new technologies and the changes that are generally perceived to be best practice. Throughout the twentieth century there was a need to safeguard the environment and develop public confidence.

I support the spirit of the motion, but I doubt if its aspirations will be achievable. Much depends on the resources available and whether people are prepared to bear the increased costs. Much depends on how we educate society about waste disposal. Most importantly, we must develop a collective responsibility on this crucial issue. The motion has allowed the different



parties to lay their ideas before the House. The next logical step is to have all the issues raised thoroughly examined and taken on board so that and our vision for a waste-management strategy can be achieved.

**The Minister of the Environment (Mr Foster):** There is no doubt that this has been a most interesting debate. I thank those who participated and those who have acknowledged our presentation on the waste management strategy. I am sure that this afternoon's discussion will not go to waste.

It is important to look after the environment. If the sun, moon and stars were in the predatory hands of the human race, they would probably not exist. Let us proceed with care. Let us not raise unrealistic expectations.

I was glad to be able to listen to the debate on one of the most significant challenges facing society, business, the Assembly, my Department and district councils. The challenge has major environmental, economic and social implications. Should our strategy for facing this challenge be based on a laudable but aspirational approach to increasing the amount of waste that is recycled and composted? Alternatively, should we place our hopes on the pragmatic, consensus-based waste management strategy published by my Department, with my endorsement and that of the Assembly's Environment Committee? Waste is an everyday fact, which will have unpleasant, long-term consequences if we fail to find realistic and sustainable solutions to it. We need to produce much less of it and manage much better that which we do produce.

We want less waste because the energy used to extract, transport and turn raw materials into products has a high cost. The money, production time and often scarce raw materials needed are precious commodities which no individual or organisation should squander.

A primary goal of sustainable development is, therefore, to minimise waste. That is why reducing waste is at the top of the list of options set out in the Northern Ireland waste management strategy. We should not lose sight of the aspiration to maximise recycling and composting activities. At the same time, it must be unrealistic to expect a transition from recycling less than 5% of household waste to 50% of all waste without identifying the practical and progressive steps that will lead us there. All our experience and consultation leads us to that conclusion. We must continue to aim for what is achievable. To reach that goal we must have a strategic approach which will ensure that all stakeholders, businesses, communities and individuals can share the responsibility for making the strategy work. It must be based on a high level of consensus and participation across the whole of society.

This was a fundamental principle that dictated the way the current Northern Ireland waste management

strategy was developed. I will illustrate this by a short description of the process. The strategy was developed over three years through a programme of extensive consultation involving three distinct steps. That was referred to this afternoon — maybe this is a recycling process. The first step was the formation of a steering group to agree the scope of the strategy and an approach which would engage all stakeholders. The group comprised the Society of Local Authority Chief Executives, the Confederation of British Industry and the Northern Ireland Environmental Link, represented by Friends of the Earth. An awareness campaign using television, radio and the press was followed by a series of open workshops. Everyone who might be affected, or who expressed an interest, was invited to discuss their ideas and to suggest how to overcome obstacles that might challenge the opportunity to make a real difference in how we tackle this vital issue. Participants from across Northern Ireland society ranged from community to corporate groups and from councils to college pupils. Their suggestions laid the foundations for change.

The second step was an intensive series of face-to-face meetings with industry sectors, together with officers and elected members from each of the 26 district councils. Their ideas were then built into draft policy proposals for change, and these were issued for public consultation.

The third step was to establish an independent advisory group comprising representatives from the private and public sectors, non-governmental organisations and the environmental professions. Their review of the stakeholder consultation led to 104 recommendations for further enhancement of the proposals. Of these, 98 were incorporated into the final strategy. The final policy proposals fully reflected the objectives and principles of sustainable development. They were also fully consistent with Northern Ireland's obligations under the relevant EC directives and international conventions, and were and are coherent with parallel initiatives in the rest of the UK and in the Republic of Ireland.

*6.00 pm*

The proposed strategy was examined and endorsed by the Environment Committee. The final, agreed waste management strategy was launched in March this year. The inclusive and extensive nature of the consultation that marked this development has led to wide support for the strategy across all major stakeholders. That launch marked not the completion of the process but its continuation. The strategy has in-built review arrangements that take effect after the first three years. That will enable all of us to assess the impact of the measures in the strategy and to refine the policies if there are any performance shortfalls. We will also have



the benefit of the views of an independent advisory board, which will monitor and report on progress.

Northern Ireland is required to have a waste management strategy in order to satisfy the requirements of the European Waste Framework Directive. Not only does this current strategy meet these mandatory obligations, but it has also been designed to achieve other goals: to protect public health and the environment; to provide a secure platform for business growth; and to build public confidence.

The key aim of the strategy is to achieve fully sustainable waste management. This means using material resources more efficiently to cut down on the amount of waste produced. Where waste is generated, it means dealing with it in a way that minimises impacts on the environment and contributes positively to economic development and social progress.

The strategy comprises a range of policy measures including leadership, planning, regulation, information and marketing. Good progress has been made in the first six months. My Department has introduced new controls and completed important data studies. District councils have done excellent work on the development of comprehensive waste management plans, which they are to submit to my Department early next year.

However, in the context of today's motion I want to focus on the strategy's key policy areas of waste reduction, recovery and recycling. The strategy attempts to change attitudes to waste by directing our attention to the full life cycle of materials and products. It helps us to stop consigning what are otherwise valuable materials to an expanding stream of waste. It allows us to concentrate on the strategy's policies and programmes to encourage everyone to realise the true value of these materials as a secondary resource capable of exploitation, and not as waste or "a problem". That approach is exemplified in the strategy's programme for market development and its proposals for best practice schemes.

In this way, and by setting out challenging and specific targets for different categories of materials — tyres, plastics, paper, glass — the waste management strategy sets us on the road to significantly increased recovery and recycling. Even more importantly, the strategy details positive, practical and realistic steps that could take us a significant way down that road, even if they do not lead to its achievement within the timescale envisaged by the proposers of this motion.

At its heart the strategy seeks to redefine how we view and handle waste and enable a progressive transition towards integrated resource management. It encourages waste reduction and improved product design. In the short and medium term this must be complemented by significant improvements in recycling and recovery. Therefore, an overall target to recover

25% of household waste by 2005 and 40% by 2010 underpins the strategy. These targets incorporate minimal thresholds for recycling and composting at 15% and 25% respectively.

Meeting these targets will bring significant environmental and economic benefits to Northern Ireland. To make sure that they are achieved, the strategy addresses the need to develop supporting infrastructure and markets for recycled materials.

However, to work successfully, the strategy will have to continue to involve everyone: from householders to company directors, from community groups to local and central Government. We must remember that the aims of sustainable waste management, and the obligations imposed by European waste directives, are common to all member states, including the Republic of Ireland. Moreover, one of the areas identified for enhanced co-operation under the North/South Ministerial Council is "the scope for improved waste management in a cross-border context". When I reported back to the Assembly after the first meeting of the North/South Ministerial Council in environment sector, several Members expressed an interest in this topic. Both the North and the South will be faced with similar problems under these European directives. We will both need to divert increasing quantities of waste away from landfill sites and towards more sustainable waste management practices.

The north-west region's cross-border group has demonstrated the benefit to be gained from co-operation. This group comprises seven Northern Ireland councils and Donegal County Council. The group has reviewed what makes the best economic and environmental sense for the provision of waste services in its area. I am pleased that my Department has been able to provide financial assistance for this work.

Another good example of the cross-border dimension is NI2000, which gives advice to schools and voluntary groups on recycling. In conjunction with a group based in Dublin, it has produced an all-Ireland recycling directory, which will be launched in December. I hope to attend the event along with Noel Dempsey, my counterpart in the Republic.

As I said at the outset, waste is a matter of fact. It is not a matter of fiction, but an everyday truth that affects our daily lives at every level. We should continue to aspire to maximum use of that waste as a beneficial resource. However, more realistically, we need to acknowledge that, for the foreseeable future, there will continue to be a substantial level of waste to be dealt with. Our task and our responsibility is to ensure that this fraction gets smaller and smaller every year. The Northern Ireland waste management strategy establishes a framework within which we can achieve that goal and establish Northern Ireland as a centre of excellence in resource and waste management.

By encouraging changes to product designs and by developing a recovery, re-use and recycling infrastructure, we can and we will continually improve our ability to extract value from materials previously wasted. We can and will build markets on a Northern Ireland, an all-Ireland and a UK-wide basis. These are crucial factors for change, and the strategy makes clear provision for them.

We have adopted widely-supported new policies which will make a major contribution to safeguarding the environment and promoting resource efficiency; these will also lead to significant job opportunities. No standard for the protection of the environment or public health will be compromised through successful implementation of the strategy; neither will this opportunity to do the right thing for present and future generations be lost.

The Northern Ireland waste management strategy is built on realism, consensus and best practice. It would be foolhardy to replace it with unrealistic aspiration. We need to allow the strategy to unlock the full potential for the development and improvement of waste management in Northern Ireland. The strategy sets targets, not limits, and people are welcome to exceed the targets. Nobody is trying to stifle them. If councils and others find a way to exceed those targets, they will have my most enthusiastic support. The strategy is not static. It will be subject to regular review, when we will all have an opportunity to take stock of the strategy and if necessary, to discuss it. I ask Members to reflect carefully on this when they come to vote and to confirm their support for the existing waste management strategy.

Reference has been made to the importance of education in waste disposal methods. I am pleased to announce that my Department, together with the Department of Enterprise, Trade and Investment, is organising a three-day international conference and exhibition in the Waterfront Hall next February. It will be directed at international designs for products made from recycled materials. For one day of the conference, entry will be exclusively for schools.

**Mr Ford:** I will attempt to obey your injunction, Sir, and stick to a family-friendly short speech. There are three main areas. Some Members raised issues of housekeeping, particularly about the Assembly, but also about wider government functions. It may not be entirely appropriate to this motion, but I will ensure the Commission takes note. There were also some useful comments by Ms Morrice and Mr Wells.

The cross-border issue was raised. Mr Poots and Mr Wells knee-jerked too quickly, and they should have taken the time to read what was said, and listen to Derek Hussey about the practical benefits of the cross-border co-operation in which Strabane is involved. Hopefully we can get away from knee-jerking too much every time these issues are raised. They should note that there has

been an all-Ireland strategy for clinical waste, which has not created too many problems for my Unionist Colleagues in Antrim who are involved in it. So, there may be hope yet.

The issue is about where the Assembly takes its opinion on existing strategy, and how we move on from that. Mr Poots attacked me on behalf of the Minister, although the Minister did not feel the need to do likewise, so I am grateful for that. My opening remarks supported the efforts of the Minister and his officials, notably Steve Aston, and I broadly support the strategy.

The Environment Committee approved the strategy in draft form, but it did so in a hurry immediately before suspension. That broad approval should not prevent those who sat on the Committee from making further suggestions that may be helpful, whether or not they are entirely in accord with the printing of that strategy.

**Mr Wells:** The fact is that the hon Member's councillors, throughout Northern Ireland, sat at consultation meetings — I was at several of them — and agreed the broad strategy of the Department's proposals. It is a bit rich to try and amend it at this late stage.

**Mr Ford:** Can I assume that the Member would be prepared to stand by every word spoken by every DUP councillor on other matters?

Comments around the Chamber suggested that the motion was unrealistic. My party was the only one to produce an amendment to make it — as others have termed it — “slightly more realistic”, and that should not be a basis for criticising us. Others could have put down amendments but did not do so.

The amendment is not entirely in line with current strategy but is a nudge towards improvement. It is based on further information we received about what is being achieved in councils in England and Wales and we believe it is an entirely appropriate slight change to what was being said. We are not trying to stand the strategy on its head but are seeking to encourage the Department ever further in the appropriate direction. That is an entirely reasonable way to put an amendment to the House, and I commend the amendment that is being proposed.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. It was a very interesting debate. I particularly thank the Minister and his officials for their courtesy and in demonstrating their interest and commitment by being present throughout the debate. My party recognises and acknowledges that.

The Members and the Minister have reiterated their concerns about the environment, and that reflects a broad consensus within our society. All have argued, with different emphasis, for reduction, recycling and recovery. Some have addressed the issue of the

disappointing targets we have set ourselves. On a number of occasions, reference was made to the extensive consultation that has taken place. It is my view that there is, as a result of that consultation, a heightened awareness — the education process that was referred to — and also an expectation that we will do more. Given the reality of the impact on our environment we must do more.

This motion does not contradict or overturn the waste management strategy. It adds value to it, and there is no conflict in that. Guiding principles provide a measuring tool to ensure that these initial and modest targets in the present strategy can be added to continually.

6.15 pm

I am encouraged by two points in the Minister's comprehensive response. The first is the announcement of the joint action by two Departments — an issue of particular interest to me. It is very significant that the Department of Enterprise, Trade and Investment and the Department of the Environment should co-host a conference on these issues. Secondly, there is confirmation that the strategy is not static and that we will continue to develop it. The Minister made reference to the document on waste management strategy and he quoted from it a section which deals with the strategy's key aim of achieving fully sustainable waste management.

The same section of the document outlines the Department's role, which has guided our approach to the issue:

"The Department of the Environment will take the lead in implementing the strategy in conjunction with all major stakeholder groups. The challenge is to unlock the full potential of development and improvement of the waste management sector in Northern Ireland. This will make a major contribution to safeguarding the environment and promoting resource efficiency and economic growth."

This is an extract from the formal document. This is Environment Week and, therefore, a particularly good time to hold this debate. The motion reflects current and emerging legislation from Westminster, Leinster House and the European Parliament, while addressing the aspirations of the waste management strategy document. In relation to the amendment, because such modest targets have been set, as reflected in the broad remit of the motion, it has proved procedurally impossible to incorporate the argument. We argue in terms of generation and approach this issue on the basis of what can be achieved over 25 years. Members have indicated their concerns, and it is clear from their arguments that there has been a great deal of research and interest in this issue. This demonstrates what can be achieved. People were able to tell us what had been achieved in other areas, but I would have preferred it if they had explored what could be achieved in another 25 years.

Some municipal authorities have already achieved 50% reduction targets but where will they be in another 25 years? Using this as our datum point, where will we

be in 25 years? The amendment does not address that, which is unfortunate given the unanimous concern for environmental issues which was expressed during this debate. It is a pity that people did not attempt to raise the threshold, our ambitions or our expectations, as this motion does. We could examine those waste reduction policies enforced by legislation, some of which is already emerging from the European Parliament, Westminster and Leinster House. This would enable us to address the powerful economic and environmental imperatives which demand waste streaming at source. This would also address the employment potential of developing the market for secondary materials via manufacturing through recycling. We should consider the benefit of an initiative taken by the Minister on behalf of the Executive. This challenge requires leadership to develop a zero waste policy, supported by enabling legislation.

We could then challenge other Departments and set a positive example by calling, for instance, for a social economy and jobs audit as part of every sub-regional waste management plan. This would ensure that the mid-term and the long-term economic potential and financial savings which could be derived from a zero waste strategy were fully recognised and pursued. Other Departments, such as Enterprise, Trade and Investment, are researching secondary materials market development, including export potentials. They are promoting research and development to identify synergies between the information technology sector and material recovery initiatives, seed-funding pilot programmes and seed-funding material recovery incubators.

The Department of Education could integrate into the curriculum a programme of education for sustainable development in the context of active citizenship and lifelong learning.

The Department for Social Development could usefully research the links between sustainable development and social development, including the social spin-offs from community-based solutions to waste management.

The Department of Agriculture and Rural Development could lead efforts to maximise composting by providing the appropriate infrastructure for materials recovery in rural areas, thus ensuring that Ireland's low dioxin content in farm animals remains a feature of our marketing strategies protecting the green profile that is available for the future marketing of organic produce as well.

The Department of Culture, Arts and Leisure could stimulate the arts, culture and communications sectors to engage in the important task of popularising new attitudes to our environment in public places.

The Department of Finance and Personnel could implement a new incentive structure to support



eco-modernisation and abolish perverse incentives for incineration.

Finally, the Department of Health, Social Services and Public Safety could ensure that the best international research on the health implications of incineration and landfill are available to the decision-makers.

Clearly a policy-driven commitment from our Executive will address these and many other opportunities, to develop a zero waste programme. This motion provides an opportunity for the Assembly to take the first steps in achieving such a policy position. From the viewpoint of current waste management systems, the argument for incinerators is that the structure of the waste profession is unaltered, and innovation is limited to the provision of machinery. For large centralised institutions such as Governments, waste companies and machinery suppliers, these are often decisive considerations.

However, incinerators now evoke levels of opposition similar to those in respect of nuclear power, and the main reason is the health and environmental impacts of emissions. Because the input of municipal incinerators is mixed waste, it is difficult, if not impossible, to control the hazardous elements in it. It is generally accepted that the combustion process emits hazardous substances, such as dioxin, and as long as the materials being burnt are hazardous, or are made so by combustion, the plant itself will be a potential hazard through emissions into the atmosphere or the deposit of toxins in ash deposits.

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

**Mr McLaughlin:** No, I will not if the Member does not mind. We had a broad discussion, and I have to pick up on some of the arguments that were presented. Perhaps the Member will excuse me.

What we do with our waste and how we process it is an issue that is at the core of many other environmental problems. Furthermore, it falls within the remit of this Assembly and the Executive, so we can do something about it.

If we, as a society, really want to solve the waste management problem effectively and efficiently, and above all in an environmentally sensitive way, then that will involve a complete reassessment of how we, as a society, respond to these issues. It will mean looking at the commercial packaging of the products we buy and consume; it will mean lobbying the Westminster Parliament to ensure that we can have effective legislation so that these problems can be addressed at source; and it will mean tackling clearly, at a national level, the issue of the recycling of all waste.

When talking about critical mass it is economic nonsense to argue that we could sustain such a market, particularly in terms of the initial start-up cost within the

context of the Six Counties. This is an island-wide problem, and we can develop island-wide solutions. It will mean opening our minds to other options that are currently not being discussed at a local government or central Government level. The reality is that 50% of landfill waste should not be there in the first place — and, by the way, that is a Department of the Environment statistic.

The first question that comes to mind is whether the waste is reusable or recyclable. On the island of Ireland less than 10% of the waste dumped in local authorities' sites is being recycled. That is a statistic of failure and short-sightedness.

Many experts have contributed to the debate and have commented on it. Robin Murray has produced a very interesting book, published last year, called 'Creating Wealth from Waste', and he says

"all of this is now changing".

In his book he has highlighted three important factors that are turning waste and waste management into a dynamic, fast-changing, international economic sector. People might be interested to learn that waste management is already the second largest growth area in economic activity in the North.

There is growing concern about the hazards of waste disposal; there are broader environmental concerns, especially global warming and resource depletion. Economic opportunities are being created by new waste regulations and technological innovation. All that leads us to consideration of a programme for zero waste — here I address the detractors and the faint-hearted directly. California, the home of Silicon Valley, is now in the vanguard of environmental transformation. The Californian waste diversion law, the Integrated Waste Management Act (AB 939), was passed in 1989, and within seven years nearly a quarter of all the municipalities in that region had reached the target of 50%. That is driven by a zero waste policy. Nova Scotia, a delegation from which is, as I speak, in this country visiting Galway, has a target to achieve it within the next five years. Holland has already reached 72% nationwide, a figure which continues to rise. This is the result of long-term planning and thinking and of achievable objectives.

Today's motion invites us to develop zero waste targets to be achieved in a 25-year period. Coincidentally, 25 years is also the length of an incinerator contract. Both options invite us to think in generations. The difference between the two is that the zero waste approach seeks to reduce with the aim of eliminating while the other promotes a dying technology and assumes a continuing or rising level of waste.

It is sometimes argued, by people who really should know better, that the rigorous safety standards now set



down for the operation of incinerators are a reliable guarantee that the health of local populations will not be compromised. However, a 1997 survey in Japan found that only eight of 1,500 operating incinerators met international dioxin emission standards. In Germany more than a million people signed petitions against incinerators after similar scandals and disclosures. In France a Government survey of incinerator emissions in 1998 led to the closure of 20 plants, while others were put on probation. High dioxin levels in milk produced near an incinerator further heightened concern. In Britain itself, two of the most modern incinerators reported 183 emissions infringements between the years 1995 and 1998.

**Mr Hussey:** Where are they?

**Mr McLaughlin:** One is in London, the other in south-east England. I can ask my Colleague to provide the Member with the names if he needs them, for I have them here.

Four major advantages have been observed from the implementation of the zero waste approach in other countries. There is a lesson in them for the sceptics amongst us and for this Assembly. They are the environment, economic regeneration and employment, the quality of life itself, and the practicality of recycling. Waste minimisation measures, and in particular regulations which place responsibility for them on those who can design it away, reduce material use and ease its reuse.

In Germany the very stringent laws that country has introduced have reduced quantities of packaging materials by 13%. German industry is now engaged in close-loop design, which indicates further major material reductions. In Canada, the National Packaging Protocol achieved 50% recycling and reduction by 1996. Those materials reclaimed through recycling have been found by a series of significant international studies to offer major environmental savings by replacing virgin materials. In the United States the 1994 Tellus study carried out a life-cycle inventory of 13 packaging materials and concluded that the decisive environmental benefit of recycling stems from the avoidance of the environmental cost which would have resulted from the extraction and processing of the displaced virgin materials.

The organisational structure — and, indeed, the culture — required to develop intensive diversion is markedly different to that of the traditional disposal industry, whether the issue be landfill or incineration. That is why it has been difficult for many in the traditional waste industry and in local authorities to encourage or even to envisage any diversion other than the building of bottle bank collections with only modest projections of recovery levels. All of that clearly points to the need for a zero waste strategy.

6.30 pm

I shall conclude with some interesting figures. Globally, 1998 was the warmest year measured in history. The top 10 warmest years measured worldwide over the last 120 years all occurred after 1981, with the six warmest of those occurring after 1990. That gives us all reason to be concerned. When one considers that major reinsurance companies have calculated that economic losses due to weather extremes have increased by a factor of eight since the 1960s, one can see the urgency of taking action. I urge the Assembly to set achievable but ambitious targets and to work within the framework of a zero waste policy towards ever escalating levels of achievement.

I ask Members to support the motion and reject the amendment. Go raibh míle maith agat.

*Question* That the amendment be made *put and negated*.

*Main question put and negated.*

*Motion made*

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

## FUTURE OF THE MOURNES

**Mr McGrady:** This subject is very dear to my heart. It is not a parochial debate about the Mournes, but is about the greater issue of how we use the environment in Northern Ireland.

A recent article in 'The Irish Times' said

"So much of what tourists treasure is available in south Down and careful investment will be a boon...In the warmth and glory of summer, the surrounding landscape is breathtaking. Fields are edged with dry boulder walls and uneven with velvet pockets and rounded hummocks"

It is a beautiful, idyllic setting. The article describes the outstanding qualities of one of Northern Ireland's greatest national assets — the Mournes — which requires proper management for use by future generations.

We must never forget that people with varying interests not only live in the Mourne region and its surrounding settlements but eke out, in many different ways, an existence from the land and sea. There has been some diversification, but that has not filled the gap. Such diversification was the basis of European funding and I am concerned about the continuity of that funding. We must find a way to bridge the gap between the completion of the last tranche, on 31 December 1999, and the commencement of the funding for the next six-year period, which will not be available until spring. I hope that the Government will act swiftly to bridge that gap.

We need a management plan for all who live and work in the Mournes and for those who visit as holidaymakers — there is no doubt about that. The plan needs to satisfy a range of interests: farmers, fishermen, small industrialists, commercial concerns, rural dwellers, tourists and day-trippers.

Who is responsible for the implementation of such a plan? Now that political authority has been devolved to the Executive, it is we. Acting in unison, we should ensure that a proper management plan for the Mournes is devised. The plan already exists; it was devised by the Mourne Heritage Trust.

It has been endorsed by three district councils — Down, Newry and Mourne and Banbridge — as well as the 60 community groups that make up an organisation known as the Regeneration of the Mournes Ltd. Surely this reflects an acceptable level of community involvement.

This management plan was devised under direct rule. The Ministers at that time took the easy option and side-stepped the issue on the basis that the enhanced

management structures proposed would involve resourcing, so, theoretically, they left it for the devolved Assembly to deal with.

Previous political Administrations relied on the protected areas designation and other protective notifications. However, there has not been a single focus on how to develop what I have described as a national asset for Northern Ireland. The whole thing illustrates the cop-out that was taken by previous administrations.

The gains to be had from the implementation of a properly structured, properly resourced, co-ordinated and cohesive management plan would outweigh all the disadvantages. The only disadvantage that I can discover from all the correspondence and the meetings with various Departments is the question of cost. However, by adopting a more sensible approach to that plan, the costs involved would be returned manyfold.

The Mourne Heritage Trust reckons that for every £1 that is spent £4 has been returned in investment and better resources for the area, and economic regeneration involvement has increased. That is a 400% return on investment, and the potential is even greater; we should remember that. A PricewaterhouseCoopers report was published in respect of the Canadian national parks programmes, and it showed that for every dollar invested, \$9 was generated for the local and regional economies. This seems to apply in many other areas also.

I am very pleased that the Mourne Heritage Trust has been able to devise and develop this plan. They recently made an excellent presentation to the Minister of the Environment, and I thank the Department for receiving the delegation so sympathetically. If there is a problem with money eventually, we will discuss this as well. I have received an assurance from the Minister of Enterprise, Trade and Investment that he would like to hear a similar presentation, and I hope that the Department of Agriculture and Rural Development will follow suit.

This exemplifies the cross-cutting interdepartmental nature of what should be our new programme, about which we heard so much in this morning's debate. An interdepartmental approach to the future management of the Mournes is urgently required, and the impetus for this can be provided only by the new political institutions here — through the Executive, aided by the Assembly.

The central feature of such a management plan is the concept of a national park. In this instance the national park concept has been changed, ameliorated and devised to cater for the local situation. It is known throughout the isles as the Celtic Model Park. This has been devised for the Mourne area, and, if successful, it will be a model for many other areas in Ireland. The principle designation of national park status in Northern Ireland emerged in the original ad hoc management

committee of the Mournes, known as the Mournes Advisory Council and was noted in the draft regional strategic framework document 'Shaping our Future'.

This document provides a framework for both rural and urban planning requirements for the next 25 years. It is important to get in on this on the ground floor and get our act right. The Mourne Heritage Trust is satisfied that this Celtic model of national park status may be a solution for Northern Ireland, providing consensus for the future management and development of the Mourne area in a way which would add considerably to Northern Ireland's overall environment and tourism products.

The main components of Celtic national park status are as follows. The existing Mourne Heritage Trust would continue to exercise its management function. The Department of the Environment would retain the planning powers — which make central government jittery sometimes — for the Mournes. As socio-economic and nature conservation programmes go hand in hand, these would be play an equal role, and in fact, that role is already devised. The three district councils would still be the access authorities.

When the park is fully operational, it will require core funding estimated at £1.2 million per annum. I understand that the core cost is presently £200,000, so we are talking about an estimated additional £1 million. It sounds like a great deal of money, but, as I mentioned earlier, the clawback for the regional and local economy may be four times, or — if the Canadian experience is repeated — nine times the sum invested. The three district councils and the Craigavon and Downpatrick planning divisions currently provide the local governance of the Mournes.

What exactly is the Mourne area? It is not just the Mourne Mountains. When you refer to the Mournes, people think of the mountains and the song about them sweeping down to the sea. I want to give you some physical statistics. The area consists of 29,000 hectares of farmland; 1,500 farms with a small average of 20 hectares; 20,000 hectares of moorlands and mountains; 5,000 hectares of woodlands and forests; 72 km of coastline; and a series of rivers, lakes and reservoirs. This is one of the greatest natural resources in the island of Ireland, North or South. We are not paying enough attention to its potential for development.

In addition to the natural physical features, there are 350 historic monuments; two sustained village conservation areas; 400 listed buildings; and 1,700 derelict vernacular buildings, which could be restored and used for economic purposes. Those are some of the characteristics that translate the picture-postcard image of the Mournes into a reality which is available for development.

Why should the Mournes be designated with national park status? It is happening elsewhere, and unless it is dealt with urgently, we will be left lagging behind. There are eight parks in England already, two of which are being proposed for management. There are three national parks in Wales and two new national parks being created in Scotland. Northern Ireland is probably the only country in the EU which does not have a national park. That speaks for itself. National parks — whose features lend themselves so well to departmental cross-cutting — rejuvenate, yet sustain both the natural and human environment. Therefore we need to examine it quickly.

Although the existing management is doing an excellent job and making considerable progress, because it is under-resourced things tend to happen in a piecemeal fashion at present. Indeed, it lacks effective power to carry out many of its duties, remembering always that the local population consensus is totally behind it.

6.45 pm

There are competing pressures on all such beautiful areas between landowners, developers, tourist interests, farmers, rural dwellers and, in this case, fishermen. They all demand a better-resourced co-ordinated effective management plan for the Mournes. National park designation would confer the special status that is required. A local body capable of managing such a park already exists in the form of the Mournes Heritage Trust, which is recognised by the Departments. The Government policy context is supportive through the future strategic planning strategy. The Northern Ireland Tourist Board policy that underpins sustainable and cultural tourism is also on board.

The Environment and Heritage Service, which supports biodiversity and wishes to ensure access to such areas, is also in favour of it. The economic and tourist development strategies of the three district councils, European Union environmental policy and the rural development plan submitted by the Department of Agriculture and Rural Development to Brussels for European Commission approval all support the key theme of rural regeneration and development through funding for environmentally sensitive areas. Not only is this an environmentally sensitive area, but it is one of the largest less-favoured areas in Northern Ireland.

For all of these reasons, it is both good common sense and a good practical use of our natural resource, and also a requirement to provide a continuing custody of that area, as well as ensuring the economic well-being of the people who live there.

Financing still remains both an objective and an obstacle. I believe that it is an obstacle that the Celtic model of National Park status could overcome with the

figures that I have given you. The return on investment, pound for pound, is one of the best deals that one can get. It is much better than stocks and shares or investing in the open market. It may not be apparently returnable in terms of a pound coming out of the Department and four pounds going back into the Department — that is not what happens. But it means that there is that 400% or 900% renewal in the local and regional economy.

Much of the Mournes is already designated as an area of special control. These areas of special control are important, but piecemeal. They have different designations: areas of outstanding natural beauty, areas of special scientific interest and a plethora of other mnemonics. We need a holistic approach to bring all these together along with the human element — the resources and requirements of the people who live and work in the Mournes — and give them an economic future.

I do not want to pre-empt the ministerial response, but I think the system of management that is proposed has the approval — not in writing, but certainly in spirit — of the Department. It is a very interesting and viable practical approach to preserving, developing, using and making profitable that natural resource. The only thing wrong is the hesitancy and reluctance to give it the initial financing.

Legislatively, it would be a very simple matter. It would only require an Order, in consultation with the public and the proposed managers, to have it translated from its present status of management to that of a national park. It would bring Northern Ireland into line with the rest of the UK and the European Union in terms of national parks with respect to the environment, tourism, the local and regional economy and the local community who live and work there.

I strongly recommend that we take the new initiative to create the specialised tailor-made national park concept known — in the circles that deal with these matters — as the Celtic model, and try to develop it immediately in the Mournes. There will undoubtedly be a resource problem, but the Department of the Environment, the Department of Enterprise, Trade and Industry and the Department of Agriculture and Rural Development should encourage the proposal.

The £1 million should not have to come from the Department of the Environment alone. There should be greater interdepartmental involvement. If the cost were split between three or four Departments, each would only have to pay £250,000 a year. That investment would have a great return.

In addition, I am sure that a reasonable case could be made for resources from Europe, particularly from the Rural Development Fund. If there is willingness, acceptance and drive, the money can be found on a

cross-departmental basis. The total burden should not fall on one Department.

Let us implement the Mournes concept as a pilot scheme. I am sure it will be extremely successful and will provide an enormous boost to the local economy and to the people who work and live in the area. The primary purpose is to open up the area for the tourist influx we are anticipating under the new peace regime while sustaining and protecting that national asset we are selling to tourists. It is important that we achieve a balance between the people who live in the area, tourists and day visitors who come to enjoy the area and the environment.

The plan that the Mournes Heritage Trust has presented to the Department of the Environment — and which it will present to other Departments in the next couple of weeks — is the most professional management plan that I have seen for a long time. I have great confidence that if the trust is given enough encouragement, it will be able to set up Northern Ireland's first national park. Once that has been shown to be successful and economically productive, the idea can be extended to other areas of Northern Ireland, which have different but equally valuable natural assets to develop for tourism.

While the Assembly cannot vote on this matter, it is hoped that the participation and effort of individual Members inside and outside the Chamber will drive Departments to work together to acquire the modest resources that are needed. Funding is the only obstacle. I have not yet heard any arguments against the concept or the detail of the plan.

I cannot help but compare the position to that of the Department of Education on the issue of museums, when it said that it did not have the necessary resources, so there was no point in formulating policy. The Department continued to say that for 10 years, which was a disastrous way to proceed. These policies should be adopted and the money obtained from somebody's pocket, be it ours or someone from Europe.

I recommend to the Assembly the unique concept of a Celtic national park that initially will apply to the Mournes and then be extrapolated to other areas.

**Mr Wells:** I support almost everything the hon Member has said. I want to query only one issue in his entire contribution. We agree, as would Mr Bradley, that we are privileged to represent what is without doubt the most scenic constituency in Northern Ireland. I have had the occasional debate with my party leader on that issue, but in terms of overall scenic quality, nothing compares with South Down. Most of the constituency comprises the Mournes area of outstanding natural beauty. Walking in the Mournes is one of my pleasures, and I recall some wonderful sunny days walking up the



Brandy Pad and the Annalong Valley and climbing Lower Cove or Ben Crom — some of the most wonderful peaks in the Mournes. I adore the area. I am a former member of the Mournes Advisory Council and a current member of Friends of the Mournes. Like Mr McGrady, I am absolutely committed to its protection.

If the Mournes region were in any other part of the world, it would be a national park. When conservationists visit Northern Ireland and ask where our national parks are, they are astounded when we guiltily admit that we do not have any. It is extraordinary. Even more extraordinary is the fact that the legislation to establish national parks in Northern Ireland has been in place for 35 years. The enabling legislation is the Amenity Lands Act (Northern Ireland) 1965, which was replicated in the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. This is not even a matter of legislation: the Assembly has the power to establish national parks.

The idea of national parks was followed up in 1965, and a civil servant was sent out to Fermanagh to test the reaction. I heard a rather amusing story about that. Many farmers disagreed with the idea because they felt that national parks were parks for Nationalists. Needless to say, that suggestion was erroneous. National parks were not for Nationalists, but for the entire community. However, some of the farming community became confused about what national parks meant and there was some opposition to them. The idea was gently shelved.

However, national parks were debated at great length during consultations on the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 and I remember that there was a tremendous push to establish a structure that would enable the effective management of our areas of great scenic quality. Sadly, nothing happened.

Here we are, 15 years later, and still there is no structure in place. That is not to decry the excellent work done by the Mournes Heritage Trust and its predecessor, the Mournes Advisory Council, or the district councils and all the community groups involved with managing the Mournes. However, we do not yet have the overarching structure to provide adequate management for the Mournes.

Members may think that the Mournes is an attractive area, but it is under enormous pressure such as that which is undoubtedly caused by intense recreational use. The large number of walkers causes serious erosion. Sometimes there is overgrazing although, ironically, the ban on sheep grazing caused by the outbreak of cryptosporidium may take us to the other extreme. There may not be enough grazing in the Mournes, and the nature conservation value of the area may decline because there would not be sufficient grazing to maintain the quality of the area's flora.

There is unsympathetic development in the Mournes. Many farmers are under such enormous economic pressures that they have been forced to try to obtain planning permission for bungalows for as many sites as possible. Some bungalows are well designed and are in keeping with the Mournes landscape, but others are not. The pressure on the planners is becoming greater as they are being pushed to give planning permission, thereby providing farmers with income. That will only lead to further unsympathetic development.

I am very concerned about the impact of the landfill tax. It is a good concept, but it has led to the filling in of a lot of small wetlands in the Mournes area with inert hardcore infill. Developers and waste disposal operators do not want to pay landfill tax, which they would have to if they took waste to a registered site. Therefore it is tempting to open up the hedge and cover a small wetland with rubble. The result is that such areas are completely destroyed from the nature conservation perspective.

There are many pressures, but perhaps the most notable at present is the drastic decline in farming incomes in the Mournes. Like the rest of Northern Ireland, farmers in the Mournes have faced an incredible reduction in their net incomes of at least 90%.

7.00 pm

Most farmers in the Mournes are running at a loss. Many of them are at the edge of viability anyhow. The 90% fall in incomes, combined with the impact of the sheep-grazing ban, is going to have a devastating effect on those communities.

The only hope for the long-term sustainable future of the Mournes is some form of eco-tourism, which does not lead to the reduction of the ecological value of the area. The difficulty is that there are a whole series of government bodies, district councils and quangos, each of which has responsibility for a bit of the Mournes.

The Rivers Agency is responsible for drainage. Environment and Heritage Service is responsible for the areas of special scientific interest, the area of outstanding natural beauty and the designation of nature reserves. The Department of Agriculture and Regional Development is responsible for the implementation of the environmentally sensitive area and less-favoured area schemes. The Northern Ireland Tourist Board is involved in the promotion of the area to incoming visitors. There is no body, scheme or system that enables holistic, coherent policy implementation to be brought in and activated in the Mournes.

I believe that a model is needed. It may not be exactly like a national park; I agree with the hon Member that an adapted version might be appropriate. We might argue about the phrase "the celtic model", but I know why it is called that, and I know it is not an

attempt to make a political point. I would prefer to call it the Ulster model or the Northern Ireland Model, but we will not argue over semantics. We need to have some structure that can deliver what the Mournes so seriously need.

All we really need is £1.2 million. That sounds like a lot of money, but we all welcomed the substantial increase in funding that the Department secured in the Budget statement. That is long overdue. There may well be sufficient funds within that increased budget, in conjunction with other Departments, to enable a proportion to be allocated to the Mournes.

We are not talking about an awful lot of money; we are talking about 80p per annum for every man, woman and child in this Province. Is that too much to spend on the maintenance of what is clearly one of our most scenic areas? I see enormous benefits in a proposal to have some form of management structure for the Mournes, in terms of both the economic well-being of the area and the protection of the environment.

The lesson has been learned throughout the rest of the United Kingdom and — dare I say it? — in the Irish Republic, where four national parks have been designated. It has been clearly shown that there have been enormous economic benefits from the designation and the management, as well as the protection of the environment. I believe that if we go forward with this proposal and give the Department the support that it needs to implement it, it could be used as a best example that could be duplicated elsewhere.

We are very fortunate in Northern Ireland to have some of the most outstanding areas of natural beauty in the United Kingdom. The north Antrim coast, the Glens, Fermanagh, the Sperrins, and what I feel to be one of the most underrated areas of all, Benevenagh in north Londonderry. They are all outstanding areas.

If we get it right in the Mournes, we can go forward to implement a similar structure throughout the Province. My final point is that where we score, as far as the Mournes are concerned, is that a huge proportion of the central part of the Mournes is Government-owned. It is owned by the Department for Regional Development. Therefore there is some direct departmental control over it, and we can implement policies much more easily in that situation.

If we develop a structure that is suitable for Northern Ireland and take it out to the farming community and the district councils, I am sure we will get their support, particularly if we can show the leverage effect. The economic benefits that will accrue from that will bring real sustainable employment to the Mournes as well as protection.

The situation in the agricultural community is so stark at the moment that anything that can be offered to

bring about genuine increases in their incomes will be more than welcome. I see enormous merit in what Mr McGrady is suggesting. I can assure him that we can provide cross-community support for these suggestions. Throughout the Mourne community, all sections of the community will say that this is an idea whose time has come. Let us go forward together and do something very positive for that community.

**Mr McNamee:** Go raibh maith agat, a LeasCheann Comhairle. The brevity of the title of the Adjournment debate gives a lot of scope as to what we talk about regarding the future of the Mournes, whether we are talking about its geographical, ecological or environmental features, its communities, or its economy. What is going to have a major impact on all of these is the area plan that will govern the Mournes. Part of that plan will be determined by Newry and Mourne District Council and, no doubt, by Down District Council.

In order to sustain any area, you have to sustain the communities that live in it. The Mournes is a largely rural area, and it is difficult for people who live in it to build homes. People who come from farming backgrounds and whose ancestors have worked the land are finding it increasingly difficult to acquire planning permission to build houses and to live on their own family farm. I acknowledge the need for control of the development of housing in rural areas, particularly in an area of outstanding natural beauty such as the Mournes, but the pressure and restrictions on planning permissions has increased the value and the scarcity of sites. Certainly in the Newry and Mourne district prices have increased by more than 200%, in some cases in as short a period as two years. This means that young people who are indigenous to rural areas such as the Mournes simply can not afford to buy property. The net result is that younger people are moving out of their rural communities and into towns and cities while better-off people, who are wealthy enough to purchase the sites, are moving in. So there is a breakdown in terms of the rural community itself. The area plan, which is under consultation, needs to take on board the issue of future housing provision in rural areas. There needs to be a preference towards the indigenous population. At the same time the rural environment must be protected.

The Mourne Mountains have a largely unspoiled natural beauty. I often hear people talking about Killarney, Wicklow, Connemara, north Antrim, the Giant's Causeway and Mayo, but anyone who sings the praises of those places, without visiting the Mournes, should take a hike — a hike along the Trassey track, up through Hare's Gap, round the Brandy Pad, over the side of Slieve Donard and down into Newcastle. It took me quite some time to walk through it, and I must say I have not met any other Assembly Members during my visits there. However, there is no doubt that it is an area of outstanding natural beauty that is practically

unknown in Ireland, let alone in other places. It has a tremendous tourism potential, but it needs better road and transport infrastructure.

Another element is the proposal building of a road bridge link at Narrow Water, connecting the Carlingford peninsula and Warrenpoint and leading to the Mournes. This would have a major impact on linking up tourist routes in the South and that would work both ways. The Mournes must be given consideration. The link would open up a tourist avenue that would benefit both sides of Carlingford Lough. Not only would it help to advance tourism, it would also be a strategic transport link for the economic development of the Mournes area in general.

One of the main economic assets in the Mournes area is the port of Warrenpoint. Any future development is restricted because of the traffic congestion in Newry. Traffic from the north must travel through Newry to reach Warrenpoint. Many heavy goods vehicles, whether coming from the North or the South, travel through Newry to reach Warrenpoint. The construction of a road bridge link at Narrow Water would open up the potential for a future road link with the Dublin-Belfast route south of Newry.

As well as promoting tourism, this could further promote the economy. As a large rural area, the Mournes depends heavily on agriculture. I will not rehash previous Assembly discussions about the crises affecting farmers, not just in the Mournes but also in other areas, issues including BSE, the pig industry and the price of sheep. Giving sheep away was almost more economical than keeping them.

The area plans must also consider the future of the Mournes. It is crucial to focus on giving farmers leeway in matters such as farm diversification. In rural areas like the Mournes, planning restriction can prevent farm diversification because farmers do not get the necessary permission for such developments.

Traditional farming in the Mournes and in many rural areas throughout Ireland maintains the nature of our countryside. Overgrazing and undergrazing have just been mentioned. We must consider the future if farmers abandon land in the Mournes and the surrounding area. We do sometimes not recognise the non-remunerative work that farmers do in preserving the very nature of rural Ireland. Generations of farmers have given us the environment that we now have. Farming is currently not economically viable, and some farmers are being forced to leave the land. Eventually, the nature of rural Ireland as we know it may disappear, and disappear at a great cost.

Today the Programme for Government was launched. I hope that the specifics of the final draft and of the next Budget will give due weight to the need to support the agriculture industry. I am not only concerned about the

effects on the agricultural and rural communities, but also about the long-term effect on the rural nature of the environment as we know it in Ireland, and particularly in the Mournes. If the economic future of the Mournes is to be viable, the plan for that area must address the potential of a road bridge link at Narrow Water. If we are to secure the environmental future of the Mournes we must address the crisis in farming. If we are to safeguard the future of rural and agricultural communities, the area plan must take into consideration the issues which I raised about the strategic planning framework for the Mournes area. Go raibh maith agat.

7.15 pm

**Mr Deputy Speaker:** Mr Bradley, may I remind you that our time is limited to one hour? I would like to give the Minister an opportunity to respond.

**Mr Bradley:** It is easy for us all to identify with national parks. If we are lucky enough to go on foreign travel, the first thing a lot of us look for is a brochure to identify the national parks. They are undoubtedly an asset, and if we have one in our own area, so much the better. Coming from a council background, I am tempted to look at the detrimental effects, and it is easy to envisage it just as a planning issue. In his presentation, Eddie McGrady used words such as “consultation” and “balance”. If this national park materialises, its proper implementation will derive from those factors.

In my maiden speech in the Assembly, I referred to the problems that authentic applicants in the Mournes were experiencing with planning permission. The administration of the national park concept could include proper legislation allowing for those people to be considered.

Great hopes for rural Northern Ireland were expressed in this morning's programme for Government. The rural population of our villages and townlands will be catered for at both higher education level and on the farm. We thought young farmers might leave their farms in the future. If the Government encouraged them to stay at home, it would step up demand for additional housing. Who would choose to be a Minister at this stage, trying to achieve such an intricate balance? The area plan contains proposals to look at our hamlets and the closes. The very old maps of the Mournes show many addresses as closes. In my area I can think of Magee's Close, Fagan's Close, O'Hagan's Close — all clusters of four to six houses. If we decide to regenerate in the future, our plans must accommodate the people who will carry out the regeneration. Perhaps the Minister will examine the idea of hamlets and closes to see how they could be facilitated.

If the benefits of a national park are properly harnessed, everyone will be the better for it — the indigenous population, their offspring for generations to come, and



tourists and visitors. I will conclude with Eddie McGrady's two words "consultation" and "balance". We need to get those things right.

**The Minister of the Environment (Mr Foster):** I commend Mr McGrady and the other Members who have taken part. They seem to have a great love for the Mournes, and that is very commendable. They have presented a good case, but it is wrong to suggest that others have no interest in the Mournes. Different groupings have great interest in the Mournes, and I will expand on that shortly.

There are differing reactions across the Province, so such issues can be difficult. I come from Fermanagh, where the council members were frightened of having designations in case they would inhibit planning in their area. Members, and Mr McGrady in particular, have raised issues relating to the management of the Mournes and the well-being of the people who live there. I agree with the importance of integrated management, and this can be achieved through the present arrangements. An example is the joint approach by the Departments and the Mourne Heritage Trust, which I will refer to later. I will summarise the general background.

The Mourne Mountains, and the farmed landscape and coastline that surround them, are important to the people of Northern Ireland and particularly to the people who live near them. They are important environmentally, economically and culturally. My Department has recognised this by designating the Mournes/Slieve Croob area as an area of outstanding natural beauty on account of the landscape value and the recreational value of this beautiful area.

The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 allows the Department to take measures for the management of such areas and to promote their enjoyment by the public. The Mournes were the first area designated under that legislation, and since 1984 — even before the designation — the Department has committed staff and resources to tasks associated with environmental management and recreation in the area.

In recent years we have become increasingly aware of the changing nature of the management of special landscapes throughout Europe and particularly in the United Kingdom. In all such areas it has become fundamentally important not only to facilitate proper sustainable management and public enjoyment, but also to do so in ways that involve and empower local communities. It is very important to involve local communities.

Sustainable use for tourism and recreation brings benefits to the local economy, particularly at a time when traditional agriculture is under great pressure. With this in mind, my Department took the lead in establishing the Mourne Heritage Trust. We have subsequently been

the main funders of the body, providing almost half its running costs. I welcome the additional support that has been given by the Northern Ireland Tourist Board, the Department of Agriculture and Rural Development and the three district councils in the area.

It is wrong to say that the area is being ignored — it is not; we think about it very much. The trust and its performance over the first three years of its life are currently the subject of an evaluation by consultants. While this review is not yet complete, I can tell Members that it has shown the trust to have been effective in raising the profile of local environmental issues and in delivering an area-based strategy for the Department of Agriculture and Rural Development. However, the review has also identified several issues that must now be addressed. The trust should address some of these, such as the need to work more directly on habitat creation and nature conservation issues. Other issues have wider implications that will need to be addressed in due course not only by my Department, but by other Departments and by the Assembly. I refer to matters such as the adequate resourcing of the trust for a continuing and increasing rural regeneration role, and the issue of matching funding being made available for larger projects.

Such issues also impinge on the consideration of national park status. National parks in England and Wales, and more recently in Scotland, have undergone the evolution to which I referred earlier. They have moved from a largely conservation agenda to one of the sustainable use of the environment — a process involving, and benefiting, local people. Such parks are well funded by subvention grants from the exchequer. The detail of the recently announced national parks for Scotland is not yet known. However, the national parks in England and Wales have a constitution, board membership and operational powers, including planning. These are all approved by Parliament.

It is important for the Assembly to consider what is right and appropriate on such matters as they relate specifically to Northern Ireland. The idea of declaring the Mournes a national park, however deserving of that status they may be, cannot be implemented without full and proper consideration of the implications. Resourcing, mandate and detailed operational matters all have to be closely considered. To do otherwise would be unwise and very much premature.

In considering a form of national park designation for the Mournes, we need to examine the implications for other areas. We also need to assess the capacity of the infrastructure to handle extra visitors, and to look in detail at any management arrangements and the resulting resource implications.

I recently met Mr McGrady and officers of the Mourne Heritage Trust to consider the national park



issue. There is no doubt that there are arguments in favour, subject to what I have said about full and proper consideration. As a result, I have asked my Department to consider this issue and the designation of the remaining Areas of Outstanding Natural Beauty, bearing in mind the fact that this programme is only half complete. My officials will report to me as soon as possible. I will, of course, consult widely on any proposals I decide to put forward.

None of this detracts from the value and importance of the Mournes and the need to sustain that environment and its communities. The Mourne Heritage Trust has provided very valuable and effective help in this regard. I certainly intend that my Department should continue to support such activities by the trust at a level appropriate to our resources.

The complexity of rural issues and the fact that these come within the remit of a number of Departments requires close co-ordination between Ministers and between their officials. This is happening, and work is under way to devise programmes for the next round of EU funding, notably the national resource rural tourism programme led by the Department for Agriculture and Rural Development. The Mournes, along with other protected landscape areas, will be very well placed to benefit from this.

Finally, I would like to express my appreciation of Mr McGrady's continued interest and support in this very important area of my Department's work. I appreciate it very much.

*Adjourned at 7.27 pm.*



# **Committee Stage Records**





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**NORTHERN IRELAND  
ASSEMBLY**

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**FINANCE AND PERSONNEL  
COMMITTEE**

Thursday 7 September 2000

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**GROUND RENTS BILL  
(NIA 6/99)**

**The Chairperson (Mr Molloy):** Today we shall hear evidence from the Law Society of Northern Ireland and from the Royal Institution of Chartered Surveyors in Northern Ireland.

First, I welcome Mr J Neill, Mr B Walker, Mr D Eakin and Mr Witchell, who are representing the Law Society.

**Mr Neill:** Under article 35 of the Property (Northern Ireland) Order 1997 there is a procedure whereby a lease subject to a nominal ground rent can be enlarged to a freehold estate by means of a declaration. We think that its scope should be extended to include fee-farm grants, which are subject to a nominal rent. Logically the same rules should apply equally to fee-farm grants and to leases.

Article 3 of the Property (Northern Ireland) Order 1997 has not been repealed by the Ground Rents Bill. In subsection 2(a) of the Order it is provided that

“where a ground rent is of a yearly amount of less than £1 or is a peppercorn or other rent having no money value, it shall be treated as a yearly amount of £1.”

It seems that article 35 can therefore never apply, as it only operates where no or nominal rent is incident to the reversion. We suspect that this was not intended. Perhaps the drafting of this could be revisited and articles 3(2)(a) and 35 of the Property (Northern Ireland) Order 1997 amended to enable nominal ground rents and fee-farm rents to be redeemed by the declaration procedure. Indeed, looking at the notes that were published with the Bill, page 9, it is clear that the intention was that article 35 should continue to have effect. This ambiguity needs to be addressed when drafting the legislation.

Finally, in section 28(2) of the Ground Rents Bill a nominal rent is defined as a rent of below £1. As there are a significant number of £1 rents in existence, the definition should be amended in order to cover yearly payments of £1 or less, as opposed to below £1. One of our members has suggested that the definition should be

extended to include rents of up to £10, because the capital value of such rents does not testify the use of proposed redemption procedure.

In connection with my comments on article 35 we have prepared a supplementary memo which suggests how the appropriate clause might be amended. We will give this to you as well.

In conclusion, we would be grateful if you would consider these points. We request that the Law Society and our colleagues in the estate agency profession be consulted when the detailed rules and forms, which will set out the requirements under the redemption scheme, are being prepared.

**Mr Leslie:** I was interested in the points you raised about the nominal rents and whether they should be £1 or less or whether £1 is too low. I raised this point in the debate, but at that time I was coming from the opposite direction to yourselves. Would it be better if you were able to get rid of a nominal rent if you chose to do so, using the procedures in the Bill?

**Mr Neill:** I am trying to draw out what you are saying.

**Mr Leslie:** If the Bill were to pass as drafted and there were a nominal rent of £2, where would we be? The Bill could be used to redeem the ground rent. Do you think that might not be worth doing?

**Mr Neill:** That is one view.

**Mr Eakin:** Nine times £2 is £18. The Land Registry fee will not be less than £25, so the figures do not add up for small nominal rents.

**Mr Leslie:** Yes.

**Mr Eakin:** Even the application to get the rent out would probably, from a Land Registry point of view, not be operative at a figure of less than that.

**Mr Leslie:** Yes, but it seems to me that if it were only compulsory on a conveyance, you would have to pay a Land Registry fee anyway. So how significant will the extra cost be in the redemption of ground rent in the context of a conveyance that has already taken place?

**Ms Witchell:** The Land Registry intends to charge extra for that. It is not just going to charge the conveyance fee, it is going to charge an extra fee to redeem the ground rent.

**Mr Walker:** Land Registry fees in Northern Ireland are already considerably higher than those in the rest of the United Kingdom.

**Mr Leslie:** That raises an interesting issue. In which direction are we trying to pull it? Should we be seeking to get rid of as many ground rents as possible, including very small ones? In that case, perhaps we should circumscribe how much the Land Registry can charge to

do it, if it is part of a conveyance that is going to take place anyway. On the other hand, maybe it is not worth doing that.

**Mr Neill:** The policy, ultimately, is to get rid of leasehold titles. That is the overriding policy. There are three ways of getting rid of ground rent. The first is through compulsory redemption. The second is through voluntary redemption. Thirdly, there is the article 35 procedure, which provides for a declaration to be entered into. It is only a small corner of the legislation, but it is a part that needs to be better drafted. As it stands, the compulsory redemption of any ground rent of £1 or more has to go through the whole procedure. There is a suggestion that, in the interest of economy, a simpler procedure be provided under article 35 for nominal rents.

There are political considerations here. It is not our job to have a view on those. There are conflicting interests between landlords and tenants, and we have to be careful to keep a balanced view for all our clients. However, the legislation has been put forward, and it is our job to try to make sure it works. It must be clear, consistent and readily applicable.

**Mr Eakin:** There is also a human rights consideration in raising the threshold. If someone is entitled to a £3 rent, or a £5 or £2 one, and you say that that goes by the board with no compensation, there is the matter of loss of property rights under the Human Rights Act 1998.

**Ms Witchell:** The origin of the enlargement procedure seems to be section 65 of the Conveyancing Act 1881, which created the possibility for a lessee to have a lease with no rent to enlarge it. It seems to have been thought that it was a good idea to preserve that procedure. For that reason, one could argue that it would be as well to keep the nominal rent as low as possible. It was never envisaged that it would include anything more than that.

**Mr Weir:** I assume that you have no objections to the aspects of the Bill which you have not commented on. One area I have looked at is covenants. This is addressed in clause 16. The general rule seems to be that the covenants will be extinguished, with a fairly lengthy list of exceptions. Am I right in inferring from your silence that you are happy with that list?

**Mr Eakin:** The covenants followed through from the Property (Northern Ireland) Order 1997, and, by and large, we were happy with that, but it does bring in Mr Neill's point about reversionary interest. If a person entitled to the benefit of those covenants does not have an estate in the land because the fee simple has passed to the rentpayer, how does he protect those rights, particularly in relation to his successors in title? Over a

period of time, how does that benefit of the covenant pass on to his successors?

**Mr Weir:** I appreciate the issue of succession. It may well be that one of the reasons for writing a covenant into a lease is a desire on the part of the person leasing the land to protect it in some way by restricting particular activities on that land, or whatever. In some cases, the lease might not have been agreed without that covenant's being written into it. There may only be a small number of cases, but there needs to be some way to protect the retention of that interest.

**Mr Neill:** That is the point that we are focusing on. The legislation says that the old estate is extinguished, but it goes on to say that in some vague way the obligation remains as a graft on the new fee simple estate that has been created. To answer your direct question, we are happy enough with the category of covenants. There is no problem there at all.

In Northern Ireland, the lease is what is called a conveyancing expedient. There is no commercial reason for so many properties having been sold by way of lease. We broadly support the policy of bringing us into line with what is happening in the rest of the British Isles and having freehold properties. There are exceptions, which have to be acknowledged and accommodated. The legislation is careful to do that. There may be good reasons for particular covenants that are alive and relevant. They must be protected. A lot of leases contain meaningless and repetitious covenants that are of no interest to anybody, particularly when the people who created the leases have moved on, goodness knows where.

It is a matter of striking a balance. Given that there is a need to protect certain covenants, how they are to be identified could perhaps be made clearer so that they can be disposed of and protected.

**Mr Weir:** You say that you provided drafting in relation to article 35. One other area that you suggested you were unhappy with is the definition of a flat. You feel that it is too narrow. Have you given any thought to an alternative definition?

**Mr Neill:** We do not have a definition, but we have a concept. You get blocks of flats with separate entrances. They are quite clearly flats, by any sensible definition, but arguably they are not covered by this definition, and therefore you cannot create leases.

**Mr Weir:** Without being facetious, we cannot change legislation on the basis of a concept. We must have a definition. If you do not have one now, perhaps it is something that you could think about. We want to make sure that the legislation is comprehensive.

**Mr Neill:** With respect, this is a new experience for us. We are not sure how it works. We thought that if the

point had substance, it would go back to the parliamentary draftsmen. We will be happy to accommodate you if that is what you want us to do. Perhaps we can come to an understanding on that.

**The Chairperson:** It would certainly be beneficial when making amendments to the Bill. While it may be the parliamentary draftsmen who end up drafting it again, from our point of view it would be beneficial to have ideas.

**Mr Close:** My question was very appropriate. It was on the definition of a flat. I would encourage you to give consideration to a definition. That would be very helpful.

A matter unrelated to that, but relevant both to your submission and to your comments, is the impact that this could have on human rights law. What are the areas in which there is, or may be, a conflict?

**Mr Eakin:** The Ground Rents Bill partly addresses that matter. As you will recall, the original Property Order required the vendor to redeem the rent before he could sell, and it was argued that that would hold up the conveyancing. The initial concept was that of a notice procedure. It is now acknowledged that that would have been unworkable. Having looked at the matter, it was decided in conjunction with various people such as ourselves, the valuers and Prof Wylie that the purchaser should redeem the rent.

In a sense, that has partly addressed the human rights issue, because the purchaser is going to be involved in the procedure anyway. He is going to pay a fee to redeem his rent, but he is also going to be absolved from liability to pay ongoing ground rent. He is paying something, but he is also gaining something. The landlord is capitalising his rent. He will no longer be entitled to collect the rent, but he will be entitled to a capital value. Therefore, broadly speaking, the human rights aspect has been addressed.

It will run into difficulty with the issue of low rents. Any procedure will have benefit/cost ratio problems. The cost of implementing the procedure for any small rent — and the multiple now suggested by the Minister is nine — will cause difficulties, and there will be ramifications.

I would have thought, subject to the query about what the nominal rent to be redeemed at no cost is, that, broadly speaking, this is as good an attempt as we could come up with.

**Mr Neill:** We are concerned about the human rights aspects for the rent owners — those who have been bought out — and the people whose covenants are arguably no longer going to be enforceable. That is why it is very important that provision is made not to deprive, in appropriate cases, people of the right to enforce those covenants.

Apart from that, it is a question of balancing the wider public interest and putting into the mix the compensation which people are getting, what it is costing them and what they are losing. We are making a pretty good effort to get that balance right.

**Mr Eakin:** A challenge to the Property (Northern Ireland) Order 1978 about the extinguishing of covenants was defeated on a human rights issue. Prof Wylie takes the view that, on proportionality, this is the best way of proceeding.

**The Chairperson:** Do you have any opinion on the broader issue of ground rents where land is attached to a dwelling, or where it is a question of land only and a ground rent is involved?

**Mr Eakin:** It is difficult for the society to take a view on that. In practice, because of the operation of the Land Purchase Acts, there is very little agricultural land subject to rents, and the old land purchase annuities are virtually obsolete now. It would not be perceived to be a problem as far as agricultural land is concerned. Agricultural tenancies in Northern Ireland up to the present have been an exception. People have tended to operate the conacre and agistment arrangements rather than agricultural leases.

**Mr Walker:** If you have an agricultural lease, you are entitled to have it purchased under the land purchasing aegis. That is why we do not have agricultural tenancies in Northern Ireland. It is due to an obscure section in the legislation. That is why we have conacre rental in Northern Ireland and not in England and Wales.

**The Chairperson:** I was thinking of Lough Neagh, where we have the bed of the lough — the Shaftesbury estate — subject to a ground rent. That situation is not provided for.

**Mr Neill:** That raises the broader issue that the legislation does not apply other than to private dwellings. We do not have a policy on that. However, the Government, in their wisdom, take the view that commercial relationships between landlords and tenants are necessarily different in essence from the view that “My home is my castle”. However, if it is a commercial letting, there have to be all kinds of ongoing restrictions and regulations. The principle of excluding commercial property and short leases is, therefore, wise. Short leases are normally short lettings, where an owner recovers a property after the letting period, so it is important to have almost the historical landlord/tenant relationship.

**Mr Walker:** We recognise that you are referring to Lough Neagh and the Shaftesburys, who own the bed and soil. That is unique, and there may well be a political argument — and it is for you to say whether it is right — that a resource such as Lough Neagh should be under public ownership. Some public authorities have bought out parts of the bed and soil of Lough Neagh.



For reasons, such as pollution, that issue might become significant.

**Mr Eakin:** It is fair to say that the tenor of all legislation from the land purchase scheme onwards has been to differentiate with, for example, the Rent Restriction Acts applying to the landlord/tenant, but not to the commercial landlord/tenant. Also, the protection given to commercial tenants under the Business Tenancies (Northern Ireland) Order 1996 differs substantially from that given to domestic situations under the Rent (Northern Ireland) Order 1978 — the successor of the Rent Restriction Act.

**Mr Close:** Do you have any views on the level at which the multiplier should be pitched? Is nine about right or should there be a variation?

**Mr Neill:** I will give an oblique answer to that. Whatever level it is pitched at, it should enable a rent owner to get at it without any fee deductions. If it is nine years' purchase, the rent owner should get nine years' purchase without its being eaten into. However, it is a difficult question and, arguably, it varies with the interest rate and the return on compensation if it were to be invested. That fluctuates, and we are not qualified to comment further.

**Mr Walker:** There may be an argument for saying that it should fluctuate. At present, the normal rate of return on investments is, on average, 6%. Over the last 10 years that figure has fluctuated widely. Therefore, consideration might be given to a variation clause to cover the possibility of interest rates rocketing.

**Mr Close:** Would you relate the variation to interest rates or to price indices?

**Mr Eakin:** This is a personal view, not a society one. The initial multiplier in the Property (Northern Ireland) Order 1997 was 12, and I took the view that it was out of step with the market for ground rents. I felt that a multiple of between eight and 10 was appropriate, and I made my views known. I am aware — I have it in front of me — that the Office of Law Reform got an opinion from the Valuation and Lands Agency in January 1999. It happily concurred with my view and took the in-between figure of nine. The Minister, in introducing the Bill, said that it would give him the right to have various multipliers for different situations. I have not been able to think of an example that would justify different multipliers for different situations.

**Mr Gibson:** There might be a multiplier, say, of nine. However, could I make a private deal giving my client a multiplier of 11, because he feels that that is a realistic level of compensation? Perhaps it is a small ground rent, and the legal fees would eat into it. Is there anything, legally, to stop me doing that? I do not particularly like landlords, but sometimes I am a landlord myself so I have to think differently.

Has anyone given any thought to the idea of a basic minimum? There is great determination on the part of the general public to own their homes freehold. As has been said, a man's home is his castle. Is there still room in the proposed legislation for a private owner to do his own thing to a modest extent?

**Mr Eakin:** Absolutely. Another aspect of this, which we have not highlighted today, since it is in the Bill and not, in my opinion, contentious, is the provision for voluntary redemption on paying the multiple, so that if one is outside the compulsory registration area but wishes to get rid of one's ground rent, this mechanism is available. One simply goes to the Land Registry, pays the multiple of nine and the other aspects and receives one's certificate of redemption. That is as important as the compulsory redemption aspect.

**Mr Weir:** I should like to return to the point made about the right level for the multiplier. You said that the Minister introduced this and that he was open to the idea of a different or variable multiplier depending on circumstances. You could not think of an example that would show good reason for this. However, let us leave aside for a moment the practical side of things. If a different multiplier applied depending on circumstances, would it be legally vulnerable to some sort of human rights challenge, for example based on some of the equality legislation?

**Mr Neill:** Do you mean different multipliers in different situations?

**Mr Weir:** Let us take an example. Let us say for the sake of argument that one wished to have particular protection for charities owning land, or something of that nature. The desire would be to reflect a higher multiple in the legislation in those circumstances. Would this be vulnerable to a challenge on the basis of human rights or discrimination because one group was being treated differently from another?

**Mr Neill:** I feel it would be dangerous.

**Mr Eakin:** Someone asked during the First Stage reading whether the legislation kicks in if there is a reversion of 50 years or more. The person asked what would happen if there were 60 years left. Is there an argument for saying that it should have a higher multiple, since the landlord would theoretically get his property back in a shorter period of time? That is a question more of valuation than of law. It might be appropriate to ask the valuers.

**Mr Gibson:** In the part of the world I come from, some people have university interests. Property is left to universities and charitable institutions, so the income goes to them. I imagine that neither University College nor Trinity College in Dublin would have a great desire to surrender annual income, nor indeed would charities. Does an individual who has bought out his property still



have the right in those particular cases to say, "Whether you like it or not, I am entitled to my hide." and force the issue?

**Mr Eakin:** Absolutely.

**Mr Neill:** He has the right.

**Mr Gibson:** So the salient fact is that the universities are charitable organisations without any business or commercial element?

**Ms Witchell:** The South has had similar legislation for much longer. Apparently, when it was introduced on a voluntary basis, many of the big landlords like the universities — I also believe insurance companies owned large numbers of rents — offered tenants deals to make it worthwhile for both parties to come to an arrangement and allow them to be bought out.

**Mr Gibson:** Eagle Star was very generous, the universities perhaps not quite so.

**The Chairperson:** We shall wind up. Thank you very much for your presentation. I should like to remind you once again that this Committee will be making a recommendation to the Assembly. If you have any comments or proposals for us, it would certainly be beneficial to have them in writing.

If you have any other questions during the Consideration Stage, the Committee will take them on board. Thank you.

**The Chairperson:** Mr J Frazer and Mr D Smyth are here on behalf of the Royal Institution of Chartered Surveyors. You are welcome, Gentlemen.

**Mr Frazer:** I will highlight a few points which have already arisen in the letter we wrote you previously. One is the suggestion of nine years' purchase; end of story solves the problem. Where only the freeholder and the party paying the ground rent are involved, it is a relatively simple process. Unfortunately however, in and around Belfast there are superior interests between the party paying the ground rent and the freeholder, and there are probably three or four different interests lying between one and the other. Various paid head rents are probably also connected with varying degrees of percentages between gross and net income.

It is all very well to say the ground landlord pays his 10 or 9 years purchase land registry. However, we must also consider all the superior interests which exist before coming to the freeholder — how does the legislation propose to deal with that? It is entirely silent on the matter. It is also entirely silent on the question of apportionment and how these apportionments are recorded. The party at the bottom, namely the tenant, who has bought his rent out and acquired his freehold, has however left behind a problem that must be resolved and recorded for prosperity. Presumably up the line it will not be a total redemption, because the head landlord will have ten rents and pay a head rent of which a portion will have to be redeemed to take account of the reduction in his income. All that must be addressed and resolved. There must be some form of apportionment and a means of recording how this happens, because in 10 years time when that head landlord sells his documents, he will say he is entitled to a ground rent of £100, but it will have been redeemed by various parties.

I accept that in country areas the relevant relationship is probably just between the freeholder and tenant, but in Belfast there is a pyramid of title. I am sure the Law Society could confirm that where there is the case, various intermediate leasehold interests come into play.

**Mr Smyth:** We have both the difficulty and advantage of arriving after our friends from the Law Society.

We have no presentation to make but are following on from what has gone before. The question asked was about whether the multiplier was reasonable, but it is very difficult to answer that question because it depends upon the value of present rents. Please correct me if I am not right, but I think there are something like 300,000 to 350,000 rents in the Province. It is very unlikely that a high percentage, or even a small percentage of these have ever been valued. They tend to be valued upon death or upon a company winding-up et cetera. Now and again some are sold, and this is the only headline figure normally available to the

Commissioner of Valuation, who may have advised on this figure. Therein lies the difficulty.

The present headline figure is probably around 7 years purchase whenever ground rents go on the open market. That is what the public sees if something is reported at auction. The question is, what does that represent to the person who has just paid it? The Committee has received correspondence from Roy Huston of the Capstone Trust, who has apologised for being unable to address the Committee because he is on holiday.

Roy has sent me some of his papers. He represents a charity and is one of the few collectors who does nothing except collect ground rents. As a matter of record he collects around 7,000 of them with a gross income of about £160,000, which is a sufficiently large collection for him to say that the collection costs are around 32%. Let me give you an example. Roy pays £700 for 7 years' purchase. He receives £100 per year and pays £32 for administration expenses, and he has £68 left. So he has bought an income of £68 net for his purchase price of £700. He has paid more than 9 years' purchase, which is a direct answer to a direct question from the Law Society and which leads me, and Capstone Trust, to feel that the multiplier is not right.

The multiplier suggested in the original legislation was 12. That was closer to the mark because, to be fair to the rent owner, it is better that it should be a bit over than a bit less, since there is an element of compulsion in it. There may well be an element of tax which has to be paid by the rent receiver, but this is not necessarily so because the element of compulsion may mean that they can roll it over. However, that is another story. That may be a surveyor's answer to a direct question from lawyers.

**Mr Frazer:** May I say that I would endorse one thing that the Law Society said — if the money comes to the ground landlord it should be free of any costs. The costs arising from this must also be addressed, especially where apportionments and endorsement of title deeds are concerned. Somebody will have to pay for it.

**Mr Smyth:** Relevant to that is the question of what is a typical ground rent; not in terms of definition, but of amount. People think that most ground rents are a fiver per year and a bit of a nuisance. In fact we think that the average is significantly more, but we have not heard anyone expressing any views as to what they are. Our own office has 9,000 and they happen to average £22. Capstones' rents average £23. That surprised us when we looked at it, but most offices such as ours have no reason to have regard to that because we act for hundreds of clients in the collection of the rents and never have any reason to aggregate them until we come to a piece of legislation such as this. Whenever we suggest this to any of our fellow agents they are surprised by the figure but then look at the figures and suspect that it is correct. The reason that it is higher now

than it was when this piece of legislation was thought of 20 years ago is mainly because of the redevelopment of Belfast. The population of Belfast is now 350,000 whereas it was 500,000 at that time. Substantial redevelopment has taken place over the past 30 years, primarily of the cheapest houses whose rents were £3 or £4 per annum. After 26 years I am — and John is certainly — old enough to have created them. So many of those houses have been knocked down that the main problem in the Province is not to get rid of rents of £3 or £5 per annum but of major rents of £40 per annum for houses built in the 70s.

In the Province now we are left with few rents of £5 a year and £3 a year and we are getting rid of the major rents of £40 a year for houses built in the 1970s. Our major problem is that the Bill is very silent on rules for how the money should then be dispersed, but it is quite clear what the rent payer does. We act for both rent payers and rent receivers, but today we are more interested in the rent receiver because we will have to deal with the collections and the paperwork.

The money could be substantial because if 300,000 rents are to be redeemed at an average of £22 or £23, over say 40 years, it will be based on a multiplier plus costs. For argument's sake if that total cost is £350 per rent times 300,000, that is £105 million going in to the Land Registry. This Bill has not addressed how the rent receivers are going to get that back.

We were surprised by the reading in the House at the beginning of June. Consultation has been very limited since, and none whatsoever has been undertaken with any of the agents who collect the rents. We would like to help but we need some consultation with Land Registry. We had discussions with them before the 1997 Bill but, as far as the agents were concerned, it disappeared off the horizon and we have had no consultation with them since. Suddenly this summer we were faced with a new proposal which was totally silent on costs and also on how it will work. The difficulty with the last system centred on the mechanism for redeeming rents through the rent owner, because a lot of the rent owners would not reply. So we agree that it should go through the Land Registry so long as we can consult with them first.

**Mr Frazer:** The system would also have to be user-friendly, with a relatively simple application which would work without a lot of rules.

**Mr Smyth:** I went to the notes on the Bill and there are four points on how it complies with Convention rights which you are familiar with. It complies with the Convention rights because adequate compensation will be paid to the rent owner, but the Bill is totally silent on what that ought to be. An image of turkeys voting for Christmas without knowing about the dinner, springs to mind if you are a rent receiver.

The important social policy of cleaning up the title of a residential property justifies the interference. It is with the title of the initial rent payer but that is only one piece of title which refers to that residential property. It may clean that up for the person buying and selling his house but it does not clean the title up for people who have another interest, unless the rules are very clear. We have established that cumulatively, across the country, title is worth millions of pounds. It is going to be very difficult to deal with as you move away from year one to year five to year 15 where, increasingly, rents are redeemed but a person or a company still has an interest in a block of 15, some of which are redeemed. If he has 10 rents and 9 are redeemed, it is very difficult to get a successor in title when that person dies and this has not been addressed. We as a profession would have to advise on valuation, for probate purposes, when someone dies. In B it states "it cleans up the title to residential property" and that made me bristle just a bit.

**Mr Frazer:** Many of these head rents will never be redeemed in totality because the head rent originally covered 40 acres. Today not all of it will be residential; some of it will be commercial and some will be in public ownership. We will finish up with a partial redemption, with the client not only having the possible covenant interest in the land, but also having a reduced income because some of it will have been redeemed.

It is unlikely that it will ever be redeemed in totality. It might be politically necessary to say "Let us redeem all of that rather than leave these piecemeal bits about." I throw that out as a suggestion. I do not think that is being addressed; the problem has not been thought of. One could take the view that where, shall we say, a party is left with a head rent of less than £30 a year, it should be redeemed, purely as a mechanical convenience. It is probably desirable to do so.

**Mr Smyth:** It leads on to the question of rents that are under £1, and in our trade or profession, we have mixed feelings about this. I would prefer the system where rents under £1 are regarded as being £1 and are redeemed with the mechanism. Rents under £1 can be anything from 5p. We collect some in Portadown that are 80p. Dear knows why they are 80p — 40p a half year. The 80p ones in Portadown do not come out of particularly valuable property, so the cost of redeeming them might be a material factor, but we collect some in Cultra which are one shilling or two shillings and sixpence — or whatever happened to strike the conveyancing solicitor's notion when he was having coffee that particular morning. This idea of what was nominal varied; it might have been one penny or one pound, depending on his mood. We have to get our own back a little bit; we are friends.

The redemption costs in Cultra are not a material factor. Very often the rent was set at 5p because the

consideration was so much that the rent was scarcely relevant, but our title is still there, and our solicitor's vaults are full of the counterparts. We want to have a system where, if all of these things are going to be redeemed, they are properly documented, otherwise we are just going to create more problems for ourselves in the future.

The fourth point is to do with the fact that the cost associated with the sale and purchase of residential property will be simplified. I am not entirely sure what "simplified" means. The costs will certainly not be reduced, because that would go against all that happened in the past. I will have to be careful with my words here. I do not know what is meant by simplifying the costs. They will either go up or down. I suspect that if the freehold is redeemed, conveyancing costs will not come down. It is difficult to get costs of any description to come down.

**Mr Close:** I do not think that the Royal Institute likes this Bill. Could you put my mind at ease and tell me what you consider to be its redeeming features? I do not say that in any political way, but what we are trying to achieve is good, practical, operational legislation. The Assembly is just getting going, these Committees are just up and running, and I think we are very fortunate to get the type of probing questions that you are throwing at us, as we had anticipated it would have been the other way around. I think this will be a very useful part of the exercise, providing we get whatever assistance you can give us. If we have to make our minds up before deciding on the right legislation, it is very useful to have several points of view.

Also, please provide a note of suggestions on the many proper queries you have pin-pointed today.

**Mr Frazer:** We are not against the principle of the legislation; as ever, the devil is in the detail. There is, however, very little detail. It refers to rules, but I have not seen them. We have some difficulty in looking at the package, because we do not have the package, and we are a little bit dilatory about saying that the system will work, because we do not think it will. We think there are certain areas which still need to be addressed, for instance superior interests and things like that. We are not against the Bill per se; we are just concerned that ultimately, the landlord will be left in a situation where he is worse off than he is today.

**Mr Close:** If it went through as it is currently, would it be bad legislation?

**Mr Frazer:** Yes. There are aspects that I do not think have been considered adequately.

**Mr Smyth:** It is pegged onto something difficult which is the registration of title. Practically, when we get used to registered titles, the era of lost titles will presumably disappear. Presently, the type of queries received, apart from people who either love or hate



paying their ground rent, is, "I have lost my deeds, can you put me in touch with the ground landlord until I find his counterpart and re-constitute my title"? If we do not have any title deeds it will be because we have thrown them out because all the rents have gone. One could say this will not happen because ground rents will only be redeemed once all title is registered and therefore people will not need a little pile of title deeds that they want to reconstitute from our counterparts.

I am not a lawyer or a conveyancing solicitor. We work in tandem with the solicitors but we have not had enough consultation between the Land Registry, the Law Society, the Office of Law Reform and ourselves. We support the Bill, and the principle of it. We do not want to obstruct and do not want you to get that impression, but neither do we want something to go through which will mean that we are going to sink under the weight of paper. Many of our Colleagues do not even know that this is imminent because a lot of offices deal with it as a side issue, as it is not very lucrative.

**Mr Smyth:** It is lucrative as long as it is alone in bulk. There are many people who do not know what is going to happen and therefore we need more consultation. One of the documents states that you do need consultation with the Office of Law Reform and the Consumer Council. If we put together a list of 15 or 20 agents, we could probably find 100,000 ground rents between them, which is not a very large amount of people. More consultation with our assembled group will assist, so that we are not stuck with something where a lot of offices say "we cannot co-operate with this, we are only the agent, we will have to surrender."

**Mr Kane:** The institution has enquired about the lack of information on a number of points, including the likely redemption figure in Land Registry and the landlords' solicitor and agency costs. Are there likely to be circumstances where rents are not payable under a building lease?

**Mr Frazer:** The legislation seemed to imply that all ground rents were reserved under a building lease. It was not every residential property with a rent that was reserved under a building lease, or that there was a covenant to build. I was concerned that the definition did not include all ground rents paid out of residential property. It seemed to me illogical that if a lease secured a rent to which there was no covenant to build per se (such as a building lease) it should be excluded. If it is residential, why were you proposing to exclude those where the rent was not reserved under a building lease?

**Mr Gibson:** I am delighted you spotted the rural simplicity. Please try to tidy up something that is disturbing me. You talk about simple things like ground rent and the fee-farm, but in Belfast you seem to have a

complicated world where a deed does not exist. Is somebody not simply creating a new one?

**Mr Frazer:** What happens is that you get a lease of 100 acres and from that, farmed various sub-leases of 20 or 30 acres. That is farmed out again until you get down to the party who pays the individual rent. To get from the tenant who pays the individual rent and house back to the freeholder, you will probably encounter four or five leasehold interests in that bit of property. In order for the tenant to get his freehold, he has to work through all those interests to get to the freeholder. That problem has to be addressed.

If there are no head rents payable it is relatively simple. But in the majority of cases in and around Belfast they all have to be notified and all of them will have to be dealt with. In the majority of cases there will be have to be some form of apportionment to say that, for example, head rent has been reduced from £220 to £219 and there will have to be an endorsement on the lease. To illustrate this, if I die and I have had my rent reduced and my title deed says £220 and Mr Smyth is only collecting £219, my successor in title might want to know whether Mr Smyth is putting £1 in his pocket. There will be a difference between the document of title which states £220 and the rent that is being collected on the ground. There will have to be some explanation for the discrepancy between those two.

**Mr Smyth:** The question of whether there should be differential multipliers also arose. Our profession has a variation of opinion on this. It is obvious that a £3 per year rent is worth a lesser multiple than a head rent of £1000 per year reserved on 20 acres. I do not see any way of working a differential; a ground rent is a ground rent. There are sub rents, head rents and other types of rent, but they are all ground rents. A ground rent of £1000 per year on 30 acres could be covered by a number of sub rents which produce £1,050. However, a builder paying £1000 per year could sell off his houses subject to £3000 per year. It depends on when he was selling the houses, what the market was going to bear and what he thought of building on the land.

Therefore I do not see how it would work if you have a differential. One of the members of the Law Society of Northern Ireland deputation expressed the view that he did not see any benefit in the variation of a multiplier. So there needs to be some discussion on that matter. Unless it is going to be through one multiplier I can foresee difficulties. However, I am open to being convinced by another party that there is another workable way of doing it.

**Mr Frazer:** For the purpose of simplicity, one year's purchase throughout the whole of it is the only workable alternative.

**Mr Smyth:** We cannot see any other way of doing it.



**Mr Frazer:** If you want the system to work and to be readily understood you have to have the same year's purchase throughout the whole of the scheme — be it the party who is paying the £2 per year or the party who is in receipt of a head rent of £10,000 per year. The only way that the system will work is to have one multiplier covering the whole spectrum.

**Mr Hussey:** My sympathies lie with the payer of ground rent and not with the person receiving it. I have no sympathy for those who are in between. The more that I hear the more I wonder why this Bill did not say "We abolish ground rents as of 5 April 2001".

You suggested that a multiplier of 12 would be the favoured one. Is it true to say that the person who is eventually receiving the end ground rent loses out due to the £32 collecting fee? What is the rationale for that?

**Mr Smyth:** Every investor looks at his net return, not just at his gross take. If one buys a shop one only looks at the rent one receives after one has paid the insurance and done the repairs. Buying a ground rent is no different from any other investment: one must look at one's net return.

**Mr Hussey:** If one is simply selling out or, taking the ground rent factor into account, buying in, the agents' fees will have disappeared over the nine years. What is the problem with a nine times' multiplier?

**Mr Smyth:** I would need a piece of paper to work that out.

**Mr Frazer:** Take the example of elderly people who have to live on an income of £500 per annum. We cannot say to them "you are going to get nine years' purchase; you are going to get £x and you must reinvest it." Where can they find an investment which allows them to reinvest and get the same income that they presently get?

I am not trying to be clever. I am merely saying that there has to be equity; that these folk must have some ability to reinvest that money and touch base with more or less the same income they got before.

**Mr Hussey:** I am of the opinion that when one sells something, it is sold — end of story.

**Mr Frazer:** There is an element of compulsion. The ground landlord does not have the choice to sell or not to sell.

**Mr Hussey:** I am going back to the initiation of the ground rent, not all the bits and pieces that have been added on.

**Mr Frazer:** Blame the legal profession for that. Certain people rely on this income to live, and there must be some equity to enable them to reinvest and to get the same income again.

**The Chairperson:** In your submission you mentioned 'dwelling', 'land' and 'town park leases.'

**Mr Frazer:** I have no experience of them, but one firm did. In some towns in Northern Ireland — Ballynahinch, for example — the local butcher took the lease of a shop and, because he was a butcher, got five acres of land two miles down the road to run his cattle; that was considered part of the shop. Should the town park tenant be given the freehold of the shop including the five acres of land on the outskirts of the town?

It is not an earth-shattering problem, but what is the legal position? I am not aware of its ever having been raised.

**Mr Smyth:** One of our colleagues on a subcommittee is working for a firm which has four or five estates containing hundreds of rents. He would appreciate information to make his task easier.

**The Chairperson:** Thank you very much gentlemen. Do you want to make written submissions?

**Mr Frazer:** We will make a written submission on head rent, and the apportioning of its costs, as it is a problem which must be addressed, especially in Belfast.

**Mr Smyth:** Will the rules be published soon?

**Mr Gibson:** That is for the Minister to decide.

**The Chairperson:** What about the question of the six years?

**Mr Smyth:** Discussions in the last order tended towards the rent being redeemed through the rent agent or the rent owner. If he could not be found, it was to be redeemed through the Land Registry. Some people do not wish to pay their ground rent, and some to whom we write ignore us. Some of them would go to the Land Registry or to their solicitor to say "I have not been billed for ground rent." The solicitor, believing his client, would redeem through the Land Registry.

If you cannot find your ground landlord, the Land Registry will take the redemption figure, plus six years of arrears because you do not know who your ground landlord is. That would have two effects. Either the person is genuine and has not paid his ground rent, in which case he would not mind paying the six years that he could be sued for. The other situation is that they could have a sudden memory attack and remember that they had received a bill for ground rent and owed two years arrears, rapidly paying them. What we do not want to do is to have a legislation published and have everyone who pays their ground rent totally ignore our demands for a period of years and then when there is a sufficient number of arrears, just redeem it on the multiplier.

**Mr Frazer:** I am unsure that six years' arrears is all you can sue for. Although that is a discussion separate

from today's, I take the view that you can sue for six years as a civil debt and you are probably statute barred by way of debt. The solution from the ground landlord's point of view would be to sue for ejectment for non-payment of rent. Again it may be that the legislation, once you have sorted the redemption system, prevents you from suing by way of ejectment for non-payment of rent. That is something that requires attention. We do not want the legislation used as a vehicle for people to stop paying their rent knowing they can use this as a means of evading or avoiding their liability to pay their ground rent.

**The Chairperson:** No such thing.

**Mr Frazer:** Of course not.

**The Chairperson:** Thank you very much for your presentation and if there is documentation —

**Mr Frazer:** We will write.

**The Chairperson:** Thank you. That brings to an end our public session.

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**NORTHERN IRELAND  
ASSEMBLY**

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**FINANCE AND PERSONNEL  
COMMITTEE**

Tuesday 12 September 2000

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**GROUND RENTS BILL  
(NIA 6/99)**

**The Chairperson (Mr Molloy):** Hugh Widdis, who is a barrister, works for the Assembly as a researcher. He will brief us as adviser to the Committee on the Ground Rents Bill. Everybody has the two documents on the Law Society's comments and general concerns.

I also welcome Ms J Goldring and Mr N Lambe from the Office of Law Reform.

**Mr Widdis:** There are two comments on the Law Society submissions. One should be fee farm grants; the other should be an amendment on the article 35 procedure. *[Interruption]* You should have the document which is stapled together, comprising three pages. On the front page you will see a comment on the Law Society submission: the inclusion of fee farm grants. On the second page you will find a comment on the Law Society submission on the amendment of the article 35 procedure. I am aware that the Committee has run over, so I will be as brief as I can.

The first document you have in front of you, which outlines general concerns, is derived from various sources. It comes from the evidence that the Committee has heard already, in particular from the Law Society and from the Royal Institution of Chartered Surveyors (RICS). The base of the document was drafted by my colleague on the staff, Mr Peter Hughes. I have looked over it as a barrister, with particular reference to the effect of the legislation and how we can outline concerns that the Committee might like to look at, and later on pose questions for other witnesses. You will, on a previous date, have been provided with an explanatory and financial memorandum on the Bill. This document is of great assistance concerning what has been brought up here: paragraphs 22 and 23. These in general deal with the Human Rights Act and the legislative competence of the Assembly to pass legislation.

The Royal Institution and a body called the Grent Trust, which is a private charity that collects ground rents, in order to dispose of money between itself and other charities, queried the human rights implications of the Bill. This issue will come up on several occasions

throughout my submissions to you. There are two extra primary questions which the Committee may like to consider while we are speaking to the Office of Law Reform representatives. The Bill begins with another statement about legislative competence, which is tied to human rights issues. The Committee should be considering that.

***Clause 1 (Power of certain rent-payers to redeem ground rent)***

**Mr Widdis:** Clause 1, in effect, lays out the basic power which is granted on it, that those who owe or are expected to pay ground rents in accordance with their lease or other holdings of land will under certain circumstances be entitled to redeem them. There are no particular legal concerns or other concerns that have been raised by other parties regarding it. The same applies for section 2, which sets out a compulsory regime that allows the redemption process to occur on a compulsory basis when certain events occur on the transfer of property. Clause 3 raises one fairly minor problem. It is to do in particular with subsection 7, which you will find at line 15 on page 3. It is to do with the application or otherwise of the legislation to a flat. If you refer to the general provisions concerning the right to redeem a rent you will see that subsection (7) provides that sections 1 and 2 do not apply to a flat.

An issue raised by the Law Society that should be considered by the Committee is the definition of a flat. You will see that the definition substantially comprises three paragraphs — (a), (b) and (c). (a) and (b) are normal with regard to describing a flat. Paragraph (c) may require a closer look. It suggests that for a property to be defined as flats, the owners or occupiers of the units, or any of them, must share in the enjoyment of common parts. The Law Society has raised the question: what if accommodation which would in the general sense be regarded by members of the public and by others as a flat does not share common parts with other flats? In particular, the Law Society raised a good point that should be considered, which is the possibility of an accommodation complex or an apartment complex which comprises some apartments which share common areas, such as a hall or stairs, and some apartments which do not, but are otherwise identical and may, for example, have their own doorway onto a street. I would suggest that the Committee look at that and there are also a couple of draft questions there which the Committee might like to consider and possibly put to the representatives from the Office. Subsection (8) is also mentioned there. Subsection (8) provides three ancillary definitions, one of which is the definition of common parts. If subsection (7) is to be reconsidered, so must subsection (8).

**Mr Gibson:** May I ask a question at this point?

**Mr Widdis:** Yes, of course.

**Mr Gibson:** Does the ground rent apply to each layer of premises?

**Mr Widdis:** Being an apartment complex with more than one floor of premises?

**Mr Gibson:** One floor or several floors, in other words, multi-storey. Ground rent is a form of income. But what if we started to define the sub-divided property on it? Is the ground rent a collective imposition on all units of a complex or is it a collective imposition on the land the complex is sitting on?

**Mr Widdis:** The legal possibility exists that both situations could arise. It is conceivable, for example, that a management committee might take on the payment of the ground rent and charge it to the occupants as fees. It is equally possible that when the individual units in the development are sold off, a certain amount of ground rent is attached to each of them.

**Mr Gibson:** Therefore, the ground rent is attached to the deed of whatever the property is. I am trying to focus on the deed.

**Mr Widdis:** What I am trying to get across is that it could be either way. Legally, a mechanism exists for it to be attached either way.

**Mr Gibson:** Then legally when you come to “deground” rent it, you are removing an article from a title deed. You are removing the imposition to pay ground rent, however it is administered.

**The Chairperson:** We will move through this in an advisory way. Then we will come back to the Office of Law Reform with regard to Acts of Parliament.

**Mr Widdis:** If it is administered, then the definition of ground rent in the Bill can be examined to see if it covers a charge made by a management committee. This represents part of a ground rent that it, or the developer, is paying. My initial reaction is that it does not cover such a charge.

**Mr Gibson:** We can come back to that.

**Mr Widdis:** Clause 4 provides a system of redemption. Redemption, in general, will be handled by the Land Registry. At subsection 2(b) line 4, page 4, the RICS raised concerns with regard to suing for arrears of ground rent which have not been paid in a period before a rent payer decides to redeem it. The RICS’s suggestion is to pay the redemption money, which is calculated on the basis of the ground rent and a multiplier, and to pay the Land Registry fees.

The RICS also suggests paying other charges that the rent payer, who is redeeming the rent, is asked to pay. This charge is an amount which is equal to 6 years’ ground rent. A rent payer could fraudulently suggest that he could not find the rent owner and, therefore, could avoid paying ground rent for a time before

redeeming. The suggested mechanism of the RICS would be to allow the amount that could legitimately be claimed in court for ground rent arrears. That is said to be six years. That money is then lodged in the Land Registry and is available for the rent payer, if he later comes forward. There is a question drafted against the Office of Law Reform as to whether this has already been considered and whether or not there is a satisfactory mechanism to deal with the issue.

The RICS also queried subsection 2(e) with regard to a sum of money to be lodged with the Land Registry to cover expenses. The Institution was concerned about the amount of money and exactly what it would cover. That is also subject to a draft question.

A further question which the RICS raised is with regard to endorsement of deeds. The RICS is concerned that there is no strong system for registering the effect of redemption on the rent owner’s deeds which are the higher ownership of the property. The RICS is particularly concerned about this for its own reasons. It operates not only on behalf of rent payers, but frequently on behalf of rent owners. A couple of questions have been included for your benefit. Clause 5 is to do with setting the redemption money. It operates by referring the matter to the first schedule. The first schedule operates by providing that the redemption money is equal to an amount calculated by multiplying the ground rent by a set multiplier. That multiplier is to be set by Ministerial Order and is to be reviewed, as appropriate. This again is causing great concern to many parties who feel that the tentatively suggested figure of nine is not suitable. There is no legal advice to provide to the Committee. As the Bill is drafted at the moment it is not a matter within the competency of the Committee.

Once the Order is made, the Committee will be involved in doing it, but at the moment it is not an issue. The Committee might wish to consider, especially with the officers from the Office of Law Reform, a possible alternative of setting some sort of standard for the multiplier — for example, the base lending rate has been suggested.

Clause 6 covers the disposal of the redemption money. This did not cause any concern to the Law Society but, given its line of work, the RICS was disturbed by it, and it has quite a few concerns. The first concern on the list came up in discussion in our office and was not raised by the RICS. It relates to the amount of money that is being collected; this will be a considerable sum if all redemptions are taken up in Northern Ireland. The system that has been devised, and which is contained in the Bill, for disposing of the money relies, as a first step, on a party claiming to be entitled to the money coming to the Land Registry and asking for it.

This may not wholly be in line with human rights thinking and the Human Right Act in that it is no longer



a matter of somebody having property taken from him — his interest in a ground rent. He is entitled to receive a ground rent, and he is able to receive compensation for this. However, it is system whereby entitlement is taken from him, and he needs to approach the Government body or public authority to ask for compensation.

The RICS has some concerns, which are fairly clearly laid out. They are to do with particular phrases that appear in certain subsections of that clause. I have provided sample questions.

Clause 7 provides for the Land Registry, on completion of the process, to issue a certificate of redemption. It has various legal effects, and it effectively closes down the redemption process. There seems to be no provision in the Bill for the issue of any notice to the rent owner advising that the process has been completed. The Committee might consider the question included on that.

**The Chairperson:** Perhaps we should stall there and bring in the witnesses from the Office of Law Reform to take us through the early stages, because we have probably covered as much ground as we can today.

I welcome Ms Judena Goldring and Mr Neil Lambe, and I invite them to make general comments on the thrust of the Bill before helping us to go through it in a clause-by-clause examination.

**Ms Goldring:** I will remind the Committee of the genesis of the Bill. The Property (Northern Ireland) Order 1997 was on the statute book, and, as a result of representations made to the Office of Law Reform by the Law Society, which had concerns about the redemption procedure and complications involved in it, we reassessed the redemption process and various other aspects of the Property Order.

This is a Bill that has been revised as a result of close consultation with the Law Society and, I may add, with the RICS. I am aware that there has been some indication from the RICS that there was a lack of consultation on this Bill. As far as the Office of Law Reform is concerned, I can categorically tell the Committee that we made every effort to seek out the views of the RICS, and we sent it comprehensive papers. We specifically asked it to comment on the multiplier — I will come to that later when dealing with that particular clause. We also sent it a draft of the Bill. Three months later we received a reply to say that it had no comment to make on it. I want to satisfy the Committee that, as far as we are concerned, efforts were made to give it a full and comprehensive opportunity to look at the legislation.

I am quite happy to move on, using the chronology set out in the paper. The first general concern was about the human rights implications of the Bill. We have carried out an audit of this Bill as part of a general audit of the work carried out in the office. The particular

convention rights referred to here are found in Article 1 of the European Convention on Human Rights, which provides for the free enjoyment of property rights. Having looked at this, and having looked at the jurisprudence, we are satisfied, from our human rights expertise within the office, that the interference here in property rights is justified in terms of the public policy which lies behind it. We are also satisfied that the compensation levels being offered are sufficient to comply with human rights standards. The actual requirement of the jurisprudence is not that exact market value is offered to compensate for these rights, but that a reasonable level of compensation is offered, and we are satisfied that the legislation does that. That is our understanding on the human rights issue.

**The Chairperson:** Are Committee members happy with that?

**Mr Gibson:** Can you confirm that paragraphs 22 and 23 have been the subject of a human rights audit and that the words “reasonable compensation” are the standard normal at which this compensation is judged?

**Ms Goldring:** Yes, we are content.

**Mr Gibson:** So paragraphs 22 and 23 should run?

**Mr Leslie:** But that depends upon a definition of “reasonable compensation”.

**Ms Goldring:** It does. The jurisprudence will change, and there is no exact formula. It is certainly not market value that is expected under the jurisprudence. It is an adequate level of compensation that is expected.

**Mr Gibson:** Whose duty is it? Is it the right of the landlord, or whoever receives the compensation, to challenge it and say that it is not reasonable, or is it up to the purchaser to determine that it is reasonable?

**Ms Goldring:** If the landlord feels that it is not an adequate compensation level, it is open to him to challenge it.

**The Chairperson:** OK. Is everybody happy that we have dealt with that and that we move on?

**Mr Leslie:** I am not necessarily happy, but we will come back to the point later.

*Clause 1 agreed to.*

#### **Clause 2 (Compulsory redemption in case of dwelling-house)**

**Ms Goldring:** Clause 2 applies when a dwelling house, held subject to a ground rent, is to be conveyed or transferred. Before the Registrar of Titles can accept the conveyance or transfer he must be satisfied that the ground rent in the dwelling house has been redeemed by the purchase of the property. The purchaser of the property must redeem the ground rent in accordance with clause 4 of the Bill.

Clause 2 makes separate provision for the compulsory redemption of a ground rent on unregistered land under subsection 1, and on registered land under subsection 2. The clause is likely to be brought into operation at a date later than the redemption of ground rents under clause 1.

The compulsory redemption of ground rents will be phased in with the extension of compulsory first registration of title to all of Northern Ireland. Subsections 4 and 5 will ensure that the introduction of compulsory redemption of ground rents will not apply to conveyances or transfers made in pursuance of pre-existing obligations to convey or transfer the dwelling house. Would you like me to continue on through the subsections?

**The Chairperson:** Yes.

**Ms Goldring:** Subsection (1) applies to the compulsory redemption of ground rents on unregistered property subject to a ground rent in a compulsory registering area, designated as such under the Land Registration Act (Northern Ireland) 1971.

**Mr Leslie:** In what circumstances would clause 2 subsection 1(b) apply? Would it apply to most houses?

**Mr Lambe:** No. It would not apply to most houses at present. Areas in north Down are already designed as areas of compulsory first registration. However, it is intended that the whole of Northern Ireland will be designated as an area of compulsory first registration within the next two years.

**Mr Leslie:** So, the clause only covers a dwelling house in a leasehold estate within a compulsory registration area. The dwelling house has got to satisfy both criteria. Is that right?

**Mr Lambe:** Yes. That is because the introduction of compulsory redemption of a ground rent is going to be tied to the extension of compulsory first registration throughout Northern Ireland.

**Mr Leslie:** By the time it comes into effect, is it likely that the subsection will refer to all houses?

**Mr Lambe:** It will, over a period of time.

**Ms Goldring:** As a dwelling becomes compulsorily registered, there will be a need to redeem the ground rent.

**Mr Close:** How will this be introduced? At the moment, we hear that north Down is an area of compulsory first registration. What are the timescales envisaged for the whole of Northern Ireland?

**Mr Lambe:** Essentially, the Land Registry is developing the appropriate computer systems whereby it will be able to process applications for first registration and those for existing unregistered domestic dwelling houses.

**Ms Goldring:** Perhaps our colleagues in Land Registry can answer detailed questions on how the system is going to work in practice.

**Mr Leslie:** What sort of timescale do we envisage here?

**Mr Lambe:** We imagine that the compulsory redemption in relation to existing unregistered property would be brought in within the next two years. Perhaps in five years' time it will be extended to all registered properties. The basic aim is to get as many of the existing unregistered properties registered under compulsory first registration, though the person purchasing a house will be making parallel applications, redeeming the ground rent and having the title registered for the first time with the Land Registry.

**Mr Weir:** By way of clarification — although I do not know whether it is relevant — would compulsory registration follow a conveyance of any nature?

**Mr Lambe:** Yes. If the area is designated as an area of compulsory first registration, one must register the title.

**Mr Weir:** Why does north Down seem to be the only area where that is happening at present?

**Mr Lambe:** I do not have an explanation for that.

**Mr Gibson:** That is where all the lawyers live.

**Mr Bell:** I am not sure of the answer to Mr Close's question about the timescale. Perhaps it could be repeated.

**Ms Goldring:** Within the next two years there will be a major phase of compulsory registration, and this will extend over the next five years.

**Mr Gibson:** What is the point of compulsory registration? The only thing that proves you own a property is the title deed. There is no compulsion anywhere in Irish law, North or South, to register that with anyone unless it is to be used for some other purpose. Why set up a whole compendium of legislation to deal with something which, without it, is very simply dealt with?

**Ms Goldring:** The simple answer, and again I am answering for Land Registry colleagues, is that it is part of a modernisation of the conveyancing and land-holding system.

**Mr Gibson:** It is not a modernisation of it. Conveyancing is simply done by putting on sale a property which has a deed. When the sale is completed, you dispose of the deed to somebody else — that is conveyancing. Land Registry has nothing whatsoever to do with that; it is not helping or assisting it.

**The Chairperson:** Perhaps we will speak to Land Registry on that point.

**Mr Leslie:** I would like to clarify some points about structure. Under the voluntary procedure in section 1

there are essentially two parties — the ground rent owner and ground rent payer. There may be more than one payer and there may be a hierarchy of owners, but essentially there are two parties.

In the compulsory scheme there are the three parties — the person selling the property, the person buying the property and the ground rent owner. The ground rent owner is, in a sense, a detached party since he has no say in what is going on, other than to be alert to any fraud being perpetrated by the contract between the other two to redeem the ground rent. Is my analysis of those three parties correct?

**Mr Lambe:** I would not say that the existing ground rent payer becomes party to this redemption process.

**Mr Leslie:** No, but it definitely has an effect on him. Perhaps that is the correct way of putting it.

**Mr Lambe:** No, there is no effect on the rent payer; the existing rent payer is someone who is selling the property. The person buying the property will, during the process, require evidence of the identity of the ground rent owner before making application to Land Registry and lodging the redemption money, which would then become payable to the rent owner.

The existing occupier of a house is not involved in the redemption process at all; he simply provides details to the purchaser's solicitor of the identity of the ground rent owner, the cost per annum and when the last amount was paid.

**Mr Leslie:** What I am trying to get at is the question of costs. The person who is selling the property and the person who is buying the property both have costs in the transaction. The ground rent owner had nothing to do with the instigation of the sale of property, but he will wish to receive adequate compensation for the value of his ground rent. He should have no costs, but I am not clear that this is the case, particularly if he has to take any action in order to attain his compensation.

**Mr Lambe:** The fine details of cost have not yet been worked out, but the person redeeming the ground rent will be required to lodge a sum of money with Land Registry. This money is intended to help defray the expenses of the rent owner who is claiming the redemption money, but the actual amount has not been set.

**Mr Leslie:** That is not dealt with under clause 2 but it is an important issue that must be clarified. The ground rent payer who neither desired nor instigated the transaction — although he might desire it in the end — should not have to pay for any aspect of it. As we work through the Bill I will keep that point in mind.

**The Chairperson:** The only issue that I did raise in the introduction was that it only covers dwellings. However, ground rents on other property or land — and

I cited the bed of Lough Neagh as an example — have to be paid to an estate. Can the Bill be amended in any way to include that type of ground rent.

**Ms Goldring:** No, separate policy considerations would be involved in commercial or agricultural property. This Bill is specifically aimed at domestic dwellings. Commercial and other ground rents would be the subject of a separate exercise.

**The Chairperson:** The title of the Bill is misleading. It mentions ground rent but on reading the introduction one learns that it deals only with domestic dwellings. However, there will be people writing to us with queries regarding ground rents for land, et cetera.

**Mr Weir:** The RICS suggested that there are some places in Northern Ireland such as Ballynahinch where there are “odd conveyances” — instances where land had been granted for a shop or a dwelling place, but to which was attached another form of land as part of the condition of sale. The institution feared that a situation would arise where there was a conveyance on something which tied up two pieces of land and the redemption could apply to one bit but not the other.

**Mr Hussey:** Yes, the RICS cited an example of a butcher who had a field to keep cattle on.

**The Chairperson:** They are called town park rents.

**Mr Gibson:** In other words, land for common rights and turbary in rural areas.

**Ms Goldring:** Separate rights apply to turbary.

**Mr Gibson:** There is ground rent on the property that is occupied as a normal dwelling but attached to that dwelling are sections of land, and some of which is divorced from the main property. On the title deed would also apply the words “ground rent”.

**Ms Goldring:** It does not fall within the definition contained in the legislation and it may be that part of the land will remain under commercial ground rent if it was originally one piece. Then part of it will be in domestic use and part of it in commercial use, and the rent on the domestic area will be redeemed and the rent on the commercial will not. We are going to be left with instances of that nature.

**Mr Weir:** If the overall package were part-commercial and part-domestic, would it be proportioned so that a portion of the ground rent would be redeemed?

**Mr Lambe:** I do not have an absolutely clear answer for you on that.

**Ms Goldring:** We will be referring to the definition under which the land is used for business purposes. That would be applied to any assessment.



**The Chairperson:** Do you consider, given the issues that have been raised in the title of the Bill, that it does refer to dwellings, and not just ground rents?

**Ms Goldring:** We can discuss the title with legislative counsel, if you feel that it is misleading.

**The Chairperson:** The Committee thinks that it should cover all. We could either change the Bill's title or extend the agreement, which would be a better way to cover land attached to dwellings, a matter which we discussed, or ground rents in general.

**Mr Gibson:** In rural areas, it is common practice for the interested parties to negotiate buying out ground rent at the time of a sale or disposal. Often the property has been sectioned, and there might be two or three vendors, all enjoying a ground rent. Somebody has to negotiate the ground rent redemption attaching to the various sections of property, some of which can be very remote — on a mountain, say, because turbary rights are involved. Everything is governed by the ground rent, even though what started out as a single dwelling might have been frequently extended. The Bill must, for example, define what farmland is. Is it commercial or is it a private dwelling?

Ground rent seems to have two or three different meanings. Does it apply to the dwelling or to everything in the deed?

**Ms Goldring:** Property and land used for commercial purposes are outside the remit of this legislation and cannot be brought in at this stage, because that would be *ultra vires*. We can take up the question of land that is not commercial, but which is not a dwelling, with legislative counsel and explore it further.

**Mr Hussey:** Usually, when somebody has a dwelling, the ground rent is established. It is often a nominal ground rent. Perhaps the front room has been turned into a hairdressing salon, but, although there has been a change of use, it is still part of the premises. Similarly, someone could decide to use a back room as an office. Does this change of part of the dwelling for commercial use — even though the initial ground rent was on a dwelling — mean that the dwelling is ineligible under this Bill?

**Ms Goldring:** Clause 1 subsection 2(a) refers to land used wholly for business purposes. What you describe may call for apportionment. If the commercial use is incidental to the rest of the use of the land — and apportionment is an issue which comes up in rating and valuation — it will fall within the legislation.

It is really the interpretation of whether the land is used wholly for business purposes.

**Mr Widdis:** It is up to the Committee to decide whether it wants to extend the powers contained in the legislation.

**Mr Gibson:** The question being raised here is that ground rent, as this envisages it, was to deal with urban residential property. In cases where somebody developed a piece of land, the original landowner imposed ground rent for a number of years as a form of continuing income. This legislation, I think, was intended to encapsulate that, but we are pointing out that there is a raft of other areas which are not included in this. It may be unwise of the Committee to consider extending it until it has received full legal guidance. I can see that we could be walking into a quagmire of various legal rents, ground rents, head rents and all sorts of things that have been imposed over centuries.

If we stick to the simple stuff, it will cover a multitude of the population.

**Mr Weir:** Will you look at the issue of incidental land? Presumably existing legislation already covers commercial premises and business tenancies. Surely introducing more legislation would complicate matters. Perhaps it would also be better to leave the title as it is?

**Ms Goldring:** We would be going back to the drawing board if commercial businesses' interests were included. When the Land Law Working Group first began its deliberations there was a suggestion that commercial interests might be considered. However, there is a separate body of legislation relating to commercial interest; there are separate policies involved in dealing with it, and it simply just does not sit with this type of property legislation.

**The Chairperson:** Are there any proposals in the future to come up with another Bill which would cover commercial or agricultural ground in that way? Is it envisaged at all?

**Mr Lambe:** This Bill should be seen as simply the first stage in a rolling programme of property law reform in Northern Ireland, ultimately implementing the recommendations of the Land Law Working Group.

**Ms Goldring:** As far as commercial property is concerned, Mr Weir quite rightly points out that it maybe necessary for the Government to revisit the business tenancies legislation, which was subject to a review some six or seven years ago.

**Mr B Bell:** It would be unwise to extend this Bill at this stage, but it is certainly necessary to have its title amended. It is misleading. It should have a title that indicates that it is for domestic property only.

**Ms Goldring:** I would like to discuss this with legislative counsel. The Bill's title obviously has to be wide enough to cover everything in it.

**Mr B Bell:** I understand that, but I am saying that we ought to be recommending that it be dealt with in the manner that you are suggesting.



**The Chairperson:** So, we should look at this again.

**Mr Widdis:** I have two comments on that. It probably would require an extensive look at its legality, and that would take a long time. The other point relates to town park rents. I tend to think that that is less of a problem than perhaps it is perceived to be.

As I read the definition of “ground rents” and the definition of “land” later on in the Bill, it relates to properties which are used wholly for business purposes, and property which is composed of one lot in a town such as a shop possibly with an apartment and one lot possibly some acres outside town —

**Mr B Bell:** Are you saying that in order to change the title of this, it would have to be re-written?

**Mr Widdis:** No, I am suggesting that to extend the scope of the Bill —

**Mr B Bell:** Extending — yes, that is fine, but —

**Mr Widdis:** It probably would require a good deal of time and thought in terms of —

**Mr B Bell:** Yes, I agree with that.

**Mr Widdis:** It is not a thing that could be done by inserting a few extra clauses. Amending the title —

**Ms Goldring:** But it is not just about re-drafting — you are talking about a complete new consultation exercise and consulting the public again. You could not just re-draft this and include commercial properties. It would be a complete new exercise.

**Mr Close:** Getting back to the function of this Committee and what we want to do or see done under a devolved regime, there is a policy decision here — a “cost policy” for want of another word — and this is something that I, as a layman need advice on.

Is it desirable that all ground rents in Northern Ireland be visited in this respect? If the answer is “yes”, then that is the road that we should be going down. And the next question is this: is it better to do it in stages, or is it better to do it under this new “policy”, if the devolved legislator looks at and decides that that is a better way to go?

We should not be hampered or allow ourselves to be hamstrung by an idea that was thought up before devolution and before we had the legislative powers. If we are starting afresh, should we not be looking at Northern Ireland as a whole?

**Mr Leslie:** We are here today to do the Committee stage of a Bill that has had a Second Reading, and that is what the Assembly required us to do. If we want to have a discussion about apportioning ground rent, that is a matter for another meeting, but we are here today to take the Committee stage of this Bill that has had its

Second Reading in the Assembly. We cannot start on another Bill.

**Mr Gibson:** Mr Close has stated the burning issue. It raises the question: what is the purpose of this Committee if at the Second Reading of this Bill we discover that this Bill is not adequate to deal with the business of ground rents on properties? If that is so then, as Mr Close has pointed out, we need to make a policy decision, and we should have the ability and the right to do so.

I have come to the conclusion that a massive policy decision is needed here. Somebody talked about a rolling programme to deal with it, but we are dealing now with one section. Either we accept that or we go back to the scriptwriters and say that we recommend that they go back and do the whole job over again.

**Mr B Bell:** We do not necessarily have to do that because, as Mr Leslie has said, this has already had its First Reading. Surely we are still within our rights to change the name of it. What difference will the changing of the name make? I am only asking for the name to be changed, not that we start this whole rolling process again.

The Committee ought to change this title so that it is more representative.

**The Chairperson:** I refer to two things. First, the name change makes the Bill recognisable where it deals only with residential or domestic properties. If the title covers what the Bill covers, that is fair enough.

**Mr B Bell:** The other point is another day’s work.

**The Chairperson:** That is another day’s work in one sense, however. If it is necessary to wipe out grounds rents entirely, why not do it in one operation? Why do it in stages? At a later stage, the Bill may be criticised as incompetent in that it fails to cover what it should. Otherwise, this will be discussed at a later stage.

**Mr B Bell:** But it already has been sent back to us.

**The Chairperson:** Yes, it has. There is no reason in sending it to us if we cannot make changes or recommendations. That is the purpose of it. If we are simply here to rubber stamp it, we could do that this evening.

**Mr B Bell:** Mr Chairman, we are not going to rubber stamp it, but we cannot scrap it completely.

**The Chairperson:** But we could add to it.

**Mr Weir:** Perhaps there is a difference between theory and practice. In theory, if we feel this Bill is so flawed that it should be scrapped, we should not shy away from recommending that. Furthermore, if it is considered best that this be dealt with as one Bill, in theory we should not shy away from that either. In practice, it makes legislative sense to have something dealing effectively with the dwelling side of things as

one entity. Then, whatever else happens at a later stage, it would be more effective to make some changes to the Bill, and perhaps even to the title of it, rather than to its entirety. On a practical, legal basis it does not make sense to alter a great deal of the scope of it. At some stage, we may consider that when we come across a Bill where we feel the scope is not wide enough, we should not deny ourselves the ability to say that in the Committee. That is an important role.

**Mr B Bell:** I know that we should not deny ourselves any role. There are other people denying us. *[Laughter]* I do not think it makes sense to say "Right, the whole thing must be scrapped."

**The Chairperson:** No one is saying that.

**Mr B Bell:** Some people are, Mr Chairman.

**The Committee Clerk:** Mr Chairman, I think that Mr Leslie has explained this very accurately. The Assembly guidance indicates that when considering the clauses of a Bill, amendments cannot be made that are irrelevant to the subject matter or beyond the scope of the Bill. The scope of this Bill is clearly residential properties. It would be inappropriate to suggest amendments that would alter its overall nature.

**Mr Weir:** It depends upon what is considered the scope of the Bill. The Bill in question is called the 'Ground Rents Bill'. It is argued this is not an entirely accurate description. Even from the long title — 'A Bill to make provision for the redemption of certain ground rents and other periodic payments.' — the question is what we see as the overall scope. To some extent, this is more dancing around the theory of our role rather than addressing the more important practicalities. We should focus on the idea of ground rents as they affect dwelling houses and other ancillary situations. It strikes me that that would be considered practical.

**Mr Hussey:** I think the discussion is at the point where I left it.

**Mr B Bell:** Mr Chairman, we were not even going to discuss that clause at all.

**The Chairperson:** That is right.

**Mr Hussey:** Is it the suggestion, and I am looking at it in layman's terms, that the Committee go ahead with this as a sort of foundation? Perhaps other relevant matters that have been referred to may well return as future amendments to this Bill.

**The Chairperson:** We should be sending out a very clear message that the Ground Rents Bill does not cover all the issues. We should deal with this Bill as relating to domestic or residential dwellings and expect that there will be another Bill at some other time. That would be a satisfactory line to take.

**Mr B Bell:** There should be another Bill?

**The Chairperson:** Yes. Can everybody make sure that their mobiles are off, because they will interfere with the system? Ms Goldring will go back to the point we were discussing. I think we finished off with the section about the dwelling house and compulsory registration. That is as far as we got when Mr Leslie threw it off track.

**Mr Weir:** That is all your fault.

**The Chairperson:** We will take it from the next subsection.

**Ms Goldring:** We are starting with subsection (3) where the Registrar shall refuse to accept the conveyance or transfer of the dwelling house unless the ground rent on the property has been redeemed by the purchaser of the dwelling house.

Subsections (4) and (5) provide that the provisions of compulsory redemption of ground rents do not apply to the sale of dwelling houses that are made as a result of a pre-existing obligation.

Subsection (6) provides that a recital in a conveyance, or transfer of a dwelling house, stating the date on which the obligation to convey or transfer the land was assumed is conclusive evidence of that fact.

Subsection (7) makes express provision for the conveyance or transfer of an undervalued share of the dwelling house held as a tenancy in common. This would be regarded as a conveyance of the dwelling house. This is likely to be rare, but an undervalued share is capable of being conveyed, and this deals with that possibility. The purchaser of any such share will be required to redeem the ground rent on the dwelling house.

Finally, subsection (8) is an interpretation provision for clause 2. That defines conveyance as a conveyance of unregistered land, for money or moneys worth, and includes an assignment of a lease, but does not include a grant or surrender of a lease and does not include a grant of a mortgage. Provision is also made to apply this definition to the transfer of registered land.

**The Chairperson:** Are there any questions regarding these subsections?

**Mr Weir:** On a wider level, we mentioned that we found the title confusing. Will there be a technical problem with any change to title? A Bill, having already had two readings, would — by changing the title — officially become a different piece of legislation. If we wanted to change the title to 'Domestic Ground Rents Bill', would there be a technical problem with that?

**Ms Goldring:** This is something I would like to bring back to the legislative counsel.

**Mr Weir:** If a change in title would nullify the entire legislation, it strikes me that we may be better keeping the title, even if it is slightly inaccurate.

**The Committee Clerk:** Ms Goldring could take advice on that.

**Ms Goldring:** I have not come across a change in title before, but I will take advice.

**Mr Weir:** The other thing is whether it is appropriate, on the basis of the long title, rather than the short title. Both those points can be made.

**Mr Gibson:** Let us keep the title 'Ground Rents Bill', and, as there may be further legislation pending it may be possible to have the phrase "(domestic dwellings)" underneath the title. That may get round the legal requirements without changing the title.

**Mr Weir:** It may be a legislative thing. If the title changes at all, it technically makes it a different piece of legislation.

**The Chairperson:** I think on that, Ms Goldring, it goes back.

**The Committee Clerk:** One of the things that happens in the Chamber, as you may recall from the earlier piece of legislation — and I think it is the final act of the main plenary session in passing a Bill — is approval of the long and short titles. The Assembly goes through a Bill clause by clause and at the very end agrees the long and short titles. There is obviously an opportunity to agree those titles. What we need is advice on whether or not —

**Mr Weir:** We will end up with egg on our faces if we change the thing and suddenly find out that the whole Bill falls.

**The Committee Clerk:** There are unforeseen implications.

**Mr Weir:** This is desirable but not exactly necessary.

**The Chairperson:** Maybe Mr Widdis could do some work on that for us. So, are we agreed on clause two and all the sections?

**Mr Leslie:** I have a couple of questions about clauses four and five. If we have agreed a sale before this comes into operation, this clause does not apply. I am just going through in my mind what happens if both parties prefer that it did apply. I suppose they could use section one as a voluntary redemption. I wonder if there is untidiness there. Would it not be sensible to be able to opt for the provisions of this section to apply?

**Mr Lambe:** There is nothing in this legislation to prevent two individuals entering into a private contract to redeem the ground rent.

**Mr Leslie:** I know there is not, but this is supposed to make it easier for them. I am not sure if my logic is right. This clause is perfectly sensible. It is making it clear when this starts, but I wonder whether there might be circumstances in which it would be in the interests of

the parties to use clause 2, even though the date of the agreed sale predated this clause's coming into effect. In fact, they would just use clause 1 procedure. Would this be the simple solution?

**Ms Goldring:** They could use the voluntary procedure and enter into an agreement.

**Mr Leslie:** Enter into a private contract.

**Mr Gibson:** You can already do this. If both parties agreed, you see, you would not need this Bill.

**Mr Leslie:** Now I have another question. Subsection (7) refers to undivided shares. What about a company that enters into residential property? People sometimes do this for tax reasons, where rather than owning it in their own name, they use a company name. The only asset of that company is that property. Rather than conveying the house, you sell the company. Is subsection (7) designed to trigger these provisions in the event of that transaction? I was wondering what the purpose of subsection (7) is. Secondly, I am wondering whether it has effect in the circumstances that I outlined.

**Mr Lambe:** It is there to cater for the possibility that someone would sell an undivided share of a piece of property and that someone would be willing to purchase it, which is unlikely because you would not own that property. You would rarely find a purchaser because that person would not have sole occupation or possession of the property. That would have to be shared with another person.

**Mr Leslie:** I will ask a different question. This is a thought triggered by looking at that subsection. Take the situation where a property is owned by a company. One of the reasons for this is to avoid stamp duty. It is going to evade the provisions of this Bill.

**Ms Goldring:** In such a situation, where a property is used as a domestic dwelling and not as an investment?

**Mr Leslie:** Well, it does not really make a difference. It is the fact of its being owned by a company rather than a person. Say I have a company that I own every share in. I own 100% of this company. It has one asset — it owns no. 1 Stormont Gardens. I sell no. 1 Stormont Gardens to Mr Weir and Mr Weir and I agree that he is going to acquire no. 1 Stormont Gardens from me. The actual process is not that we convey no. 1 Stormont Gardens, if I sell him this company.

**Mr Gibson:** What you are selling is the ground rent.

**Mr Leslie:** What I am saying is that if we choose to do that, that is a perfectly legitimate transaction between us. Would that transaction trigger a compulsory redemption under the terms of this Bill?

**Mr Lambe:** No. It is not a transfer of a particular building,

**Mr Leslie:** No, it is not.

**Mr Lambe:** It is a contractual arrangement.

**Mr Gibson:** What you are transferring is an asset.

**Mr Widdis:** In relation to a point Mr. Leslie made earlier that under clause 2, subsection (7), a dwelling house owned by a company is not, in fact, held in undivided shares. It is wholly owned by the company. The company itself is a legal entity. It may have 50 employees, it may have 100 legs and 100 hands, but it is one legal entity and, therefore, it owns the house in undivided shares. The subsection is not designed to cope with the situation Mr Leslie raised, in which the house is or may be held in divided shares. Subsection (7) does not apply in that situation.

Regarding your second point about whether a transaction by way of selling a company which owns a residential dwelling is covered by the Bill, I would need to do further work on that.

**Mr Leslie:** I suspect that it is not and, in a sense, I do not really mind, but I do not think that is relevant now.

**Ms Goldring:** We agree that it is not covered by the proposed legislation.

**The Chairperson:** Are you happy with that, Mr Leslie? Can we sign off this clause?

**Mr Leslie:** Yes.

**Mr Hussey:** At what time do we intend ending this meeting?

**The Chairperson:** This is as far as we can go now, because the next section is likely to be long, and it is unlikely that we would complete it today. I suggest we finish discussing this part of the Bill and deal with the remaining Committee business before we leave.

*Clause 2 agreed to.*

**Mr B Bell:** Are we recommending that the title be changed?

**Mr Weir:** Yes, subject to other issues. There may be complications, but that is something which will be investigated.

**The Chairperson:** Thank you for coming along. We can go through another two sections next week. The next section will be more difficult to deal with.



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**NORTHERN IRELAND  
ASSEMBLY**

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**FINANCE AND PERSONNEL  
COMMITTEE**

Tuesday 19 September 2000

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**GROUND RENTS BILL  
(NIA 6/99)**

**The Chairperson (Mr Molloy):** We welcome Ms J Goldring and Mr N Lambe, who are again representing the Office of Law Reform, and Mr A Moir and Mr J Gibson from the Land Registers of Northern Ireland.

The two outstanding matters that the Committee needs to consider are the long and short title of the Bill and the views of the Office of Law Reform. It may help to speed up the process if Ms Goldring or one of her colleagues were to give us an explanation of the effect of each of the subsections.

**Ms Goldring:** I have had a discussion with George Gray, First Legislative Counsel about the title. He is looking at a form of words. I relayed to him the concerns of the Committee that we should try to ensure that the title expresses the fact that the Bill is confined to domestic purposes. He will consider whether we should use the term “domestic” and any knock-on effects. He expressed the view that the short title should be as short as possible, but he is taking on board the Committee’s views. I will come back to you later if we get a definitive form of words.

**The Chairperson:** So, we may have a response before next week’s meeting.

We dealt with clauses 1 and 2 last week, so we will move on to clause 3.

***Clause 3 (Exceptions to, or restrictions on, sections 1 and 2)***

**Ms Goldring:** For members’ information, I shall go through the Explanatory Memorandum, which is a shortened version of the Notes on Clauses of the Bill, which you already have. Subsections (1) to (6) exclude particular types of estate and land from both the voluntary and compulsory redemption schemes. It also makes special provision in relation to leases of agricultural land and in cases where the rent owner, or superior rent owner, is the National Trust. Subsections (7) and (8) provide for the exclusion of flats from both the voluntary and compulsory redemption procedures, because in flat developments there are complex

considerations relating to the ownership of common parts, such as sterilised utility rooms and gardens.

**The Chairperson:** There were some queries on that issue.

**Mr Widdis:** There are no real queries until subsections (7) and (8). The concern relates to the definition of a flat. That issue was raised by the Law Society of Northern Ireland, which expressed some concern that flats are treated differently depending on whether they have common parts. The Law Society has since provided a specimen definition, but the Committee might like to consider in the first instance, whether or not it wishes to make a distinction between two separate types of flat and, secondly, how it will ask the Office of Law Reform to go about it.

**Mr Leslie:** I am concerned about what the status of a maisonette is meant to be. I think a maisonette is a flat, and, therefore, it is intended to be included under subsection (7). The way the Bill is drafted might make it possible for a maisonette to be excluded from subsection (7).

**Mr Lambe:** My understanding is that maisonettes have common parts such as stairways. That is the definition.

**Mr Leslie:** I lived in a maisonette, but it did not have any common parts, it had a separate entrance. According to the estate agent, that is what made it a maisonette. That is an example. We want to include maisonettes, and, therefore, we must be certain that we do.

**Mr Lambe:** Do you mean that we should include them in the definition of a flat?

**Mr Leslie:** Yes.

**Mr Lambe:** That relates to the Law Society’s point about self-contained units with their own entrances that do not share any common parts with other occupants of the property. The amendment that the Law Society is suggesting will include maisonettes.

**Ms Goldring:** It may. I do not think that we can commit to that particular form of words. We have seen what the Law Society is proposing. I would like to go back to Legislative Counsel and discuss that form of words with him. We are aware of the problem raised by the Law Society, and we are trying to find a solution.

**Mr Weir:** If you and Legislative Counsel felt that the form of words suggested by the Law Society were adequate to cover the matter, there would be no problem, but presumably, if you thought that there were a better form of words, you would consult the Law Society. It strikes me that there is not much point in your coming back, having spoken to Legislative Counsel and saying, “We feel that this is the form of words that would satisfy us,” only for the Law Society to say, “No, we are not happy with the new draft either”. We want to ensure that, whatever the form of words, the issue is covered

and the problem is solved to the satisfaction of as many people as possible.

**Ms Goldring:** We will certainly take the matter up with the Law Society again. I am confident that once this issue has been discussed with Legislative Counsel, he will come up with a form of words, but we will also check that the Law Society is content.

**Mr Close:** You are seeking a definition to exclude flats. If they were to be included, would the same difficulties obtain?

**Ms Goldring:** The policy is to exclude.

**Mr Close:** I accept that.

**Ms Goldring:** I am sorry, but I am not sure what you are trying to say.

**Mr Close:** If the policy is to exclude, why must we have the change? What are the difficulties with inclusion, and why is the policy to exclude?

**Ms Goldring:** The policy is to exclude because flats have a different legislative framework, which relates to commonholds. There are complex arrangements with flats and commonholds that do not apply to houses, and so, for that reason, they are excluded from the ground rent framework. Flats will be dealt with in the legislation relating to commonholds.

**Mr O Gibson:** That means that there needs to be separate ground rent regulations to cover flats and commonholds.

**Mr Lambe:** The legislation would not relate specifically to ground rent; it would be included in legislation relating to the occupiers of different flats within a single block. Normally, a management company is set up to manage the common parts of the flats. Draft legislation on commonhold has recently been produced by the Lord Chancellor's Department, and we will be examining at it.

**The Chairperson:** It is those difficulties that we would like to cover. If the definition of flats or units of accommodation, is to be amended, what would you suggest?

**Ms Goldring:** We would need to follow it up with Legislative Counsel. We would have to check that any necessary ancillary technical amendment was also made, but that would depend on the form of words that was decided upon.

**Mr Leslie:** Clause 3(1) (a) refers to

"notice of a proposal to acquire the fee simple, or to obtain an extension".

To what does "extension" refer? Is it an extension of the lease, the fee simple, or an extension under section 2 of the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971?

**Mr Lambe:** It is an extension of the lease.

**Mr Leslie:** The draft is unclear. I would be inclined to change it to read "ought to obtain an extension of the lease". It is a moot point, but the draft is not as clear as it might be.

**Ms Goldring:** We will take that up with Legislative Counsel.

**Mr Widdis:** Because that subsection refers to the Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971, it refers to procedures that operated under that Act. I have not checked it in detail, but I imagine that there are a limited number of procedures in that Act through which one can extend one's leasehold and through which one can acquire the fee simple. I also understand that that Act applies in comparatively few cases. Because that subsection refers back to it, it refers to a notice of a proposal to acquire the fee simple or a notice of a proposal to obtain an extension. So, in practice, there is unlikely to be any confusion.

**The Chairperson:** We are agreed on subsections (1) to (6). Subsections (7) and (8) will be dealt with next week.

*Clause 3 referred for further consideration.*

#### **Clause 4 (Redemption)**

**Ms Goldring:** Clause 4 deals with the procedures for redeeming the ground rent on residential property in Northern Ireland. The procedure applies equally to the voluntary and compulsory redemption processes. Redemption procedure will commence with an application to the Land Registry, accompanied by various payments and other documents. Immediately after the rent payer has made his application to the Land Registry, he shall serve notice on the rent owner, if known, that he has done so.

**Mr Widdis:** Some concerns have been raised by the Royal Institution of Chartered Surveyors (RICS) in Northern Ireland. Subsection (2)(b) states that, in addition to paying the redemption money to the Land Registry, the rentpayer must lodge the receipt for the last payment of the ground rent. Paragraph (c) also requires the lodging of

"such sum of money, if any, necessary to discharge any apportionment of the ground rent for the period from the last day for payment of ground rent before the date of lodgement to the date of lodgement".

In the view of the Royal Institution of Chartered Surveyors, that appeared to be providing for moneys that are paid into the Land Registry which will cover the period from the last payment of ground rent until the certificate is made. In cases in which the ground rent was already in arrears, the RICS felt that a sum of money equivalent to six years' rent should be lodged in the Land Registry — the maximum amount of arrears that could be claimed — and made available. That

would cover the possibility that a rentpayer, who has deliberately been avoiding paying rent over a number of years, could escape by redeeming, particularly if the figure of six years could be included in the Bill.

**Ms Goldring:** Subsection (2)(b) covers payment of arrears, and it goes on to say that any arrears due are recoverable by law at the date of lodgement. "Recoverable by law" under the Limitation (Northern Ireland) Order 1989, refers to arrears of six years. The arrears may or may not amount to six years. By law, the date of lodgement covers what an individual can sue for. To my mind, that clause covers any arrears.

**The Chairperson:** Could it be three years, four years, or whatever?

**Ms Goldring:** Yes, and an individual is entitled to sue for an amount of up to six years. I do not see the point of putting that in when the Bill states that it will be "recoverable by law" at the date of lodgement.

**Mr Hussey:** Is it in law or in practice that one is able to claim for up to six years?

**Ms Goldring:** It is in law, under the Limitation (Northern Ireland) Order 1989.

**Mr Leslie:** I am not persuaded of the view of the RICS, and I think that the provisions are adequate.

**Mr Widdis:** Subsection (2)(e) also concerns the RICS. It asked what amount needed to be lodged with the Land Registry under subsection (2)(e) in order to cover the cost of applying for a certificate.

**The Chairperson:** Will the sum to be lodged to defray expenses incurred in obtaining a certificate cover only the Land Registry costs?

**Mr Moir:** That is my understanding. The costs involved in obtaining the purchase of rents through this scheme could be different for individual cases. One individual might redeem the ground rent on his own, one might go through a firm of solicitor, and one might go through a firm of estate agents. Therefore, the costs that could be incurred would be quite different.

The one element of costs that would be the same is the fee to Land Registry in respect of each transaction. It is our intention to allow the scheme to work to its full advantage and that the amount payable to the Land Registry should be modest. At this stage, we are considering an application fee to the Land Registry of approximately £25.

**Mr Kane:** How does the Office of Law Reform envisage the redemption's being recorded? Also, should the Bill make provision for the endorsement of deeds?

**Mr Moir:** Once the certificate of redemption has been issued to the rent payer, depending on whether the title is at present registered or unregistered, he would

register that certificate either in the Land Registry or in the Registry of Deeds, and the certificate of redemption would then form part of the title deeds to the property. The purchase of the ground rent would be recorded in two ways: it would be recorded in the index of redemption moneys, and it must be recorded by registration in either the Land Registry or the Registry of Deeds.

**Mr O Gibson:** I have been guilty of saying all sorts of unkind things, about the Land Registry, and I want to clear up one point. Is the certificate one from the Land Registry, or does it come from the landlord declaring that it has been cleared free of rent? Exactly who will be issuing this? The deed carries the altered title. What is the mechanism? I am not a legal person, and I like to follow very simple lines.

**Mr Moir:** Upon payment of the redemption money and the other amounts into the Land Registry, the Land Registry will send a certificate of redemption to the person who has paid the money and will become part of that person's title deeds.

**Mr O Gibson:** Only the Land Registry can issue that certificate of redemption?

**Mr Moir:** That is right.

**Mr Leslie:** To go back to clause 4 (4)(a), I presume that this means that the rent payer just asserts that he does not know the name and address of the rent owner or his agent. If your arrears are eight years, you might be inclined to assert that you do not know the name and address of the rent owner or his agent. What process would the Land Registry have, or what evidence would they retain of this assertion?

**Mr Moir:** The rules to be prepared for the administration of the ground rent scheme would require an affidavit in which the person applying would identify the rent owner or state that they do not know the identity of the rent owner. The rent owner would have a degree of protection in that if he or she is not identified, an amount equal to six years arrears would be lodged as part of the application. That would be held by the Department on behalf of that person until the claim for redemption money is actually made.

**Mr Leslie:** The six years' arrears interest me. Is that what you think your practice would be?

**Mr Moir:** Yes. We were aware that it would be quite easy for someone to say "I do not know to whom I pay my ground rent." We felt that if they were obliged to pay six years' arrears in a situation where they did not know the rent owner, it would, perhaps, stop their being inclined to do that.

**Mr Leslie:** I do not have any objection to that, but how are you empowered to do it? It is not on the face of this Bill. Is it going to be in the Rules?

**Mr Moir:** This would really be as a result of clause 4 (2)(b), which states that the amount to be paid into the Land Registry should be accompanied by either the last receipt for ground rent, or an amount equal to any arrears which are recoverable by law.

**The Chairperson:** If somebody has paid their rent in a shorter time, it is to their advantage to declare the owner. If not, then they have to pay six years.

**Mr Moir:** That is right.

**Mr Leslie:** I wonder whether it should state that it is the lesser of those two periods.

**Mr Weir:** Presumably, a person's agent would be able to produce a receipt for the last six years, so it would be in their interests to minimise the period.

*Clause 4 referred for further consideration.*

**Clause 5 (The redemption money and other money lodged under section 4(2))**

**Ms Goldring:** Clause 5 provides for the calculation of the redemption money payable by the rent payer to the Land Registry and for the keeping of a register of redemption moneys by the Land Registry. The redemption money is a sum produced by multiplying the annual ground rent by a fixed number of years, and other payments that are necessary before the redemption of the ground rent can take place are also specified.

The Minister has proposed a multiplier of nine times the yearly rent.

**Mr O Gibson:** Could this preclude the possibility of direct negotiation between a landlord and a tenant to buy out the ground rent? Is this a concern once the multiplier and the valuation are agreed, and all that the tenant wants is a clean deed?

**Mr Lambe:** This legislation does not preclude that type of private negotiation. It is simply a matter of contract.

**Mr O Gibson:** So that provision could remain as heretofore, but I would simply end up going out of my solicitor's office with the deed in my pocket, but not necessarily with the Land Registry Office Stamp at the top.

**Mr Widdis:** There is only one concern about this, and that is the level at which the multiplier will be set. That point was raised by many who have come before you.

**The Chairperson:** There ought to be some mechanism to base it on. It should not just be plucked out of a hat.

**Mr Leslie:** Are we going to put that in the schedule rather than in this section?

**Mr Widdis:** It would be logical to put it in the schedule, but I put the concern in here to draw it to the Committee's attention and to outline that the real problem is how the multiplier is calculated.

**The Chairperson:** Some people that came before the Committee were saying that it was not going to be a sizeable amount of money. The question is how will the Minister decide on a multiplier, now or in the future, and what will he base it on?

**Mr Hussey:** There was a suggestion of there being some direct connection with the base lending rate, for example. If that were the case, and it was a set formula, would it sit within the Bill rather than in the schedule?

**Mr Widdis:** No, for practical reasons, I think the rest of the mechanism for calculating the redemption money should be set into the schedule.

**Mr Hussey:** Even though it were a fixed formula, as opposed to a multiplier?

**Mr Widdis:** The multiplier is, of itself, a formula. It is just not one that has been quoted. If what you want is a mechanism that would calculate a range within which the Minister might set the multiplier, then I suggest that the logical place for that is in the schedule along with the system for the calculations.

*Clause 5 agreed to.*

**Clause 6 (Disposal of money lodged with Land Registry under section 4(2): claims thereto)**

**Ms Goldring:** Clause 6 sets out the basis for dealing with claims in respect of redemption and other moneys lodged with the Registrar of Titles under clause 4 of the Bill. The Registrar shall pay out the redemption moneys only if satisfied that the person who has made claim to them is entitled to them. In the vast majority of cases, the person claiming the redemption moneys would be the immediate rent owner.

However, in certain prescribed cases a superior rent owner may be entitled to claim them. The person to whom the redemption moneys are paid out would not always be entitled to everything. Where this is the case, the person to whom the money is paid shall agree to pay other rent owners their respective shares of the money lodged with the Land Registry as part of the redemption process.

Provision is made in clause 23 for appeals to the Lands Tribunal against any decision of the Registrar in respect of entitlement to claim redemption money. This clause deals with straightforward cases where the money is owed to the superior rent owner, but also with cases where there is a pyramid of titles with a number of people being able to claim a proportion of the moneys.

**Mr Widdis:** Two sets of concerns arose with this, the first being that clause 6 generally — and particularly subsection (6)(2) — creates a system of paying out redemption moneys only when they are claimed by a rent owner. The RICS gave a rough estimate of £100 million for the total value of redemption moneys. One



might imagine that these moneys could be paid out automatically, rather than only when claimed by a rent owner. There are two sample questions for the Committee.

**Mr Leslie:** I have a number of comments relating to that — these are issues for the Land Registry. I am concerned that the burden falls on the rent owner who does not instigate this process. It seems to me that his burden should be as near to zero as possible, both in effort and certainly in fees.

In clause 4(3), if the rent owner acknowledges receipt of the notice once it is served, should there not be a mechanism whereby he is automatically paid redemption moneys by the Land Registry? There should be some device to simplify that process. In other words, where the procedure progresses in an orderly manner, the rent payer has no difficulty identifying the rent owner, and everything else is in order, we need the simplest possible procedure for redemption moneys to be paid to the rent owner. I can see there is a difference where there is no knowledge of the notice, and one cannot identify the rent owner. However, where the matter is orderly, it seems to me that clause 6 imposes a good deal of rigmarole, something we should seek to minimise. I cannot see any justification for burdening the rent owner.

**The Chairperson:** Where one would have an automatic pay-out —

**Mr O Gibson:** Is clause 6 a necessary part of this Bill? Surely the purchase of ground rent — the very title — assumes that there is both a vendor and a purchaser. I cannot for the life of me imagine how the transaction could be completed unless that action had taken place. Who is involved? One cannot complete this transaction until both parties, whoever they may be, sign up to it. Where does the difficulty lie?

**Mr Lambe:** There is no requirement for the rent owner to agree to this process, for it is statutory. Once the redemption process is initiated, the rent owner has no power to object to the operation.

**Mr O Gibson:** How does this force the rent owner any more than the original clause? We are now dealing with the act of vending and purchasing.

**Mr Lambe:** The issue of the certificate of redemption acts as a statutory conveyance, as if it were a private contractual matter. It is done by the operation of the law under the new clauses. The obligation on the rent owner to claim the redemption moneys is simply a further way for the rent owner to prove title to the property and, therefore, for his entitlement to the redemption moneys lodged with the Land Registry.

**Mr O Gibson:** That is putting the cart before the horse. Surely he is right. The ground rent is already an

established principle. In other words, he could not sell something he did not have.

**The Chairperson:** I think it depends on the line we —

**Mr Lambe:** It would make sure that the money ended up in the right hands.

**Mr Weir:** There has to be a catch-all situation to ensure that where a rent payer is getting the redemption but may not know who the rent owner is, a provision is available to enable the latter, who, maybe, has not been identified, to come back and say “Money has been lodged, and I want to get hold of it.” It strikes me that that places a burden on the rent payer in cases where the situation is fairly clear. Did I get Mr Leslie’s point? Is there a more straightforward process whereby you would know precisely who the original rent owner was when the redemption was taking place. In addition, if that is known, will that person actually claim it? In my mind, there is a question mark over whether clause 6 should be the only provision operating in cases not covered when the person is already known in the first place.

There are another couple of questions in relation to that. First, to separate the two issues of the inconvenience and the financial aspects, presumably somebody simply makes the claim. Do you envisage there being any financial implications for the person making a claim, for example, a charge. Clearly that would be grossly unfair.

**Mr Moir:** I will take the last point first. We envisage that the bearer claiming payment of the redemption moneys would make an application to the Land Registry to prove that he is the person entitled to them, and he would pay a fee on that application. We expect that to be the fee that is referred to in the previous article as part of the redemption moneys. While he would be obliged to pay that £25 back to the rent payer as part of the amount which has been lodged by him as a part of the original redemption moneys, its purpose is to ensure that the rent owner will not be out of pocket.

**Mr Leslie:** Let us suppose that the ground rent is £3, therefore the redemption money is £27. Are you saying he will end up having to pay £2 after having paid £25? Or that the ground rent payer pays £25 and £27? I may have misheard you, but my understanding is that the ground rent payer pays £25 to you as your fee, he pays £27 as the redemption money, and that the ground rent owner should end up with £27.

**Mr Moir:** Yes.

**Mr Leslie:** The Land Registry, therefore, gets £25. The cost to the ground rent payer is £52 for getting rid of sorting out the ground rent.

**Mr Moir:** The ground rent payer pays an application fee of his own, which we anticipate will be £25. He will also pay to the Land Registry redemption money, which

would include the £25 that goes back to the rent owner when he makes his claim.

**Mr Leslie:** Sorry, I did not understand that. The owner is also going to have to pay £25 to claim his money. However, that will be refunded. So the ground rent payer will pay two lots of £25 — his own and the ground rent owners, — and, based on my example, he will also pay £27 redemption money?

**Mr Moir:** Those are the present proposals.

**Mr Leslie:** That is fine. I was not clear about that.

**Mr O Gibson:** I am sorry, but it is an act of unkindness to the purchaser that he is paying £25 to the seller.

**Ms Goldring:** He does get the benefit of the free legal title.

**Mr O Gibson:** It is a benefit he has earned.

**Mr Weir:** It strikes me — as Mr Gibson says — that the people who seem to benefit are the Land Registry — and on two fronts. Instead of a fee of £25, an amount of £50 will go into the Land Registry. As it is a relatively small amount and the rent owner may not claim it, presumably the Land Registry will then keep it.

**Mr Moir:** The idea is that the entire sum lodged as redemption money would be paid to the Department of Finance and Personnel to then be paid into the Consolidated Fund. Once the rent owner claims his redemption money, it would be claimed with interest at the statutory rate.

**Mr Weir:** If it were never claimed, the Consolidated Fund would benefit from it. It may not necessarily go into Land Registry, but it would go to the Government.

**Mr Moir:** That is my understanding.

**Mr Weir:** I am suspicious of legislation that requires money to be lodged and people to go to the bother of directly claiming it — even in cases when it is known that it is owed to them.

It is the same as the benefit system. There will always be a certain number of people who will not bother claiming, or feel that it is not worth their while chasing up the money. A certain amount will accrue in the Consolidated Fund.

**Mr Moir:** In principle, I do not have a problem with a scheme for payments if the ground rent owner has been identified. However, the purpose of the clause is to prevent anybody claiming fraudulently. If they are obliged to prove title to the Land Registry before payment is made, that will, it is hoped, minimise the risk of fraud.

**Mr Weir:** Apart from the risk of a criminal offence's occurring, the fact is that people will have to lodge money, and if they are not able to prove that they are the landowner, they will lose their £25. That is fair — if they are unable to prove ownership.

I have one final point. It relates to clause 4. Presumably, in a situation where the application is made and the rent payer serves notice on the rent owner in the prescribed form, that would be a redemption condition. If that does not happen, then redemption has not actually occurred. Is that correct?

**Mr Lambe:** Yes. I understand it, the Land Registry will have to be satisfied that notice has been served on the rent owner.

**Mr Weir:** This at least compels the rent payer to notify the rent owner. It avoids a situation where a rent payer might decide that he has done everything he wants and that he cannot be bothered serving the notice.

**Mr Lambe:** That notice will indicate to the rent owner that the money is in the Land Registry.

**Mr Leslie:** Are we still dealing with this part of the Bill?

**The Chairperson:** Yes, unless we are satisfied with it.

**Mr Leslie:** Regarding the process of simplifying payment, clause 4(2)(d) reads

“such evidence of title and other matter as may be prescribed.”

Essentially, this clause is directed at the ground rent payer. Does this device allow for the collation of sufficient evidence to simplify the process of identifying the ground rent owner? This subsection could be taken to mean a number of things. What evidence would satisfy you that you had properly identified the ground rent owner, and to what extent could we include that in this clause?

**Mr Moir:** In consultation with the Law Society and estate agents, we are exploring two alternative approaches by which we might find a satisfactory way of identifying the ground rent owner who is entitled to part of the money. A declaration could be lodged by a solicitor, confirming that he has inspected the title of the ground rent owner and that his client is entitled to that. Along with that he would produce a copy of the lease. The other option is a declaration by an estate agent confirming that he has collected the ground rent on behalf of the ground rent owner for some time. At present, we are considering fixing this period at 12 years, because this is the limitation period for land. That application would also be a counterpart to the lease. Both options should allow us to be fairly certain that the correct person has been identified. However, both measures incur a certain amount of expense on the part of the person who is claiming the ground rent payment. We have discussed this with the various professional bodies, and this is the best approach suggested so far.

**Mr Leslie:** That pinpoints my concern. The cost to the ground rent payer of getting the certificate from his

solicitor might easily outweigh the value of the ground rent, given that we fixed a minimum value of £1. It could be as little as £9 — and many are very small. Solicitors will not even get out of bed for more money than that. It is hard to get them to do anything. On a point of equity, this system might cause the ground rent owner to incur a net cost in order to give up a monetary benefit, which is an extraordinary situation to get into. Do we need to further tweak subsection (2) to ensure that the ground rent payer is made aware of the issue at the time of the conveyance?

It would be easy enough. Where a conveyance is involved, there are ways of wrapping things up. It would be much more difficult under the voluntary scheme where the ground rent owner could appear completely unexpectedly. The only other thing he could do is not pay the money. If there were a net cost to him in claiming the money, he would not do so. The money backs up on the Consolidated Fund. It seems an unfair situation.

**Mr O Gibson:** In other words, he would abandon an asset because of the cost of acquiring it.

**Mr Leslie:** The Bill effectively confiscates the asset from him.

**Mr B Bell:** Has this issue been dealt with under Mr Weir's point about automatic payment?

**The Chairperson:** We should, perhaps, consider that question.

**Mr B Bell:** I am not sure what the answer to that was.

**Mr Weir:** Mr Leslie is right to say there must be a way of tweaking that. It strikes me as being somewhat unfair that there could be a situation where someone loses something without being able to redeem the value because it is not worth the cost involved.

**Mr B Bell:** One might find a benevolent solicitor.

**Mr Weir:** I should have thought that they would be thin on the ground.

**Mr O Gibson:** Are ground rents always so minimal? In my experience, they are quite substantial. With a multiplier in mind, they could come to quite a sum, unless they are nominal or peppercorn.

**Mr Moir:** It is probably the case that ground rents created in the early 1900s are quite small — perhaps £2 to £5. Those created by builders over the last five or 10 years are much more significant.

**Ms Goldring:** That is, perhaps, the case even further back. We have certainly seen an increase in ground rents over the last five or 10 years. In the 1970s and 1980s, they were somewhat lower, but the increase has been gradual. We were aware of the overall equity point

and felt that the Property (Northern Ireland) Order 1997 did not strike the right balance. We are trying to get the balance right between the rent payer and the rent owner, while at the same time pursuing public policy and cleaning up the land title system. We feel this system is much fairer than that originally envisaged in the Property (Northern Ireland) Order 1997. Many ground rents will be significant enough to cover the costs involved. We must face the fact that there will be winners and losers in this. It is very difficult to strike exactly the right balance in pursuing the policy while keeping things simple, which must also be an aim of this legislation.

**The Chairperson:** Would it be possible to look again at the aspect where the rent owner originally has to claim compensation?

**Ms Goldring:** Do you mean the actual obligation, or the costs involved?

**The Chairperson:** I do not mean the costs, but the fact that moneys are not automatically paid — they have to be claimed.

**Mr Close:** Accepting that there are winners and losers is all very well, but one must consider at what end one pitches the losers. It seems that owners of small ground rents will be the losers, hand over fist, to such an extent that they will probably not redeem them. Given that, for a variety of reasons, the Consolidated Fund might make a pound or two from this, would it be possible to have a cut-off point?

**Mr O Gibson:** A sort of minimum?

**Mr Close:** It is part and parcel of our having to tweak this and our reviewing it to get it right as far as is possible.

**The Chairperson:** Do you mean the cut-off point as regards amount or time?

**Mr Close:** I mean the size of the ground rent.

**Mr O Gibson:** Time is the winner and the loser today. This has been running since 1890 — 110 years.

**Ms Goldring:** The multiplier tries to accommodate that. It acts as a way of achieving equity between low rents — the nineteenth century rents, which are difficult to collect — and recent, more substantial rents that are easily collected.

**The Chairperson:** The small rents have disappeared over time. We are now dealing with rents that are worth redeeming. Things will sort themselves out in time.

**Mr Leslie:** I was trying to achieve a situation where the evidence of title produced under clause 4(2)(d) would be sufficient — you would not just need the evidence of title, you would also need to know that you are in contact with the ground rent owner. That is why I



suggested that if the ground rent owner had acknowledged the notice, the circle would be completed. The Land Registry would then be in a position to automatically pay the money to the ground rent owner. That would avoid the need for the ground rent owner to get a certification from the solicitor stating that he is entitled to the ground rent.

Under compulsory redemption, it would get wrapped up in the conveyancing process. The burden of cost would be fought out between the solicitors for the buyer and seller and would have nothing to do with the ground rent owner.

**Ms Goldring:** We have tried to simplify the process as much as possible, and, by doing that, we are keeping costs down. However, what Mr Leslie describes sounds more like what existed under Part II of the Property (Northern Ireland) Order 1997, which did not find favour either. We will look at this issue again to see if it is possible to further simplify or reduce costs. We have been working quite well to simplify the original scheme.

**Mr Leslie:** This is a big issue for Land Registry, because it has got to manage the risk of paying the money to the wrong person, and that could have long-term consequences. Mr Moir has outlined a process that would satisfy Land Registry as to title. I am asking if that process could not be carried out at an earlier stage and be wrapped up in the transaction. The matter would not then have to be revisited when the Land Registry receives the redemption money.

**Mr Moir:** I can see that if the ground rent had been created in the recent past — if the rent payer, as part of his application, lodged a copy of his lease — the rent owner could be identified. A recent lease is probably from a builder or a building company. However, if the lease had been made 50 years ago by an individual, the rent payer may not be in a position to give us any clear indication of who the person currently entitled to the lessor's interest would be.

**Mr Leslie:** I am not so concerned about that. I think we acknowledged that problem. What I am trying to deal with is whether the whole process under the scheme is orderly. Even when it is orderly, the ground rent owner, who is identifiable and receiving the ground rent — even if there are no arrears — nonetheless has to go through the rigmarole of the processes of solicitor or estate agent certification, which you outlined, to claim the redemption money. Where all of this is known to the parties, is it not possible to have it already dealt with in the course of the transaction? I suggested that we could include provision whereby, if the ground rent owner acknowledges service of notice, he would be obviated from what he would have had to do under clause 6. There would be a way of tweaking it, provided we were confident that the process then created would be satisfactorily low-risk for the Land Registry.

**Mr Moir:** That certainly could be feasible. One slight concern I would have is that in some transactions there is a chain of ground rents. The person to whom they are payable pays a head rent to some other person. We had anticipated that in the rent owner's application a declaration of trust would be made that any money received would be held in trust for anyone else entitled to payment of a head rent. If the legislation were to include a scheme whereby the rent owner is identified by the rent payer, payment could be automatic. The person receiving that payment would be declared by the legislation to hold it in trust for all other persons entitled to share money. That might be a way round it.

**Mr Hussey:** The identification of rent owner, as you said, will be through a solicitor certification. That is the process we are talking about. In many cases people are not necessarily identified by solicitors, so perhaps up to a certain amount of identification from another source could be a possibility. Over that amount solicitor certification would be necessary. For example, I do not have to go to a solicitor to get a passport. I think the concern is about solicitors' fees. Why does identification have to be from within the legal profession?

**The Chairperson:** Some questions have been raised. We will leave the response to clause 6 and give you some time to think over the options. We will move on.

**Mr J Gibson:** I think that we should not forget the original reason for the Bill. What we have been discussing tends to be a voluntary act, or arrangement, on both sides to square an involuntary act on one side and a voluntary act on the other. This is the purpose of the Bill, and we sometimes lose sight of that.

**Mr Leslie:** The solutions I propose only help with the clause 2 function — compulsory conveyance — but they leave considerable problems with a clause 1 redemption.

**The Chairperson:** Mr Widdis wants to cover a few points on clause 6.

**Mr Widdis:** There were a few residual points that could be considered together by the Committee. They were linked to concerns that the Royal Institution of Chartered Surveyors had about the lack of definition of the conditions that would apply throughout this section. Several phrases are noted — subsection (4)(b) "his appropriate share"; subsection (5)(b) "in accordance with rules"; and, in subsection (6), "A person aggrieved" and "if the Lands Tribunal is satisfied that the appellant is entitled to payment". The Royal Institution of Chartered Surveyors was concerned about the vagueness of these terms and wanted to know how they would be defined in the legislation.

**Mr Kane:** In relation to subsection (4)(b), does the Bill need to specify how the apportionment will be



calculated or will this be covered in a subsequent statutory rule?

**Mr Moir:** It had been intended that it would be covered in a statutory rule, but if it is felt that it should be referred to in the Bill —

**Ms Goldring:** I suggest that it would be best to keep that kind of technical detail off the face of the legislation.

**The Chairperson:** As a separate statutory Bill? Thank you. Have you any views on the Royal Institution of Chartered Surveyors' points?

In clause 6(5)(b), was the reference to rules a reference to statutory rules?

**Ms Goldring:** Yes.

**Mr J Gibson:** We are happy enough. In the statutory rules would the calculation or methodology which is spelled out be part of the technical detail?

**The Chairperson:** We are not concluding on clause 6. We can come back on that.

*Clause 6 referred for further consideration.*

#### **Clause 7 (Certificate of redemption)**

**Ms Goldring:** This clause provides that the date on which the ground rent has been redeemed is the date on which the registrar shall seal the certificate of redemption which he has put forward to the rent payer.

**Mr Widdis:** The concern that was raised here was that the system provides for the Land Registry to issue a certificate to the effect that rent has been redeemed. The question occurred: has the Office of Law Reform considered drafting the Bill which will provide for a notice once the prior procedure is complete?

**The Chairperson:** So a final notification of the entire claim has been finished off?

**Mr Lambe:** In devising this scheme we tried to minimise the impact on the administration of Land Registry as far as possible.

**Mr Moir:** We are obliged to charge fees for all services we provide. It is felt that by keeping down the administration element in the Land Registry as much as possible it would allow us to keep our fees to a minimum. It is felt that if the whole scheme were to work it would be important that fees were kept to a minimum.

**Mr Weir:** The point has been raised and has been already covered. Presumably there is a requirement for the rent payer to send out, if he knows who the person is, notice in the prescribed form that the application has been made. Presumably they will only send out that notice once the person has cleared all the other bits and everything is in order. Is that correct? Under section 4(3) I presume that there would be notice indicating that

the application has been made. That would not be sent out if there were some complication in terms of section 4(2). Would that be right? If there were some reason they would not be sent out — for example, if the money had not been paid in and under those circumstances where the rent owners owe — they would already effectively have been notified so there is no need for them to receive notice. If it is not known who the person is, then there is not much point in sending out a notice anyway. With regard to the point that was raised in relation to clause 7, I do not see what purpose a final notice of redemption would serve under those circumstances.

**Mr Lambe:** Ultimately the greatest number of ground rents is going to be redeemed within the compulsory scheme and the redemption will be simply one more part of the transaction that a solicitor would be undertaking on behalf of a client. It is envisaged that the solicitor would lodge the correct moneys with the correct evidence of title.

In the vast majority of cases notice will be sent to the rent owner that the process has been started. There will be no complication with that.

*Clause 7 agreed to.*

#### **Clause 8 (Exclusion of re-possession of land while redemption pending)**

**Ms Goldring:** This clause aims to protect the occupation rights of a rent payer in the period between his or her application to the Land Registry, commencing the redemption procedure and sealing of the certificate of redemption by the registrar, which completes the redemption procedure.

The need for such a provision arises if there is a delay between the lodging of the rent payer's initial application and the sealing of the certificate by the registrar. This delay could occur, for instance, if all the appropriate documents have not been lodged with the rent payer's application.

**Mr Widdis:** No comment has been raised at this, but it has been noted that there seems to be an extra parenthesis somewhere in clause 8(b), or possibly there is one short.

**Mr Weir:** When you have the wording "without prejudice to any other civil remedy" it is preventing the rent payer using it as a device to stall other action.

**The Chairperson:** Are the brackets where we want to locate them? Before we deal with that section, have you any suggestions?

**Ms Goldring:** Yes. I assume there is a bracket missing before the word "proceedings"

*Amendment proposed:* In page 6, line 15, after "(c 154)" insert "()". — *[The Chairperson]*

*Proposed amendment agreed to.*

**Mr Weir:** This is not going to be a clause which could be used by a rent payer to try to frustrate another purpose — for example, if there were an attempt to repossess, and he was using this as a device to stall legal proceedings. The fact that it is without prejudice means that any other civil remedy covers that point. I was just getting clarification on that.

**Mr Leslie:** Is the redemption completed once the money has been paid to the Land Registry?

**Mr Lambe:** It is completed upon the sealing of the certificate of redemption by the registrar of title.

**Mr Leslie:** If that has been done, and one of these £2 rents applies, it is not worthwhile for the ground rent owner to redeem the rent. What then is the status of the covenants? Do they continue anyway, irrespective of that?

**Mr Lambe:** They may continue insofar as they are expressed to continue by this Bill.

We would not. Upon redemption, only those covenants which are expressed by this legislation to run will continue to benefit or burden the land in question.

**The Chairperson:** Are you happy with that, Mr Leslie?

**Mr Leslie:** Perhaps we will wait until we get to those.

*Clause 8, with the proposed amendment, agreed to.*

**Clause 9 (Application of certain provisions of Act to certain other periodic payments)**

**Ms Goldring:** This clause applies provisions of the Bill to other types of periodic payments, which are not ground rents and which are quite rare forms of rents being included for completeness.

**The Chairperson:** If there are no comments we can agree clause 9 (1) and (2).

**Mr O Gibson:** Head rents are also hidden ground rents, I presume. There are also quit rents, tithes, rent charges and other odds and sods. This enables those to be tidied. However, head rents are already dealt with under ground rents. Are there any other types of rent or imposition? I presume that this clause will clear up all encumbrances or charges that might have been imposed by ESTRI or otherwise.

**Mr Lambe:** That would be the intention.

**Mr Weir:** Then we seize the catch-all as well?

**Ms Goldring:** That is as far as dwelling houses are concerned.

**The Chairperson:** It does not cover lands and all the other aspects we dealt with last week.

*Clause 9 agreed to.*

**Clause 10 (Effect of certificate of redemption)**

**Ms Goldring:** This clause sets out the effect of the certificate of redemption and, in particular, allows for the cancellation of a certificate obtained fraudulently.

*Clause 10 agreed to*

**Clause 11 (Superior rents)**

**Ms Goldring:** This clause deals with the pyramid of title situation. The main effect of the clause is to provide that the redemption of a ground rent under clauses 1 or 2 of this Bill has the effect of redeeming all superior rents to which the land is subject.

In many instances, especially older residential property in Belfast, the ground rent being redeemed may have an immediate rent owner and several superior rent owners.

**Mr Widdis:** The Royal Institution of Chartered Surveyors raised concern in relation to subsection (2). It suggested that, when calculating the redemption of superior rents, use of the same percentage of apportionment throughout the pyramid of title was, according to them, illogical. They feel that each case should "rise and fall on its own percentage". There are a couple of sample questions there for the Committee. I suggest that the second question be asked first.

**The Chairperson:** Could you explain how the clause will work in practice?

**Mr Moir:** If I pay a ground rent of £10 to my rent owner and he receives £10 and pays £5 out of that to another person, and if the agreed purchase figure is nine years purchase, I will be paying £90 to my rent owner. He in turn will pay £45 to the person he pays head rent to. If I understand what the RICS is saying, it is that the percentage payable for the buying out of the head rent should not be the same as the percentage payable for the buying out of the ground rent. That seems awfully complicated to me.

**Mr Leslie:** Please remind me of the procedure, which results in £90 to the ground rent owner. What forces him to pay £45 to the head rent owner? What is to stop him sitting on that £90?

**Mr Moir:** As part of the application that he makes to get his redemption money, he signs a declaration that he will hold the money in trust and make payment to all persons entitled. Those persons would then be able to take action against him if on the next day for payment of rent he failed to give them the rent. It is a system which we are pursuing in the interests of simplicity.

**The Chairperson:** Is there not a problem if the ground rent owner does not know if there are proceedings underway?

**Mr Moir:** He would first become aware of it when the payment of head rent failed to come in. He would then be told that the head rent had been bought out, and he would presumably want his share.

**Mr Leslie:** Doing nothing to clauses 4 and 6 would make the ground rent owner jump through quite a few hoops to get his money. The Land Registry could pay him £90, for example, provided he gave an undertaking to pass on £45 of it. However, you are not securing your position as well with this arrangement as you would be with a simple transaction. That does not seem to make sense.

The Land Registry is at pains to ensure that it does not inadvertently pay the money to the wrong person. Under this clause it will be going to slightly less trouble and may end up by paying all the money to one person without having taken sufficient care to ensure that it will be passed on to the next person. Does this not place the burden on the head rent owner to claim the money from the Land Registry? It is complicated.

**Mr Moir:** It is. The whole scheme is designed to be as fair as possible to at least two or three competing interests. It is hard to strike the right balance. If we were to be more careful about the share of head rents, it would impose a greater burden on the one making the application, making it, perhaps, no longer financially viable for him. We are mindful that by paying out to the rent payer at the lowest level, we are at least paying out to someone who is entitled to a reasonably large percentage of the money. He is being required by the subordinate legislation to account for that.

**The Chairperson:** Are there any other questions? Can we agree subsections (1) and (2)?

**Mr Leslie:** I am quite unready to commit myself on this clause. It seems a bit light for the complexity of what it is dealing with.

**Mr Lambe:** The original provisions regarding the apportionment of head rents were contained in article 18 of the Property (Northern Ireland) Order 1997. However, when we came to redraft the ground rent redemption provisions we thought that it was very technical and that we should put it in the rules. We have not changed our policy as to how the apportionment formula is going to work. We are going to put it in the Land Registry rules rather than clutter up primary legislation.

The Royal Institution of Chartered Surveyors was concerned that the apportionment formula was contained in the Property (Northern Ireland) Order 1997. To them it appeared as though it had simply disappeared and we were simply going to put it in another vehicle.

**The Chairperson:** We would need to look at this Bill with the rules in mind.

**Mr Lambe:** Certainly there has been no change in policy with regard to the apportionment mechanism.

**The Chairperson:** Does that clarify the matter?

*Clause 11 agreed to.*

Some members have to leave us shortly so we will call it a day. The next clause involves a number of

questions and more debate. We will start off with that next week.

Thank you very much for your help.







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NORTHERN IRELAND  
ASSEMBLY

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ENTERPRISE, TRADE  
AND INVESTMENT COMMITTEE

Tuesday 26 September 2000

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**WEIGHTS AND MEASURES  
(AMENDMENT) BILL  
(NIA 8/99)**

**The Chairperson (Mr P Doherty):** The Committee's Special Adviser, Mr Hugh Widdis, will highlight or clarify any aspect of the Bill about which we are unsure from a legal point of view.

This is the Committee's second meeting on the Weights and Measures (Amendment) Bill. As you are aware, we have already heard evidence from the Minister and his officials, and a number of questions were put on members' concerns about the effects of the Bill. In addition to questions put at the meeting with the Minister and his officials, a further question was put to the Department, and a copy of its response is included in your meeting papers.

The purpose of this meeting is to carry out a detailed clause-by-clause scrutiny of the Bill. Members will be able to raise concerns and suggest amendments. Members should read the relevant clauses in the Bill along with the explanatory and financial memorandum.

Members were asked to submit any suggestions or amendments to the Committee Clerk by last Friday. The Committee Clerk has advised me that no amendments were received.

This Bill has five clauses and one schedule. Each clause, and any subsections of the clause and the schedule, must be considered in turn. The Committee will have three options; the first is to agree the clause; the second is to agree on any proposed amendments arising from consideration of that part of the Bill; and the third is to seek further information from the Department on any unresolved issue.

The primary purpose of the Bill is to introduce three deregulatory measures to lessen the burden on business associated with the verification of weighing or measuring equipment. These three measures already apply in Great Britain, and the Bill therefore aims to achieve parity for the legislative position here.

***Clause 1 (Self-verification of weighing or measuring equipment)***

**The Chairperson:** Clause 1 relates to the schedule. The schedule amends the Weights and Measures (Northern Ireland) Order 1981 to allow self-verification of weighing or measuring equipment. Paragraph 2 of the schedule provides for the insertion of the definition of "approved verifier". Paragraph 3 of the schedule provides for some amendments to article 9 of the 1981 Order. Paragraph 4 of the schedule provides for the insertion of a new article 9A after article 9 of the 1981 Order. The new article is entitled "Approval of persons to verify equipment manufactured etc. by them".

Paragraphs 5 and 6 provide for some minor amendments to the 1981 Order. Paragraph 7 relates to powers of inspection and entry and provides for a new provision in the 1981 Order. Paragraph 8 relates to offences and provides for the substitution of paragraph (2) of article 45 of the 1981 Order. Paragraph 9 of the schedule provides for the insertion of a new schedule 2A to the 1981 Order. Part I of the proposed new schedule is headed "Approvals: General". Paragraph 1 of the proposed new schedule is about fees to be paid to the Department.

**Mr Neeson:** How does that operate at the moment?

**Mr Widdis:** At present there is no system of approval for self-verification. An inspector must come and give his approval. What is being proposed here is a procedure to enable a manufacturer to apply to put his own stamp on the goods. Currently there is no procedure or set fee.

**The Chairperson:** Paragraph 2 of the proposed new schedule is about the form, effect and conditions of approvals. Paragraph 3 of the proposed new schedule is about the suspension of approvals.

**Ms Morrice:** Does "a period not exceeding 28 days" refer just to the suspension notice?

**Mr Widdis:** Yes, although the 28 days is the maximum period which the inspector can set. It appears to me that it could be a period of anything, for example three days or seven days — any period up to 28 days.

**Ms Morrice:** And following 28 days?

**Mr Widdis:** The suspension order falls and the situation reverts to normal. It operates on the principle that the verifier already has approval. His approval is temporarily lifted from him, and if he fails to get back in order, further action will be taken. The notion is that if he can get his ship back in the water, automatically, at the end of that fixed period, he reverts to ordinary business.

**Ms Morrice:** So, it is simply taking that time to correct matters.

**The Chairperson:** Paragraph 4 of the proposed new schedule is about withdrawal of approvals. Paragraph 5 of the proposed new schedule is about granting new

approval following withdrawal. Paragraph 6 of the proposed new schedule is about an application for further approval. Part II of the proposed new schedule is headed “Requirements to be met by approved verifiers”. Paragraph 7 is about the maintenance of quality systems for approved verifiers. Paragraph 8 of proposed schedule is about the preparation, et cetera, of a quality system manual. Paragraph 9 of the proposed new schedule is about the keeping of records.

*Clause 1 agreed to.*

**Clause 2 (Testing by official EEA testers)**

**The Chairperson:** Clause 2 provides for the acceptance by an inspector of test reports from third-party testers from the EEA.

*Clause 2 agreed to.*

**Clause 3 (Pre-test stamping)**

**The Chairperson:** Clause 3 provides that manufacturers of weighing or measuring equipment, who are approved verifiers, can apply for the prescribed stamp prior to the equipment’s being tested and passed as fit for use by trade. Subsection (1) is the most relevant part of the provision.

*Clause 3 agreed to.*

*Clauses 4 and 5 agreed to.*

*Schedule agreed to.*



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**NORTHERN IRELAND  
ASSEMBLY**

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**AGRICULTURE AND RURAL  
DEVELOPMENT COMMITTEE**

Friday 29 September 2000

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**FISHERIES (AMENDMENT) BILL  
(NIA 9/99)**

**The Chairperson (Rev Dr Ian Paisley):** At this meeting we shall hear from Ms Hilda Hagan, Mr Nigel Quinn and Mr Chris Hunter, who are from the Fisheries Division of the Department of Agriculture.

I take it that you wish to make a presentation before we put questions to you.

**Ms Hagan:** Thank you very much. My colleagues and I have been working on the amendments to the Fisheries (Northern Ireland) Act 1966. The purpose of clauses 1 and 2 is to give the Department powers over fishing from the foreshore and to regulate sea and foreshore fishing for environmental purposes. The two issues go hand in hand. Currently, the Department has no power to regulate the foreshore, so we must extend our authority to cover it. Also, we do not have powers to regulate fishing for environmental purposes.

The collection of wild shellfish from the shores of Strangford Lough straddles the two clauses and was to some extent the reason for their formulation. Evidence suggests that the use of mechanised harvesting equipment to collect shellfish in recent years has been detrimental to the wildlife which inhabits the foreshore. Conservation interests such as the Royal Society for the Protection of Birds (RSPB) and the National Trust raised concerns about the potential ecological effects of ongoing extraction by that type of equipment at the rate at which it was being undertaken. A number of bird species are dependent on a continuous supply of wild shellfish as a source of food, particularly during the winter season.

The Bill aims to give the Department the power to make regulations to control the collection of wild shellfish on the foreshore, prohibiting fishing by means of vehicles or equipment of a specified description in a specified area, either with or without limitation of time. In relation to the environmental prong of this amendment, the Bill aims to provide the Department with powers to regulate fisheries in or on the foreshore for the purpose of conserving marine or coastal environments or flora and fauna dependent on them. To some extent, this has

its origin in the European Community Directive on the Conservation of Natural Habitats and Wild Flora and Fauna 1992, which was implemented in Northern Ireland by a set of regulations laid down by the Department of the Environment in 1994, under which the Department of Agriculture and Rural Development has a statutory obligation to exercise its existing functions for the protection of the marine environment. This amendment will build that obligation into the Fisheries (Northern Ireland) Act 1966.

The Bill itself will not actually control the collection of wild shellfish. It will simply give the Department a regulatory power, which will be exercised through subordinate legislation. But such subordinate legislation cannot be introduced until we have the power in the primary legislation. When regulations are made, they will be the subject of public consultation. At the moment, it is proposed that these regulations will deal only with Strangford Lough, where the problem has occurred, and that they will prohibit fishing for shellfish by means of mechanical harvesting. The Bill also proposes to extend the existing powers of authorised officers to ensure that they can regulate and enforce. It also ties in offence provisions. That is basically the gist of the clauses.

**The Chairperson:** Many of us at this table are ignorant of these things and therefore my first two or three questions may seem to you very simple, but they are not simple. Who legally owns the foreshore? Is it the adjoining landowner?

**Ms Hagan:** A mixture of people can own the foreshore. The Crown Estate could own large sections of the foreshore right around the coast of Northern Ireland, but the National Trust also owns a portion of the shore of Strangford Lough through inheritance. I think that it inherited it from the Londonderry Trust some years ago.

**The Chairperson:** What is the percentage of Crown ownership and National Trust ownership?

**Ms Hagan:** I am not sure whether I can give you a precise figure, but —

**The Chairperson:** Can you get us the precise figure?

**Ms Hagan:** We can try. My guess is that, by far and away, the largest proportion of the entire foreshore around the coast of Northern Ireland is Crown owned.

**The Chairperson:** I am always suspicious of the Government taking powers to interfere with private ownership and with what has been carried on from generation to generation. Can you give us an assurance that this will not in any way inhibit people who gather shellfish for their personal use?

**Ms Hagan:** Absolutely. It is not our intention at all that this amendment be used for that purpose. It is really

to control large-scale collections of wild shellfish by mechanical harvesters.

**The Chairperson:** So if a person went out with a spade, he could do that?

**Ms Hagan:** You can still do that.

**The Chairperson:** That has been going on for generations round there, and it is from there that the strong lobby has come to me personally.

**Mr Paisley Jnr:** What if a large group of men went down with shovels and extracted large numbers of these shellfish? Will the Bill have any impact on that?

**Ms Hagan:** The Bill will allow us to regulate the collection by means of any vehicle or equipment. If it were deemed that the large-scale collection via shovels or spades was having a detrimental effect on the ecological balance of the foreshore, we would have the power to regulate it.

**Mr Paisley Jnr:** That is not contained in the Bill though.

**Ms Hagan:** The inclusion of the word “equipment” would allow us to cover shovels.

**Mr Paisley Jnr:** But that would also restrict an individual with a shovel, would it not?

**Ms Hagan:** No. We would have to be very careful about how we worded regulations to ensure that it was the intensive nature of the operation that was being regulated and not an individual’s right to go out with a bucket and spade.

**Mr Paisley Jnr:** I understand that you are preparing the draft regulations. Perhaps they have been prepared. Can we see them?

**Ms Hagan:** We have a draft in our division because we want to be ready to put that draft to solicitors and out for public consultation as soon as this power is acquired. We cannot jump ahead of that; we do not have the power yet.

**Mr Paisley Jnr:** Right. So you are accepting that, if this Bill goes through, the regulations themselves are not ready to be brought into effect.

**Ms Hagan:** That is right.

**Mr Paisley Jnr:** We are passing the Bill before we see the regulations?

**Ms Hagan:** That is right. But you will have the opportunity to scrutinise the regulations in full when they are drafted.

**Mr Paisley Jnr:** Would we not be better seeing the regulations first?

**Ms Hagan:** No. The normal procedure is to make the amendment to the primary legislation to give us the power

to make the regulations in the first place. We have to go through that process before we can issue a set of regulations that would implement a power that we do not have at the moment.

**The Chairperson:** Has any research been done that would support the concerns of conservation groups that have been raising this issue with us, or is the Department fighting by the precautionary principle and taking action to prevent any potential adverse effects on the environment?

**Ms Hagan:** I am not aware of any published research that I could refer you to, but I know that research has been done in other parts of the UK — for example, in Scotland and Wales — where mechanical harvesting was taking place in the early ’90s. It was on the basis of that that a lot of the environmental organisations in Northern Ireland felt that if mechanical harvesting was going to be a feature of life in Northern Ireland, we had better act before it caused an irrecoverable disturbance to the ecological balance of the foreshore. We are taking the precautionary approach in this instance. We do not have hard empirical evidence on which to base it.

**The Chairperson:** What is the present extent of commercial fishing on the foreshore for shellfish? Does it comprise individuals or groups, and how many are there?

**Ms Hagan:** The collection of wild shellfish from the foreshore of Strangford Lough — the only area that I am aware of where this has taken place by mechanical harvesting means — was undertaken by one operation. This was a business which had three or four family members involved for a four-or-five-week period during the summer of 1998. I am not aware of any other business on any other part of the foreshore in Northern Ireland where there is this type of operation.

**The Chairperson:** You said in your earlier remarks that only Strangford Lough was involved. Are there no other parts around the coast where shellfishing takes place?

**Mr Hunter:** Yes. Cockle harvesting takes place in Dundrum Bay. That is harvesting by hand, not mechanical harvesting.

**The Chairperson:** Is that extensive?

**Mr Hunter:** No, it is on a fairly small scale. There is also commercial hand harvesting of cockles in Strangford Lough at present.

**The Chairperson:** Is there any in Carlingford Lough?

**Mr Hunter:** No, not to any commercial extent.

**Mr Bradley:** I understood that there was commercial fishing in Carlingford Lough and that an application for a factory on the lough shore is currently being processed.

**Mr Hunter:** Yes. There is commercial shellfish cultivation, but not cockle harvesting. I was referring

specifically to cockle harvesting. There are a number of fish farms in Carlingford Lough producing mussels, Pacific oysters and Manila clams.

**The Chairperson:** There is no comparison between that and Strangford?

**Mr Hunter:** No.

**Mr Savage:** What procedures are in place to allow the Department to regulate the collection of shellfish on the foreshore?

**Ms Hagan:** There is nothing in place. No regulatory power exists in our legislation at the moment. I do not know if Members have a copy of the relevant section of the Fisheries Act (Northern Ireland) 1966. Section 124 gives the Department the right to make regulations as are expedient for management, conservation, protection and improvement. We have some spare copies of the full Act for anyone who wants one.

**The Chairperson:** We could do with them. Perhaps you could supply us with a copy for each Member?

**Ms Hagan:** No problem.

**Mr Savage:** Do you have to bring your proposals before us before you can put those procedures into place?

**Ms Hagan:** Yes, that is right. We have to amend the primary legislation first to give us the power to regulate the foreshore. Then we will bring forward a piece of subordinate legislation, which will detail where we are going to prohibit mechanical harvesting. The details, such as if there is a time limit and if there is a prohibition on a particular means of taking fish, for example, mechanical harvesting, will all be in the subordinate regulations. These will also come forward to the Committee for scrutiny under the procedures for subordinate legislation.

**The Chairperson:** Will these regulations be negative or positive?

**Ms Hagan:** I think they will be subject to affirmative resolution.

**The Chairperson:** It is very hard to kill a negative on the form of negation. However, the Assembly has to affirm affirmative legislation.

**Ms Hagan:** That is the way that the large bulk of subordinate legislation is processed.

**The Chairperson:** Unfortunately not. In Westminster you have to pray against it and your prayers are seldom answered.

**Mr Savage:** Once these regulations are in place will you have to take on extra staff to police them?

**Ms Hagan:** We do not envisage having to do that. The foreshore area has a range of competent authorities that are responsible for a number of activities, including

environmental health, so a range of Government authorities will be keeping an eye on the foreshore. We do not envisage any difficulty in meeting our responsibilities. However, Fisheries Division has been under pressure because of the heavy workload that has arisen from the cod recovery plan over the last year or so. We are conducting a review of our staffing needs, so we have to wait for the outcome of that. If a need for increased staffing levels is identified, we will go through the usual process for getting more staff.

**The Chairperson:** You said that you thought that the majority of Bills were affirmative. I checked with the Clerk and over here the majority are negative. You need to let us know if this will be negative or affirmative. If it is subject to negative resolution, we will not be able to change it. If it is subject to affirmative resolution, the Assembly has the right —

**Ms Hagan:** We will find out for next week. I based my earlier comments on very recent scrutiny of the Foyle Fisheries legislation, which is subject to —

**The Chairperson:** The tendency of the Assembly is to try to get rid of the many negative resolutions that mainly came in when Stormont was abandoned. At that time everything was done by negative resolution. The wheels of the House got blocked up, which meant that many things were passed on the nod.

**Mr Ford:** You have answered the next prepared question. You mentioned that a spade or a shovel would fall within the definition of equipment, so that would be an issue of scale. Why is this being done by secondary legislation, given the expressed concerns? Will we have an unnecessary delay if we have to produce regulations for consultation after the legislation is passed? Why has the Department not considered doing this by an amendment to the primary legislation?

**Ms Hagan:** The standard procedure is to keep the face of the primary legislation as clean as possible. That means that you put into primary legislation a power to regulate, but you do not cloud the issue by including every aspect you would wish to have in a regulation. That is the convention in Northern Ireland. It is the subordinate legislation that puts the flesh on the bones of the regulatory power. The regulations are sitting on the stocks in the Department ready to go for clearance with the solicitor, and they should issue for consultation shortly. While having to comply with legal convention, we are taking as many steps as possible to ensure that the process is not delayed.

**Mr Ford:** You said that the legislation would only apply to Strangford Lough at this stage. Is that in keeping with the precautionary principle, or should you include the rest of Northern Ireland?

**Ms Hagan:** The issue is two-fold. This legislation is in keeping with the precautionary principle, but a court

would take a very dim view if we applied for a power to cover the whole coast of Northern Ireland when we are only aware of problems at Strangford Lough. The court would expect us to make reasonable legislation in line with our identified needs. If it transpires that there is a problem in another area, we will have the primary power to make another piece of subordinate legislation to deal with that immediately.

**Mr Kane:** First, does the Department intend to prohibit fishing on the foreshore or merely to restrict it for environmental reasons? Secondly, does the Department have any statistics to indicate the number of jobs that will be affected by prohibition on foreshore fisheries?

**Ms Hagan:** The intention is to prohibit the collection of shellfish from the foreshore by mechanical harvesters. So it will be a prohibition, not a restriction. It is proposed that that will be without a time limit. In other words, we will not be saying that it will be for July, August or September; it will be a blanket ban on collection by mechanical harvesters, and that will be defined within the regulation.

Your second question related to the numbers of individuals involved. As far as we are aware there is only one business involved in Strangford Lough, which employs three or four family members for a short period of time.

**Mr Kane:** I will be happy if we can differentiate between industrial harvesting and those taking shellfish for personal use.

**The Chairperson:** That has been made clear to us.

**Mr Armstrong:** This restriction may encourage people not to take shellfish from the foreshore so will there be more shellfish than required on the foreshore — might it become an environmental issue of overstocking?

**Ms Hagan:** It is possible that if we ban mechanical harvesting there will be an increase in hand-picking, for example. We will have to look at that at the time and see if there is going to be an ecological effect on the foreshore. Perhaps Mr Hunter could clarify that.

**Mr Hunter:** The shellfish stocks are self-limiting by their natural environment. Cockles, for example, are filter feeders, that is they filter plankton from the water column when the tide is in. That only supports a given weight of cockles in any area, so if there is a large population, the water column will support it. There is a natural restriction in the system.

**Mr Paisley Jnr:** I do not think that the Bill will achieve its aims as it is currently drafted. In particular, we have focused on mechanical harvesting whether by bucket and spade or a tractor with a device fitted to it. If 20 or 30 men came down to the beach on another day and just

used their hands to collect the shellfish, that could not be regulated for, could it?

**Ms Hagan:** Not under this clause. It only deals with vehicles and equipment.

**Mr Paisley Jnr:** It would have no effect if people took it upon themselves to do this?

**Ms Hagan:** I would be very surprised if 20 or 30 people hand-picking could have anywhere near the same impact as a mechanical harvester that can pick up to 4,000 kilos of cockles and mussels. I would want to employ them on my farm.

**Mr Paisley Jnr:** I would like to ask you about clause 1(4) where it says in relation to the amendment of subsection (2A) of the Fisheries Act:

“The conservation or enhancement of the natural beauty or amenity of marine or coastal areas ...”

What does the Bill mean by “marine” — does this extend into the natural fishing areas?

**Ms Hagan:** The marine and coastal areas are understood to mean the entire coast, the foreshore and the sea.

**Mr Paisley Jnr:** So both extend into the natural fishing areas?

**Ms Hagan:** Do you mean the natural fishing areas at sea?

**Mr Paisley Jnr:** Yes. That would put great restrictions on fishermen, would it not?

**Ms Hagan:** We would use the subsection only to deal with fishing activities that were causing detriment to the marine or coastal environment.

**Mr Paisley Jnr:** It does not say that that is the purpose of the amendment.

**Ms Hagan:** We should consider the insertion of subsection (2A) within the overall context of section 124 of the Fisheries Act:

“the Department may make such regulations as appear to the Department to be expedient for the management, conservation, protection and improvement of sea-fisheries”.

**Mr Paisley Jnr:** So, it is really a precautionary measure, although not necessarily one that would be employed right away. There could be quite a lot of lobbying on that — these powers could be interpreted in quite a draconian way.

**Ms Hagan:** We would use the power only to regulate a fishing activity for environmental purposes. We would not use it to regulate other activities in or on the foreshore or the sea. The Department is not in a position, for example, to regulate horse riding on the beach or on the foreshore as it is not a fishing activity. Other authorities in Northern Ireland, have responsibility for activities such as that. Our intention is to regulate any fishing



activity that acts to the environmental detriment of the marine or coastal environment.

**The Chairperson:** How far does the foreshore go out into the water?

**Ms Hagan:** I knew someone would ask that eventually.

**The Chairperson:** These are simplistic questions from ignorant people, but they are important nonetheless.

**Ms Hagan:** It is not a simplistic question; it is a very interesting question and one that is not easily answered.

**The Chairperson:** That is why I ask it.

**Ms Hagan:** I will try my best to answer it.

**The Chairperson:** I am sure that you will.

**Ms Hagan:** The foreshore has a commonly accepted definition in law. It was defined in Northern Ireland as follows:

“that portion of the realm which lies between the high water mark and the low water mark of ordinary tides, occurring between spring and neap tides and is alternatively covered and left dry by the flux and reflux of the tide.”

**Mr Paisley Jnr:** Straightforward.

**The Chairperson:** If a person went out into that water, just a little, and used a mechanical digger, what would happen under this Act?

**Ms Hagan:** That is why we are concerned to define the foreshore and the inter-tidal area as shown by this simple chart. The area identified on the chart as the foreshore is the portion of the realm between high water mean median tide and low water mean median tide. The tide does not come in to the same place, nor does it go out to the same place. There are higher tides and lower tides than that. The lowest portion of the tide is the lowest astronomical tide, so that portion of the foreshore seabed lies between the low water mean median and lowest astronomical tide. This is referred to as the inter-tidal area, but it is not actually included in the commonly accepted definition of the foreshore.

We are trying with our legal advisers and our fisheries inspectors to ensure that whatever regulations we make will cover all of that area and not leave that loophole. Our legal advisers are almost 100% sure that the definition of the sea itself would cover the inter-tidal area. Therefore, if the sea covers the inter-tidal area and the foreshore is as defined in the judgement, we are home and dry. If it does not include that area, we must ensure, through the amendment, that people can see clearly what the foreshore is and what the inter-tidal area is. I hope the chart clarifies that; it is not an easy thing to grasp.

**The Chairperson:** So you are really increasing the foreshore.

**Ms Hagan:** We will not call it the foreshore.

**The Chairperson:** It is the basic intertidal area included in the foreshore.

**Ms Hagan:** But it may already be covered by the definition of “the sea”.

**The Chairperson:** When will the advice be available?

**Ms Hagan:** I hope to sort it out before we meet again next week. I will then be able to say conclusively whether we need to include something.

**The Chairperson:** We will not be meeting you next week. What would happen if a mechanical digger came into the water below that intertidal area and started shovelling up?

**Ms Hagan:** We would be in a position to regulate it.

**The Chairperson:** Even if he were right out beyond the lowest astronomical tide?

**Ms Hagan:** I do not think that that would be possible.

**Mr Hunter:** It would be unusual for someone to use equipment in that way, but the legislation would regulate it with reference to method rather than to where a person was operating. Therefore, even if he were operating in two or three inches of water, he would still be committing an offence.

**The Chairperson:** If he were beyond that point? How would that be? If he goes beyond the lowest astronomical tide, he is not on the foreshore as you have defined it and, therefore, not covered by the regulations.

**Mr Quinn:** The Department already has the power to regulate activities in the sea, and we are extending those powers to allow the Department to regulate the foreshore as well. We are extending the definition because the foreshore cannot now be regulated.

**Mr Ford:** This diagram makes things even less clear. To what point is the sea currently defined in legislation and is the current definition of the foreshore only the middle third of those three sectors?

**Ms Hagan:** Yes. The current definition of the foreshore is as shown on the diagram. We have to determine with our legal adviser whether or not the current accepted definition of “the sea” covers the area right up to low water mean median tide. If it does, that is covered by our existing power to regulate activity in the sea. The power will be extended to regulate the foreshore. If it is not, we will have to tie in a definition of the inter-tidal area with that of the foreshore to make it perfectly clear.

**Mr Ford:** If that is the case, we would need to change the definition in the Act.

**Ms Hagan:** There is no definition of the foreshore in the Act.

**Mr Ford:** The definition is elsewhere in primary legislation.

**Ms Hagan:** I was not reading from primary legislation. There is no definition of the term “foreshore” anywhere in primary legislation. It is commonly accepted.

**Mr Ford:** Right. But at this stage there is no definition and no regulation above the high water medium tide that is taken to be land.

**Ms Hagan:** Yes, we would have great difficulty trying to regulate that because we do not own everything. We may be impinging on private property rights so we have to be very careful about trying to extend beyond that.

**Mr Dallat:** If the Department has to restrict fishing for environmental reasons are there any plans to compensate fishermen?

**Ms Hagan:** No, at this stage we have no plans to compensate. One business was involved for a four-to-five-week period during 1998 so we do not see it as necessary to pay compensation.

**Mr McHugh:** In relation to the diagram, how far do the shellfish go on the foreshore and into the water? Could somebody dredge from a boat for the same reason?

**Mr Hunter:** Not in Strangford Lough. The common method of fishing for cockles is by suction dredger, and a prohibition was introduced in 1993 against suction dredging in Strangford Lough.

**Mr McHugh:** It seems it is only in Strangford Lough. Are there other areas where people might be dredging for other reasons and causing slippage, thus affecting the solid base of the foreshore?

**Ms Hagan:** If someone were dredging for another purpose and having a detrimental effect on the foreshore, the amendment we are proposing here would allow us to regulate.

**Mr Quinn:** We already have powers to regulate it if it is occurring in the sea. This amendment extends that existing power to include the foreshore.

**Mr Hunter:** Also, a non-fisheries activity, such as dredging for aggregates, is already covered under the Food and Environment Protection Act 1985, which is regulated by the Environment and Heritage Service.

**The Chairperson:** Is there no way in which they could breach that yet still be let off the hook by just going beyond that particular part? Do you have powers to stop them when they are in the sea?

**Ms Hagan:** Yes, we have powers in the sea already, and we are extending those to cover the foreshore and to ensure that, if it has an environmental effect, we can take action.

**Mr Molloy:** I have two questions. First, what type of machine is used, and what is its ability to dredge? I have never actually witnessed it. My other concern is about restriction and the use of the force — for instance, at Lough Neagh, when they lowered the lough, questions were raised about whether the piece of ground between the new water level and the original foreshore could be developed. I am concerned that private land users could have their entitlements restricted by this regulation in some way. Would that not be a forced curtailment of people’s rights? Also, if 100 people individually wanted to go along with a bucket and spade, how would you control that — there is nothing to stop everybody going at the same time when they go as individuals?

**Mr Hunter:** Generally a modified potato harvester is used for mechanical harvesting around the UK. In relation to a number of individuals collecting, there are instances, for example, in south Wales, of a fairly substantial commercial industry based on hand-picking after the local sea fisheries committee had prevented the use of harvesting by mechanical means. Those were areas that had been designated as special protection areas or areas of conservation under environmental legislation. So it is possible for the two activities to sit side by side with each other.

**Mr Molloy:** On the issue of ground that is in private ownership and the restrictions on that, I would have reservations about giving authority to anyone to impose further restrictions. Do you see any means of accommodating the landowner in a situation like that?

**Mr Hunter:** Most of the foreshore is state-owned. There are cases in Strangford where the National Trust owns large portions of the northern end and the Lecale Estate owns a small portion at the southern end. I do not think that the National Trust would object to these regulations. It is not a case of the Department’s trying to limit the rights of a landowner, rather it is a matter of trying to limit the effects and the methods of commercial fishing. It is not a case of a landowner’s trying to exploit the shellfish stocks; it is about another person coming on to that landowner’s land without his permission and carrying on a commercial fishing act.

**The Chairperson:** From 2 October European human rights legislation has to govern everything that is decided. Our courts will not decide it; it will be decided in Europe. From 2 October the guillotine comes down on all legislation. That is why in Westminster, although it has not been done here, everything that is put before the House has attached to it a statement saying that the Minister presenting does not believe that this is in anyway inconsistent with the European Bill of Rights. I do not know whether that will come in here after 2 October, but that is the law. I am not a European backing that, but that is what is going to happen. It does not matter what legislation is put through anywhere.

**Ms Hagan:** If we were to make a set of regulations that straddled across an area of the foreshore that was privately owned, we would have to do that in very close consultation with the owners. We would never do that without close consultation.

**Mr Bradley:** I refer to the pending consultation process. Will local government be consulted? It is my understanding that councils are custodians of substantial sections of the foreshore.

Will local government have any role to play in the foreshore legislation contained in the Act, and will any other Department have a role to play?

**Ms Hagan:** Yes, it will. Any consultation will be widespread; we are talking about consulting hundreds of individuals and organisations on any piece of legislation that we make on fisheries.

**The Chairperson:** May I just confirm that that applies to making the regulations as well as to what you are doing now?

**Ms Hagan:** Yes, that is right.

**Mr Bradley:** Does local government have any role to play regarding the legislation contained in the Act?

**Ms Hagan:** This amendment to the Fisheries Act is to give the Department of Agriculture powers to make regulations and powers to enforce those regulations. That would not directly give any powers to anyone else in local government, but the convention is that the competent authorities with responsibility for the foreshore work together.

**Mr Bradley:** Your opening remarks referred to the Wildlife Trust, but you did not mention councils and custodians of the foreshore. Will the councils still retain that custodial role?

**Ms Hagan:** Yes, they will. We will not be impinging on their custodial rights at all. However, the Department of Agriculture and Rural Development is the competent authority on the foreshore as far as fishing is concerned.

**Mr Bradley:** Will the Department of the Environment have a role to play?

**Ms Hagan:** Yes, we will be working in close consultation, and in practical terms we work with the Department of the Environment as well on many aspects of fisheries policy.

**Mr Paisley Jnr:** I want to go back to this matter of regulation. Can you advise the Committee about the timescale between this Bill's receiving Royal Assent — probably some time before Christmas — and when we will see the regulations? When will the regulations be ready?

**Ms Hagan:** I cannot give you a specific time. I will have to go back and look at the legislative procedures.

When you are making subordinate legislation, you are very much in the hands of the procedure that lays down the various stages that must be gone through. As far as I am aware, there are no facilities to allow the procedures to be jumped through, except in very exceptional circumstances. Therefore we are tied to the procedures, but the regulations are drafted, they are on file, and they are ready to go. As soon as this becomes law — I would even say as soon as it is passed here, and before Royal Assent — we will be moving to get legal clearance so that the regulations are as far down the road as possible.

**Mr Paisley Jnr:** Can we see these draft regulations this week?

**The Chairperson:** The answer is “No”.

**Ms Hagan:** They are drafted and on file, but there is still some work to be done on them. They have not been cleared by the legal adviser. We are not sure how and whether “the foreshore” is going to be defined. Such things need to be ironed out before we can produce a set of draft regulations. It would then make sense for the Committee to scrutinise them.

**Mr Paisley Jnr:** You will understand our reluctance to pass a measure when we have no idea what the regulations are going to say. I am sure that you can understand why we are questioning it.

**Ms Hagan:** I can understand why you are questioning it, but surely that happens all the time when Departments take primary powers that allow them to regulate a function.

**The Chairperson:** We are very persistent about having clarity. I have always detested this system. We vote for the sort of clean-faced Bill that you talked about, and then they can make any regulation that they want. It is very unfair that legislators do not know what the regulations are going to be. I think the Committee will agree with that. I would like to see what you are going to do after we give you these powers — you could really do anything.

**Ms Hagan:** You will see what we are going to do. You will have full powers to scrutinise the subordinate legislation once this amendment is made.

**The Chairperson:** As long as you stick to affirmative resolution. If it is a negative resolution, it is useless. That gives the Department a clean sweep.

**Mr Armstrong:** It does not mean very much afterwards.

**The Chairperson:** I have to bring in the Deputy Chairperson, and then we will have to draw matters to a close.

**Mr Savage:** Does this shellfishing take place at specific times of the year, or does it happen daily? All the emphasis has been on Strangford Lough. Are there other areas along the foreshore that we cover as well?

**Ms Hagan:** There are certainly many other areas of the foreshore where there is the potential to use a mechanical harvester to extract quantities of shellfish. What was the first part of your question again?

**Mr Savage:** Does this take place? Are there certain times of the year when this happens?

**Mr Hunter:** Shellfish harvesting takes place throughout the year. What tends to happen is that shellfish spawn in late spring and sometimes summer. The condition of the meat is worse because of this so you often get a fall in harvesting of wild shellfish during that time. It can take place any time during the year.

**Mr Kane:** In relation to clause 7, are the effects of pollution on our waterways reversible at all?

**The Chairperson:** That is not really our concern. You do not need to answer that question. That is a matter for another Committee. There is only one final question that needs to be asked. Are you considering licensing people to do this fishing in your regulations?

**Ms Hagan:** No, we are not. At the moment the regulation proposed will simply ban the collection of wild shellfish by mechanical harvester.

**The Chairperson:** Is there any suggestion that a heavy licence fee might be imposed? The Department is very good at that. We do not need to meet next week — we are going to do our own thing without you. We would like you back the following week. Will you get us more information on some of the questions we looked at, especially about private ownership and ownership of the foreshore?

**Ms Hagan:** To clarify, you would like further information on the procedure for making subordinate legislation and confirmation that it will be subject to affirmative resolution. You would also like some detail on the proportion of the foreshore that is part of the Crown Estate and the proportion that is in private hands, and you want some information on a third area.

**The Chairperson:** How soon can we see the draft regulations? I agree with you that even after the regulations are drafted you have to have your consultation period. More people will be interested in the actual regulations than in this first thing. Thank you very much.



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**NORTHERN IRELAND  
ASSEMBLY**

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**AGRICULTURE AND RURAL  
DEVELOPMENT COMMITTEE**

Friday 6 October 2000

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**FISHERIES (AMENDMENT) BILL  
(NIA 9/99)**

**The Chairperson (Rev Dr Ian Paisley):** The Committee's Adviser, Mr K Pelan, is before us today.

Some of the evidence from the Department is not very clear. In the light of what you are saying, we will have to go back to it and seek assurances. The secondary legislation was absolutely wrong. It was all negative. The Assembly has a positive vote in dealing with regulations. All the Committees have had that problem before. This Bill only gives us half the picture, because it contains no regulations. We have been informed that the regulations are written, typed up and ready — but what are they? We are anxious to probe further. If they are all typed up and ready, what is going to be their effect? The regulations really are the heart of the Bill. We are just laying the foundations, but the building will be formed from the regulations. We need to go back to the Department and make it perfectly clear that we would be much happier to do this by positive resolution than the Assembly can approve. Otherwise we will have very little power, if we pass this Bill, to deal with the regulations made under it. That is very important, because the regulations are important.

**The Committee Clerk:** With regard to the point about negative resolution, to change the nature of these regulations, would require an amendment to the Fisheries Act, and that would have nothing to do with the Bill in front of us.

**The Chairperson:** Why do we not have an amendment to the Fisheries Act?

**The Committee Clerk :** We are not dealing with the Fisheries Act.

**The Chairperson:** I know, but we could make recommendations. It will be like all the regulations that pass through Parliament that nobody ever sees. When issues are raised subsequently, a person is told that they are a matter for negative resolution and that he has no say in them. What is the use of passing this Bill if we will have to fight against regulations with which we disagree?

**The Committee Clerk:** The Committee could, within thirty days, seek to have the regulations annulled if it did not agree with them.

**The Chairperson:** In practice, in the House of Commons 99% of regulations go through and only 1% are stopped. The Department would be very anxious for us not to interfere. We are supposed to be scrutinising what the Department does. We are now giving it a blank cheque. We were told that the regulations were subject to positive resolution, but I think we have found out that they are all subject to negative resolution. The Committee was completely misled. However, I do not think it was done deliberately.

**The Committee Clerk:** With regard to the point about negative resolution, it is not entirely appropriate to draw a direct comparison with Westminster, where Committees and Parliament are obviously dominated by the Government in power. In this Assembly, the Committee could move a motion in the Assembly to have any Statutory Rule annulled, and the members of this Committee would take part in the debate and try to convince the Assembly to resolve that motion. There is a real power for the Committee.

**The Chairperson:** But you know perfectly well how legislation is changed when it is drafted. After that it is very difficult to change what is set in stone. Some of us have been trying to do that for years and have never got anywhere. We should now be seeking to have these regulations made subject to positive resolution so that there is time to change them. It is very difficult to hear that regulations are going to be passed, and before you know it they are passed.

**The Committee Clerk:** The Departments are committed to pre-drafting consultation on Statutory Rules, and that procedure is followed. The Committee will be consulted about a proposed Statutory Rule before it is laid with the Assembly and will be able to discuss it.

**The Chairperson:** We should put that to the Department because I do not think that we were deliberately misled. I was shocked when we were told that the regulations were all subject to positive resolution. We need to clarify that point. Why not put up a pointer and ask the Department why we cannot look at these regulations now?

**The Committee Clerk:** No. Paragraph 3 of Ms Hagan's note makes it clear that advice has been received and that it would not be appropriate for the Committee to consider powers to be given through regulations while it is trying to deal with primary legislation. Ms Hagan says that consultation cannot take place until the relevant primary powers have been conferred, and that will be after the Bill passes through all its Assembly Stages. She feels that we would look more closely at

this Bill if we knew what would be accomplished by doing it. This assertion is trash.

**Mr Ford:** I cannot fathom paragraph 3. It appears that, technically, the Assembly has the right to make regulations under this Bill, whether they be subject to negative or affirmative resolution. It is therefore a non sequitur that we should be deemed to have altered our attitude to the Bill, given our power to make regulations subsequent to the Bill's being passed, unless the assumption is that the Civil Service makes the regulations and we are not to be trusted with the knowledge of what is in them.

**The Chairperson:** That is right.

**Mr Ford:** Can the Committee Clerk tell me the differences between the Assembly's consideration of measures that are subject to affirmative resolution and those that are subject to negative resolution? Are we restricted to refusing regulations subject to negative resolution but given the power to amend ones subject to affirmative resolution? Am I correct on that?

**The Committee Clerk:** It may be helpful to rehearse the procedure with Statutory Rules. All Statutory Rules, whether subject to affirmative or negative resolution, should be submitted to the Committee for pre-drafting consultation. Before a Statutory Rule becomes effective, the Committee should be asked for its view on its contents. Those views should then be taken into account in the final drafting of the Statutory Rule. The Committee should have an opportunity to influence the content of a Statutory Rule before it is laid.

It is when the rule is laid that the difference between negative or affirmative resolution becomes relevant. If a Statutory Rule is subject to affirmative resolution, it cannot be put on the statute book until the Assembly votes it. It is laid before the Assembly, and then the Committee considers it. The Committee may make a report to the Assembly on it. No Statutory Rule can be amended after it has been laid; you can only seek to have it annulled. The affirmative resolution is a belt-and-braces job — there must be a positive vote in favour of a Bill before it can become law. If the Committee's views have not been properly taken into account during pre-drafting consultation, and if it is still not happy with the Statutory Rule, it can recommend to the Assembly that the Statutory Rule should not be passed. If the Assembly voted in favour of that, the Statutory Rule would have to go back to the Department, which would have to carry out a review.

In the case of negative resolution, a vote in the Assembly is not absolutely necessary. However, the Committee can, within 30 days, put a motion to the Assembly to have the Statutory Rule annulled. If such a motion were moved, the situation would then become similar to that of an affirmative resolution. A debate would

take place and the Committee could try to convince the Assembly to have the Statutory Rule annulled. The only slight difference is that the rule might be effective for a short period before it could be annulled.

**The Chairperson:** That rests with the Business Committee and how much time it will allow. The Business Committee is not going to allow long periods for negative resolutions. If a negative resolution is a prayer, and if that prayer is called, it is put to the vote automatically in the debate, and there is no time for the Committee to draw up a report on it. On the other hand, under affirmative resolution, if the Committee was not happy with a regulation, it could produce a full report, call witnesses and talk to them. It is easy to say that a motion could be negated but, in reality, the system does not lend itself to democracy at all. I do not understand how anybody can write this down. According to this, we are pre-empting our ideas.

**Mr Paisley Jnr:** The Bill, as it currently stands, prohibits the collection of shellfish. That is very clear.

**The Chairperson:** We have only been informed that it prohibits the collection of shellfish at Strangford.

**Mr Paisley Jnr:** Yes, in Strangford. As it stands, the Bill also makes us write a blank cheque to the Department for the strength of the regulations, what those regulations will mean, and how they will affect people who fish or collect shellfish. We have to proceed very cautiously. Is there a way in which we can suggest an amendment that would protect the right of an individual to collect?

In our meeting with Ms Hagan last week, she said some interesting things, which may lend themselves to such an amendment. On page 7 of the verbatim report she is recorded as saying that if the collection of shellfish was having a "detrimental effect" on the ecological balance of the foreshore, the Department would have the power to regulate it. We have to have this out with the Department and find out what is meant by "detrimental effect," and how that is to be measured. There are people who believe that prohibiting the collection of shellfish will have a social, economic detrimental effect, if carried through. A definition of the term "detrimental effect," needs to be given, and we need clarification of what the Bill would mean.

In page 8 of last week's report, Ms Hagan said we must be careful about how regulations are worded, in order to ensure that it is the "intensive nature" of operations that are regulated. There needs to be some interpretation or amendment that would allow us to put something into the regulations, or into this Bill, that defines the terms "intensive nature" and "detrimental effect," to make sure that the individual's rights are protected. We may also be able to address the long-standing issue surrounding people who have always collected shellfish. They should be able to proceed as they always did, as long as it is not

causing a detrimental effect — providing we know what a detrimental effect is.

**The Chairperson:** The first thing the Department will say is that the regulations are not our responsibility. This Bill should —

**Mr Paisley Jnr:** If it is in the Bill it guides the regulations.

**The Chairperson:** It does not prevent us from asking if certain parts of the Bill can be clarified. There is no reason why there should not be a schedule to that Bill, with definitions of terms.

**Mr Paisley Jnr:** Maybe we can get a handle on the regulations before that, if we submit these points. We could ensure that the regulations coincide with —

**The Chairperson:** They will really oppose that. They will argue that this should not be done in the face of the Bill. The Bill consists only of principles — regulations are added afterwards. At the end of the day they make the regulations to suit themselves. There is no reason why we should not test that, and see whether we can get safeguards into the Bill. However, the Department can add another 20 regulations at any time, and throw them in negatively. If they are negative, we do not have the right to call witnesses. It would be a matter of simply saying yes or no.

These are very important matters and the whole presentation by the Department has been unsatisfactory. We have noted paragraph 3 of Ms Hagan's minute of 3 October and the anomaly that exists. The idea of "detrimental effect" is a great way to prevent people doing things the Government thinks they should not do, even though they have done them for years as part of their heritage. What is a "detrimental effect"? What is the "intensive nature" of an operation?

**Mr Pelan:** The Anglo North-Irish Fish Producers Organisation, in their submission, supported the idea of sustainable harvesting of shellfish stocks. The Strangford Lough Management Committee also believes that such regulation would help create a sustainable development opportunity for the local area, in both economic and environmental terms.

At least two of the submissions believe that there is a possibility that the collection of shellfish can co-exist with environmental or conservation considerations. Mr Hunter pointed out that in Wales there is quite an extensive hand collection of shellfish and this happily co-exists with the concept of stock conservation.

**The Chairperson:** We would want to safeguard the rights, within reason, of commercial operations. I think that the trouble is we might be amazed by the regulations. Ms Hagan said they have them already, and I think we should persist in that we are given some idea of what these regulations are. We could ask her if they will

define what the operation consists of and if they will deal with the first matter you raised. We can ask her point-blank if that is contained in the regulations and that might provide us with some knowledge. Perhaps the Committee staff could apply themselves to specific questions to test the Minister on the need for regulations. I think it is quite clear that we do need to get the Department back on this issue.

**Mr Savage:** It is too wide at the present time for us to make a decision.

**Mr Armstrong:** Do we know if there is any risk to the shellfish on the shore. Are there fewer now?

**The Chairperson:** There is a risk if they carry on. The mechanical —

**Mr Armstrong:** Yes I know that, but are there more this year than there were 5 years ago. Have you heard any information like that?

**The Chairperson:** According to the evidence there is only one firm. Is that right?

**Mr Pelan:** It is made up of one man, three family members and a modified potato collector.

**The Chairperson:** I think they are saying that prevention is better and that we should move in now before it is too late and before the environment is destroyed. I think, maybe —

**Mr Paisley Jnr:** But they have applied those rights to the foreshore, which essentially means the entire seas of the Realm. They can now regulate fishermen.

**The Chairperson:** Remember, it is very dangerous when they add provisions relating to the foreshore. This is a very amazing document. The intertidal area, not included in the foreshore, will be included in the recommendations. That intertidal area is about one third of the size of the whole area so the ambit will be increasing by one third. They said, in answer to a question I put, that they can control that area because it is water. When I asked them why nobody said no, they said it was because it can be controlled under fishing laws.

**Mr Savage:** Once the tide goes out, people could make the mechanical machine follow the water.

**The Chairperson:** Those mechanical machines have equipment on them which enables them to dig underwater. The water drains off and they look at what is on the bottom — like a sieve. That is not in the Bill.

**The Committee Clerk:** Further definitions in the Bill are discussed. Mr Hagan's minute of 3 October says,

"The Department is still considering in conjunction with the Office of Legislative Counsel the need to include a definition of the inter-tidal area as detailed in the chart handed to the Committee last Friday. I will update you when the need to define or not has been established."



There may be, in other words, an amendment coming from the Department to clarify whether the intertidal zone is automatically included in the area or whether it is already part of the sea. I think that is part of the argument.

**The Chairperson:** Is that going to be contained in a regulation?

**The Committee Clerk:** I think it will be included in the Bill. If that correction had not been made it would have to be in the face of the Bill. We can ask the Department next week to answer all the queries raised today.

**The Chairperson:** We want copies of the Fisheries Act (Northern Ireland) 1966 for every Committee member. It is not satisfactory to just have copies of what they are saying.

**Mr Dallat:** I do not know anything about shellfish, but I do know that in another part of Ireland where this problem arose, divers with aqualungs had an advantage over those on the shore. They allocated sizeable quantities of scallops, although that is probably not relevant to this.

**The Chairperson:** The Department's answer is that they can prohibit that under existing fishery regulations because that constitutes fishing underwater.

**Mr Dallat:** Is the case altered in any way by the map that the Chairperson produced? Does that map become part of the debate?

**The Chairperson:** If that map becomes part of the debate, and if the Bill is passed, it simply means that they can measure out an intertidal area. They must define the area that will be covered by the Bill. At present, it is supposed to be the foreshore alone, but they are adding an intertidal area. According to what Mr Phelan said, that would have to be on the face of the Bill. We need to take some advice on that. That could be revolutionary, because in other areas the foreshore does not stop at certain places. Once they get their toe in the door, the Department could replicate that to apply to the whole country.

**Mr Paisley Jnr:** That is a very interesting point. Ms Hagan has already been questioned on clause 1, subsection 4 of the Bill, and she was asked what was meant by marine or coastal areas. Pages 26 and 27 of her answers say that they could use the power to regulate a fishing activity for environmental purposes — so fishing activities could be regulated. It concerns more than collection. It includes collecting when out in a boat or when deep-sea diving. This will allow them to regulate all of that. It has extensive power because of the breadth with which marine and coastal areas are defined.

**The Committee Clerk:** Before we move to clause 1 (4), are there any further points regarding subsections (1), (2) and (3)?

**The Chairperson:** I take it that the Committee Assistant is making a careful note of this. Is everyone happy that we move to clause 1(4)?

**The Assistant Clerk:** There was a point raised in relation to subsection (3) about Strangford Lough.

**Mr Bradley:** Before the map, our discussion has been mainly about the Carlingford and Foyle Loughs, rather than the sea. Is it not simpler to legislate for the Lough instead of discussing high and low water marks in the Lough?

**The Committee Clerk:** The area beyond the lowest astronomical tide is already protected by existing legislation. The nature of the problem is that existing protective legislation covers the sea. Until this Bill is passed there is no protection for the foreshore, the area where the tide passes in and out. This Bill is designed to do that. You need not worry about the Lough because anything beyond the lowest point where the tide goes out is already covered.

**Mr Bradley:** At Cranfield, during that lowest astronomical tide, one could nearly walk across the Lough.

**The Chairperson:** Some of us, in our boyhood, did walk across. We used to go out with spears and when you walked on a fish you could get it.

This intertidal area is not included in the definition of foreshore, and it could cover a vast area, if we add another third. If we had this included in this Bill we could go around the country saying it is already in a Bill. The Minister made it clear that the discussion related to Strangford Lough alone, but that is not stated in the Bill. Why should this not be limited to Strangford Lough?

**Mr Pelan:** Last week, the Minister said that the Bill will only apply to Strangford Lough, simply because mechanical harvesting is not taking place anywhere else in Northern Ireland. She also questioned whether the regulations would allow them to limit or prohibit collection by organised groups, for example. There is ambiguity about whether the Bill can be applied elsewhere. She did say that the authorities would take a dim view of the Department applying blanket legislation across Northern Ireland when mechanical harvesting was not happening elsewhere. They know for sure that it is happening in Strangford therefore that is where it will be applied.

**The Chairperson:** If we have a problem in Strangford, the legislation should be specific to that area. There should not be blanket powers to bring in regulations round the whole country. That worries me.



**Mr Ford:** There is also conflict between the evidence of the RSPB, which says that there are also problems outside Strangford Lough, and the Department's advice that it is only in that area. We also need to call in witnesses from outside the Department to take some oral evidence.

**Mr McHugh:** Did the Minister not say that other possibilities had not been looked at?

**Mr Pelan:** Mr Hunter said that cockle collecting was taking place in Dundrum Bay, and that it was not mechanised.

**The Chairperson:** The Committee is entitled to know the areas that this is going to cover. When the Bill becomes law, anything she says before this Committee will be useless. You could not go back and say that the Department promises that the Bill applied only to Strangford Lough — you would not have a leg to stand on. A Minister's speech in the House of Commons is not definitive on any Bill. If you were testing a Bill in court, you could not use as evidence the Minister's comments when he was introducing it — that does not matter. The important aspect is the legal interpretation of the Bill.

**The Committee Clerk:** Is the Committee asking that the face of the Bill should be used to limit its geographical extent?

**The Chairperson:** When members of the Committee questioned Ms Hagan, that was what she said. The only other place mentioned was Dundrum.

**Mr Ford:** Given that we are amending the Fisheries Act (Northern Ireland) 1966, I do not see how we can limit ourselves to one area in the face of this Bill. There is also the question as to whether the regulations should apply solely to Strangford Lough, or beyond. It depends on whether we believe the Department or the RSPB at this stage.

**The Committee Clerk:** Regulations can be much more easily changed. They can be updated annually.

**Mr Ford:** I do not see how, in the face of the Bill, we can restrict ourselves to a specific geographical area.

**The Committee Clerk:** I just wanted to know that. If there is no desire on the part of the Committee to change the face of the Bill in order to restrict or extend the area involved, the question comes back to —

**The Chairperson:** We could change the face of the Bill. Specific areas are named in certain legislation on environmental matters. We could have a Bill proceeding that does not deal with principles but with a particular problem. It would be much better and cleaner, in legislative terms, if we had a Bill which left the principles to come later, along with the regulations.

We are being asked to give blanket authority to the Government, and they are not telling us what their interpretation is. Their reason is that that would pre-empt our freedom to make a decision in the Assembly.

**Mr Savage:** Where does Strangford Lough begin and end.

**The Chairperson:** It begins at Newtownards.

**Mr Savage:** Does it link on up and along the coastline?

**The Chairperson:** It goes right down to Portaferry.

**The Committee Clerk:** The regulations would specify the area very clearly.

**Mr Savage:** If there is a problem in Strangford Lough, can that problem be carried on past the point where the Lough ends?

**The Chairperson:** No. The rush of the water there would ensure that there would be no chance of that happening.

**Mr Savage:** It was mentioned — and I know that Mr Bradley said it — that another type of fish is being harvested for some other reason. It is a type of shellfish. Is this taking place in the Tyrella area?

**Mr Bradley:** It is happening at Killowen. They said that it did not come under the Bill. I was surprised that that was the case.

**Mr Pelan:** Their reason was that it fell under the definition of aquaculture and was, therefore, not subject to these regulations.

**The Committee Clerk:** We need to clarify what the Committee wants. Is the Committee content that the geographical extent of any prohibition be covered by regulations, or will it want to see something in the face of the Bill that will not limit the extent of what it is trying to do.

**Mr Savage:** Do regulations have to be drafted in terms of what can or cannot be done?

**The Committee Clerk:** Regulations would be brought before this Committee — and at the moment the Department is saying that those regulations would specify the Bill as extending to Strangford Lough. However, regulations can be changed. The beauty of having such matters in regulations, rather than in a Bill, is that you can amend them in the light of experience. If such items are included in a Bill, a new Bill is required to make changes.

**The Chairperson:** Would it satisfy the Committee if an assurance were given that the regulations are to apply to Strangford Lough?

**The Committee Clerk:** What happens if, six months later, mechanical harvesting starts somewhere else?

**The Chairperson:** We will then have to bring it back.

**Mr Pelan:** Then we will have a new regulation.

**The Committee Clerk:** That is what they have said already.

**The Chairperson:** It is better than giving them blanket authority. If they want to include the whole of Northern Ireland they should tell us. They told us that they did not want to do that. They said that they were not interested in the Dundrum or Tyrella areas. Why do they not want written into the Bill that it should cover all of Northern Ireland? As far as I can see that would apply in all cases.

**The Committee Clerk:** At the moment, the Bill, subject to regulations, can apply anywhere in Northern Ireland.

**The Chairperson:** They do not need it.

**The Committee Clerk:** If they did need it, the only way out of the problem would be to scrap this Bill and bring in an entirely new one.

**The Chairperson:** The only way to safeguard a matter is to write it into a Bill. They would have to bring in another Bill to make amendments. Regulations are very useful to a Minister who wants to do something in a hurry and carry on with the minimum of hiccups. You have to go through the legislation.

**Mr Ford:** Is it not the case that, if there were suddenly a problem with mechanical harvesting in Carlingford or Dundrum, it might be entirely appropriate that regulations be made in a hurry. You are arguing the opposite.

**The Committee Clerk:** That is precisely my understanding of what is going on.

**The Chairperson:** How could that happen when they tell us that people are not carrying out this kind of fishing?

**Mr Ford:** They said that there was cockle harvesting in Dundrum, where, if someone set off with half a dozen tractors, they could do a great deal of damage in a few days.

**The Committee Clerk:** That was exactly my point.

**The Chairperson:** They have never done it before. Why should they simply —

**Mr Ford:** Nor did they do it in Strangford until 1998.

**The Chairperson:** It seems that the Department is not too sure of the numbers involved. They gave us colossal figures, but when we studied them, we found that they were not accurate. We need to hear from the environmentalists. We have had nothing before the Committee about any place other than Strangford.

**The Committee Clerk:** We have already asked all of the organisations. Their names are in front of you.

**The Assistant Clerk:** The RSPB does not limit itself to the Strangford Lough area.

**Mr Ford:** Perhaps the Committee Clerk could clarify that it is procedurally in order for us to invite people here to expand on written submissions before going into clause-by-clause consideration.

**The Committee Clerk:** Yes. The only limiting factor would be that, if we felt we were going to take some considerable time doing that, we should have to advise the Committee of Culture, Arts and Leisure to seek an extension, for the 30 days are ticking away fairly rapidly at the moment.

**The Assistant Clerk:** They have submitted a motion.

**The Committee Clerk:** I am sorry. I was not aware of that.

**Mr Ford:** It would be worth scheduling 45 minutes or an hour at an early stage and, if possible, invite the RSPB, the National Trust and the Strangford Lough Management Committee at the same time, since their evidence appears to be very similar, although I do not claim it is identical.

**The Chairperson:** I shall get them to refer to Tyrella and Dundrum.

**Mr Ford:** The Committee Clerk is about to tell me that you cannot do that.

**The Committee Clerk:** Apparently it is not deemed good practice to have three organisations sitting at the bottom of the table simultaneously. We could simply bring them in one after another.

**Mr Ford:** We might well have a situation where the National Trust, if called in after the RSPB, might say something on which the former organisation might wish to comment.

**The Committee Clerk:** You would have them all in the room at the same time.

**Mr McHugh:** We shall be giving Hansard some difficulties.

**The Assistant Clerk:** The point is that you would have to take them one at a time for evidence, but there is no reason why you could not ask people to come back to the table.

**The Chairperson:** I do not think we should.

**The Committee Clerk:** Could we clarify if the Committee is instructing us to arrange this for next week?

**Mr Ford:** Or as early as possible.

**The Chairperson:** What had we scheduled for next week?

**The Assistant Clerk:** We were going to have the Department back.

**The Committee Clerk:** There is no point in having the Department back before speaking to the environmentalists. The Committee must be absolutely clear about the issues.

**The Assistant Clerk:** Are we only talking about those three organisations, or are we talking about the two fishery organisations also?

**The Committee Clerk:** We were looking at subsection (4), Mr Chairman. There are issues to be raised with the Department in clause 1(4).

**Mr Paisley Jnr:** That is the marine issue.

**The Chairperson:** It provides the power to make regulations in two areas.

**Mr Paisley Jnr:** It seems to be wholly to do with the definition of coastal and marine areas. I took a note of what the Minister said about a portion of the realm, which, essentially, could mean anything.

**The Chairperson:** What is the difference between a marine —

**The Committee Clerk:** The advice given —

**Mr Paisley Jnr:** A portion of the realm that lies between high tide and low tide.

**The Committee Clerk:** The answer given was that a marine environment extends out into the sea, and that includes normal fishing grounds.

**Mr Paisley Jnr:** What about the North Sea shore?

**The Committee Clerk:** Mr Pelan, what points arise from the issues surrounding subsection 4, which includes the conservation or enhancement of the natural beauty of marine or coastal areas?

**Mr Pelan:** That is one of the points that I raised — what is meant by those terms? I assume that it means that the current regulations already cover the sea and the Bill is intended to extend the legislation to cover the foreshore. With regard to the definitions for marine and coastal areas, perhaps they mean the foreshore with “marine” meaning the sea. This is a question we could ask for additional clarification.

**The Chairperson:** This goes into the realms of archaeology and history. That is a peculiar thing to see in a Bill such as this.

**Mr Pelan:** It seems to be very broad.

**The Chairperson:** It is very broad.

**The Committee Clerk:** Am I right in assuming that this notion of regulating to protect an area extending into the open sea is the first time that protection is being given to a marine area, rather than to a coastal area, for conservation purposes?

**Mr Pelan:** That is exactly right; it is for environmental purposes.

**The Committee Clerk:** So you would usually regulate normal sea fishing areas for reasons such as protecting the fishing stock, or whatever. This is additional in that it is allowing the Department to make regulations to protect the normal fishing area for reasons related to the environment.

**Mr Pelan:** Yes, but what are those reasons? The Department has not given them. You have just mentioned the conservation of stocks; that is an environmental reason.

**The Chairperson:** I do not know why it should include features of archaeological or historic interest.

**The Committee Clerk:** I think that it is because we are talking about a marine or coastal environment here. Archaeology would only apply in the coastal areas.

**The Chairperson:** Why should it?

**The Committee Clerk:** Because it applies to coastal areas as well.

**The Chairperson:** I know that, but why does the Department want to include it? This is supposed to be dealing with shellfish. Under this Bill, the Department would have the power to stop archaeological investigations or those on matters of historic interest. I do not think that such a power should be in a Bill at all.

**The Assistant Clerk:** It is so that it can stop fishing for reasons of archaeological interest.

**Mr Pelan:** Flora has been included, and we have not discussed that yet. A number of birds feed on eelgrass in Strangford Lough. Also one of the beaches could be affected by someone dredging, or by the shellfish. One of the submissions raises the matter of seaweed. There should also be a prohibition on seaweed collection on environmental grounds. That might be covered by that sea fishing legislation. If you include flora, you are talking about any plant life. That was not touched on last week.

**The Chairperson:** That is right. You are back to the power to make regulations. On the face of this Bill we could put in “positive”.

**The Committee Clerk:** “Affirmative”? No, not on this Bill. You would have to ask for an amendment to the original Fisheries Act (Northern Ireland) 1966.

**The Chairperson:** We could recommend that there would be an amendment.

**The Committee Clerk:** The Committee certainly could include the words that it recommends that the Fisheries Act (Northern Ireland) 1966 be amended to have these regulations subject to affirmative resolution.

**The Chairperson:** Not that you’ll get it. I persuaded the Assembly.

**The Committee Clerk:** Have Members any views?

**The Chairperson:** It seems that this Bill is getting lighter and lighter as it goes on. There are a lot of things that the Department is thinking of doing, and it thought that we were stupid enough to think that this was just about a few buckets of shellfish. But as we read more the net goes away out into the darkness of the archaeological aegis, and also we come into the area of plant life.

**Mr Pelan:** We should try to find out what the Department means by this. It has also consulted the RSPB and the National Trust, so maybe it is thinking of seaweed collection or of prohibiting it as well.

**The Chairperson:** I think, Mr Pelan, you need to go back and ask for more information.

**The Committee Clerk:** I will write a letter.

**The Chairperson:** We need to get full clarification on that. I will write it.

**Mr Savage:** In clause 5, the Fisheries Conservancy Board (FCB) has the power to make bye-laws.

**The Chairperson:** Let us finish with subsection (4). We are happy enough about new subsection (2A) (a) and we will get an explanation.

**Mr Savage:** Does the FCB need permission from anyone to make bye-laws? Does it need permission from this Committee or does it have control over that itself?

**The Chairperson:** Are you referring to the regulations?

**Mr Savage:** Yes.

**The Chairperson:** The regulations are the responsibility of the Department and the Minister. She does not need to consult anybody. In fact, neither is consulting us on the regulations.

**Mr Savage:** That is how I see it.

**The Chairperson:** They will tell us what they are thinking but they are not going to provide us with the regulations because that might compromise our deliberations. We come to clause 1(5), which states

“After subsection (3) add —

‘(4) Where —

(a) a person who commits an offence under subsection (3); and

(b) a vehicle or equipment is used in the commission of the offence, then, in addition to that person, any person who caused or permitted the commission of the offence is guilty of an offence.’ ”

I think that would include a spade as equipment if used in the commission of the offence. That idea of a bucket

and spade being excluded is not correct. They constitute equipment.

**The Assistant Clerk:** There is a description of equipment at clause 1 (3). They have to specify what equipment means in the regulations.

**Mr Pelan:** What they were including was “any vehicle”, instead of “fishing vessel.” As this activity is on the shore, you are not going to be on a boat; you are going to be using a tractor or a car. They inserted “any vehicle or any vehicle of a specified description” after “fishing vessel” in the Act. Primarily this is legislation for fishing at sea but now there is activity on the shore, so they include vehicles.

**The Committee Clerk:** Just before we move to clause 2, the Strangford Lough Management Committee has suggested that an amendment be made to section 185 (a) of the Fisheries Act (Northern Ireland) 1966 to say that legislation should comply with current directives. In our letter we should ask whether it would be an appropriate amendment to make.

**The Chairperson:** It does not matter now. It used to be that we made statements in the House of Commons and the Minister said it applies to us. But since 2 October, those laws are *[Interruption]*

**The Committee Clerk:** Is that the result of the Human Rights Act?

**The Chairperson:** Yes, it is because of it, but it would be a good idea to draw their attention to that to clarify it.

**Mr Pelan:** Does the amendment comply with the requirements under the EEC Habitats Directive?

**The Committee Clerk:** We could use that as the example.

**Mr Paisley Jnr:** With regard to the power in clause 2, I know the RSPB has lobbied for a slight amendment to clause 2(1). The new subsection (1A) says “with respect to any vehicle or equipment which is, or has been, employed in fishing.” They would like that extended to mean any vehicle or equipment which is or has been, or is suspected of being, employed in fishing. This would give meaning to the enforcement regulations. If there is to be effective enforcement, then suspicion should apply.

**The Chairperson:** Who suggested that?

**Mr Paisley Jnr:** That was an RSPB suggestion, and I think that it is a reasonable one. It follows that if we accepted it there would be a number of additional changes. Subsection (1A) (b) refers to “persons in or suspected of being on the vehicle or equipment”. This is brought through in a couple of them.

**The Chairperson:** If you are all happy enough with that, we shall move on to clause 2(2), which deals with



section 180, “procedure for disposal of boat or fishing engines seized in certain cases”.

**The Committee Clerk:** We are changing a series of definitions in the original Act. Does anyone want to raise a point with regard to that?

**Mr Pelan:** I did not see any. It seems that instead of “for any fishing engine” they put “fishing engine, vehicle or equipment” simply to cover any equipment that would be used in the collection of shell fish; a tractor or car, for example.

**Mr Ford:** Or a bucket and spade.

**Mr Savage:** A substitute can cover a lot of things, then.

**The Chairperson:** That is really just to bring into line what probably would be used.

**Mr Paisley Jnr:** It seems quite ridiculous that you could seize a boat but not a tractor if that vehicle has been used in committing an offence.

**The Committee Clerk:** So there are no points to be raised, then. Let us move on to subsection 3. Mr Pelan, will you please remind us of what that was about.

**Mr Pelan:** This simply covers the situation where someone has been collecting shellfish and has them in their possession; this provides the right to seize shellfish whether in or on the vehicle. If it is suspected that the shellfish have been collected using mechanised harvesting, this subsection provides that they can be seized and disposed of as seen fit by the officer.

**The Chairperson:** Those are usual regulations under law anyway, are they not?

**Mr Pelan:** Yes, they are.

**The Committee Clerk:** There is nothing contentious in that, then.

**Mr Pelan:** No. It is really the clarity of clause 1 which is at issue.

**The Chairperson:** In subsection (5) they have given a definition of sea fish as those found “in or on the foreshore”.

**The Committee Clerk:** That is why it is so important to include the definition of foreshore.

**Mr Paisley Jnr:** What about “suspected of being in or on the foreshore”? The fish could well be removed to another location, and evidence subsequently received that this was the case.

**Mr Ford:** In my view, it comes down to the definition of the species.

**The Committee Clerk:** The points you have made about “suspected” foreshore fish automatically apply by law in any case.

**Mr Paisley Jnr:** Yes.

**The Committee Clerk:** We have now dealt with all the provisions. We will arrange to meet with the relevant organisations next Friday.

**Mr Paisley Jnr:** I would like to make a point about disturbing spawning beds. I will write to the Culture Arts and Leisure Department with my query.

**The Committee Clerk:** We shall write a letter now to request clarification of these points for our meeting next week. That will enable us to clear up the material covered today. At that point, the Chairperson or the Committee will wish to either vote for or against the various amendments that are beginning to arise out of the discussions.

**The Chairperson:** This public session is concluded.



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**NORTHERN IRELAND  
ASSEMBLY**

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**AGRICULTURE AND RURAL  
DEVELOPMENT COMMITTEE**

Friday 13 October 2000

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**FISHERIES (AMENDMENT) BILL  
(NIA 9/99)**

**The Deputy Chairperson (Mr Savage):** The witnesses at this meeting are Mr D Thompson (National Trust), Mr C Mellon and Mr N Johnston (RSPB) and Mr J Kerr and Ms C Nolan (Strangford Lough Management Committee). You are very welcome.

Mr Thompson. I understand that you are a property manager from Strangford Lough Wildlife Scheme (SLWS) and you have an interest in the National Trust.

**Mr Thompson:** I convey the National Trust's gratitude to the Committee for the opportunity to give evidence in support of the Fisheries (Amendment) Bill, and to expand on our first submission.

Over the last decade or more the National Trust has been actively involved in raising the matter of shellfish harvesting in the intertidal area of Strangford Lough as an environmental issue. The trust's efforts have included informing the general community about this issue.

The National Trust has undertaken dialogue with Government Ministers and officials over the years, and it has applied for a licence to establish a shellfish fishery on Strangford Lough under its own name. Over the years, the trust has also attempted to control some aspects of shellfish harvesting on its land through its own by-laws. Trying to exercise the National Trust's by-laws on its own land to control the shellfish harvesting resulted in litigation, and an action was heard in the High Court in November 1997.

The National Trust is a major landowner and lessee of intertidal shores on Strangford Lough for the primary purpose of preserving the lough's natural beauty and historical and biological interests. Public enjoyment of the trust's lands is of high importance where that is sustainable and compatible with the primary interests. For your information I have brought one of our leaflets containing a map that gives a breakdown of the ownership and lands leased by the National Trust.

The Committee asked for further evidence against four specific questions, and I will try to address those, taking the compatibility of collection and conservation first. The biological importance of the lough is acknowledged through a range of statutory designations which form a framework for the protection and conservation of the lough's wildlife and natural habitats.

European-driven directives have established the lough as a candidate for being a Special Area of Conservation (SAC) and a Special Protection Area (SPA). These directives make the Government responsible for the production of the management scheme that recognises the important features of the SAC and SPA and gives clear guidance as to how features are to be maintained in a "favourable condition". The important features identified and recognised include tidal and sub-tidal, rock, boulder, gravel, sand and mud communities, horse mussel beds, the eelgrass beds and the salt marsh.

The compatibility of collection and conservation with regard to taking wild stocks depends on a number of factors — the species involved; the quantity being harvested; the methods used and the resulting damage to the associated habitat and species. The issue for the National Trust and others is exploitation for commercial purposes where the scale, frequency and methods of harvesting are such that the conservation features of the lough may be adversely affected. The recent experience with mechanical harvesting of cockles highlighted how the potential for exploitation can quickly develop and give rise to great concern. This experience clearly exposed how the statutory designations and powers of legislation have been inadequate.

I would also like to refer to studies from Strangford Lough and elsewhere indicating the environmental impacts of mechanical harvesting for cockles. I also make reference to a review of the effects of fishing in the United Kingdom and European marine sites which was produced under the UK Marine SACs project and the homespun 'The Effects of Cockle Harvesting in Strangford Lough' by the then Department of Agriculture in collaboration with Queen's University.

The environmental impacts that these studies have indicated include extensive, systematic depletion of cockle stocks; declines in associated invertebrates in the sediments where the cockles are living; destruction of eelgrass; the forcing of birds to exploit alternative and less profitable food resources; and disturbances to birds. The mechanical activity would also accelerate, in some instances, the erosion of sediments, which degrades the habitat.

In light of this experience, the National Trust takes the view that mechanical methods of harvesting are highly likely to be incompatible with conservation interests and are unacceptable. Effective regulatory orders are required to prevent mechanical methods of shellfish harvesting.

The Committee also raised the issue of what threat there would be to the environment by hand picking. In the National Trust's view, the taking of small quantities of shellfish by hand — and I am assuming that rakes and forks can be used for cockles — for personal and home use is generally acceptable.

If the current level of hand picking for domestic use were to increase substantially or become concentrated in sensitive nature conservation areas, then this could pose a threat to the environment and would require the Department to consider regulation. There remains an issue where hand-picking methods are still being used by commercial gatherers of winkles — or “willicks” as they are known locally — the Latin being *littorina littorea*. The National Trust has, in the past, tried to take steps to stop and control this activity when it perceived that the quantity being removed, and the resulting damage to the environment and habitats, were not compatible with the wise use of the natural resources in Strangford Lough. The trust is concerned that amendments to the legislation should enable regulation for this kind of activity where there is a likelihood or threat of damage to the environment.

The trust would be the first to admit that it is not an expert in the scientific analysis of the environmental impact of shellfish gathering. We have not got the resources. The trust took the lead in trying to control the gathering of whelks and applied the precautionary principle. From now on, the trust will expect the Government to look at this issue. The Government have the resources to examine the area of shellfish gathering in detail.

As a footnote, you might be interested to note that, over the years, the trust has frequently been contacted by, and at times has been under pressure from, the general public and local councillors who have asked what the trust is doing. They have complained that there is not enough control on our lands and have asked us to stop uncontrolled and unregulated shellfish gathering. The trust has taken action over the years to try, in its own way, to control and regulate the activities.

The trust believes that a pragmatic approach allowing limited commercial exploitation of wild shellfish stocks might be possible, but only if it can be shown that such activities were environmentally sustainable and compatible with nature conservation interests. My colleagues made reference earlier to a good example from the Burry inlet in Wales where an industry, based solely on hand raking methods and regulated in many other ways, provides for sustainable fishing which is compatible with its conservation interests. However, the trust would advise a strong cautionary note: a pragmatic approach such as this can only be based on very careful research and monitoring, underpinned by effective controls.

The third point is threats to areas other than Strangford Lough. The National Trust is aware of wild shellfish

stocks which are being exploited, or have the potential for being exploited, in other areas such as Carlingford Lough and Dundrum Bay. The threat, actual or potential, to these other protected sites raises the same issues as those at Strangford Lough. Therefore, the trust is supporting amendments to the legislation which will allow for regulations to apply to these other sites.

Finally, on issues regarding the potential effect on the fishing fleet, the National Trust would support amendments that would allow new regulatory powers, if needed, enabling management of sub-tidal fisheries for nature conservation purposes.

**The Deputy Chairperson:** Which rules and regulations would you like to see tightened up?

**Mr Thompson:** Any kind of shellfish gathering, mechanical or by hand — and by inference hand tools can be used in the hand-gathering methods — that is not compatible with the nature conservation interests of the site, should come under regulation and control. The trust would argue strongly that the amendments to the legislation should make full provision for any kind of shellfish-gathering activity not compatible with the nature conservation interests of the site.

**Mr Paisley Jnr:** I want to declare an interest in this matter because I am a member of the National Trust. The devil is going to be in the detail, and it is going to be a regulatory issue. We have not seen the regulations yet, so we are taking this Bill forward with one eye shut.

Is the Bill, as currently worded, adequate to protect the environment and allay the concerns you have put to us today?

**Mr Thompson:** The Bill, as it shapes up so far, appears to be adequate. The National Trust has no great problems with the way that the amendments to the Act are being made.

**Mr Paisley Jnr:** Should the regulations be prohibitive? Should they prevent collection before a problem arises, or should they provide for the monitoring of collection, and then for the stepping-in if problems then arise?

**Mr Thompson:** The trust has always maintained — and I have gone on record describing it this way — that mum, dad and the kids at Kircubbin and Greyabbey getting whelks for their Sunday tea are not a problem. That has probably never been a problem. The problem is when there is larger scale activity — at the commercial or semi-commercial level — and that is when we would like to see more prohibition of activity.

It is very important that the right kind of research and monitoring be undertaken so that we have as clear an understanding as possible about when levels of activity become unacceptable. The trust is not expert in such matters, and we look to the Government to instigate the appropriate monitoring of sites — and the human activity



interacting with sites — and from that information to determine the management of those activities.

**Mr Ford:** You mentioned, as did the management committee, the issue of the Burry inlet and the different effects there. Does the trust have any experience, from its involvement in England and Wales, of any other sites that are in difficulties, and have there been any particular solutions to those problems?

**Mr Thompson:** I cannot cite anything in particular. For some years we have had our eye on the harvesting of cockles and other shellfish in England, Wales and Scotland to see what the issues were and how local authorities were trying to deal with those issues. I have no specific information on which to draw in trying to answer your question. We are aware of many instances throughout the UK in which the authorities have dealt with the issue of shellfish harvesting.

**The Deputy Chairperson:** Is shellfish harvesting a great boost to the tourism industry in the Strangford area?

**Mr Thompson:** I think that the fact that people can get the most wonderful locally grown oysters in the hotels around the shores of Strangford Lough must be a great asset. The waters are brilliant for the growing of wild and commercial shellfish. The quality of the habitat that supports shellfish on the lough has to be important in terms of being an attraction for the visitor.

The quality of the shellfish indicates the general quality of the habitat. If the shellfish are doing well then, by and large, the habitat is doing well.

**The Deputy Chairperson:** So it would be important to protect that habitat?

**Mr Thompson:** Yes.

**Mr Armstrong:** Do you see any need for policing the area in case too many shellfish or cockles are lifted?

**Mr Thompson:** There is a continuing need to monitor activities on Strangford Lough. It is not just about the activity of shellfish gathering — it is about all human activities that interact with the lough. They all need appropriate monitoring. If need be, the managers, or those responsible for the lough, can then be informed and can take appropriate action.

**Mr Armstrong:** Does there have to be some provision made in the Bill so that the area could be monitored and, if need be, a restriction placed on it?

**Mr Thompson:** It is one thing to make the regulations, but they then have to be enforced. There need to be sufficient resources to make the amendments to the Act effective.

**Mr Kane:** Is there a high level of commercial fishing? Can you state how many groups would be involved?

**Mr Thompson:** It is difficult to state how many groups are involved because numbers fluctuate. As Christmas nears there are a lot more people, men in particular, working the shores of Strangford Lough for shellfish. It is difficult to say. This goes back to the previous question; there is a need for sufficient resources to monitor levels of activity on the lough. We are not talking about a handful of people. As a National Trust warden for the lough, I estimate that there are hundreds of people involved in gathering the wild shellfish stocks and that could escalate without proper regulations.

**The Deputy Chairperson:** Do you see a threat to areas other than Strangford Lough?

**Mr Thompson:** Yes. There are good stocks of wild shellfish around the shores of Northern Ireland — Carlingford Lough and Dundrum Bay, for example — so the same principles apply. Where there is a local and commercial interest to exploit the wild stocks in these protected sites — niche conservation sites comparable to Strangford Lough — the same issues prevail and the same need for regulation of the activities will be necessary.

**Mr McHugh:** First, I commend the publication of your guide on Strangford Lough. It certainly seems to be an active place and worth looking after. In your studies, what effects have you found in relation to the exploitation of birds and other flora and fauna? Will there also be any other effects when this exploitation ceases? I do not know if it is related to the issue, but there is a tremendous problem with zebra mussels in Fermanagh, but I think that may be connected with fresh water.

**Mr Thompson:** That is not an issue for Strangford. I have referred to scientific literature which has looked at the broad issue of shellfishing in the UK. We have also taken the advice of people working on National Trust land. A number of eminent marine experts associated with Strangford Lough and Northern Ireland support the precautionary principle that there is a potential threat from commercial gathering to the environment. Mr Kerr referred to the oystercatcher issue, which has been studied extensively on some English estuaries. That has demonstrated catastrophic falls in oystercatcher populations where the cockle stocks have been plundered by commercial gathering.

**Mr Molloy:** To return to an earlier question we had on oyster quotas as opposed to curtailment, is this a mechanism that could be used? With regard to the geese and the damage to the eelgrass, do you think this should be considered?

**Mr Thompson:** We could take a serious, collective look at the idea of quotas; there are probably less sensitive areas on the lough. With the right timing, and with restrictions on quotas and on the number of people

involved, we could build a shellfishery that would let people exploit the natural resource, but in a sustainable way.

You asked about geese and *Zostera marina*. We were deeply concerned when the mechanical harvester first arrived on the lough. It was easy to see where the harvester had run over sediment while looking for cockles where the *Zostera marina* was on the surface, and, of course it was trashed — there was clear evidence of that. Hand-raking for cockles where there is *Zostera marina* would have the same effect. You would have to be very careful about the amount of harvesting that would be allowed using hand-raking methods where there is *Zostera marina*: you would not allow the two in the same situation.

**The Deputy Chairperson:** You seem to have a good working relationship with all the other bodies in the Strangford area. Are there any other amendments you would like to see to this Bill, or are you happy enough with it as it stands?

**Mr Thompson:** The trust is happy with it as it stands.

**The Deputy Chairperson:** May I, on behalf of the Committee, thank you very much for your contribution this morning.

**The Deputy Chairperson:** Mr Mellon and Mr Johnston, I understand that you want to make a statement on behalf of the RSPB.

**Mr Mellon:** We would like to spend about five minutes elaborating on some of the points we made in our written submission. I will try not to duplicate too much of what has been said before, but that might be difficult to avoid.

The RSPB is a charity which campaigns for the protection of wild birds and their habitats. We currently have about a million members across the UK, and about 10,000 of those live in Northern Ireland. A major element of our work is to ensure the protection and management of our best wildlife sites.

Strangford Lough fits that bill. It is one of the most important sites in Northern Ireland and has been recognised by the Government as a site of international importance for its natural resources and birds — our specific interest. Because of its importance, Strangford has been designated as an area of special scientific interest as well as a special protection area (SPA) under the EU Birds Directive. The Government are required to protect these SPAs to ensure the survival of the bird populations they support.

Strangford is also a candidate for a special area of conservation (SAC) designation under the EU Habitats Directive. This directive requires member states to establish the necessary conservation measures for the SACs.

Protection of these designations in Northern Ireland is mainly provided by two pieces of legislation: the Nature Conservation and Amenity Lands (NI) Order 1985 and the Conservation (Natural Habitats) Northern Ireland Regulations 1995. However, the introduction of tractor-dredging for cockles in Strangford Lough has exposed a major gap in this legislation: fisheries in inter-tidal areas cannot be regulated. This could have led to, and could yet lead to, a breach of the Birds and the Habitats Directives. Conservation organisations quickly recognised the problems with this loophole, and that is why we and our colleagues support the amendments to the Fisheries Act so strongly. There is a need to be able to regulate fishing activity in the inter-tidal zone, and there is an immediate need to prevent dredging for cockles by mechanical means doing any further damage to Strangford Lough.

Currently, Strangford Lough is the only Northern Ireland site to have been affected, so it is apposite that the regulations should relate directly to Strangford. However, there are cockle stocks in Dundrum Bay and in Carlingford Lough, which could be exploited in a similar way. Therefore, it is important to introduce regulations relating to those sites at a later date if required.

I want to expand briefly on the effects of tractor-dredging as the RSPB understands them. Our concerns

in Strangford relate mainly to its effects on three species of birds: the light-bellied brent geese, oystercatchers and knots. The last two are species of wading birds.

Let me begin with the brent geese. Internationally important numbers of these geese use Strangford Lough each autumn and winter. In fact, at least 60% of the entire world population of this bird comes to Strangford Lough. Any site which regularly holds a minimum of 200 of these birds can be considered to be of international importance for brent geese; Strangford Lough regularly holds 11,000 or more. This shows just how important the lough is.

The geese feed on eelgrass which grows on the mudflats of Strangford Lough and is exposed at low tide. They depend on this grass for their survival during their stay on the lough. Tractor-dredging destroys eelgrass growing on the surface of the mud, and a study on the Solway Firth in Scotland found that tractor-dredging reduced the density of the eelgrass there from 75% cover to just 5% cover. When 11,000 brent geese are vying for eelgrass at Strangford, the effect on the species is disastrous.

Strangford Lough is of national importance for oystercatchers. Regularly, over 6,000 birds use the lough. On Strangford these birds feed primarily on cockles, probing in the mud to get them out. Knots feed on other invertebrates as well, so they are not quite so badly affected. Oystercatchers rely particularly on cockles to get them through the winter; they fatten them up for their flight to their breeding grounds in the spring.

There are two main ways in which the intensive gathering of cockles by tractor-dredging in particular can impact upon oystercatchers. The cockle stocks could be depleted by over-exploitation. This happened on the Dee estuary in the early 90s. Not only did the fishery collapse, but there was also a massive mortality of oystercatchers one particular winter.

Disturbance can also be a problem. Dredging interferes with the feeding strategy of these birds in that they are disturbed in their best feeding areas. Their feeding time is reduced, and they waste a lot of energy flying to different places to find alternative feeding sites. They may also be crammed into smaller feeding areas, resulting in more competition for less food. All of this can have a serious impact on these thousands of birds, particularly when the weather is severe, and they are under stress.

In some circumstances, disturbance caused by intensive handraking could be greater than that caused by tractor-dredging. Hand raking is more labour-intensive, as you get more people on the mudflats, which might cover a larger area. With an intensive handraking system, the disturbance can be quite severe. There has been a study on the Burry inlet in Wales, where commercial handraking is taking place. It found that this commercial exercise used up 25% of the available cockle stock. During some

hard winters that can leave the oystercatchers and other birds under stress.

The research at the Burry inlet also found that 150 handrakers at work simultaneously could have a severe impact on cockle stocks. It also showed that small-scale commercial handgathering might still be compatible with the needs of birds in the protected sites. We have to be careful of the scale.

We are not aware of any evidence from RSPB studies of any detrimental effect to birds from individuals gathering cockles. This activity is likely to be sustainable for the cockle stock and the bird populations. We do not want the legislation to affect the rights of individuals to take part in sustainable cockle collection. We do not believe that the Bill, as it stands, will have any affect on that right.

Finally, the insertion of the power into the Fisheries Act to make regulations for environmental reasons will assist the Department in complying with its European environmental obligations under the Birds and Habitats Directives. We are not aware of any current or future effect on the remaining Northern Ireland fishing fleet. The pressing issue is the immediate need to make regulations on to tractor-dredging on Strangford Lough. We certainly support the Fisheries (Amendment) Bill and reiterate the need for the regulations to be introduced as quickly as possible.

**The Deputy Chairperson:** Is handpicking, and the various ways people go about it, a threat to the environment?

**Mr Mellon:** Handpicking or raking could be a threat to the environment, in the same way as tractor-dredging could be, if it were carried out on a large enough scale. The research we have relates to the Burry inlet, which is a smaller area in Wales not entirely the same as Strangford Lough. There it was found that 150 people handraking could have a serious impact on nature conservation. It is a question of scale. People who spoke earlier said that what is happening now is not a problem, but its intensification could be.

**The Deputy Chairperson:** It is not a problem, therefore, if kept under control.

**Mr Mellon:** At the moment handgathering is not a problem.

**Mr Kane:** Do you feel that adequate resources will be provided to ensure that the regulations of the Bill will be enforced, or will this remain a toothless dog?

**Mr Mellon:** If the regulations meet their objective of banning tractor-dredging on Strangford Lough, that will not require a great many resources. Resources will have to be found to continue monitoring cockle stocks and the bird populations. The bird populations are monitored very well by the National Trust and by other



organisations, but the monitoring of cockle stocks is something that needs to be addressed.

**Mr Ford:** First, I declare an interest, as I am a member of the RSPB. Secondly, the Burry evidence seems to be unclear, from what we have heard so far. It may be that a certain amount of handdredging is acceptable; too much is not, and nobody is sure where to set the limit.

**Mr Mellon:** That is a fair assumption. Work still needs to be done. A great deal of the work in the Burry inlet was carried out using computer and model simulation rather than being based on fieldwork. There are not as many as 150 people gathering cockles in the Burry, as the Strangford Lough Management Committee said earlier. The Burry is considered to be sustainable at present, but research has shown that if the number of handgatherers were stepped up to 150 or more, it would soon become unsustainable. More research needs to be carried out.

**Mr Ford:** The RSPB is happy with the Bill at the moment, but there could be a problem with the monitoring of possible future regulations.

**Mr Mellon:** The regulations which we have been promised relate to Strangford Lough. There is no need for further regulations at this stage.

**Mr Paisley Jnr:** As you know, most of the discussions have been on this subject. On 6 October we considered amendments proposed by the RSPB. The amendments were practical and sensible. Have we left any other practical and sensible amendments out of the Bill?

**Mr Mellon:** We have no further amendments other than those we have already tabled. The amendments are minor in some ways, but they will increase the effectiveness of the Bill. We received some correspondence from the Department of Agriculture and Rural Development on those proposals, and it is minded, at this stage, to adopt one of our proposed amendments but not the other two.

**Mr Paisley Jnr:** Which one?

**Mr Mellon:** The amendment to clause 2(1) where we suggested including the words "or using". The Department is minded to accept that. Our legal staff are currently looking at the Department's response to the other amendments. We will respond to that when we get feedback.

**Mr Paisley Jnr:** Will you keep us up to date on that?

**Mr McHugh:** When tractor-dredging stops, will the number of people who will be replacing it reach the levels that you have mentioned? It could become a local thing. That would happen when the legislation takes effect. At present the Bill does not resolve.

**Mr Mellon:** It is difficult to anticipate whether the banning of tractor-dredging will lead to a great increase in gathering and raking, but it gives us cause for concern. There are enough organisations monitoring the situation

on the lough, so that the need to bring in further regulations could be brought to the Department's attention.

**Mr Armstrong:** If the RSPB is asked to do so, will it become actively involved in policing this?

**Mr Mellon:** The RSPB manages one area of Strangford Lough as a reserve, but it is not likely to be a candidate for cockle exploitation. Most of the monitoring will fall to the National Trust and other organisations.

**Mr Molloy:** Changes need to be made to the Fisheries Bill so that it covers environmental damage as well as the effect on cockles. Do you see any reason for an amendment to the Bill?

**Mr Mellon:** Yes, it is important that the Fisheries Act 1966 be amended to include a clause whereby regulations could be introduced for environmental purposes. The reason I gave in my submission was that it would help the Department to comply with European Directives. The immediate need is for regulations to be introduced to address the matter of mechanical harvesting of cockles on Strangford.

**The Deputy Chairperson:** You mentioned that there were something like 65,000 brent geese. Do I take it that these geese do not breed on Strangford?

**Mr Mellon:** There are about 11,000 birds on average—60% of the world population. These geese breed in Arctic Canada and come to us every year.

**The Deputy Chairperson:** Do they come for a rest?

**Mr Mellon:** They come for a winter sojourn.

**The Deputy Chairperson:** Are you happy with the Bill, or are there any amendments you think we should be considering?

**Mr Mellon:** I will take Mr Paisley's point on board and provide the correspondence and any other updates in relation to the Department's views on our proposed amendments.

**Mr Paisley Jnr:** Under clause 2 there is a section about fishing and fishermen and how the Bill could directly affect them. Is there anything in that part of the legislation that concerns you — although I know that you have not presented any papers on that part?

**Mr Mellon:** We did put forward a couple of amendments on clause 2, but they were dotting the i's and crossing the t's. They were proposals to include words which we felt had been left out.

**Mr Paisley Jnr:** Are fishermen not damaging RSPB activities?

**Mr Mellon:** No, there was nothing fundamental in that clause that we needed to comment on.

**The Deputy Chairperson:** Thank you for your contribution, Gentlemen.



Members, you have heard the submissions on Strangford Lough — is there anything that the Committee needs to consider?

**The Committee Clerk:** As a result of the discussions, is there any new material that the Committee wishes to put to the Department? The intention is to bring the Department back next week, and it has been given a letter with a series of questions that arose as a result of our earlier discussion. We hope to work through the Bill clause by clause and make recommendations for the amendments which have been already agreed, thereafter completing our report. We have almost reached the end of our consideration of the Bill.

**Mr Armstrong:** One thing I am concerned about — and this has nothing to do with the Bill — but if it were to be policed, the Department of Agriculture should not have to bear the expense. There is little enough money in agriculture, and we do not need to police this — it is an environmental issue.

**The Committee Clerk:** Do you want to make a point about costs and the expected costs of monitoring?

**The Assistant Clerk:** That question was asked on 29 September of the Department of Agriculture and Rural Development, and it envisaged no great resource implications.

**The Committee Clerk:** The question has already been answered.

**Mr Paisley Jnr:** The Department is seeking to challenge the RSPB's amendments. Perhaps it might explain its position.

**The Committee Clerk:** This Committee has the right to make recommendations for whatever amendments it wishes, and the Department has no veto over that.

**Mr Ford:** The Assembly makes the law, not civil servants — no disrespect meant. We will be better informed when we bring them back next week. I do not think that we need write to them.

**The Deputy Chairperson:** Mr Kerr and Ms Nolan. I understand that you want to make a statement on behalf of the Strangford Lough Management Committee.

**Mr Kerr:** Thank you for affording us the opportunity to clarify and expand on some of the points we made in our written submission to the Committee. We are speaking on behalf of the SLMC, and you may know from our written submission that our group represents all people with an interest in Strangford Lough. Its purpose is to advise Government on the management of the lough.

We fully support the Bill. It will bring us into line with what is happening in the rest of the United Kingdom, and our Committee has been lobbying for that for some years. We want to put that on the record.

One of the points you asked us to deal with was the compatibility of collection and conservation in Strangford Lough. Before answering that, we would like to emphasise the importance of Strangford Lough.

It is regarded by the local district councils, and rightly so in our judgement, as the jewel in the crown of their tourism resources. It is stunningly beautiful and has been designated an area of outstanding natural beauty. It is widely used for all forms of recreation. The population in the catchment area is 60,000 and another 250,000 live within a 30 minute drive. It is an environmental resource of international importance and arguably the most important wildlife site in Northern Ireland. Not only does it have several national designations to confirm this, it also has several international designations. For example, it is a Ramsar site and has been designated by the European Union as a special protection area because of its bird interest. It is being considered for designation as a special conservation area.

Its importance means that we must be very careful to ensure that new activities do not damage this valuable resource. Obviously, collecting shellfish for the pot has been going on for generations without any adverse effect, and we have no difficulty with it. However, commercial exploitation of fish stocks in the intertidal area is a different matter.

The use of mechanical equipment has given man the potential to cause considerable damage and to make the lough much less valuable for wildlife. To illustrate that, I will give you the facts on two bird species. We have approximately 7,000 oystercatchers on the lough, and cockles form a very important part of their diet. Research has shown that these birds can consume up to 500 cockles of fishable size per day — a lot of cockles per bird, but that is what the research shows. Obviously, without restrictions on the commercial harvesting of cockles, the long-term food supply for these birds would be under threat. There would be an inevitable effect on the oystercatcher population: it would fall significantly.

The other example is the light-bellied brent goose. Strangford Lough is home to 60% to 75% of the European population of this species in winter time. They come to Strangford to feed on the eelgrass which grows on the flats at the northern end of the lough. Many of these flats cover oyster beds, so the mechanical harvesting of cockles under the eelgrass flats would have a devastating effect. Experiments in the Solway have shown that the density cover of eelgrass was reduced from 75% to 5%. It had a dreadful effect on the eelgrass, which is the staple food of the brent goose. The inevitable outcome would be a collapse in the brent goose population.

However, the Government are obliged under European Union legislation to protect these birds. The unrestricted exploitation of cockles, whether by mechanical means or hand collection, will have a major effect on the ecology of the lough. We are not opposed to some commercial exploitation, but it must be carefully monitored and regulated.

The second question referred to the environmental threat from hand-picking. The term "hand-picking" is a misnomer. Cockles are usually found in the mud or sand at a depth of three centimetres, and people use metal handrakes to harvest them. A large number of people using these handrakes would have almost the same effect as mechanical harvesting. I emphasise that we are not opposed to hand-picking — but it must be regulated. There is evidence from other areas that commercial collection using handrakes is sustainable if it is carefully managed and there is good co-operation.

The third question was on the threat posed to areas other than Strangford Lough. Our remit only extends to Strangford Lough. Although we anticipate other areas being under threat to a greater or lesser extent, we are not in a position to make a definitive statement about them, because the effect of mechanical harvesting depends upon the scale, timing and area of the harvest.

The final question concerned the potential effect on the fishing fleet. SLMC welcomes powers for fishery regulators to enable them to regulate for environmental purposes, and for the protection and management of fisheries. This integrated approach is essential for the conservation of marine resources and human activity — now and in the future. The clause will allow existing bodies to regulate sea fishing to conserve the marine environment and to provide new powers to regulate fishing in the intertidal area. Such powers are wholly appropriate but should only be used by the Department following further consultation of the regulatory orders.

Finally, SLMC is convinced that the legislation will address the Government's requirement to protect one of Northern Ireland's greatest environmental assets. We are assured that it will not compromise the traditional right of non-commercial collection of shellfish for the pot.

The SLMC also welcomes this as a move towards a more integrated approach to the Government, because fisheries legislation must take account of the need to protect the environment upon which fisheries are based.

**The Deputy Chairperson:** The intertidal area, which your opening statement dealt with, is a matter of concern to the Committee. Can you tell us more?

**Mr Kerr:** Strangford Lough has an area of 150 square kilometres, and 50 of those are intertidal; they are exposed at low-tide. Most of that area is at the northern end of the lough.

**Mr Ford:** You mentioned multiple hand-raking, for want of a better phrase, and suggested that, even without the use of machines, it was possible that hand-harvesting might do damage to the bird population. However, you did say that there were examples where it could be sustainable with careful management of the shellfish harvesting. Where did those examples refer to?

**Ms Nolan:** Although we do not have much information, it appears that there is a carefully managed, fully regulated sustainable regime in the Burry inlet. You will appreciate that I do not know the area, but in a computerised model there were about 150 people involved, and, even then, the oystercatchers were showing signs of stress.

Under a managed regime there are a number of options: the activity can be extended; restrictions can be imposed on the time of year when people are allowed to hand-rake; and the area can be given a rest for a year, in a similar way to that used by farmers who wish to control the nutrients in a field. On the shore, the system is similar. It is a question of management and regulation. We look to the Burry inlet as a good example.

**Mr Ford:** Do the regulations there specify times?

**Ms Nolan:** Yes. In England and Wales, it is mostly controlled by sea fisheries committees; in Scotland, by-laws were introduced; in Northern Ireland, it is controlled by regulatory orders.

**Mr Paisley Jnr:** It is good to hear your views on the Bill. Trying to strike a balance between collection and conservation is obviously a difficult task, and yet that is exactly what the Bill attempts to do. It is therefore essential that we are absolutely clear on its powers.

You mentioned the threat to conservation by harvesting. An expert from the Department told us that tons of shellfish would need to be removed before the conservation of the area is damaged. What weight or number of shellfish would need to be removed before the environment is damaged? How far can people go with hand-picking shellfish for traditional reasons before you would enforce the legislation arising from the Bill to prevent them.

**Mr Kerr:** We are not at all worried about local people taking cockles for the pot. That has not been a problem; it has been going on for centuries without any ill effect. But if there were large-scale commercial exploitation, with people taking a high proportion of the cockles, there would be a considerable effect.

I know the people who proposed to harvest mechanically 2000 tons of cockles per year. During the harvest other cockles are damaged — there is quite an effect. We represent all the interests around the lough, so we are not opposed to people using the resource for their benefit, but we want cockles to be sustainable for the sake of the wider environment.

It would be very difficult, Mr Paisley, to give you exact figures as they are not known, but we want careful monitoring of the harvest to form part of the requirements of any proposed regulations to help regulate how far the harvest could go.

**Mr Paisley Jnr:** Who should do the monitoring? Should it be the Department, an independent body, or you? Which expert should do the monitoring so that people who collect freely could rely on impartial expert advice — advice that would also be acceptable to those who are interested in conservation?

**Mr Kerr:** Speaking off the top of my head, I think it should be the Department of Agriculture and Rural Development, and not the Environment and Heritage Service, which has a significant role and will be monitoring for conservation reasons.

The Department of Agriculture and Rural Development has a monitoring role to prevent exploitation of the fish and to ensure conservation. It is not in its interests, nor in those of fishermen, to have the cockle population fall. The cockle population must be kept at sustainable levels. It has fallen in other places, such as the Thames and the Wash, and there was a devastating effect on oystercatches.

**The Deputy Chairperson:** Will you tell us about the process of hand-picking? Is it done with a spade or a shovel? We need to be clear about this.

**Mr Kerr:** It is done with a small steel rake, like the type used to rake the garden when sowing grass seed. We are happy with that type of equipment. The cockles, as I said earlier, usually go down to about three centimetres in the mud. You would only be raking the surface with a steel rake.

**Mr Armstrong:** I am worried about the use of metal. The raking can destroy the grass. Corrosion can affect it.

**Mr Kerr:** If there is a lot of raking, mechanically or by hand, it will destroy the eelgrass beds. It can cause a reduction from 75% to 5%.

**Mr Armstrong:** Is there an appropriate harvest time for cockles?

**Mr Kerr:** Just before August, because this is when the spat is formed.

**Mr Armstrong:** Could we have a restriction on certain times of the year, when they could only be lifted by hand?

**Ms Nolan:** These are the things we certainly want to look at. The way fisheries are managed is not only going to affect the environment, it will have to strike a balance between commercial gain and the environment. One might find that, in order to get maximum commercial gain, one might consider harvesting in October. However, harvest times on Strangford Lough need to be restricted because they might affect the birds or the eelgrass at particular times of the year. It is a matter of creating a balance.

There is also an advantage with hand-picking as collection is more precise. Also, it is easier to focus on the size of the cockle that is being taken. We are looking for a fishery based on large, high-quality cockles. One of the disadvantages of mechanical harvesting is that machines collect a range of sizes and also damage other cockles, which are not even used. There can be a lot of shell damage. Hand-picking allows a better selection and is not as destructive to the cockles not being collected. Collecting is then based on large size and high quality, which enhances Strangford Lough's reputation as a high-quality food producer.

**Mr Armstrong:** In other words, harvesting only what needs to be harvested at a certain time of the year?

**Ms Nolan:** Yes, at a certain time of year and in certain areas.

**Mr McHugh:** Will hand-raking increase as mechanised methods stop, and will people move in instead? Will hand-picking have a negative effect on birds?

**Mr Kerr:** It depends on the rate of activity; and the rate of activity depends on the value of the cockles. Two years ago they were quite valuable, so there was a lot of interest in cockle harvesting. But the value of the cockle has dropped considerably, so there is no longer the same interest. That is not to say that it could not rise again.

**Mr Molloy:** Mechanical harvesting and large-scale hand-picking both do damage. Can restrictions be imposed on the number of shellfish each person takes out?

**Mr Kerr:** A small harvester can take up to eight tonnes per day. It would take a lot of people to gather that amount. Therefore, we are not too concerned about hand collection, as long as it is regulated and as long as people stay away from zostera SLMC beds. One can do better there with hand-raking than with mechanical harvesting.

**The Deputy Chairperson:** The introduction of harvesters would make a huge difference. Do you see a need for amendments to cover this?

**Mr Kerr:** We are perfectly happy with the Bill. There are some changes that we would like to see being introduced, but at the moment we are fairly happy.

**Mr Paisley Jnr:** Are you aware of the RSPB's suggested amendments?

**Mr Kerr:** I think we have seen them. The RSPB wanted to tighten up the regulations, but I have not had time to see if that was feasible. It has obviously given the issue considerable thought. It wanted to tighten it up considerably, and we support that.

**Mr Ford:** In her letter, Ms Nolan referred to the harvesting of seaweed and to the suggestion that regulation of commercial harvesting is now essential. Is there evidence of a problem at the moment or do you anticipate a problem in the near future?

**Ms Nolan:** It is more of a near-future problem. It is not on the same scale as the potential problem from cockle harvesting, but one operator is currently looking at the harvesting of dulse. Queen's University is also carrying out research on that. At present, however, the techniques are such that harvesting dulse is not economically viable. However, if it did become economically viable people would probably want to do it.

**Mr Ford:** Would that affect the dulse and would it have a knock-on effect on other parts of the ecosystem?

**Ms Nolan:** The main effect would be displacement, although that is a bit of an unknown quantity. This would be a completely new activity for Strangford Lough, unlike cockle collection where there has been harvesting for the pot. It is the cultivation of dulse rather than the collecting of it in the wild which causes legal problems. It is a bit like aquaculture. We suggest that it should be licensed in the same way as aquaculture. We wanted to draw this to the Committee's attention as something to be looked at in the future, rather than suggesting an amendment to the Bill at this time.

**Mr Molloy:** There is a link between seaweed and organic gardening and marketing, and, as you say, there may be a problem in the long term. Is this specific to that area?

**Ms Nolan:** Probably not. It is outside our remit to comment on other areas, but Strangford Lough is very rich. As such, it tends to be the first place people think of for these activities, although I am sure there are other areas in Northern Ireland.

**The Deputy Chairperson:** Mr Kerr and Ms Nolan, thank you for your attendance. We have other people to meet today, but we are concerned about this process and we want to do what is best for the industry.



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## NORTHERN IRELAND ASSEMBLY

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### CULTURE, ARTS AND LEISURE COMMITTEE

Thursday 19 October 2000

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### FISHERIES (AMENDMENT) BILL (NIA 9/99)

**The Chairperson (Mr E O'Neill):** Today we shall hear evidence from the Minister (Mr M McGimpsey), the Fisheries Conservancy Board (FCB) (Ms K Simpson), the Department (Mr M McCaughan, Ms H Campbell and Mr G O'Neill), the Ulster Angling Federation (Mr N McCreight and Mr P Erwin) and the Ulster Farmers' Union (Mr B Johnston, Mr W Baird, Mr W Aston and Mr W Mayne).

First, I welcome Mr McGimpsey, Ms Simpson and the representatives of the Department.

I invite you to make your statement, Minister.

**Mr McGimpsey:** I will read a short statement, after which we will answer questions. The Fisheries (Amendment) Bill has now reached the Committee Stage, and members of the Committee will be aware that this piece of legislation is being taken forward jointly with the Department of Agriculture and Rural Development. All this legislation originated pre-devolution — it was then purely a Department of Agriculture for Northern Ireland Bill.

After devolution it was thought best to avoid delay and press ahead so that the provisions would come into effect as soon as possible. There was a very good debate in the House for the Bill's Second Stage, and I am sure that today's discussion will take matters further along the road to enactment.

The Bill's purpose is to make changes to the Fisheries Act (Northern Ireland) 1966: there are two clauses on sea fisheries, which are the responsibility of the Department of Agriculture, and five clauses on inland fisheries, which are the responsibility of the Department of Culture, Arts and Leisure. I know that the Agriculture and Rural Development Committee will be asking its questions and playing its part on the two Department of Agriculture clauses. I am here to talk about the five clauses which concern the Department of Culture, Arts and Leisure.

Through clause 3, which deals with section 48 of the Act, we want to lift restrictions which have the effect of

prohibiting trade in salmon roe obtained from fish farms. I should say that salmon roe is a viable product, particularly in view of Northern Ireland's disease-free status. This amendment will allow trade in spawn produced at a fish farm for salmon production primarily for human consumption. We consider this a sensible and reasonable approach.

Our real target for protection is, of course, wild salmon; and it will certainly remain illegal to sell spawn obtained from salmon in the wild.

Clause 3 will give the FCB the power to control the removal of gravel from river beds. This is an important conservation measure needed to help preserve spawning beds. It is considered necessary for the protection of increasingly threatened fish habitat. Gravel constitutes a key component of fish habitat and is necessary for successful spawning. Removal of gravel from river beds has resulted in a significant deterioration in Northern Ireland's fisheries, and the proposed amendment will help redress the slide.

Clause 4 is about streamlining the administrative process. The clause dispenses with the requirement for the Department of Culture, Arts and Leisure to obtain the agreement of the Department of Finance and Personnel every time it varies charges for fishing permits for fishing the public angling estate.

Currently we have to seek permission from the Department of Finance and Personnel, but this clause will allow us to proceed without recourse to the Department of Finance and Personnel. Permit fees are matters of detail, and the Culture, Arts and Leisure Committee is a public forum for airing and scrutinising such matters as future permit pricing. The Department is responsible for that, and it is important that we provide the rationale for variations in charges.

Clause 6 confers powers on the FCB to issue licences at reduced rates to classes of persons who merit special consideration such as the disabled, among others, and to provide them with access to the public angling estate. We want to give the board the scope and flexibility to be sensitive to the needs of different groups in society.

The first part of clause 5 allows the FCB to make by-laws. We want to amend section 26 of the Act in two ways. First, we want the FCB to make by-laws in respect of anything relating to the management and protection of fisheries. This power will, in particular, allow the implementation of a salmon carcass tagging scheme, which is designed to improve the management and conservation of wild salmon and sea trout stocks. We will have the opportunity to discuss this further in this session on the fisheries review. Parallel tagging schemes are being introduced by relevant fisheries conservation agencies throughout the island of Ireland. Other agencies already have appropriate powers for the introduction of tagging,

and it only remains for the FCB to be invested with the enabling powers to do likewise.

The second part of clause 5 is an amending clause which provides the FCB with powers to regulate salmon fishing for environmental purposes. This will bring Northern Ireland's powers into line with wider powers now available under GB legislation to allow the regulation of fishing for environmental reasons. The GB legislation was introduced in 1995 to ensure that regulators there could protect a marine and aquatic environment to ensure compliance with the European Habitats Directive. A parallel duty was imposed in Northern Ireland under conservation regulations made by the Department of the Environment for Northern Ireland in 1994. The proposed amendment would empower the FCB to exercise such powers here.

Our final amendment, clause 7, relates to powers available to the FCB following a pollution incident. We want to toughen the powers available to the board so that it can reinstate polluted waters and recover the full costs of this from the polluter. We have had a succession of examples of fish kills this year, and over many years, and it is important to toughen the powers of the FCB in this area.

Reinstatement will be expensive. It will include the restocking, restoring and enhancing of a fish habitat to its pre-pollution levels. That involves more than simply replacing the fish that have been killed—it requires an examination of the environment in the entire area where the fish kill occurred. We think that this will have a powerful deterrent effect.

The present powers of the FCB are limited and relate only to the recovery of the restocking costs, but the effects of pollution go beyond the loss of fish in a fish kill. Restocking supplements fish stocks lost to pollution whereas reinstatement takes into account other physical and biological effects that have to be remedied to restore the biodiverse habitat of a fishery such as invertebrate plant recovery and habitat restoration.

That is a brief run over the matters that I am here to discuss, and I am happy to take detailed questions. On occasion I shall be referring to the officials who are with me and who obviously have more expertise in these areas. Thank you very much.

**The Chairperson:** We will proceed straight away to questions in order to make the best use of our time.

**Mr McMenamin:** Thank you, Minister, for your submission. Clause 3 will allow the trading of farmed salmon roe. While the Department refers to the need to protect wild stocks, it seems that any deregulation in the trading of farmed stocks will inevitably effect wild stocks with the consequent loss of genetic diversity.

What steps are currently in place to prevent this from happening, and are there any additional steps that the Department can envisage taking that would enhance this protection, given the relaxation of the restriction in trading?

**Mr McGimpsey:** The objective is to facilitate trade in salmon roe and ova from fish farms, while retaining protection for wild salmon. Salmon roe is a product sold by salmon farms for human consumption, and this by-product is dead tissue and cannot be used to reproduce salmon. Fertilised salmon ova for fish farming that are exported and imported are subject to legislative control by the Department of Agriculture and are monitored and recorded by that Department. The record indicates the source of the ovum and its destination. Any fish movement, including that of ova, are unlawful without this documentation. There is no indication of unlawful trade in salmon ova by fish farms or from wild fish, and the Department has no plans for further measures in this area.

**Mr McMenamin:** The Department has decided to provide a defence for a person found in possession of salmon roe; such as if that person had reason to believe that it came from, or was produced, at a fish farm. In practice, is it not going to be extremely difficult to determine if roe came from a fish farm or not, and is this, therefore, not going to encourage the trade in wild salmon roe?

**Mr McGimpsey:** There is currently only one fish farm in Northern Ireland producing farm salmon, and it should be straightforward to establish an evidential link between the farm and salmon roe from it in anyone's possession. Farmed salmon roe would be properly packaged, would be of the same grade and stage of development and is likely to be in quantities of several kilograms. Wild salmon roe, by contrast, will be in small quantities, likely to be at different stages of development and very unlikely to be packaged in material from one local farm. The Department has not envisaged a trade in wild salmon roe. Without this legislative provision, it would be impossible for the farm to establish a trade in salmon roe for human consumption, and this change in legislation has been precipitated by demand from the industry.

**Mr McMenamin:** Clause 3 also provides the Fisheries Conservancy Board with powers to grant consent to the removal of material from other beds — and you touched on this in your submission — on such conditions as it thinks fit and makes it an offence to remove gravel without permission from the board. Who will decide if consent will be given or not? What criteria will be used to ensure minimal ambiguity with decisions?

**Mr McGimpsey:** The Fisheries Conservancy Board will grant consent and apply conditions to the removal of materials from river beds, so essentially it is the FCB that is being empowered. It will formulate the criteria

against which it will make its decisions, and it will have to justify those decisions, if necessary, on appeal to the water appeals commission. Examples of issues that the FCB might look at could be whether an area was an important fishery and whether if removal of material would have a fishery impact. It could also be considered the effect of alterations to the hydrology of rivers, for example, whether it might have an impact on redds in the system.

**Dr Adamson:** Section 208 of the Fisheries Act states that “nothing in this Act shall prejudice the right of any owner to take materials from any stream”. What if this negates any powers that might be given to the Fisheries Conservancy Board, considering that the majority of material removed from river beds is removed by riparian owners?

**Mr McGimpsey:** There is a policy issue at the heart of this question. Section 208 of the Act has applied for 34 years, and the Department of Culture, Arts and Leisure has only just taken over responsibility in this area. We believe clause 3 to be justified as an important protection measure. For the time being, its impact will be constrained by the section 208 provision. We are in the process of taking legal advice on the effect of article 1, protocol 1, of the European Convention on Human Rights and the effect it will have on section 208 of the Act. That is basically the protocol about the property rights. We will consult over section 208 with any affected parties as part of any proposal for change or appeal. If it is felt that appeal or amendment is either possible or necessary, such power could be taken reasonably quickly using a vehicle such as the Agricultural and Miscellaneous Provisions Bill. In other words, we need to be certain before we do anything about amending or repealing section 208 so that we are not out of step with the European charter. We are taking advice on that and if we get clearance, we can take it to the next stage.

I accept that most of the material taken from riverbeds is removed by the owners. Therefore that is a major area we will be seeking to influence and control.

**Dr Adamson:** The Rivers Agency has statutory powers to remove material from riverbeds when carrying out flood control measures. As the agency is a crown body it will not be required to seek consent from the FCB to continue with this aspect of its duties. Does the Department perceive any conflict between the two organisations? What are the structures to ensure that any conflict can be resolved to the benefit of both sides?

**Mr McGimpsey:** The Rivers Agency has a statutory duty to protect fisheries in the execution of its drainage and flood protection works. The Department recognises the significant contribution the Rivers Agency can make to improving fish habitat. We are also aware that apart from private owners, the Rivers Agency is the main agent for removing material from riverbeds. The Department

has raised the matter with the Rivers Agency, and it has confirmed that meaningful consultation will take place with the FCB and consider all reasonable suggestions for measures to protect fisheries. The Department is currently pressing for a formal consultation mechanism to be established between the FCB and the Rivers Agency on adoption of this legislation.

**The Chairperson:** In most of our rivers, especially the important rivers, there are specific spawning bed areas, which are of high importance to wild fish stocks. Will the Department, or the FCB, be advising the river owners or the Rivers Agency about the sensitivity of certain areas to ensure that those, in particular, are not used for extraction purposes?

**Mr McGimpsey:** That is a very important point, and we will talk about it later in the inquiry. The Department needs to start designating rivers that are particularly important for fishery purposes. That has not happened to date. I will ask Hazel Campbell to comment.

**Ms Campbell:** There is already a good consultation process between our technical staff and the Rivers Agency staff. Together they go through the Rivers Agency maintenance programme. There is an agreement that during the spawning season the Rivers Agency does not go into any rivers that are important for spawning. The level of co-operation between the Rivers Agency and our technical staff is already that good, and we want to include the FCB in the process.

**The Chairperson:** There are some areas with a certain quality of gravel that would attract spawning. Is it correct to say that if they were disturbed and removed, it might create spawning problems?

**Ms Campbell:** Yes.

**The Chairperson:** Would they be earmarked as “to be left alone at all cost” until we get to the designated stage? And for farmers also?

**Ms Campbell:** My colleague, who deals with this on the ground, will comment on these issues.

**Mr O'Neill:** We advise the Rivers Agency on those parts of the river which are important and have to be left alone for spawning. Most of its work is directed at flood prevention — for example, protecting property and bridges.

**Dr Adamson:** The Rivers Agency has conservation officers who supervise the practical aspect of the work to ensure that it complies with the agency's environmental specifications. Who does the Department envisage will perform these duties for the FCB?

**Mr McGimpsey:** The FCB will have in house the necessary technical expertise to perform the duties conferred on it by the legislation. We recognise that this could have resource implications for the board, and the Department is currently reviewing its funding. There will



be some evidence of that in the Budget proposals that will go through the House over the next six weeks. Further funding is required, and we are seeking to empower the FCB. We will look at the revenue consequences thereafter.

**Mr J Wilson:** The inquiry into inland fisheries has not yet completed its work. Throughout the inquiry, the question of the future role of the FCB has been raised. Is it not, therefore, jumping the gun to give further powers to the FCB? Is it not sending the wrong message to those who have taken the time to come along to the inquiry?

**Mr McGimpsey:** I hope that that is not the perception. This legislation was in process long before the Committee decided on its inquiry. It is legislation being taken jointly with the Department of Agriculture and Rural Development, as I have already said, and it is mainly concerned with implementing environmental obligations, for example, salmon tagging in clause 5, and strengthening the FCB's powers in relation to the perennial problem of river pollution. That is a concern for all of us. Had we decided to delay the legislation, we could have missed an opportunity to take steps to make routine, but nevertheless important, changes to the Act. There is nothing to stop the Department from making further legislation in the future, and that is our intention. Further changes can be made in the light of the Committee's report on fisheries, so I do not think that anything will be lost by our proceeding with the legislation. The door is always open, because we have legislative powers to enact whatever measures the Assembly feels are necessary.

**Mr McCarthy:** Mechanical diggers would, presumably, be used for the removal of river bed material. Will this work be put out to tender? Who will supervise it to ensure that landowners' property and river beds are not damaged? What will happen to the material that is removed? Will there be any co-ordination with the Rivers Agency to ensure that there is no conflict in the type of work proposed?

**Mr McGimpsey:** The Department will not be involved in the removal of river bed material. That is not our function. The purpose of the legislation is to enable the FCB to control the activities of third parties in relation to the removal of material from rivers, and the FCB will be able to attach conditions to any permission given. As we have already established, it is primarily private landowners or the Rivers Agency who remove materials, so those questions are probably better directed at whoever is carrying out the activity. What we are here to do, through the FCB, is ensure that this does not cause damage to our fishing rivers, to our spawning beds, gravel beds and so on. Thereafter, there will be conditions attached to any permissions granted, and the FCB will certainly be ensuring that those conditions are met.

**Mr Shannon:** Almost every deputation before this Committee has referred to the commercial netting that has reduced the number of salmon returning to spawn in Northern Ireland rivers. Clause 5 gives the board the power to make by-laws for the fishing of salmon. Will clause 5 enable restrictions to be placed on commercial nets?

**Mr McGimpsey:** The clause allows the FCB to make by-laws in respect of anything relating to the management and protection of fisheries within its area of control. That includes the regulation of commercial nets.

**Mr Shannon:** You anticipate that it will be able to use that to try to restrict commercial netting.

My other question is in relation to habitat, which is also important. Habitat types within a river can be quite diverse. They can be pools or glides and they can occupy just a small part of a river. They may be the most important part of a river for the life stage of fish present, be they embryo, parr, fry or adult. What methods will be used by the FCB to assess the quality of the in-stream habitat for all the life stages of the fish? What methods will be used to ensure that reinstatement of one habitat type does not affect the habitat required by fish at another life stage? It is a balance that we are trying to achieve.

**Mr McGimpsey:** There are internationally accepted fisheries techniques for assessing the quality of in-stream habitat. Many of those have been developed at the Bush station on the River Bush. Bush station practices have been adopted throughout the British Isles and further afield. While these may differ in detail, depending on the level of the survey, they do essentially compare the same features. The Department has issued a leaflet on habitat assessment, which has been widely distributed within the angling community, and training is being provided for those involved in the Salmonid Enhancement Programme.

The basic technique involves the identification of three types of habitat which game fish require for survival: holding areas, spawning areas and nursery areas. Together, these comprise a habitat unit. The quality of each type of habitat is assessed in manageable stretches of river and categorised from grade 1 to grade 4, based on the number of criteria for each stretch. Information from invertebrate and fish stocks surveys can also be included. This information can provide an accurate assessment of the habitat and the fish stocks within a stretch of river. The information will ensure that reinstatement works will provide the best habitat for fish stocks overall, and there will be no detrimental impact on any class of fish.

**Mr McMenamin:** Clause 6 amends section 37 of the Fisheries Act (Northern Ireland) 1966 so that the FCB can provide concessionary licence rates to particular classes of person. How many classes of person will be included? Is there any indication that angling clubs support this proposal?



**Mr McGimpsey:** As you say, the amendment in the Bill provides the FCB with the power to introduce concessionary licences for different classes. If the board decided to use the powers, it would then specify in subordinate legislation, for example by-laws, the classes of person and the rates applicable. It will be for the board, which comprises a range of fishing interests including anglers, to consult as necessary. I am aware that representations have been made by a number of interest groups and I have already mentioned the disabled. Angling clubs are another interest group. At the moment, the FCB does not have these powers. We are empowering it. Then the FCB will be in a position to determine the appropriate categories of person. The best way forward is on merit — case by case or by category, whether disabled anglers, fishing clubs et cetera.

**Mr McMenamin:** Would any concessionary rates be given to unemployed people?

**Mr McGimpsey:** That is another matter that the FCB can take on board. It is a very important point. I have no doubt that there will be a broader discussion in due course about qualifying groups and persons. A very strong case could be made for unemployed people. I believe very strongly in the arguments for disabled anglers, for example. That is very important because they are excluded from so many other activities. This is an activity that they can do and in which they can compete on an equal basis.

Unemployed people could also benefit because, if they have time free, this is a recreational pursuit that may be of value to them. Similar cases can be made for a variety of groups. In this legislation we are trying to give the FCB the power to amend and then it can deal with and listen to these separate cases. As you know, the FCB represents a wide range of interest groups.

**Mr McCarthy:** Clause 7 amends the 1966 Act to refer to the reinstatement of habitat after pollution incidents. The Committee is aware of the effects of sewage effluent, slurry spreading and chemical discharges on aquatic life. What type of pollution incident does the Department envisage will require a reinstatement of the habitat as opposed to just restocking the fish?

**Mr McGimpsey:** There are many forms of pollution, not only from toxified water but through direct impact on physical habitat. Quarries are an example of this, and sand washing is an example of how damage is caused to gravel beds. At present, FCB powers are limited to recovering the cost of restocking fish killed by pollution incidents. This is not always sufficient to repair the damage and to reinstate the fishery fully. The concept of reinstatement will allow the FCB to recover costs to reinstate fish population and habitat. Reinstatement could involve the re-oxygenation of water, the removal and replacement of plant life, detoxifying the poisoned environment and the restoration of the habitat to its

previous condition. Restocking with fish may also be part of the reinstatement. Pollution goes well beyond the loss of fish evident from a fish kill. Restocking replaces stocks, but reinstatement takes into account all the other physical and biological parameters necessary for the restoration of biodiversity. It also reinforces the principle that “the polluter must pay” for the damage for which he is responsible.

**Mr McCarthy:** Has there been any widespread assessment of in-stream habitat by the Department or the FCB of the rivers under their jurisdiction? If there has not been a benchmarking of in-stream habitat quality, how will the Department and the FCB know the level to which the habitat should be re-instated after a pollution incident?

**Mr McGimpsey:** The Department and the FCB have carried out extensive assessments of in-stream habitat in a wide variety of catchments over a long period. Information has been gathered through the EU Salmonid Enhancement Programme, and follow-up surveys have been collated. These currently form part of an inland waterways database. The Department holds this database at the River Bush salmon station, and one of the functions of this station is to collect and update the data. Further surveys are being conducted under the salmon management plan, which will add to this database. All the information held on the database is available to fisheries owners and angling clubs and has been used in pursuit of private claims for compensation following fish kills. We have a resource there. We expect and envisage that the Bush station will continue to build on this database. Fishery officers from the Department have also provided, and will continue to provide, technical advice. The inland waterways database provides a benchmark for habitat reinstatement in a wide variety of situations. In addition there are well-established fishery techniques, on which stock and habitat assessments can be made for the purpose of reinstatement. For example, habitats and fish stock levels occurring upstream of the polluted area would provide a good indication. Therefore, like could be compared with like if the necessary information was not in the database.

The value of fish lost through pollution can be based on the value of wild fish, as opposed to the cost of reinstating using hatchery-reared fish. This is important. The latter are usually much cheaper and are less suited to restocking in the wild. These methods are widely accepted and a number of fisheries cases have been successfully tried in the courts, both here and in other parts of the United Kingdom. Habitat and fish stock levels are repeated upstream, so polluted areas in similar adjacent streams of the same catchment, could be assessed and compared with non-polluted areas. It is hardly rocket science, for the expertise and much of the data are currently available.

**The Chairperson:** Mr Hilditch asked whether habitat improvement had actually benefited the fish population, or whether there was merely an assumption that it had. What plans does the FCB or the Department have for the storage of indigenous stock samples so that there are reserves that can be reintroduced to a particular area if need be? As you know, there is major concern about the loss, perhaps forever, of some indigenous fish stocks. Indeed, there are certain areas where the indigenous stock is unique. Are we taking steps to ensure that we have supplies to stock those areas if disaster should strike?

**Mr McGimpsey:** The legislation refers to habitat reinstatement, and the FCB has the necessary expertise to determine and decide the benefits. It is a matter for the board.

I do not have sufficient scientific knowledge to deal with the second part of your question, and I know you will deal with it later in the inquiry section. A scientist from the Bush station with expertise in this area is with me. Listening to him, we can develop the theme of the genetic strains of fish in Northern Ireland's rivers. It is always an area of concern.

**The Chairperson:** It impacts, to some extent, on particular clauses in the legislation. However, that will do fine, and we can return to the issue later. You have our thanks, Minister.

**The Chairperson:** We shall now hear from Mr McCreight and Mr Erwin of the Ulster Angling Federation.

I apologise for the delay. As we have only 15 minutes left, we shall restrict the proceedings to brief questions and answers.

**Mr McMenamin:** You stated in your submission that riparian owners remove the majority of gravel and sand. Do you have any indication if this action is widespread and, to the best of your knowledge, has the removal of gravel and sand adversely affected the fish, particularly the salmon, populations?

**Mr McCreight:** It depends on the substraight of the particular river. On some rivers it does not happen at all whereas on others it is a very serious problem. For example, there is a lot of gravel in the catchment area on the Moyola river, and habitually after every flood some people within a five-mile radius drive down to the river and collect the recently deposited gravel. This gravel provides the basis for the formation of spawning beds. If there is no gravel, there is no spawning.

A river is a living thing insofar as it is continually changing and the gravel flows downstream. If this gravel is taken out upstream — even if there is a surplus — it is not available to travel downstream. In the mid-reaches of the Moyola river the gravel of the river is not of the right size and quantity. It may need a scientific study to confirm it, but part of the problem is that the gravel is being removed before it has had the opportunity to flow downstream.

**Mr McMenamin:** Is it building contractors who remove it?

**Mr McCreight:** It can be, but I believe that the main reason for removal is for use on driveways and lanes as a cheap form of aggregate.

**Dr Adamson:** In your submission you state that you welcome clauses 3, 5, 6 and 7. Do you have any concerns about the FCB's making by-laws for concessionary licences, given the bureaucracy that is already evident in the current licensing system?

**Mr McCreight:** One of the main functions of the FCB (FCB) for Northern Ireland is to formulate and administer by-laws. This is a very important proposal for disabled anglers who are confined to wheelchairs. Wheelchair anglers can only fish in areas that have been specially prepared for them, which is typically something like 20 to 50 metres even though the river is perhaps 40 or 50 miles long. At present they pay the same licence fee as those who are fit and able to fish the whole river, and that seems unfair. There are probably fewer than 100 wheelchair-bound anglers in Northern Ireland, and so it should be easy to administer a scheme whereby they would apply to the FCB for a special licence or permit that would entitle them to a discount.

**Mr McCarthy:** You have suggested that riparian owners should pay the administration costs of seeking consent to remove sand and gravel. Do you not think it is unreasonable to ask riparian owners to pay only for receiving consent to remove material from the river bed? Would this not generate ill feeling towards the FCB and encourage people to remove river bed material without seeking consent?

**Mr McCreight:** Everything has a cost, and obviously that extends to the administration of the scheme by the FCB. Three parties are involved: the Government, who are responsible for the protection of wildlife and the environment; the abstractor, who benefits directly from the abstraction; and the angling clubs and fishery owners, who lose out through this. Who should pay for it? It boils down to whether the Government should support the FCB in carrying out this operation or whether the charge should be placed on the abstractor.

**Mr McElduff:** Allow me to apologise to the witnesses and the Committee members first, Mr Chairman, for being late. My Education Committees session clashes with this one, and I want to make sure everybody understands that.

After having given its consent for the removal of material from the river bed, do you think it necessary for the FCB to monitor the removal operation?

**Mr McCreight:** Yes, absolutely, otherwise there is no point in the exercise. Also, that is where time and cost enter the equation.

**Mr Davis:** Clause 7 substitutes “reinstatement” for “restocking”. Can you think of an occasion when reinstatement has been necessary as opposed to restocking of a river? What would this entail?

**Mr McCreight:** Reinstatement does not substitute for restocking, rather it adds to the restocking process. Pollution can have various effects. It can kill fish, but it can also kill invertebrates which form part of the food chain, and it can damage the bank-side habitat. We know that it is possible to replace the fish by getting more from a fish farm. It is also possible to restock the invertebrates from an invertebrate farm, although that has not been done yet. Oil and silt can damage the river habitat and clog up spawning beds, and both of these pollutants can be removed through an expensive procedure. If bank-side vegetation is damaged through chemical or oil pollution, the damaged vegetation can be removed and more replanted. All these things are necessary if the fishery is to be returned to the condition it was in before pollution.

**The Chairperson:** That covers the questions we had for you. It was a fairly short run. Forgive us for rushing into it — I was apprehensive about being able to deal with them in a full Committee. May I invite further comments and concerns from you about the Bill?

**Mr McCreight:** Because of some recent experiences that we have incurred, I am aware that the wording of the amendments is very important. We have been advised by a senior civil servant that, in section 59(c) of the Act in force, the word “and” actually means “or”, which leaves us nonplussed. I hope the Committee will deal with that to the best of its ability.

It is important that these amendments go through. However, we have referred to section 208, which, if it remains, will render the whole proposal to deal with gravel abstraction quite pointless. I understand the Department did it this way to try to avoid objections from farmers, and so on. An owner will continue to be permitted to abstract gravel as before. He can do whatever he likes with it. He can give it to his neighbour, sell it or employ his neighbour to remove it. We feel quite strongly that, unless section 208 is removed, this really only amounts to window dressing and will have little effect. It is important that this is looked at. Even at the risk of losing that section, it is worth pressing for the removal of section 208.

**Mr Erwin:** Some rivers such as the Glens can take a fair bit of gravel extraction, especially in lower regions. I am a member of the Glens Club, and in those rivers gravel quite often builds up at the bottom which has to be removed because it causes problems with the waterway. At other times shoals build up and farmers lift them to use on paths, and so on. They can take a certain amount without doing too much damage when a gravel shoal builds up. Remember, farmers are not interested in fish habitat, but the FCB is. If people do not understand the river and go over the top, someone must be able to say that they may take a certain amount of gravel from a certain point. That is the importance of monitoring. There must be someone who understands the river and how it works and who can ensure that no one lifts the whole shoal, not leaving enough for the river.

**The Chairperson:** In his evidence the Minister said that the Department may consider determining certain areas of special importance and protecting them so that no abstraction of gravel or anything else can take place at all.

**Mr McCreight:** One of the problems with current environmental protection is that places can be set aside as areas of special scientific interest or to be specially protected, but they almost always include a small piece of a river, if, indeed, it is included at all. A river must be treated in its entirety. Fisheries have lost out because, until recently, there has been no means of designating an entire river for protection. Under the EU Habitats Directive 92/43/EEC, there are now two or three proposals for a whole river habitat to be protected.

**The Chairperson:** That is an important point. We heard about that this morning and while it sounded like a step forward at least, I wonder what the impact would

be on the rest of a river if one area were deemed safe. What would happen to fry? Would they move down to that part of the river? There might not be the support they need in the shape of food and shelter.

**Mr McCreight:** As you say, one can protect the upstream part for reproduction, and so on. However, if those fish cannot get access to it because of dams, lack of fish passes or pollution downstream, it is pretty pointless. Rivers must be protected in their entirety.

**The Chairperson:** That is a good point.

**Mr McCreight:** There is a point we should have made with reference to clauses 1 and 2. They do not have any direct impact on salmon and sea trout because of the definition of sea fisheries as taking in all sea fish with the exception of salmon and trout. However, they could have benefits, particularly for sea trout in that they could protect the habitat and the food chain to a certain extent. That is worth mentioning.

**The Chairperson:** You are voicing your support for that.

**Mr McCreight:** Indeed. As environmentalists, we would.

**The Chairperson:** If you are content, we can stop. I am quite surprised we have covered so much ground in such a short time. I thank you very much for your submission. I did not go through the introductory formula, for I feel we know each other well enough by now. Thank you. This will constitute an important part of our deliberation on the Bill.

**The Chairperson:** The next group of witnesses will speak for the Ulster Farmers' Union (UFU). They are Mr Johnston, Mr Baird, Mr Aston and Mr Mayne.

Good morning, Gentlemen. You are very welcome. Please give a short presentation on the issues that concern you. Then members will ask questions.

**Mr Mayne:** Thank you for today's invitation. As a farmer and chairman of the UFU's Legal and Commercial Committee, I welcome this opportunity to address the Committee on the Fisheries (Amendment) Bill. First, farmers are not the only people who pollute our rivers. It must be accepted that housing and a large section of industry have a direct impact on the land and waterways of Northern Ireland. Farmers recognise the importance of their role in the protection of the countryside. Agricultural pollution incidents are not intentional. Farmers make every effort to minimise the risks that their day-to-day activities have on the environment. Due to the serious decline in farm incomes, it may not be possible for farmers to spend money on necessary improvements to, for example, slurry storage facilities. Even if there were substantial grants to assist that, I suspect that sufficient funds will not be forthcoming for schemes which are workable and accessible to farmers. For instance, the countryside management scheme operated by the Department of Agriculture and Rural Development has not offered a contract to any farmer to participate, even though it was launched over a year ago. We know that many applications to this scheme were rejected because of budgetary constraints. The UFU will continue to lobby for additional funds for environmental work.

**Mr Johnston:** Given the time constraints, I will be brief. Thank you for inviting us back to discuss the legislative issues. The legislation was drawn up in 1966, before fish farming had started in Northern Ireland, and when we gave evidence to the inland fisheries inquiry, the question of problems with the legislation arose. The Fisheries (Amendment) Bill lends a good opportunity to rectify those. Mr Baird had direct experience of this, so he will enlighten you.

**Mr Baird:** To put it succinctly, we could not operate if we stayed strictly within the bounds of the current legislation. I want to impress upon the Committee the need for change. It serves no purpose, and it is beyond my abilities, to go through the Fisheries Act (Northern Ireland) 1966 bit by bit in a technical, legal manner so I will concentrate on two sections.

Section 59 deals with gratings and lattices — the equipment that keeps leaves and dirt out of fish farms. If there is a break in the flow of water, the fish in the farm will die, so water must be kept flowing at all times. We operate under licence from the Department of Agriculture as was — I am not sure what it is now — but that licence, which was issued 30 years ago, specified the size of the



lattice required. According to the terms of the licence, a large grating is needed where the waterway to the farm leaves a river in order to keep out large fish and dead animals. Closer to the farm, a small grating is required in March, April and May to prevent the ingress of smolts and fry. The spacing for that grating is a maximum of 12·5 mm.

In the Act, this 12·5mm spacing is not specified. The Act provides that a lattice of such measurement shall be placed to keep out the fry of trout, salmon and eels. This is impossible, because we also have a hatchery and we deal with fry of trout, so the spacings are tiny —about 2mm — to keep them in. It is absolutely impossible to keep fish of that size out of the farm. If we were to abide by the law again and put in a screen whose size kept everything out as specified in that section, we would have to close down.

Also, the grating is required for three specific months of the year, and I think there is provision in the Act for an exemption to vary these months. After all, the fish are not aware of when March or May ends. If small fish get into the waterways of the farm during the other nine months, then we are committing an offence under section 48. This provides that we “shall not have in our possession, we shall not obstruct and we shall not injure”. Those are the three subsections under section 48. This is a complete anomaly. I was charged under that Act, the case went on for three years, and I was not acquitted at the end. The charges were withdrawn because the judge said the law needed to be changed. But if it were not changed, he would have to bring a guilty verdict against me. He urged that the law be looked at again because otherwise we would have to go out of business.

I want to convince the Committee that something needs to be done. We will then be willing to meet your legal people to go through the finer points.

**The Chairperson:** Are you saying, Mr Baird, that you cannot operate properly without infringing existing law?

**Mr Baird:** There is a further subsection in section 48 which classes rainbow trout in the same category as trout and salmon. It is therefore illegal for me to have rainbow trout on my farm. That is the height of nonsense, but it is there in section 48 1(b).

**Mr Aston:** Do you farm rainbow trout?

**Mr Baird:** Yes.

**The Chairperson:** I want to clarify matters before Members begin to ask questions. You also said that if you employed the very tight mesh, as you are required to, you would have to close down. Could you explain a little more clearly why you would have to close down? Is it to do with the volume and speed of the water that would pass through this into your farm?

**Mr Baird:** Yes. My farm requires about 10 million gallons of water per day throughflow. Let me give you an idea of the scale. Belfast requires about 30 million gallons per day, so I need about a third of the quantity of water that supplies Belfast. You cannot put that through a tiny screen as fine as an old meat safe!

This can be corroborated beyond all doubt by the Department of Agriculture’s Fisheries Division, which has overseen fisheries for many years. It knows all about this because it has a farm in Movinagher which it could not operate for the same reason.

**Mr Johnston:** I have quite a fine screen of about 12mm at my farm in Newtownstewart, but two of my men were up all of Tuesday night just to keep leaves off it so that it would not get blocked up.

**Mr McCarthy:** Your union’s submission refers to Part II of the Fisheries (Northern Ireland) Act 1966 and a prosecution, by the FCB, of a union member of an offence under Section 48. Can the Ulster Farmers’ Union provide further details of this case? Is this the case you mentioned? Can the union provide details about the recommendation of the judge that the legislation be amended?

**Mr Baird:** Yes, that is my case. I understand that there was no written judgement. The judge recommended to the prosecution that something be done about it, as it could entail horrendous costs and because it would be made a test case. The FCB, I think, decided to withdraw the charge. Technically, I was not acquitted.

**Mr McCarthy:** Can you provide further details of the case to the Committee?

**Mr Baird:** I have checked with my solicitor and he said that there was no written judgement.

**Mr Shannon:** Section 48(1)(a) of the 1966 Act states

“If any person wilfully takes, sells, purchases, or has in his possession the spawn, smolts or fry of salmon, trout or eels ... he shall be guilty of an offence.”

Wilful intent is one component of this section and possession is the other. Did the judge find wilful intent on the part of our witness? Secondly — and I know the answer to this but I just want it recorded in Hansard — would the Ulster Farmers’ Union consider that it would be better to amend the legislation to add the words “knowingly”, “recklessly” or “dishonestly” to replace “wilfully”?

**Mr Baird:** I checked on that very wording. Quoting section 48 (1) (a) —

“... wilfully takes, sells, purchases, or has in his possession” —

“wilful” only pertains to “takes”, because there is a comma after it.

**Mr Aston:** While paragraphs (a) and (b) of subsection (1) of section 48 contain the word “wilfully”, paragraphs (c) and (d) “injures or disturbs” do not. We are highlighting the need for the legislation to be amended, otherwise every fish farmer in Northern Ireland would be out of business.

**Mr Shannon:** Replacing the word “wilfully” with “knowingly”, “dishonestly” or “recklessly” might be better. Have you any suggestions?

**Mr Aston:** We are not legal experts. We are more than willing to talk and to highlight the problems, but that is only one example of a problem. Another problem is the possession of rainbow trout.

There are other issues such as grating sizes which need to be addressed.

**Mr Baird:** Subsections (1A) and (1B) of section 48 address the movement of elvers by eel fishery owners. It may be necessary to add another subsection to take the needs of fish farming into account. However, we are not legal experts. We can only point out our problems; no doubt those who draft will know how to deal with them.

**Mr Shannon:** Have you had any thoughts on wording which would be more appropriate?

**Mr Aston:** It may range from putting in words such as “wilful”, to having a separate exemption for trout farms. The Fisheries (Northern Ireland) Act 1966 was already in force before the first fish farm had been developed here. Therefore, while the positioning of commas is important, exemptions are much more satisfactory. We do not know how the problem can be solved. We require the legal experts to show us.

**Mr J Wilson:** In a letter from the Ulster Farmers’ Union dated 27 September 2000, you clearly identify that the aperture of the lattice is too large and that the diameter of the fry is less than half an inch. Will you please clarify what is meant by “the unacceptable practical implications of using a lattice with an aperture smaller than 12.5mm”? Have there been any developments in work done on electro/mechanical processes? Your colleague told of his workmen clearing leaves in the middle of the night. Has any other process been considered which would avoid the necessity for manual labour to which remove such debris from apertures smaller than those required by the Act?

**Mr Baird:** I do not know of any screens with small apertures that can be cleaned reliably and safely by machine. I am only aware of those attached to hydropower stations, which are massive in length and have mechanical brakes. They cost from £100,000 to £200,000, which is far beyond our means. I have one of the early farms; the inlet is an underground 5-foot diameter pipe that opens into a manhole which is 6-foot wide, 8-foot deep and 10-foot long. I cannot change those dimensions, even

with a more effective screen. I would have to close the entire farm and spend a huge amount of money to make those alterations. That is my interpretation of practical implications.

**Mr J Wilson:** At present, are brushes and rakes used to clear the debris?

**Mr Baird:** Yes. My man is up every autumn night when there is a flood to clean a 2-inch screen. Can you imagine the end result of fitting a 12.5 mm screen in the autumn? The prescribed period of use for the small screen is between March and May, as it deals with the major smolt run. At that time, there is not much debris in the river. However, in the autumn and winter, it is an impossible to work with a 12.5 mm screen.

Nevertheless, you will be aware that there are still small fish in the system. They find their way everywhere, and the untenable situation is that we are held responsible.

**Mr Johnston:** We are required to have a 5.1 cm screen on all year round, with a small screen for three months of the year. I have installed a finer screen to try to remove debris through the simple mechanical means of passing more water through it. However, there is so much debris that people must go out to clean it. I do not have to keep the screen in all the time, but if I remove it for repair or maintenance, fish can get in, and I must put it back again. Fish can get past screens, which means that we are still in breach of the legislation. Electro-screens work in some cases, but not where there is a good deal of debris in the water. It is simply not physically possible for the electric currents to exclude fish. Mechanical screens work only on a massive scale. We do not have a large enough business, nor is this industry large enough, to justify it.

**Mr Baird:** Electro-screens only work on outlets. They do not protect fish going downwards, for if one stuns them, one makes matters even worse, as they enter the farm stunned. They only work for fish travelling upriver against the current, as these are stunned and fall back.

**The Chairperson:** Mr Johnston has already said where his farm is. Mr Baird, where is yours?

**Mr Baird:** Randalstown.

**Mr McMenamin:** Mr Mayne, earlier you mentioned the Countryside Management Scheme’s not being taken up. Can you elaborate? I presume that your members have a code on the disposal of waste. What it is and how do you go about it?

**Mr Mayne:** The Countryside Management Scheme, which was set up by the Department, must have been in development for almost two years now. That is how long it has taken to get farmers through the system. Due to the restriction on funds, the number of farmers who finally get into the scheme will be minimal compared

with their total strength in Northern Ireland. The scheme covers the entire Province outside the environmentally sensitive areas. It is not workable. I attended its launch on Oxford Island in March 1999. We are still waiting. It might be functioning by the beginning of November, which must rank as a long timescale by anyone's standards.

We have a code of good farm practice to which probably all farmers adhere. Guidelines are set on pollution and matters of general farm business.

**Mr McMennamin:** Can we get a copy of that?

**Mr Mayne:** Yes. It is EU legislation, so it exists in written form, and we must abide by it in all our farming operations.

**Dr Adamson:** With regard to both diffuse and point-source pollution, we have heard about the restocking of rivers with fish, where that was within farmers' control. What do you think of restocking with other fauna — and with flora as well — to rejuvenate the whole river?

**Mr Johnston:** Although my knowledge of the river's flora and fauna is limited, I believe that the time between the pollution incident and the return to production would probably be some years. I do not know how one replaces the flora and fauna in the river, never mind the fish. It would certainly take a number of years. Perhaps some of the fishermen could tell you how long.

**Dr Adamson:** Do you think the farmer should be held responsible for pollution?

**Mr Mayne:** If a farmer willingly causes pollution he should accept responsibility.

**Mr Aston:** I want to reiterate the point that Mr Mayne made at the outset: farmers do not wilfully pollute — circumstances make it happen.

**Mr Mayne:** Most of the time it is caused by circumstances beyond their control; it could be weather or a tank bursting.

**The Chairperson:** I think the nub of Dr Adamson's question is that there could be considerable expense involved in reinstating a river over and above that required simply to restock it. It is important to get your view on that.

**Mr Mayne:** If the cost of restocking and replacing flora and fauna is going to put the farmer out of business, I do not think that that is a viable option. There has to be a balance. If a farmer is put out of business and he cannot pay the money, what is the point of taking the case or bringing a charge against him in the first place?

**Mr Johnston:** A change is needed in the legislation, because simply replacing the fish in the waters may not actually reinstate the river. Pollution may have damaged the flora and fauna so much that the fish simply cannot survive there.

**The Chairperson:** Gentlemen, thank you for your presentation and your answers. It has been helpful. The dilemma we have focused on today in trying to achieve a balance between fish farm viability and protection of wild fish stocks is a big one. Essentially, you are saying it is impossible for fish farms to operate without interfering with the fry of wild fish and sport. This leaves us with a considerable problem.

**Mr Aston:** We have also extended an invitation to the Committee to visit a fish farm as part of the Inland Fisheries Inquiry to see the difficulties involved.

**The Chairperson:** We have already slotted that in.

**Mr Johnston:** Mr Chairman, there is little evidence to show that trout farming actually affects wild stocks in the rivers. We simply abstract the water, borrow it and return it. I hope that other fish farmers operate responsibly to avoid damaging the river stock where possible.

**The Chairperson:** We all share that hope. Thank you very much, gentlemen.





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**NORTHERN IRELAND  
ASSEMBLY**

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**AGRICULTURE AND RURAL  
DEVELOPMENT COMMITTEE**

Friday 20 October 2000

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**FISHERIES (AMENDMENT) BILL  
(NIA 9/99)**

**The Chairperson (Rev Dr Ian Paisley):** With us at this meeting are Mr K Pelan, who is an Assembly Researcher, and Mrs E Cummins, Ms H Hagan and Mr C Hunter of the Department of Agriculture.

We shall start with a briefing from Mr Pelan.

***Clause 1 (Regulations of sea-fisheries in or on the foreshore)***

**Mr Pelan:** Two issues were raised by the Committee on 11 October, with the letter sent to the Department and the response from the Department to the Committee concerning those issues. The first was in clause 1(3) in relation to specified equipment. The question posed to the Department was: “Is dive collection covered under this Bill?” The Department responded that the Bill covered dive collection, since diving invariably takes place at sea. Although not specifically covered by the amendments of the Bill, dive collection is already covered by the Fisheries Act (Northern Ireland) 1966.

**The Chairperson:** May we take the issues piece by piece? You have heard what Kevin Pelan has said about this. Are we happy enough with that?

**The Committee Clerk:** With the dive collection?

**The Chairperson:** Is everybody happy about that? No objections? Can we pass that?

**The Committee Clerk:** There is no need for there to be anything in this Bill about dive collection.

**Mr Pelan:** The second issue was in clause 1(4) concerning the insertion of a new section, 2A. This related to the natural beauty or amenity of marine or coastal areas, including their geological, physiographical, archaeological or historical features. In other words this was a catch-all approach by the Department. The question posed was: “What is the Department’s objective and what does the inclusion of these areas in the Bill actually mean in practice?”

The reason the Department included this particular wording was to underline its aim to parallel the EC Habitats Directive — for environmental purposes, the

foreshore needs to be protected from any fishing activity that is, in any way, damaging the environment. The Department is also trying to parallel the Environment Act 1995. This issue had been raised in the Strangford Lough Management Committee submission and possibly in that of the Royal Society for the Protection of Birds (RSPB). They were concerned that the amended Bill did not go far enough in the implementation of the EC Habitats Directive. However, the Department says that implementation of the directive by the inclusion of this specific section 2A is its aim — “Our objective is to ensure that the implementation of the obligations under the EC Habitats Directive is reflected properly and fully in domestic legislation.”

**The Chairperson:** Some Members were worried about compensation. The Department’s reply says that “it is not general policy to compensate for curtailment of activity for environmental purposes”, but also that it is not ruled out. However, the fishermen are going to have a rough time. The Minister mentioned that things are not looking good on cod recovery. It is unfair to require fishermen —when they are already in a plight — to do these things for the environment without being compensated.

**Mr Pelan:** The amended Bill will restrict fishing only if it is shown that the fishing activity is having a detrimental effect on the environment. For example, if a new coral reef were discovered somewhere off the coast of Northern Ireland, the Bill would regulate fishing around that area. Did you not foresee fishing activities being regulated in any way for any other activity than environmental purposes?

**The Chairperson:** But the argument fishermen put to me is that if anything were discovered, and somebody put a ban on that area, it would limit their field of activity for fishing. The fish that they could have caught in that area would no longer be available to them. I am not saying that to you personally, but that is what they feel the result of this would be. I do not think they are going to find a coral reef in the Irish Sea. However, if something happened and a ban were put on part of the fishing area, then the fishermen should be entitled to compensation because they are limited in their ability to fish.

**Mr Pelan:** Paragraph 7 of the Department’s reply says —

**The Chairperson:** Clerk, could we go back to what I was saying?

**The Committee Clerk:** Representatives of the Department are with us today. I suggest that we let Mr Pelan finish his briefing.

**The Chairperson:** I am sorry for ignoring them. My apologies.

**Mr Pelan:** In the third paragraph of our document of 11 October we referred to “flora and fauna which are dependent on, or associated with, a marine or coastal environment.” We raised the issue as to why flora is included in a Bill that aims to restrict shellfishing. The reason the Department is including flora is that the Bill aims to regulate any fishing activity — specifically mechanical harvesting — that is having a detrimental effect on the environment. In the process of mechanical harvesting, eelgrass beds are damaged. Eelgrass is the staple diet of brent geese which overwinter on Strangford Lough. That is why flora is being included. There is no intention to include any other flora. It is eelgrass that the Department has specifically in mind in relation to this particular aspect of the Bill.

**The Chairperson:** Should it not be explained or defined? Fishermen are saying that this is a way for the Department to enlarge its powers. The Department describes things as generally as possible so that it can argue that it has authority under the Bill. When Government Departments are considering a Bill, they are inclined to enlarge the scope as far as they can. This aspect needs to be defined.

**Mr Pelan:** The Department’s response to that is that it is required, under the EC Habitats Directive, to do something about a fishing activity that is causing damage to the environment, especially to an environment such as Strangford Lough, which has a number of designations.

**The Chairperson:** The original purpose of this Bill was not to deal with flora.

**Mr Pelan:** No, the original purpose was to deal specifically with the prohibition of mechanical harvesting in Strangford Lough.

**The Chairperson:** Therefore the Department has spread its net a little further.

**Mr Pelan:** One cannot get away from the fact that mechanical harvesting is damaging the eelgrass beds. The Department feels that it is obliged, under the EC Habitats Directive, to include this to protect the eelgrass beds.

**The Chairperson:** This is really a technical argument between it and the fishermen. Most fishermen will come to the conclusion that this is like a mechanical hammer being taken to smash a very tiny nut. They feel that the Department has got away with this, and that it has enlarged the Bill beyond its original purpose. Is that a fair criticism?

**Mr Pelan:** I can see the Department’s point of view. I see the fishermen’s point of view as well, of course. The Department will perhaps ask you whether fishermen are incurring any financial hardship because eelgrass beds are going to be protected under this legislation.

**The Chairperson:** I do not think that the fishermen are too troubled about the primary purpose of this Bill. They worry that the Department is taking powers that go far beyond that. They worry that the Bill will be used against them. Something that was a small issue has become very large.

**Mr Pelan:** The departmental representatives can respond for themselves in a few moments. They are simply extending the Fisheries Act (Northern Ireland) 1966 to include the foreshore. They feel that it is necessary to include this in the amended Bill to comply with their obligations under the EC Habitats Directive, and they feel that it will not have a great impact on fishermen.

**The Chairperson:** There is a big question about the foreshore. They fishermen say that it should not be enlarged. I am told that it could lead to a legal challenge. I do not know how true that is, but I could understand that there would be many people wanting to stake their possession. That is a matter for the Department.

Would anyone else like to comment on that?

**Mr Pelan:** As guidance for the meeting, members should keep in mind the Committee’s document and the Department’s response.

**The Chairperson:** No doubt the officials will give us a verbal response as well.

**Mr Pelan:** I can provide advice and guidance on what was raised in the consultation documents you received. Paul Moore and I prepared the document detailing the issues raised by the Strangford Lough Management Committee and the Royal Society for the Protection of Birds, as well as the Department’s response. Perhaps members could keep those three documents in front of them to guide them through the meeting.

**The Chairperson:** The three documents we should have before us are the Committee considerations on the clauses relevant to the Department of Agriculture and Rural Development, the amendments, and these specific comments with which you have dealt. Is there another document?

**Mr Pelan:** The first document is the letter from the Committee to the Department dated 11 October. The Department’s response to that document is dated 17 October. There is also the document that Paul and I produced on Committee consideration of the clauses relevant to the Department of Agriculture and Rural Development in the Fisheries (Amendment) Bill. Those three documents provide more than enough information.

**The Chairperson:** Members have before them a Committee consideration on clauses relevant to the Department of Agriculture and Rural Development. The Committee Clerk will read us the relevant paragraphs, and the Department will respond.

**The Committee Clerk:** As members are aware, only two clauses in this Bill are relevant to the Committee.

**The Chairperson:** We are very grateful for that.

**The Committee Clerk:** Having considered clause 1 and clause 2, this Committee will prepare a short report to the Culture, Arts and Leisure Committee advising it of any conclusions we have reached and proposing any amendments that the Committee agrees today. No issues have been raised about clause 1(1).

The Royal Society for the Protection of Birds raised an issue concerning clause 1(2). It suggested a change along the following lines:

“The power to make regulations under subsection 124 (1) above by virtue of subsection 26(3) is in addition to, and not in derogation from, the power to make regulations under subsection 26(1) otherwise than by virtue of sub-section 26(3).”

This is equivalent to that contained in the Environment Act (1995). The Royal Society for the Protection of Birds believes that this would be necessary to ensure that the original purposes of section 124 (1) and (2) of the principal Act are maintained and not diminished by clause 1 (4) of the Bill. The Department of Agriculture and Rural Development responded to that by saying that it did not believe that section 124 (1) and (2) would be diminished by clause 1 (4).

**The Chairperson:** The information I received was that the amendment does not diminish the original Act. This particular amendment is unnecessary.

**Ms Hagan:** The Department received a letter from the Royal Society for the Protection of Birds yesterday afternoon stating that it is content that this is no longer an issue.

**The Chairperson:** There is no point in wasting time on it. Are we all happy with that?

**Ms Hagan:** May I intervene in relation to clause 1?

**The Chairperson:** There is no prohibition on women addressing the Committee.

**Ms Hagan:** At our last evidence session I mentioned the difficulty with the term “foreshore” and said that I was seeking legal advice on it. I provided you with a chart to explain where the gap was. We have now received further legal advice, and the word “foreshore” will not be used in the Bill. This term will be changed to “Northern Ireland inshore waters”. Use of this term ensures that the area covered by the regulations extends right up the high-water mean median. In future, reference will be made to “Northern Ireland inshore waters,” as opposed to “foreshore”.

**The Chairperson:** May we have a copy of that amendment?

**Ms Hagan:** Yes. I can send it to you.

**The Chairperson:** We have had a lot of representation on that and the legal issues it involves. It seems wise that we change the term to “Northern Ireland inshore waters”.

**Ms Hagan:** This is in line with the term which was used in Scotland when the legislation was amended there.

**The Chairperson:** Will we propose this amendment to the Department?

**Mr Ford:** This poses a problem. I understood that we had a Bill from the Department. Are we being told that the Minister is proposing to amend the Bill after the Committee Stage? What are our procedures? Perhaps the Committee Clerk could advise us?

**The Chairperson:** This is quite normal. Even when a Committee Stage is completed, the Minister can make amendments. Of course, the House, the final arbiter, would have to accept the changes. It would have to be moved. This is only a draft Bill. It would still have to be moved, would it not?

**Ms Hagan:** Yes.

**The Chairperson:** This would have to be an amendment from the Department.

**Mr Ford:** I appreciate that, but I am not sure that we can consider anything other than the Bill given to us by the Assembly. I am not happy — with no disrespect — that we are now considering verbal amendments. I do not have a hang-up on this, but I think it is a matter of principle.

**The Chairperson:** We made representations on this issue. People were not happy with the term “foreshore”.

**Ms Hagan:** That is right. It was raised during the debate at the Second Stage.

**The Chairperson:** I do not share Mr Ford’s view that the Minister cannot introduce amendments in this way. It is not abnormal.

**Mr Ford:** I am not disputing the right of a Minister to propose an amendment when the Bill is put before the Assembly. I am merely concerned about what the Committee is considering. I thought that we were considering the Bill, which had received a Second Reading, and not suggested verbal amendments to it. I do not know how we can decide on anything other than what has been officially given to us by the Assembly.

**The Committee Clerk:** The procedure is that the Committee, having considered the Bill, makes its own proposals for recommendations and lodges those with the Business Office. If the Minister has advised the Committee that she intends to make an amendment, we would take note of it. The Committee may decide to recommend the same amendment or it may decide to oppose it. However, it is within the procedures of the Assembly for amendments to be proposed by the



Minister after the Committee Stage and at any time up to the Consideration Stage of the Bill.

**The Chairperson:** If we were at the Committee Stage, in the House of Commons, the Minister would be with us to go through the Bill. The Minister is not here but is indicating through officials that these are the amendments she will be making. At Westminster the Committee puts forward the amendments that it wants. The Minister can propose changes to certain matters. That would be entirely in order at Committee Stage.

**The Committee Clerk:** The Committee Stage at Westminster is different in that the Bill is actually amended. The amended Bill then goes to the House on Report.

To get through this little hiccup, I suggest that we get a copy of the proposed amendment from the Department. The Committee can then return to clause 1(2) to satisfy itself that it is content or not content with the amended subsection. If the Committee is not content it can propose a different amendment.

**Mr Paisley Jnr:** May I hear the definition of “Northern Ireland inshore waters” again?

**Ms Hagan:** For the purpose of subsection 1 “Northern Ireland inshore waters” means the area adjacent to the coast of Northern Ireland and to the landward of a limit of 6 miles from the baseline from which the breadth of the territorial sea is measured, up to the mean high-water mark of ordinary spring tides.

**The Chairperson:** That is a very technical definition. What is the “mean high-water mark”?

**Ms Hagan:** The mean high-water mark is the highest point of the foreshore and is calculated on an average basis so that it comes up to the top point of what is considered the foreshore. The definition will cover right down into the sea.

**Mr Paisley Jnr:** For six miles?

**Ms Hagan:** Yes.

**Mr Paisley Jnr:** A quarter of the way to Scotland.

**The Committee Clerk:** I wish to obtain the Committee’s agreement to return to clause 1(2) when the Department has provided a note of the amendment.

**The Chairperson:** The Department should get that to us as quickly as possible. We thought that we could have finished this business, but we will need to come back to it.

**The Committee Clerk:** May we now consider (3)? It was on this subsection that the Strangford Lough Management Committee sought clarification on whether the current wording would allow the Department to regulate or ban any or all types of harvesting, including hand collection. It said that this

may not be sustainable in Strangford Lough. The National Trust also believes that the regulation should cover all aspects of shellfish harvesting, particularly where it is carried out commercially. The Department’s letter of 7 October advised in paragraph three that hand collection — that is using rakes or spades — can be regulated if its intensive nature is causing harm. This is covered by the word “equipment” in clause 1 of the Bill.

**The Chairperson:** I do not agree with the National Trust that the regulations should cover all aspects of collecting shellfish. It has gone on for years, and it is a right of the people in the area. Why should all aspects, including hand-picking, be suddenly stopped? It will be used again. The fisheries representatives are generating a head of steam. Things that never should have been mentioned are creeping in. The National Trust wants everything to be covered by this regulation. I do not accept that — its powers are strong enough. I do not know what the Committee thinks.

**The Committee Clerk:** There is a second part to the National Trust’s submission which might give the Committee another motion to consider and seek views from the Department on. The National Trust contends that the inclusion of an additional example, presumably at clause 1(3)(ii), would specify hand-picking, and that that would avoid any possible misinterpretation at a later date that hand-picking was not envisaged in the legislation. The proposal is that on page 1, line 10 of the Fisheries (Amendment) Bill there should be inserted after “equipment” — “whether mechanised or operated by hand”. It may be appropriate to seek the Department’s opinion on the effect, or necessity, of such a motion.

**The Chairperson:** What does the Department think of the National Trust’s proposal?

**Ms Hagan:** We believe that the power is strong enough as it stands and that the definition of equipment includes spades and shovels. We do not want to regulate hand-picking which uses the bare hand, because that might interfere with the common law right to collect shellfish. We also need better evidence that this kind of hand-picking causes environmental damage. The Department’s aquatic scientists have developed a model which can be adapted to assess the impact of bare hand hand-picking. Our preference is to wait for concrete evidence from an assessment based on that model, before deciding on the need to regulate.

We do not wish to see hand-picking prohibited. If it is causing a problem, it would be preferable to introduce regulations that restricted it by designating specific areas or times for hand-picking, rather than an outright prohibition of the practice. The powers contained under section 124 of the Fisheries Act (Northern Ireland) 1966, which deals with conservation, are sufficient to do that.



**The Committee Clerk:** I do not believe that the amendment implies that there would be hand-picking without using implements. The amendment seeks to clarify clause 1(3)(ii) of the Bill by changing the definition to

“fishing by means of a specified description of equipment, whether mechanised or operated by hand”.

**The Chairperson:** The National Trust wants to specify hand-picking; it wants the word “hand-picking” inserted into the Bill.

**Ms Hagan:** The intention of using the word “equipment” is to cover spades and shovels, and that could be clarified in the notes on clauses. When courts interpret primary legislation, they examine the notes on clauses to see what the intention is. That is one way to clarify the matter without putting something on the face of the legislation.

**The Chairperson:** What does the Committee think?

**Mr Savage:** I think that has covered it very well. I think that the “equipment” is well explained. To legislate for people not to use their hands would actually change the meaning and direction of the Bill.

**The Chairperson:** I do not think so, and I agree with the Department that common law could cause it great difficulty.

The National Trust is a fierce body. I have not been on the side of the National Trust in relation to many of my constituents’ matters because it asks for things that are absolutely ridiculous. It thinks that it can take over everything. Even farmers in areas skirting National Trust land have had terrible trouble with it. I think that this suggestion is a bit excessive. I certainly would not like the word “hand-picking” put into this Act. I would not vote for that. Is that the general mind of the Committee members?

*Members indicated assent.*

**The Chairperson:** We will leave that matter there. We look forward to getting the Department’s amendment on the definition of “foreshore”.

**The Committee Clerk:** The next subsection is subsection (4). This is where the Northern Ireland Fish Producers Organisation and the Anglo North Irish Fish Producers Organisation raise concerns about regulations for environmental rather than for fisheries management reasons. The Committee asked about the Department’s objectives and definitions on environmental purposes. It also checked whether the legislation could extend to the fishing fleet, why such a wide power was necessary, and whether the Department of Agriculture and Rural Development would compensate fishermen for the curtailment of fishing activity. As Kevin Pelan said earlier, the inclusion of flora and fauna was also raised with the Department.

The Department’s letter of 17 October explains that it already has powers relating to the conservation of fish stocks. The letter states that the objective is to implement the Department’s obligations under the EC Habitats Directive. The power to regulate for environmental purposes, and the extension of that power to include the foreshore, are necessary to enable the Department to regulate shellfish collection for environmental purposes.

The letter also explains that the Department has powers relating to the conservation of fish stocks as seen in the cod recovery plan; that it cannot envisage the application of the powers to the fishing fleet; and that the environmental purposes must be linked to a fishing activity. Compensation is not ruled out, but it is acknowledged that it is not the general policy of Government to compensate in these types of areas. Flora and fauna are included since the mechanical collection of shellfish damages the eelgrass beds on which waterfowl depend for overwintering. Basically, those are the issues and the responses from the Department.

**The Chairperson:** Some worry has been expressed about the adding of flora.

**The Committee Clerk:** The explanation from the Department is that mechanical harvesting not only denudes the habitat of shellfish but that it also destroys eelgrass beds which are vital for the overwintering of wildlife. You may want to pursue that further with the Department.

**Mr Savage:** It is only natural that that would happen with mechanical harvesting — it would not happen if they were lifted in the normal way.

**The Chairperson:** If there were no mechanical harvesting it would take a long time. It seems to me that the Department is widening the scope of this Bill. That has to be balanced with whether the mechanical operation is damaging the particular habitat. We are not experts on these things. I am only taking a common sense view on it.

**Mr Hunter:** We are required under the Habitat Improvement Regulations (Northern Ireland) 1995 to exercise our powers as a competent authority in respect of the EC Habitats Directive. It is quite broad in its intent in that either under the Habitats Directive or the Birds Directive —

**The Chairperson:** What was the second directive you mentioned?

**Mr Hunter:** It is the EC Directive on the Conservation of Wild Birds. That includes any activity which damages the birds or their habitat. We have to be mindful of that. One of our concerns about mechanical harvesting is that the harvesters could damage the eelgrass and a species

of marine alga or seaweed called enteromorpha. They are both standard food sources for brent geese.

**Mr Paisley Jnr:** It is logical that, to protect shellfish, it is important to protect their living environment.

**Mr Bradley:** What does eelgrass look like?

**The Chairperson:** It is green.

**Mr Hunter:** It is green, stringy and it is found in the inter-tidal area. We can provide pictures if that would help the Committee.

**Mr Bradley:** Is it mixed with seaweed?

**Mr Hunter:** It grows on its own. The other seaweed is called enteromorpha, which does not have a common name. It is the green slimy seaweed that one often sees on foreshores.

**Mr Bradley:** We call that seaweed.

**Mr Hunter:** It is not like the normal brown seaweed that one might associate with a more rocky foreshore. It is a green weed.

**Mr Armstrong:** Is it very deep rooting?

**Mr Hunter:** No. That is one of the reasons why it can be badly disturbed by mechanical harvesting. It is quite sensitive to that kind of disruption.

**Mr Savage:** The experts here today have given us some good advice.

**Mr Bradley:** Are we dealing specifically with Strangford Lough or with Northern Ireland foreshore waters in general?

**The Chairperson:** There is little or no grass in the waters. It is on the real foreshore. This is a Strangford Lough Bill.

**Ms Hagan:** The power contained in the Bill could be used to regulate any stretch of Northern Ireland inshore waters around the coast of Northern Ireland. However, the subordinate legislation will be restricted to Strangford Lough because that is where the problem is at the moment. If a similar problem arose elsewhere we would not have to go through the procedure of getting another primary power — we would have the power to be able to move quickly to control that activity on another stretch of inshore waters.

**Mr Bradley:** Would it put pressure on any other area if we closed off Strangford Lough to mechanical harvesting?

**The Chairperson:** You mention Strangford Lough, but the legislation allows the Department to make regulations, under the same terms, for any part of the waters around Northern Ireland. Places such as Greencastle and Carlingford Lough could, therefore, be included in a separate regulation.

**Mr McHugh:** I have no difficulty in relation to the habitat. If actual damage is being done by mechanical operations, then we cannot stand in the way of the legislation.

**Mr Bradley:** What is the likelihood of the machinery moving out of Strangford Lough and going somewhere else?

**The Chairperson:** We are very keen for the Department to let us see these regulations.

**Ms Hagan:** The head of sea fisheries section has been advised to get them to the Committee as soon as possible.

**The Chairperson:** Thank you.

**Ms Hagan:** I am not the head of sea fisheries section — or I would have brought them with me.

**The Chairperson:** Are we happy to accept the subsection?

*Members indicated assent.*

**The Committee Clerk:** The Committee raised no matters in relation to clause 1(5). That finishes consideration of clause 1. Unfortunately, it is not possible to ask the Committee to agree clause 1 as amended until it sees the amendments. It will be necessary to return to that.

*Clause 1 referred for further consideration.*

**Clause 2 (Enforcement of regulatory powers in relation to sea-fisheries in Northern Ireland inshore waters)**

**The Committee Clerk:** We now come to clause 2 subsection (1). The Royal Society for the Protection of Birds has suggested an amendment that would make the new subsection (1A), paragraph (b) of the principal Act consistent with subsection (1A) paragraph (e) and increase the effectiveness of the Bill. The relevant motion would be

“In page 2, line 18, after ‘has been’ insert ‘or is suspected to have been’.”

That would tie in with subsection (1A) (e)(ii), which refers to

“any fish in respect of which an offence is being, or is reasonably suspected of having been, committed”.

That was the link that it made.

**The Chairperson:** Is the Department happy about that?

**Ms Hagan:** No. The RSPB advised us of this proposal. We told them that although it seems to be consistent with the later part of this amendment, it is inconsistent with the powers that authorised officers currently have in relation to boats. An authorised officer has to witness the boat being involved in illegal activity before he can

act. When he sees it involved in something illegal, he can board it, he can examine the fish and seize the boat.

If we were to accept this amendment we would be increasing the powers of authorised officers in relation to vehicles and equipment beyond those that they have in relation to boats. We could be asked why we do not amend the powers in relation to boats, but that is outside the scope of this Bill.

**The Chairperson:** That would bring a hue and cry from the fishermen. You would not get away with that.

**Ms Hagan:** The Department is very concerned that it is not seen to be acting merely on suspicion.

**The Chairperson:** Fisheries Division receives calls from all kinds of people. Cranks will ring up and say “Do you know about mister so-and-so and what he is doing?” You could not work under those circumstances.

**Ms Hagan:** We are very conscious of that. Unfortunately, the Royal Society for the Protection of Birds wrote back to us last night to say that it has certain views on the Department’s line and that it does not agree with us. We only received that letter early this morning. I have not had time to consider it but I will look at the matter in more detail. The Department’s present view is that we do not want to increase the powers of authorised officers in relation to vehicles and equipment beyond what is essential.

**The Chairperson:** I agree with the Department on that. To act on the basis of suspicion is very dangerous especially when the farming community and fishermen have their backs against the wall financially. It is not right that their work should be curbed by a “Big Brother is watching you” culture. People would think they were doing something wrong simply because a neighbour has taken umbrage at them and has rung the Department to complain. Things should remain as they are.

**Ms Hagan:** I am sure that there are human rights implications about acting on suspicion, although I have not worked through what those might be. We would be on very dangerous territory if we were to include such a provision.

**Mr Paisley Jnr:** The Department’s explanation is very helpful. Could you explain clause 2 subsection (1) where it mentions the inclusion of (1A)(e)(i) in section 174 of the principal Act? In particular, I would like to know how the phrase

“is reasonably suspected of having been, used”

complies with what you have just said.

**Ms Hagan:** That simply ties in with the power to seize the vehicle or equipment. The fisheries officer will already have witnessed those items being used illegally.

**Mr Paisley Jnr:** Will he have the right to seize the vehicle or equipment if he reasonably suspects that it has been involved?

**Ms Hagan:** Yes.

**The Chairperson:** So there is no contradiction.

**Ms Hagan:** No.

**Mr Ford:** I accept that there is a difference when one gets down to the powers of seizure, but I do not see why there is such a human rights problem with amending clause 2(1) at line 10. There must be reasonable suspicion, and surely a large amount of regulatory activity in all kinds of areas is undertaken on the basis of reasonable suspicion. I do not buy the explanation that there is a major difference in “reasonable suspicion” in page 2, line 10 as compared with line 24.

**Ms Hagan:** In giving authorised officers the power to enter vehicles and equipment we are giving them the power to enter private property. We must be sure that there is more than just a reasonable suspicion that something illegal has been taking place.

**Mr Hunter:** In addition to that, we are talking about two different types of fishing machines. One type is fitted to a boat and the other to a tractor. There would not be parity between the two types of fishing activity if we were to increase the level of suspicion required — and increase the powers granted — in respect of one but not in relation to trawlers or fishing boats, for example.

**The Chairperson:** If we are not allowed to amend the legislation in respect of fishing boats, why should we amend it in respect of those who do not use a fishing boat, but who can fish with their hands? Why should a regulation apply when you are standing on terra firma but not when you are in a boat? It would create a situation in which the law on land would be stronger. It has been an accepted principle in fishing legislation for a long time that suspicion is not enough — there must be evidence.

**Mr Armstrong:** Is it not possible that suspicions would be stronger because you are on land?

**The Chairperson:** I do not know. Why — because you have your feet on firm ground?

**Mr Armstrong:** It is because people have more opportunity to be suspicious. They might not have the same opportunities to be suspicious when someone is out at sea.

**Mr Hunter:** From a practical point of view, if a fishery officer were to come to court and could not persuade it that he had actually seen an individual involved in fishing activity before he took action, we would not get any further with that case; it would be thrown out of court. In sea fishing, for example, if we wanted to take action against a fishing vessel for using

an undersized mesh, we would have to have seen that net in the water, and we would have to board the boat and watch the net come on deck. We have to have that continuity of evidence. We would need that sort of continuity to take a prosecution in similar land-based activity.

**Ms Hagan:** Another example would be a case in which someone had used rakes or shovels to lift large quantities of shellfish from the foreshore, put them in the boot of a car and driven down the Newtownards Road. Someone could report that to us. We do not think that it would be right for us to act on a reasonable suspicion. We would have had to have seen the person digging on the foreshore and collecting the shellfish.

**The Chairperson:** You said that you had received a reply from these people. Perhaps it would be better for us to hear your considered reply. We have to come back to this case anyway. It seems reasonable to me that we should see your reply, if that is all right with the Committee.

**The Committee Clerk:** The next item is also within clause 2(1). It relates to paragraphs (b) and (c) of new subsection (1A). The Royal Society for the Protection of Birds suggested two possible amendments to widen the scope of the powers of the authorised person, with the purpose of increasing the effect of the Bill. The first amendment is at clause 2(1), which states

“require the attendance of the person in charge of, and any other persons in or on, the vehicle or equipment and require all such persons to do anything which appears to him to be necessary for facilitating the performance of his functions”.

The amendment would be to insert “or using” after “persons in or on”.

**Ms Hagan:** We have no difficulty with that suggested amendment.

**Mr Ford:** Can we take it from Mr Mellon’s letter of last night that you have accepted the Royal Society for the Protection of Birds’ suggestion on section 174(1A)(b) of the principal Act and that it has withdrawn the proposed amendment to section 174(1A)(c)?

**Ms Hagan:** That is right.

**The Chairperson:** Do any other members of the Committee want to make a comment on that now?

**Mr Kane:** I am happy enough to accept it, Chairman.

**The Committee Clerk:** Perhaps to facilitate David Ford’s point, you should consider the second amendment and deal with the two together.

**Mr Ford:** We previously agreed the amendment suggested by Royal Society for the Protection of Birds.

**The Committee Clerk:** The second amendment suggested by the Royal Society for the Protection of Birds

related to the proposed new subsection (1A)(c)(i) of section 174 of the principal Act. The current wording is

“any fish in or on the vehicle.”

The addition suggested is

“or collected by the vehicle”.

Since the vehicle or equipment is considered to be private property, the amendment is thought by the Department to be unnecessary. The existing general powers of search already allow any fish collected by the vehicle or equipment to be examined, so the Department does not believe that the additional specific power suggested by Royal Society for the Protection of Birds is necessary. The powers already exist.

**Ms Hagan:** That is right. The Royal Society for the Protection of Birds has accepted that it is unnecessary.

**The Committee Clerk:** We need to deal with the first amendment. Is the Department content that the Committee puts it forward?

**Ms Hagan:** Yes, we are happy with the insertion of the phrase “or using”.

*Amendment proposed:* In page 2, line 13, after “persons in or on” insert “or using”. — [Mr Paisley Jnr]

*Proposed amendment agreed to.*

**The Committee Clerk:** The Committee needs to finish off its consideration of clause 2. Subsections (2), (3), (4) and (5) have not been the subject of any further comment or consideration by the Committee.

**The Chairperson:** Can we agree clause 2, subsections (2), (3), (4) and (5)?

**Mr Paisley Jnr:** No. I object until we receive the amendment to the definition of “foreshore” in subsection (5)(a).

*Clause 2 referred for further consideration.*

#### **Clause 9 (Short title and commencement)**

**Ms Hagan:** There is a proposed amendment to clause 9. I hope that the Committee will be happy with it.

Subsections (2) and (3) indicate that the Bill will not come into operation until we have made an appointed day Order. We feel that that is rather cumbersome. The wording crept in because the Bill was originally part of a much bigger Bill to amend the Foyle Fisheries legislation, and it was inadvertently left in. We propose to delete subsections (2) and (3), and to leave it that the Act can be cited as the Fisheries (Amendment) Act. It automatically comes into operation when it is made, so that saves time and effort.

*Amendment proposed:* In page 4, line 31, leave out subsections (2) and (3).—[The Chairperson]

*Proposed amendment agreed to.*



*Clause 9, with the proposed amendment, agreed to.*

**The Chairperson:** We look forward to finalising our consideration of this Bill when you send us the information.



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**NORTHERN IRELAND  
ASSEMBLY**

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**CULTURE, ARTS AND  
LEISURE COMMITTEE**

Friday 20 October 2000

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**FISHERIES (AMENDMENT) BILL  
(NIA 9/99)**

**The Chairperson:** We are joined now by Mr H Thompson and Dr B Storey from the Water Service. You are welcome, Gentlemen.

We would like you to begin with a short presentation and then to answer some questions.

**Mr Thompson:** Good afternoon. Thank you for giving us the opportunity to speak to the Committee today. My name is Harry Thompson, and I am the Water Service's technical director. With me today is Dr Bill Storey, the Water Service's principal scientist with responsibility for waste water issues.

I will begin with a short statement of evidence, and then Dr Storey and I will try to deal with any points which you may wish to raise. Briefly, Water Service is an executive agency within the Department for Regional Development with responsibility for the provision of water and sewerage services in Northern Ireland. Its functions are set out in the Water and Sewerage Services (Northern Ireland) Order 1973, as amended.

Water is supplied to over 98·5% of households and around 83% are served by the public sewerage system. In addition, Water Service provides a sludging service for over 40,000 septic tanks. The strategic aims of Water Service include the improvement of the quality of discharges from waste water treatment works to meet Environment and Heritage Service's registered discharge standards and the Urban Waste Water Treatment Regulations (Northern Ireland) 1995, thereby protecting the environment and delivering services with increasing emphasis on protecting the environment and promoting sustainable development. The existing environmental demands and regulatory requirements are the major external influences on Water Service, and they are derived largely from EU Directives. Future changes in these will place major demands on us.

Water Service allows fishing on its reservoirs subject to measures which protect the quality of drinking water. Fishing rights on 15 reservoirs have been leased to the

Department of Culture, Arts and Leisure, and they form part of the public angling estate. A further 14 are leased to private angling clubs.

Water Service operates and maintains over 10,000 kilometres of sewers, which collect and transport domestic sewage, trade effluent and surface water for treatment. Drainage area plans identify a need to address deficiencies in the sewerage system. That leads into our capital works programme.

We are currently addressing the problem of combined sewer overflows, which is a major problem in some parts of the sewerage system. These are important features of combined surface water and foul sewers. In storm conditions, large volumes of rainwater in the sewerage system can cause flooding or damage. The combined sewer overflows are designed to allow highly diluted, but otherwise untreated, waste water to discharge to water courses. The performance of those sewerage systems is being addressed using a national urban pollution management procedure which identifies areas where combined sewer overflows are unsatisfactory, requiring removal or upgrading to reduce the volume or frequency of discharge.

The reliable and effective treatment of waste water and its safe disposal are essential to maintaining public health and protecting the environment. Our ability to undertake the necessary capital investment has been seriously constrained by past funding levels. Substantial capital investment work is still needed to enable us to comply completely with existing standards and to prepare for future stringent standards.

Water Service introduced phosphate removal at waste water treatment works discharging to Lough Neagh and Lough Erne in the early 1980s. This was in advance of the requirement by the 1995 Regulations and has made a significant impact on the amount of phosphorus reaching those bodies of water.

To protect the environment from discharges of dangerous substances, Water Service controls trade effluent discharges to public sewers by means of trade effluent consents.

Until 1998 approximately 40% of the 32,000 tonnes of waste sludge produced annually was disposed of at sea. The majority of the remainder was spread on agricultural land, with a small amount going to landfill. In accordance with the EC Urban Waste Water Treatment Directive, sea disposal stopped at the end of 1998 and a new incinerator was commissioned. Approximately 22,000 tonnes of sludge a year from throughout Northern Ireland is processed at the incinerator, with energy recovery. The remaining sludge continues to be used on agricultural land or landfilled, but the quantity of sludge being spread on agricultural land has very significantly decreased and continues to decrease.

In 1999 Environment and Heritage Service recorded a total of just over 1,500 pollution incidents; of these, 244 were attributed to Water Service. We investigated each of those incidents and instigated follow-up action where appropriate. That included paying for restocking the watercourse affected, if fish had been killed.

Water Service has a very large capital investment programme aimed at improving water and sewerage infrastructure to enable it to meet its public health, environmental and customer service obligations. It is expected that some £300 million will be invested over the next five years in improvements to waste water collection systems and treatment works.

We are aware of our dependence on and responsibilities towards the environment, and we are committed to the principle of sustainable development. Water Service has an environmental policy that commits it to striving for continuous environmental improvement in all areas of business. We aim to demonstrate high standards of care and operational performance and to address a wide range of environmental issues that are of concern to our customers and to the community. These include meeting legal and regulatory obligations, ensuring the safe and acceptable disposal of waste, and minimising pollution and energy consumption.

The envisaged amendment to section 47 of the Fisheries Act (Northern Ireland) 1966 would empower the Fisheries Conservancy Board (FCB) to reinstate the habitat of a river following a pollution incident, with the cost being borne by the person or body responsible. If the legislation is changed in this way, the Water Service will seek to comply with its requirements whenever appropriate.

**Mr McCarthy:** Clause 7 seeks to amend section 47 of the 1966 Act so that it refers to the requirement for reinstatement instead of restocking to restore the fish populations. It is intended that reinstatement will include restocking, restoration and enhancement of the habitat to the level that existed prior to pollution. Considering that the Water Service currently pays for the restocking of rivers it has polluted, what is your opinion on having to pay for reinstatement?

**Mr Thompson:** I have already said that if the legislation were changed in that way, Water Service would seek to comply with the amended requirements, including reinstatement.

**The Chairperson:** You still have not given us your view.

**Mr Thompson:** That is a political matter. We are here to provide a service.

**Mr J Wilson:** Let me put that question in another form. If you comply with the legislation, you will not just be required to restock a river with trout; you will be

required to reinstate the river. That means taking on quite a sizeable and costly project. There is an increasing demand for clean water from society. It is a chicken-and-egg situation. If, as a result of increasing demand, Water Service is not capable of discharging clean water from sewage treatment works, you are caught in a vicious circle. The costs of reinstating a river — not just stocking it with trout — must be considerable.

**Mr Thompson:** That is correct. Water Service has a vested interest in the quality of water — it is a user in that sense. The principle of a more sophisticated view of what is required for reinstatement rather than restocking is sensible and in line with EU Directives. In principle, Water Service supports it.

**Mr J Wilson:** But it is more expensive.

**Mr Thompson:** It is in our interest to minimise pollution events. Water Service seeks to do that, and this will be an added pressure to ensure that it does. Even if there is a higher cost involved — and there is bound to be — we must ensure that the minimum number of such events is attributable to Water Service.

**Mr Hilditch:** Do you foresee that any of your operations on rivers may necessitate the removal of river-bed material, and therefore potentially bring Water Service into conflict with the Fisheries Conservancy Board?

**Mr Thompson:** No, I do not think so.

**Dr Storey:** If Water Service has to disturb habitat, it will restore it, as it always has done. For instance, when we have to put pipes across rivers we restore the disturbance caused.

**Mr Hilditch:** Will there be any conflict with the FCB?

**Dr Storey:** We consult on all these matters with all the agencies and other interested parties, and we take advice from them on how to carry out the projects. The object is to reinstate to the standard that obtained previously.

**The Chairperson:** Do you mean reinstatement in its true sense?

**Dr Storey:** Yes.

**Dr Adamson:** Water Service is a Crown body and discharges by it are not subject to control under the Water Act (Northern Ireland) 1972. However, it is Water Service policy to meet “registered standards” to comply with the 1972 Act. The FCB or Foyle, Carlingford and Irish Lights Commission are consulted as appropriate in relation to these standards. Has this proved beneficial to Water Service in understanding the concerns of FCB? Do you foresee any potential role for this type of arrangement in relation to the proposed Fisheries (Amendment) Bill?



**Mr Thompson:** This is primarily a matter for Environment and Heritage Service. It consults in deciding the appropriate standard to be set for the discharge that we seek permission for. However, we do have other contacts with the various fishery bodies, and we have a good perception of their concerns and thoughts on such matters through those contacts. I imagine that arrangements will continue in a similar way. Our perception is that they are working satisfactorily.

**Mr Shannon:** Does the increase in water use in all areas of society pose problems for Water Service with regard to its ability to adequately treat waste water and therefore increase the potential for pollution of water-courses? Will this mean that Water Service will have an increasing bill for the reinstatement of river habitat and, if so, who will pay for that?

**Mr Thompson:** We have a complete water cycle, so the starting point from our perspective is our water resources.

We have a water resource strategy that attempts to take account of all trends, including the increased use of water, et cetera. That strategy then feeds into our waste water treatment strategy and increased requirements are built in to that resource strategy also. If increasing amounts of water are reaching the sewerage system, our forward design plans will have that built into the strategy projections.

The short answer is “No.” It should not create a problem for us that we foresee in our planning systems. You are right, in a sense, that increased usage of water results in increased quantities of water to be treated. However, providing our plans take account of that, as they are meant to, there should be no problems regarding increases in pollution.

**The Chairperson:** Thank you very much for your contribution.



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**NORTHERN IRELAND  
ASSEMBLY**

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**FINANCE AND PERSONNEL  
COMMITTEE**

Tuesday 24 October 2000

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**GROUND RENTS BILL  
(NIA 6/99)**

**The Chairperson (Mr Molloy):** I welcome back Ms J Goldring and Mr N Lambe from the Office of Law Reform.

**The Committee Clerk:** The Committee secretariat has prepared a document entitled ‘Ground Rents Bill (NIA 06/99) Schedule of Clauses for Agreement’. It is essential that members have that in front of them. Because of the complexity of the subject, we need to work through it in this rather unfortunate, stilted way. Members have not seen this, and neither has Ms Goldring. I will read it out until we reach a point where members wish to discuss the matter. I will then stop at that point.

**The Chairperson:** OK.

**The Committee Clerk:** Clauses 1 and 2 were agreed on 19 September 2000. No further action has been taken on that by the Committee.

**Clause 3 (Exceptions to, or restrictions on, sections 1 and 2)**

**The Committee Clerk:** The Committee had already agreed the clause, but as a result of consideration of later clauses, a number of issues have been raised.

In relation to clause 3(1)(a), a query was raised about the reference to

“a proposal to... obtain an extension”

under the Property (Northern Ireland) Order 1997. The Committee considered that the drafting of clause 3(1)(a) was unclear, in particular with regard to the reference to

“notice of a proposal to acquire the fee simple, or to obtain an extension, under section 2 of the Act of 1971”.

The Committee was concerned that the meaning of the word “extension” was uncertain.

The Office of Law Reform (OLR) was asked whether clause 3(1)(a) could be safely amended by adding of the words “of that lease” after the word “extension” and, if not, whether it could provide an alternative draft amendment for clause 3(1)(a), defining “extension”, or

the procedure referred to. The OLR responded that the Act of 1971 deals only with either the enlargement of a leasehold estate into a fee simple (or freehold) or with an extension of the lease.

Advice has been sought from the first legislative counsel who does not believe that any amendment is necessary. The reference to

“a proposal to obtain an extension under section 2 of the Act of 1971”

can only mean an extension of a leasehold estate, and the OLR advises against amending that provision. The Committee may wish to discuss its course of action on that matter.

**Ms Goldring:** I am content that that wording is clear, that it is normal phraseology used in legislation and that there is no scope for misunderstanding.

**The Chairperson:** Do the Members agree?

*Members indicated assent.*

**The Chairperson:** We will take the recommendation of the Office of Law Reform.

**The Committee Clerk:** Regarding subsections (7) and (8), the Committee had concerns about the definition of a flat, and expressions such as “common parts”. In its submission, the Law Society recommended that in subsection (7), line 24, after “ ‘common parts’ means”, the words

“third party boundaries or any parts of the development or facilities therein”

should be inserted.

The OLR was asked if it would provide a statement on the policy reasons for differentiating between flats on the basis of whether common parts are shared, whether it agreed that the draft amendment provided by the Law Society would safely have the effect of removing that distinction and, if not, whether it would suggest an alternative draft amendment.

The OLR responded

“Along with legislative counsel, we have considered the Law Society’s comments as regards the definition of a flat. We are not entirely clear as to how the Law Society’s suggested amendment would improve matters. The current definition originated in the final report of the Land Law Working Group. Flats need to be excluded from the ground rent exemption scheme because of the nature of the development concerned and the presence of common parts in the vast majority of developments. In such cases individual occupiers of units have a leasehold interest in their own property, but the ownership of the common parts such as stairwells is vested in either the developer or a management company. It should be noted by the Committee that the reference to ‘common parts’ need not refer to internal structures, but may include roads and footpaths. We will revert to the Committee again following further consideration.”

Do you think there is a possibility of an amendment to clause 3 in that area, Ms Goldring?

**Ms Goldring:** We have been discussing that with the Law Society. I have a concern. It is describing a unit, which has no common areas.

If a flat is a self-contained unit, what is the rationale for keeping it out of the ground rents framework? We are excluding flats and others because they have common areas, which leads to a complexity in establishing ownership. If there are no common areas, why exclude such flats? We need some clarification from the Law Society. I am concerned about the policy behind what is being suggested, but I am not in a position to say anything final at this stage. We are raising the issue with the Law Society.

**The Chairperson:** If there are common areas there may be a need for exclusion.

**Ms Goldring:** The Law Society wants to include self-contained units that have no common areas.

**Mr Leslie:** Clause 3(7)(b) states

“the boundary, or part of the boundary, between at least two such units is horizontal”.

That is fine when there is a flat on top of a flat, but what happens when there is a flat beside a flat? Each criterion of clause 3 has to be satisfied as the word “and” is used in the provision. Would it be helpful if there were fewer criteria?

**Ms Goldring:** If the word “or” were used instead, terraced housing could be included because of the party walls — such housing would fall under paragraph (a). Obviously, we do not want to include terraced housing. We need to be careful to ensure that we include all the kinds of buildings and premises that we need to include.

**Mr Leslie:** I understand the point about terraced housing. However, we could extend the definition and find a form of words specifically to exclude terraced housing.

**Ms Goldring:** Or semi-detached.

**Mr Leslie:** OK, but to what extent is terraced housing likely to be subject to a ground rent? A house is more likely to be held in fee simple.

**Ms Goldring:** No, older terraced or semi-detached properties are likely to be held in fee simple. Excluding those properties would further complicate matters.

**Mr Leslie:** No, you are trying to include them while trying to exclude them from the definition of a flat.

**Ms Goldring:** Yes, that is what I mean. We would then end up with much more complex drafting. If some modern developments are self-contained apartments or self-contained flats that do not have common ways, perhaps we need to extend our idea of what constitutes a

traditional home. If a ground rent is applicable and a property is self-contained, it should not necessarily be excluded from the ground rent legislation just because it looks like an apartment. The criteria for exclusion are the common areas, which brings it into a separate area of property law.

**Mr Leslie:** We will leave the Office of Law Reform to continue to wrestle with the Law Society.

**The Chairperson:** Let them sort it out between themselves.

**The Committee Clerk:** We will seek further advice; it is not possible to finalise consideration of the clause. A further issue on clause 3 is an amendment proposed by the Office of Law Reform, which relates to changes to clause 15 or clause 16.

*Amendment proposed:* In page 3, line 42, at end insert

“( ) Section 2 does not apply to the conveyance or transfer of a dwelling house to —

(a) the Northern Ireland Co-Ownership Housing Association; or

(b) any other housing association (within the meaning of the housing (Northern Ireland) order 1992 (NI 15).

specified by an order by the Department for Social Development subject to negative resolution.”. —[*The Chairperson*]

**Ms Goldring:** That was raised by the Department for Social Development (DSD). It deals with equity-sharing leases, and Mr Lambe will take us through the detail of that.

**Mr Lambe:** Clause 3 already excludes equity-sharing leases from redemption provisions. However, the way it is currently drafted means that a person who enters into a co-ownership arrangement with the Northern Ireland Co-Ownership Housing Association does not have to buy out the ground rent when the full equity has been paid off. The point of the amendment is to ensure that when the Co-Ownership Association purchases property for inclusion in its scheme it is exempt from the requirement to redeem the ground rent. It is simply a way of not inhibiting the provision of social housing in Northern Ireland.

At present the Northern Ireland Co-Ownership Housing Association is the only organisation operating the co-ownership scheme. However, in future, other housing associations may begin to operate that scheme subject to the approval of the Department for Social Development. This second amendment gives the Department for Social Development power to authorise the inclusion of subsequent housing associations.

*Proposed amendment agreed to.*

**The Committee Clerk:** That is an amendment proposed by the Committee on the basis of advice from the Office



of Law Reform. When we return to the clause we will therefore seek to agree the clause with the amendment that has been agreed.

*Clause 3, with the proposed amendment, referred for further consideration.*

#### **Clause 4 (Redemption)**

**The Committee Clerk:** The Committee agreed clause 4 on 19 September. Once again, however, subsequent to that agreement further queries were raised on aspects of the clause. In relation to subsection (2)(a) there were concerns over the requirement for a rent payer to pay the Land Registry the redemption money and, under (2)(e), to pay

“such sum as may be prescribed to defray expenses to be incurred in obtaining a certificate under section 6.”

The Office of Law Reform was asked to clarify the composition of the sum referred to in subsection (2)(e). In its response the OLR indicated that the rent payer would pay two fees; his own application fee and the fee paid by the rent owner under clause 6. Members will note that clause 6 relates only to the fee paid by the rent owner in respect of his application for a certificate of entitlement to redemption.

There is no suggestion or indication that any other cost is involved, for example, solicitors' fees. There are a couple of points in that action paragraph that members may wish to raise.

**Mr Leslie:** This was all wrapped up with our desire to get the Land Registry to simplify what it was doing. I thought the Land Registry had said it would write to us, and it thought that to simplify the procedure suggested might require some amendment. Our suggestion was that, if under subsection 3, a rent payer showed that notice had been served on the rent owner that the application was being made, and if the rent owner acknowledged receipt of the notice, that could be deemed to be sufficient evidence for the automatic payment of redemption money to that rent owner. The Land Registry undertook to consider that.

**The Committee Clerk:** Mr Chairman, there is a proposal, when we get to clause 6, that is in line with that system. It is right to say that clause 6 would be introduced. There are a couple of questions which members may wish to clarify.

**The Chairperson:** Are there any other questions regarding the payment of the £25 fee, for the application of clause 1?

**Ms Goldring:** The question asked here is whether subsection (2)(e) should be amended to reflect the wording so that it specifically refers to Land Registry expenses. If you are happy that it is not, do you not wish to pursue that?

**The Chairperson:** Do members have any queries about that, or are they happy enough?

**The Committee Clerk:** The Committee has expressed concern about what evidence the Land Registry needs to satisfy itself that subsection (4) should apply — that is that the rent payers are excused from serving notice on the rent owner. In response, the OLR said that the Land Registry would require written evidence to that effect. That is something, Mr Chairman, that you may wish to pursue.

**Mr Leslie:** It just depends on the nature of the written evidence.

**The Committee Clerk:** Again, a member may ask about that.

**The Chairperson:** The question really is: what evidence will be required?

**Ms Goldring:** We envisage its taking the form of a declaration that would ordinarily be provided by the solicitor doing the processing. A definite form would be set out in rules. That is how we see it.

**The Chairperson:** There would either be a form or a declaration of some sort written in the rules that a person could sign. That would be straightforward then. That would be clear.

**Ms Goldring:** We anticipate that.

**Mr Lambe:** The legislation provides remedies in cases where a rent payer has obtained a certificate of redemption as a result of fraud or a mistake. I refer you to clause 25 of the Bill.

**The Chairperson:** Are Members satisfied that there is a clear mechanism for identification?

**Mr Close:** Is there going to be a cost for that?

**Ms Goldring:** In providing the declaration?

**Mr Lambe:** It is not a separate application, simply part of the application. When you fill in the form seeking to obtain the certificate of redemption, you either give the name and address of the rent owner or fill in a separate part of the form saying that you do not know the rent owner or that you cannot locate him.

**Ms Goldring:** It is part of the overall application.

*Clause 4 agreed to.*

#### **Clause 6 (Disposal of money lodged with Land Registry under section 4(2): claims thereto)**

**The Committee Clerk:** There was a general concern, and the Committee asked the OLR about the feasibility of a streamlined procedure to be used when the identity of a rent owner is known and the rent payer has served notice. In response, the OLR and the Land Registry provided a possible streamlined procedure. There are

two proposals. For simple claims there would be certain conditions. The ground rent would be a certain amount, or less — presumably set by regulation; the rent owner's identity would be known; and the rent payer would have served notice under clause 4(3). The procedure would be that the rent owner would send an application, in a prescribed form, plus a copy of his statutory notice to the Department of Finance and Personnel (DFP), and it would make a payment of redemption money plus interest.

For other claims the rent owner would send an application, in a prescribed form, with evidence of his title and an application fee — probably £25 (which will not appear in the scheme, I assume). The Land Registry would send a certificate of entitlement to the DFP or reject the application, if appropriate. The DFP would make a payment of the redemption money plus interest. This would include an amount under clause 4(2)(e) to defray the cost of the application fee. That is the scheme.

If members were agreeable to a two-track approach, it would require an amendment to clause 6, which would need to be drawn up in some detail.

**Ms Goldring:** This scheme was not put forward by the OLR, but by the Land Registry. We did not have an opportunity to agree it before it went to the Committee, and we have two concerns about it. The first is the direct payment by the DFP, which is not a good idea because of the quasi-judicial nature of the payment of compensation. The Land Registry should do that. The level of compensation could be the subject of an appeal to the Lands Tribunal, which again suggests that payment should remain the responsibility of the Land Registry. We would like to discuss further with the Land Registry whether that is an appropriate way forward.

The second concern is about how we take into account any superior rent owners. This scheme is probably applicable where there are no superior rent owners — with one rent owner it is straightforward. We need to ensure some kind of mechanism to take into account the interests of any superior rent owners and ensure their access to the compensation.

**The Chairperson:** As we are not clear on the mechanism, would it be best if the OLR proposed an amendment to clause 6?

**Ms Goldring:** We will take that forward with the Land Registry and try to work out something appropriate.

**The Chairperson:** It would not be necessary to involve the DFP if the Land Registry were dealing with the issues.

**Mr Leslie:** I was very surprised that the Department of Finance and Personnel was mentioned here; I expected that the matter would be dealt with by the Land Registry.

I have a further point to make to the OLR on superior rent owners. Curiously, when we questioned the Land Registry, it was much less concerned about protecting itself against mispayment in relation to a superior owner than it was about the immediate ground rent owner, which did not make sense. That should be taken into account when determining the exact working of the scheme. We also have to decide what the value of 'X' should be.

**The Chairperson:** Is it accepted that the fees would compensate for the operation of the fast-stream procedure?

**Mr Lambe:** The adoption of parallel procedure according to the amount of the ground rent redemption may be dealt with by rules without amending primary legislation. However, we are exploring that with legislative counsel.

**The Chairperson:** We cannot move any further on that.

**The Committee Clerk:** There was concern about clause 6(3). Members asked what fee a rent owner would need to pay and how the Bill would provide for such a fee. The OLR said that a fee of £25 would be payable, but the Bill does not include a power to charge such a fee. Members might want to pursue that point.

**The Chairperson:** Does that come into rules, or into another part?

**Mr Lambe:** The general rule-making power is operated under the Land Registration Act (Northern Ireland) 1971, which specifies that the Land Registry may charge fees for the services that it provides.

**The Chairperson:** Will the Bill include a power to vary that fee, or will that power be provided elsewhere?

**Mr Lambe:** That would come under the 1971 legislation, which is the principal legislation that established the Land Registry.

**The Chairperson:** Are there any other questions?

**The Committee Clerk:** There is the issue of a revised clause to introduce a possible fast-stream arrangement. The Committee could return to that and, I hope, agree it.

*Clause 6 referred for further consideration.*

**Clause 12 (Lands in separate occupation subject to single ground rent)**

**The Committee Clerk:** There are a number of concerns about clause 12. First, the Royal Institute of Chartered Surveyors (RICS) questioned its clarity and reasoning. The Committee was concerned that where two or more rent payers share a single ground rent, a redeeming rent payer may have difficulty in recouping appropriate contributions from those jointly liable to pay ground rent before redemption.

The OLR was asked to explain the background to the system by which a joint rent payer indemnifies a second joint rent payer. In the response the OLR said that clause 12, which deals with lands in separate occupation subject to single ground rent, is quite straightforward. It added that the clause deals with a not uncommon occurrence where two — it usually is two in its experience — terraced houses are subject to a single rent payable by one of the occupiers of one of the properties. Either of the two occupiers may separately redeem the ground rent under clause 1 if they do not join together to redeem the rent as is provided for in clause 4(6). In the case of a compulsory redemption, the purchaser of either property is required to redeem the ground rent on both properties, subject to a single ground rent.

The Committee can be reassured that the cases in which this occurs always involve very small ground rents — they might be no more than £5 per annum. The detail of this clause ensures that whoever redeems the ground rent receives a proportionate share of the redemption cost from each of the other ground rent payers. This is a pre-condition of the Land Registry's issuing a copy of the certificate of redemption to any party who did not enjoin in the redemption of the ground rent. Since the certificate of redemption or a copy thereof will form part of the title deeds to any property concerned, this clause makes sure that every person benefiting from being free of the obligation to pay a ground rent shares in the cost of obtaining that benefit. The primary aim of this clause is to ensure that these residential properties fall within the redemption scheme.

The OLR was asked about the circumstances in which a party who did not redeem the ground rent might wish to obtain a certificate under clause 12(3). In its response, the OLR said that a person who did not join in redeeming the ground rent on lands in separate occupation, subject to a single ground rent, would require a copy of the certificate of redemption should he wish subsequently to sell the house, and that he was required, under conveyancing practice, to provide evidence of title to the property. Any solicitor acting for a purchaser would require this as a matter of course.

I have a further point in relation to subsections (4) and (5). These state only that a redeeming rent payer "may require reimbursement" of an appropriate part; they do not expressly entitle him to that money. In light of the fact that subsection (5) indicates that this legislation is intended to secure that money to the redeeming rent payer, the Committee was concerned that subsection (4) might be unsatisfactory. OLR was asked whether subsection (5) would, in all circumstances, allow recovery of the appropriate part. In its response, the OLR said that the use of the word "may" in subsection (4) implies that the redeeming rent

payer may choose not to require reimbursement of his expenses in redeeming the ground rent. Such a person may privately forward a copy of the certificate of redemption to the other person whose land is subject to a single ground rent.

On the other hand, the Land Registry will always require proof that reimbursement has occurred before it will issue a copy of the certificate of redemption to a non-redeeming rent payer. Subsection (5) provides that the amount of reimbursement is a debt owed by the non-redeeming rent payer and may be recovered in civil proceedings. One way or another, should the redeeming rent payer require reimbursement of a proportion of his expenses, there is a mechanism for achieving that.

**The Chairperson:** Are members happy that there is no confusion? The main point is that someone who redeems the rent cannot then hold back that person from selling his property.

**Mr Leslie:** There is a measure of confusion, but it is capable of being unravelled.

**The Committee Clerk:** There is a further point. The OLR was asked if subsection (4) could be safely redrafted to state an entitlement to that money, rather than a mere entitlement to "require reimbursement" of that money, and whether an amendment to that effect was needed. The word "entitlement" to the money is the significant point. The response from the OLR said

"Clause 12 (4) cannot require an entitlement to reimbursement as the redemption may occur voluntarily. In this case the non-redeeming rent-payer should not be obliged to contribute towards the cost of something which he did not seek in the first place" ...An amendment is not advised at this stage."

We need to establish if members are satisfied that the question of entitlement has been sufficiently addressed.

**The Chairperson:** My only concern is whether a second person could get a certificate if he wanted to sell his property; or if it might be held back from him unduly, or more expensive than the original rent.

**Ms Goldring:** It is clear that the amount involved is an apportionment of the compensation owed.

**The Chairperson:** It could not, therefore, be an exorbitant figure?

**Ms Goldring:** No, it could not.

**The Chairperson:** Are members happy?

**Mr Leslie:** Yes. However, although it is fine to say that the non-redeeming rent payer should not be obliged to contribute towards the cost of something which he did not seek in the first place. I want to remind everyone that throughout this Bill the rent owner is required to contribute towards the cost of something that he did not necessarily seek in the first place. Although the point is

different, it is an unfortunate piece of logic to use in the Bill.

**The Chairperson:** The first purpose of the Bill is to ensure that people have the means to redeem their ground rent.

**Mr Leslie:** Yes, but it is forcing a cost upon the ground rent owner. It does not give him full value.

**The Chairperson:** Well, that could all be debated again. Are members content?

**The Committee Clerk:** There is a final point of clarification. When the OLR was asked to explain the system of indemnification referred to in clause 12(4), it said

“The system of indemnification referred to in clause 12(4) deals simply with a private arrangement between the different occupiers of properties subject to a single ground rent as to how much each occupier contributes on a yearly or twice yearly basis to the payment of the single ground rent. If there are two properties subject to a single ground rent then the usual indemnity is that each occupier contributes half of the cost of the ground rent.”

**The Chairperson:** This is similar to the previous point that it cannot be an exorbitant figure.

*Clause 12 agreed to.*

#### **Clause 13 (Effect of redemption on titles)**

**The Committee Clerk:** The Committee was concerned that the nature of the rent owner’s remaining legal interest after redemption was unclear. The Office of Law Reform was asked to explain what residual interest, or title, remains in the rent owner’s name after the operation of subsections (1) and (2) and whether any rights become enforceable against the rent payer. The OLR responded that

“The residual interest of the rent-owner and his or her successors in title following the operation of Clause 13 (1) dealing with fee farm grants and Clause 13 (2) dealing with leasehold estates is the right to enforce covenants in accordance with clauses 16 and 17.”

The OLR was also asked whether the residual interest is capable of transfer by the rent owner, and the reply was that the right to enforce a covenant was capable of transfer for market value.

**The Chairperson:** That will come in under the clause about covenants.

*Clause 13 agreed to.*

*Clause 14 agreed to.*

#### **Clause 15 (Mortgages and leases)**

**The Committee Clerk:** The Committee expressed concern about subsections (1) and (4). It was stressed that existing or pending mortgages should not be affected by the Bill. The OLR has asked us to confirm that redemption will have no practical effect on any

mortgage in existence, or pending. It has confirmed that mortgage lenders expressed concerns and two amendments were therefore proposed. Members have copies of these.

Earlier we thought that there were two, but in fact there is now only one amendment to clause 15.

**Ms Goldring:** That relates to the deletion of subsection (3).

**Mr Lambe:** The amendment which will remove subsection (3) has not yet been drafted. We intend to repeal because it is an unnecessary obligation for mortgage lenders to have to resubmit a certificate of redemption to the Land Registry. The registrar has the power, under other provisions in the Bill, to make any necessary corrections to the title to the property. This will constitute a repeal amendment.

**The Committee Clerk:** The amendment mentioned here is: In page 10, line 24, at end insert

“and any provision in the instrument providing for an estate acquired by the mortgagor to be held in trust for the mortgagee or appointing the mortgagee as the mortgagor’s attorney in relation to such estate, applies to the fee simple”.

May we please have an explanation of that?

**Mr Lambe:** The purpose of that amendment is to put beyond doubt the interests of the mortgagors as lenders. This will ensure that once the title to a property has been enlarged, if it becomes a freehold estate after redemption, the mortgagor’s title will apply to the enlarged freehold estate rather than to the original leasehold estate. We are trying to put the matter beyond doubt, so that the position of the banks is secure. The banks appear to be quite content.

**Ms Goldring:** We are not absolutely convinced that there is any mischief in the current wording. However, we are making this amendment in order to be sure. This is one of the amendments that I initially had reservations about. The exact format and the placement of the amendment within the clause have not been agreed with legislative counsel. I ask the Committee to keep that in mind. The substance is contained in the draft given to the Committee.

**The Chairperson:** The best way to deal with this is probably to consider it at the same time as the second amendment to this clause. We could deal with both of them together.

**Ms Goldring:** That is the repeal of subsection 15(3).

**The Chairperson:** Yes.

*Clause 15 referred for further consideration.*

#### **Clause 16 (Covenants)**

**The Committee Clerk:** The Committee had a number of concerns. First of all, the OLR was asked to confirm whether an amendment has been proposed to protect the



position of the Northern Ireland Housing Executive (NIHE) as regards the enforceability of covenants which the NIHE includes in deeds under which dwellings are sold to sitting tenants. The response from the OLR was

“The Committee is aware of the concerns of the Housing Executive as regards routine covenants contained in leases when they sell on properties to sitting tenants. Officials in the OLR have met with colleagues in Housing Executive to discuss their concerns. First Legislative Counsel has drafted an amendment to Clause 16 (see attachment) expressly to refer to the particular Housing Executive covenants. A consequential amendment to Clause 17 on the enforceability of such covenants has also been drafted.”

*Amendment proposed:* In page 12, after line 11, insert

“(j) any covenant, not falling within any of the preceding paragraphs, which is contained in a lease granted by the Northern Ireland Housing Executive before 10<sup>1</sup> January 2000 and relates —

- (i) to a district heating supply provided by the Executive; or
- (ii) to the repayment to the Executive of any discount of any part of the purchase price under a house sales scheme

made under the Housing (Northern Ireland) Order 1983 (NI 15).”  
— [The Chairperson]

*Proposed amendment agreed to.*

**The Committee Clerk:** May I just confirm that no further amendments are needed?

**Ms Goldring:** No further are required.

**Mr Leslie:** We have not talked about subsections (4) and (7).

**The Committee Clerk:** Quite right. Actually we have not talked about subsection (3) either. I am jumping ahead of myself. The Committee was concerned about covenants relating to party walls. The OLR was asked to provide a detailed explanation of the policy reason for this subsection and to indicate the connection between this provision and the purposes of the Bill. In response, the OLR said

“Clause 16(3) deals with the future effect of party fence declarations where a ground rent payable by either or both of two neighbours is redeemed. Such covenants are converted into positive covenants by each party to pay half the cost of repairing or replacing the fence or wall, and such covenants bind successors in title (see Clause 17(3)). The policy behind this provision acts to mitigate the general principle that redemption of a ground rent extinguishes all covenants on the ground redeemed apart from those listed in Clause 16. This provision is necessary to preserve the interest of a neighbour of someone who redeems the ground rent where there is a covenant expressed to benefit that neighbour’s land in regard to boundary/party walls or fences by a virtue only of a covenant enforceable between the rent-owner and the rent-payer. In such circumstances the person benefiting from the covenant may not be the rent-owner. This is a necessary provision.”

Concerns have been voiced that subsection (4) appears to cancel a considerable part of the effect of subsection (2) in that covenants bind only the covenantor — the ground rent owner — even if the list of surviving covenants will not survive. In the response, the OLR

said that clause 16 (4) provides that personal covenants enforceable only against the covenantor cease to have effect post-redemption. In that case, there would be no question of the covenants being enforceable against successors in title, even without redemption, as they are personally enforceable only against the covenantor. Personal covenants that are not expressed to bind successors in title would never be covenants benefiting or burdening land, and there is no policy requirement to continue their operation after the redemption has taken place. An example from case law is that the original lease holder covenants to pay the rates in respect of other land.

**Mr Leslie:** On subsection (3), I wonder whether the assumption that 50-50 is a fair apportionment is right. The covenant might have prescribed another apportionment.

**Mr Lambe:** As a particular wall or fence relates only to two adjoining properties, a 50-50 split seems fair because both would benefit from the maintenance and repair of that structure.

**The Chairperson:** Nobody else would benefit in that situation?

**Mr Lambe:** No.

**Mr Leslie:** But if the ground rent owner sold the adjoining land, provided that the person on the adjoining land maintained the wall or fence, he would be in a 0-100 position — quite deliberately — under the covenant. Surely he should be able to stay in that position.

**Ms Goldring:** We may want to look at that to see whether it is possible to use general wording that might reflect the original agreed terms.

**Mr Leslie:** If there were agreed terms, they should subsist.

**Ms Goldring:** We will have a look at that issue if the Committee is content.

**The Chairperson:** Are we agreed on the other issues? This is the only point on which we are not agreed.

**Mr Leslie:** On subsection (3).

**The Committee Clerk:** Members have no issues to raise on subsection (4)?

**Mr Leslie:** Subsection (4) concerns an assertion that personal covenants would never benefit or burden land. I do not know whether that is true.

**Mr Lambe:** Personal covenants are extremely rare, especially in modern days.

**Mr Leslie:** If I sold land to Billy Bell, whom I know to be noisy, and I personally bound him under covenant

to be quiet, I would not want to lose that covenant just because he had redeemed the ground rent.

**Mr Lambe:** You would not lose the benefit of that covenant because of the wording of the covenant —

**Mr Leslie:** But it would bind only Billy Bell.

**Mr Lambe:** Any lease would always contain a covenant for quiet enjoyment of the property.

**Mr Leslie:** Perhaps that is not a good example. I was trying to think of a personal covenant that would be a good example. Does this apply only to what you have cited here?

**Mr Lambe:** Such covenants are extremely rare and the examples we can give emanate from nineteenth-century case law, when they were much more prevalent.

**Ms Goldring:** The list of covenants in clause 16 covers all that a common covenant would cover, such as causing nuisance or annoyance.

**Mr Leslie:** But surely if any covenants under subsection (2) were particular to a certain person, then as a result of subsection (4), they would fall.

**Ms Goldring:** It would be foolish conveyancing to put one of these standard covenants that benefits or burdens land into a purely personal capacity. I do not think that that would happen.

**The Chairperson:** This would apply especially in relation to one individual where it has been part of the ongoing process. It would be bad dealing on the part of the solicitor.

**Mr Leslie:** That does not mean that it would not happen.

**The Chairperson:** So Mr Bell will have to keep the jukebox down.

**Mr B Bell:** I would like you to keep me out of it.

**The Chairperson:** That deals with subsection (4).

**The Committee Clerk:** The Committee has expressed a concern about the definition of “neighbours” in subsection (7). The Committee was concerned that the limited definition of “neighbours” appeared to allow the covenants at 16(2)(g) and 16(2)(i) to survive only in the context of a building scheme. It appeared that similar covenants between a rent owner and a rent payer who were neighbours, in the ordinary sense of the word, would not survive. In its response the OLR said

“The reference to neighbours in this context is to make ‘special provision’ for neighbours who live within a new build development where the leases contain reciprocally enforceable covenants (for example, not to erect garden fences).

“Whether or not ‘neighbours’ are benefited or burdened by surviving covenants will always depend on the nature of the covenant

and the land specified therein. An occupier of a parcel of property may benefit from a covenant even if he or she has not been party to the deed containing the covenant.”

Members may wish to consider whether they have any further concerns about the definition of “neighbours.”

**Mr Leslie:** Subsection (2) says

“ ‘neighbours’ means other participants”.

If “means” were changed to “includes”, it seems to me, that would avoid doubt.

**Mr Lambe:** I have some difficulty with that suggestion. What the Committee needs to remember about this definition of “neighbours” is that it is not the traditional definition, as in “the person who lives next door to you”. It could be any person living within a particular development who would have the right to enforce certain types of covenant if that, on the back of enforcement, is contained within the lease, which is normally a common lease to which all occupiers within that development are subject. It defines “neighbours” in a special way to accommodate building schemes that are modern developments.

**The Chairperson:** Part of our debate was about whether it related to a single house where someone had sold off a piece of land and one house had been built on it. It would not be part of a building scheme but there could still be the same sorts of problems.

**Mr Lambe:** If it were a traditional pair of semi-detached properties, any covenant listed in clause 16(2) that benefited or burdened either of those properties would continue to be enforceable according to the terms of clauses 16 and 17. Special provision does not need to be made for neighbours in that traditional context.

**Mr Leslie:** So are you saying that the interpretation of the drafting is that this is additional to the common definition of “neighbours”?

**Mr Lambe:** Yes. This binds neighbours to put any owner-occupier of any one that is relevant —

**Mr Leslie:** I was suggesting that we should put in that word.

**Mr Lambe:** I am content to go back to counsel.

**Mr Leslie:** I thought that it made it clearer.

**The Chairperson:** If it is additional, and the existing legislation is already in place, the question is whether it serves a useful purpose where the clause refers to a building scheme.

**Mr Lambe:** Perhaps the use of the word “includes” gives rise to the presumption that the covenants referred to in 16(2)(g) and 16(2)(i) were the type of covenant that would be enforceable between neighbours in the traditional sense.

**The Chairperson:** This could be a reduction to some extent rather than an extension.

**Mr Lambe:** It could produce a false presumption. These types of covenants apply only to a development building scheme.

**Ms Goldring:** It could have the effect of narrowing down the application of 16(2). Perhaps it would raise a question.

**Mr Leslie:** We want to be sure that it means neighbours in the traditional sense and participants in the building scheme. I am not referring to paragraph (i) but to (g)(ii), for example.

**Ms Goldring:** Our view is that it does cover it, but we can go back and have a further discussion.. I doubt if we could settle it today.

**The Chairperson:** Do we want the OLR to give it further consideration?

**Mr Leslie:** Yes. We need to be satisfied on that point.

*Clause 16, with the proposed amendment, referred for further consideration.*

#### **Clause 17 (Enforceability of covenants)**

**The Committee Clerk:** The Committee had some concerns on clause 17. The clause provides the circumstances in which covenants that survive under clause 16(2) may be enforced. Each type of covenant is dealt with individually. The Office of Law Reform was asked whether the covenants listed under clause 16(2) would be enforceable only as described in clause 17. It has confirmed that this is the case.

**The Chairperson:** There is also an amendment.

**The Committee Clerk:** There are amendments to that part of the clause, but they are not related to that particular point.

Are members content with the Office of Law Reform's response about the covenants under clause 16(2) being enforceable only as described in clause 17? If so, we can then look at the two amendments.

**The Chairperson:** Are members content?

**Mr Leslie:** I will think about it while you look at the other two.

**The Committee Clerk:** The OLR has proposed two amendments to be inserted at this part of the clause.

The first is: In page 12, line 30, after "16(2)(a)" insert "or (j)(ii)".

**The Chairperson:** May we please have an explanation of that?

**Mr Lambe:** These amendments are to ensure that the new covenants relating to Housing Executive leases can be enforced.

**The Chairperson:** So they relate to the Housing Executive?

**Mr Lambe:** Yes, they relate only to the Housing Executive.

**The Committee Clerk:** The second amendment is: In page 12, lines 40 and 41, leave out "or (h)" and insert "(h) or (j)(i)".

**The Chairperson:** This is the same issue.

**Mr Lambe:** Yes.

**Ms Goldring:** Just to remind you of the proviso I made at the outset, the substance of this amendment has been agreed with legislative counsel. There is a query over the placing of the amendment, and I would not advise you to agree it as it is set out here.

**The Chairperson:** Perhaps we should come back to it instead of finalising it now. If we agree an amendment, we will be agreeing its specific terms. It is probably safest to come back to that.

**Ms Goldring:** Yes.

**The Committee Clerk:** In any case the schedule would probably be the same. The amendment would not be absolute.

Members raised concerns about the impact of clause 17(6) on clause 16(2)(g). Subsection (6) provides for covenants described at clause 16(2)(g) to be enforceable by and against the rent owners and participants. Participants exist only in the context of a building scheme, and it therefore appears that a covenant of the type described in clause 16(2)(g), where a building scheme is not deemed to exist, will not be enforceable. The Office of Law Reform was asked about the enforcement of such covenants and a response indicated that clause 17(6) deems a building scheme to subsist in relation to the enforceability of covenants listed in clause 16(2)(g) where no building scheme already exists. Clause 17(6)(b) preserves the enforceability of these important amenity covenants between neighbours who otherwise have no legal relationship.

**The Chairperson:** Are members happy enough with that response? Agreed.

**The Committee Clerk:** The Office of Law Reform was also asked whether the existing wording at line 17 of subsection (6)(a)

"the rent-owner and his successors"

is intended to mean the rent owner and his successors in title. This interpretation implies that it would not be appropriate to involve successors who have no interest

in the title. The OLR has indicated that it has sought judicial counsel on this matter. Members may wish to see whether there is any outcome.

**Ms Goldring:** It is a minor drafting point. We have not yet received a response.

**The Chairperson:** We will come back to that.

**Mr Lambe:** Because the phrase “successors in title” is used in line 14, it might be unnecessary for counsel to have to repeat the full phrase, but we will check that.

**Mr Leslie:** I have a question about 17(2), which reads

“A covenant to which section 16(2)(b) applies is enforceable by the covenantee and his successors in title against the covenantor and his successors in title.”

This should be the position in relation to 16(2), and I wonder why it is not.

**Mr Lambe:** That is an interesting point. The interest that a rent owner has in a property subject to a ground rent is the interest in receiving the rent. The rent owner normally has very little other interest in that property. With the extinguishment of the ground rent as a result of the redemption, we are trying to break the tie between the rent owner and the rent payer, unless it is necessary to preserve the tie for the integrity of property. That is why we are not continuing the effect of personal covenant and laying down specific rules about what types of covenant are enforceable, by whom and against whom. It is a new statutory scheme which the Law Society feels will be a considerable improvement on existing law.

**Mr Leslie:** The problem is that clause 16(2)(g) refers to a series of covenants. Very often these covenants have been more valuable to a ground rent owner than the ground rent itself. If they evaporate, many ground rent owners will think it exceedingly unjust. It is quite possible that much of this land would not have been sold without those covenants.

Therefore the restrictions that clause 17 places on the ability to enforce covenants under clause 16(2) considerably expand the impact of the Bill, which I see as being about the extinguishing of ground rent and the uplifting of title. Removing covenants cannot be justified. Being a policy matter, it is a little difficult for you. I do not wholly accept the explanation you have given.

**Ms Goldring:** We remain of the view which we put forward in our response — namely, that the non-applicability of personal covenants is the correct policy approach.

**The Chairperson:** Mr Leslie has said that there are occasions on which the land would not have been sold if the covenants had not been placed. The covenants sometimes become a negotiating point. If land is vested

from people with covenants built in, the situation is different. However, where people sold land with a covenant, they also sold that covenant. The concept of people’s trying to sell something while holding on to it at the same time does not appeal to me.

**Mr Leslie:** One must remember that sale prices almost certainly reflect both the covenants and the ground rents. Sold completely free of encumbrances, land is clearly more valuable and will command a higher price than if subject to them. There is a distinct difference in both the contract and the price which it would have fetched.

**Ms Goldring:** All the common covenants for the protection of the land are already covered under clause 16(2).

**The Chairperson:** Landscaping, cutting down trees and so on are all covered?

**Ms Goldring:** Yes.

**Mr Leslie:** Clause 17(4) says that a covenant

“is enforceable ... against the same person as it would have been enforceable ... had the ground rent not been redeemed”.

Does that cover the person’s successors? If so, there is no problem with your answer.

**Mr Lambe:** That would preserve the enforceability of the covenants listed in clause 16(2) paragraph (b), (c) or (g), as agreed between the original parties to a lease or whomsoever that particular covenant would have been enforceable against or enforced by. That is not a general rule which applies to all covenants which survive redemption.

**Mr Leslie:** Where covenants would have applied to successors in title, that continues to be the position, since it is the same person.

**Mr Lambe:** Only so far as the covenant is expressed by this legislation — namely, to be enforceable by or against successors in title.

**Mr Leslie:** That is the nub of the issue. I return to the same point. Let us take for example a covenant in clause 16(2)(g) which currently exists. Mr Bell is the covenantor and I am the covenantee. Let us suppose that Mr Bell sells the land to another. Is that person then the covenantee under the same terms? If the covenant has successors in title, does it survive the impact of clause 17(4)?

**Mr Lambe:** It does. Line 43 states that

“a person taking conveyance of the estate in fee simple”

is to be regarded as a person with regard to whom one of the covenants listed there is enforceable by or against.



**The Chairperson:** There appears to be stalemate. Either we look at this again or we agree to it. I suggest that we agree to it.

**Mr Leslie:** I will have to return to that. I am not sure whether the assignee of the lease — I believe that is the term for the next person who buys property subject to a ground rent — is redeeming the ground rent.

**Mr Lambe:** In the majority of leasehold estates when the property is subsequently sold, it is sold by way of assignment rather than with the creation of a sub-lease.

**Ms Goldring:** It may reassure the Committee to know that the Law Society, the group of expert conveyancers, is content with the covenant scheme. It just raised the issue about the actual interest that remained, but other than that it was generally content that this is a fair and workable scheme. That was said in evidence.

**The Chairperson:** I would go along with the Office of Law Reform, but it is not as simple as that.

**Mr Leslie:** It is very odd that clause 17(2) does not apply to most of the provisions in clause 16(2). Why is it differentiated by clause 17(4)? If it is not different, why is it differentiated?

**Mr Lambe:** The answer is that covenants for indemnities are the equivalent to a debt obligation.

**Mr Leslie:** Is that what clause 16(2)(b) is?

**Mr Lambe:** That is why it excludes indemnities that are expressed as relating to the ground rent, but there could be other indemnities in the lease.

**The Chairperson:** Does it wipe them out?

**Mr Lambe:** It does not wipe them out because that would normally involve a payment of money.

**The Chairperson:** Perhaps we could agree on this, unless there is a specific point that we need to clarify — and there will be further opportunities to explore it.

**Mr Leslie:** Clause 17(2) should read

“a covenant to which section 16(2)(b), (d), (e), (g) and (h) applies”,

and perhaps paragraph (c) should be included as well.

**The Chairperson:** That has already been covered, and there is no point in rewriting it.

**Mr Leslie:** If clause 17(4) enables a covenant against successors in title to be enforced, why is it written differently? There may be a covenantor in the case of clause 16(2)(b), who is the person giving the specific indemnity.

**Mr Lambe:** That provision deals with a very specific covenant.

**Mr Leslie:** We should move on, but I shall continue to reflect on that issue.

**The Committee Clerk:** We will need to return to clause 17 to deal with finalised amendments. Perhaps at that point the Office of Law Reform will be able to give us further explanation.

**The Chairperson:** We can go back to these points later.

**Mr B Bell:** We have not finalised clause 17.

**The Committee Clerk:** No. The two amendments require further refinement and confirmation.

*Clause 17 referred for further consideration.*

### **Clause 18 (Settled land)**

**The Committee Clerk:** Clause 18(1)(b)(2) states that

“references, however expressed, to an estate of a rent payer are to be read as including references to the estate in the settled land, which is the subject of the settlement or the title to that estate”

The Office of Law Reform was asked whether subsection (1) is intended to apply to all references anywhere, and not merely to those in this Bill. The OLR has confirmed that in clause 18(1)(b)(1) “references, however expressed” needs to be read subject to the governing principle stated at the beginning of this clause, that is “in the application of this Act to settled land.” This Bill does not touch on other aspects of the law dealing with settled land, such as the powers and duties of limited owners or trustees. Are members satisfied with that explanation?

**The Chairperson:** Are we happy that this is just dealing with one particular issue and not wiping out other clauses or guarantees within the settled land Act?

*Members indicated assent.*

*Clause 18 agreed to.*

*Clauses 19 and 20 agreed to.*

### **Clause 21 (Mental patients)**

**The Committee Clerk:** There is one item of concern with clause 21. When considering this clause, members noted that “controller” was not defined in the Bill. It was defined in the Mental Health (Northern Ireland) Order 1986, but members considered that the definition could be included in this Bill. The OLR was asked to consider this point and confirmed that “controller” is defined in the Mental Health (Northern Ireland) Order 1986 and that it is unnecessary to replicate that definition in the Bill.

*Clause 21 agreed to.*

*Clauses 22 to 26 agreed to.*

### **Clause 27 (General interpretation)**

**The Committee Clerk:** The Committee noted that “Registrar” and “Land Registry” are used throughout the Bill but are not defined. The Office of Law Reform was asked to confirm that the terms, as used in the Bill, are properly defined. Its response was that “Registrar” and “Land Registry” are defined in the Land Registration Act (Northern Ireland) 1970 and that there is no need to repeat the relevant provisions in the light of clause 27(4).

**The Chairperson:** The thinking was that it should stand part of the explanations at the end for general guidance, rather than be written into the Bill itself.

**Ms Goldring:** It is general drafting policy not to clutter a Bill with definitions that are already set out in other legislation.

**The Chairperson:** That is usual, but some straightforward definitions, such as that of the National Trust and issues concerning it, are given. We are confused, because the Land Registry may mean one thing under this Bill and another under other legislation.

**Ms Goldring:** Clause 27(4) covers that.

*Clause 27 agreed to.*

#### **Clause 28 (Interpretation: “ground rent”)**

**The Committee Clerk:** In considering subsection (1) the Committee is aware that a considerable number of ground rents are set at £1. The definition of nominal rents excludes those rents. The Office of Law Reform was asked whether the definition of a nominal rent should be amended to include rents of £1 or less. In its response the OLR said

“It is a matter of judgement at what level the definition of a nominal ground rent should be set. We have decided that the nominal rent should be set at an amount of less than £1. Setting a figure of £1 or higher would take a large number of existing ground rents outwith the redemption scheme. We believe that at this stage it is prudent to include such rents within the redemption scheme.”

The OLR is to seek further advice, but this is a decision for the Committee.

**The Chairperson:** The Committee’s view is that the proposal would speed up the process, because the issue would be removed from the Bill and put into the declaration.

**Ms Goldring:** The OLR is concerned that because so many ground rents are set at £1, there are a great many exclusions, and there is no satisfactory system in place for rents under £1. That is what we meant by “prudent”. At this stage it would be better to include such rents to achieve clarity.

**The Chairperson:** Do members agree?

**Mr B Bell:** I am inclined to take that advice.

**Mr Hussey:** If a nominal rent were set at £1, would a great deal more people take out a ground rent?

**Mr Leslie:** Leaving the figure as it is would cover a considerable proportion of rents, but if we make it £1 or less, as the Law Society suggests, it would knock a huge number of ground rents out of the Bill.

**Mr Hussey:** Surely that is the whole purpose of the provision.

**Mr Leslie:** What is?

**Mr Hussey:** Its main purpose is to get rid of as many ground rents as possible.

**Mr Leslie:** So leave it as it is.

**Mr B Bell:** That is what we are saying.

**The Chairperson:** Mr Hussey’s interpretation is the same as mine. There is a simple declaration for £1 ground rents, but people might feel that it was not worthwhile going through the proposed procedure. The current procedure is simpler and cheaper.

**Mr Hussey:** There would be a procedure to go through, and solicitors would have to be contacted — all for the sake of £1.

**Ms Goldring:** I realise that, under the multiplier, £1 will not amount to a great deal.

**Mr Hussey:** It would be lost in fees.

**Ms Goldring:** Under that system, the objective is to get as few ground rents in as possible, because an alternative has not been worked out.

**The Chairperson:** Rather than leaving such ground rents in limbo, would bringing them under the provision allow speedier and more effective clearing?

**Ms Goldring:** I think so, but I am concerned that so many would be excluded from the main scheme.

**The Chairperson:** No one would bother to take them out if they were excluded from the scheme.

**Ms Goldring:** Yes.

**Mr Leslie:** They are unlikely to use the section 1 procedure, and cost is not a problem with the section 2 procedure, because they have to pay the solicitor anyway.

**The Chairperson:** You are going to be selling the property on, so it is only a —

**Mr Leslie:** The way it works in practice is in line with what you are saying.

**Mr Hussey:** If that is the way it is going to work in practice —

**The Chairperson:** It would not actually happen, and this way forces it to be sorted out if the property were to be up for sale. With the other way, it would not have to

be sorted out, and it would continue on in just the same way. To achieve what we want, and what Derek Hussey is covering, we have to include it rather than exclude it.

**Ms Goldring:** That is probably the best way to achieve that.

**Mr B Bell:** Are we all satisfied about this? Is there no strong feeling either way?

**The Chairperson:** The problem is to find a way to get rid of as many ground rents as possible, and as quickly as possible. If a ground rent is not included in the scheme, when the property is being sold it will not be dealt with and will continue after the sale. We have to include ground rent to ensure that it is dealt with at the time of sale.

*Clause 28 agreed to.*

*Clauses 29 to 32 agreed to.*

### **Clause 33 (Short title)**

**The Committee Clerk:** Perhaps, we can agree both the short title and the long title.

The Office of Law Reform was asked about a possible change to the long and the short title, mainly the short title. It shows that the Bill covers domestic ground rents only. In its response, the OLR said that legislative counsel has suggested that the short title to the Bill should be left as it is. Any reference to dwelling house or domestic property in the title would be potentially misleading, as the Bill may apply to mixed property which is not totally domestic, or to undeveloped land subject to a building lease. We agree with this and advise against any change to the short title. It is a matter, therefore, for members.

*Clause 33 agreed to.*

### **Schedule 1 (The redemption money)**

**The Committee Clerk:** There are a couple of issues in schedule 1. The Committee considered the intention that, when ground rent is fixed and the multipliers applied to the redemption money, where the ground rent is subject to a provision for increase, the redemption money takes account of that provision but is subject to a discount of 8% per annum. The increase is ignored if it occurs more than 12 years after the application date. The Office of Law Reform was asked to clarify the matter.

We seem to have lost part of the clause. Can we return to schedule 2 on the next occasion?

**The Chairperson:** Do you want to deal with it?

**Ms Goldring:** We have a note here explaining that clause. This kind of provision for an increase is a characteristic of modern leases and is not found in the older leases. What we are trying to do here, as in the rest of the Bill, is strike a balance between the rights of the rent payer and those of the rent owner.

The paragraph provides that any increase would take place more than 12 years after the date of redemption. Twelve years has been selected, because that is the time used in the doctrine of adverse possession. Any action to recover land 12 years after the right of action is accrued is time-barred.

The paragraph takes account of the value represented by the provision for future increases by aggregating the amounts represented by the increase in the calculation of the redemption money. It tries to take account of the value of the fact that the ground rent can be increased within the 12-year period. We have discounted it, because it is not an immediate right but something that is in the future. In accordance with normal valuation practices, there is a need for a discount on that.

The figure of 8% is intended to reflect a balance between the interests of the rent owner and the rent payer. We are content that the human rights implications of the policy are coherent with the rest of the policy in the legislation.

**The Chairperson:** Are we satisfied with the explanation?

**Mr Leslie:** No. What you are doing here is applying a double discount. It very specifically applies to this kind of ground rent which had set out to protect itself against inflation by having some provision for increasing the amount of the ground rent. Therefore, the ground rent had real money value, which was protected over time, and by taking that away and paying a multiplier that is about 50% of my value, you are already heavily discounting it.

**The Chairperson:** We will have to close at that point. There is a Division in the Chamber.

*Schedule 1 referred for further consideration.*





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## NORTHERN IRELAND ASSEMBLY

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### FINANCE AND PERSONNEL COMMITTEE

Thursday 26 October 2000

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### STREET TRADING BILL (NIA 2/00)

**The Deputy Chairperson (Ms Gildernew):** With us today are Ms McKinney and Mr Elder (Coleraine Borough Council) and Mr McKeever and Mr Kerr, who are street traders. You are all welcome. Following your presentations, Committee Members will put questions to you.

**Ms McKinney:** First, I would like to thank the staff of the Department for the work that they have put into the Bill. We are quite pleased with most of the items in it but have some concerns that we hope to sort out. I apologise for the way that this presentation has been put together; we were called to the meeting at the last minute.

We have concerns about clause 2(2)(a) and (b) and the reference to petrol forecourts. We have had problems with the subletting of petrol forecourts for hot food trading. If the traders are outside the 10 metres limit, even though they are on the petrol station premises, we will not be able to deal with it. The council is concerned about that.

Under clause 4(1)(a), the council has to publish a list of designated streets in the paper. It has not been clarified who can make representations after publication. If we designate a street in Coleraine, is it realistic for somebody from another town in the district to say that he wants to make representations? We feel that only people living inside a particular zone should be able to object. Other street traders could come from another area and object to that.

If councils refuse to designate any areas for street trading in a main town, can that decision be challenged? Usually, councils decide not to designate streets in order to keep traders away from retail outlets. Councils feel that they have to protect those outlets, which have much higher overheads, but under unfair competition regulations we cannot really do that.

Councils are also concerned about their duty to consult. We do not have a problem consulting the RUC and the Department for Regional Development. However, can the Roads Service veto a decision? When we discussed this, councillors were supportive of the

idea that street traders should use lay-bys, where they are providing a service for motorists. We are worried that the Department of the Environment will say that it does not want anybody in lay-bys, one reason being that the lorries destroy the verges. I have said that lorries can still park in lay-bys, even if there are no street traders. They do not want traders in lay-bys, but we would like to be able to permit it.

Clause 7(2) says

“A council may, when granting or renewing a street trading licence, specify in the licence such further conditions as it considers reasonable.”

Is there a definition of “reasonable”?

We ask for clarification on clause 9, which deals with discretionary grounds for refusing an application. Of course, the Roads Service and the RUC may say that this is already covered — for instance, that there is no space. Clause 9(1)(a)(i) gives the following ground for refusal of an application:

“the location at which the applicant wishes to trade as a stationary trader is unsuitable”.

Can what is deemed to be an “unsuitable” location be clarified? Inadequate space and undue interference are also mentioned, but those two areas appear unsuitable in themselves.

Clause 15 deals with the grant of a temporary licence, and states how no more than five temporary licences can be granted. I met Sharon Scott of Coleraine Borough Partnership, and was informed that, on several occasions, the organisation had been unable to get temporary licences, although it often has more than five promotions. Granting up to 12 temporary licences, which is one per month, would be more reasonable. Otherwise, some promoters may be bound rather tightly to those conditions.

Clause 17 deals with unlicensed street trading. Will this apply to a licensed street trader who operates on a pitch that is not designated? Will he be recognised as a licensed street trader, or will he be given a fixed penalty if he moves pitch? Will he be different from an illegal trader who comes in out of the blue?

We would like some clarification on clause 25. Subsections (4) defines a public place as

“a place in the open air within 10 metres of the road or footpath”.

We welcome that definition but are concerned that some car boot sales may come under it. Has the Department any ideas how to distinguish that type of sale?

**The Deputy Chairperson:** We have listened to your concerns, and we will pass them on. We cannot answer those questions; the Department will have to do that.

**Ms McKinney:** The Department has explained how it set out the model conditions, which standardised licence and conditions throughout the Province, and

provides each council area with exactly the same licensing procedures.

**The Deputy Chairperson:** Those are your main concerns. Let us move to the point of view of the street traders.

**Mr McKeever:** My name is John McKeever. As a street trader, I hold licences from different councils in Northern Ireland. I thank everybody for the opportunity to come here. I was, however, notified at the last minute.

Having read the Bill, I must first point out that paragraph 5 of the Explanatory and Financial Memorandum states

“The policy objectives of the Bill are to enable district councils to control and regulate street trading”.

The legislation will also protect the street trader. I do not know whether those who drafted the Bill looked at the parliamentary debate that took place during the passage of the Street Trading (Regulation) Act (Northern Ireland) 1929, but it was stated several times that that Bill would regulate, control and protect the street trader. There is no mention of protecting the street trader in the policy objectives of this Bill. Street trading should not become prohibitive. The Hansard record of the debate in 1929 should be examined closely.

There are some things in the Bill about which I am uncertain. Clause 3(3)(a) states

“only specified articles, things or services, or classes of specified articles, things or services may be sold or supplied from street trading pitches in that street”.

If that is to be the case, there must be provision to prevent councils from establishing what would amount to a blanket ban. Many councils in Northern Ireland operate a blanket ban in town and city centres. Again, according to the debate in 1929, that was not the intention behind the original legislation.

Any provision in the Bill must be consistent with competition law and free trade. If there is to be a blanket ban on street trading in a particular town or city, it will unfairly prohibit the street trader.

Clause 5(7) states

“An application under this section shall contain such further particulars relevant to street trading as the council may reasonably require.”

That subsection will have to be examined again because of privacy rights under human rights legislation. As it stands, it is too strongly worded.

Clause 7(2) states

“A council may, when granting or renewing a street trading licence, specify in the licence such further conditions as it considers reasonable.”

Obviously, there must be specific criteria for that. Again, I feel that the subsection is too strongly worded, as are both paragraphs of clause 8(3).

Clause 9(1)(a) contains the word “unsuitable”. What does that mean? Very clear criteria or guidelines are essential. Paragraphs (c) and (d) of clause 9(1)(c) and (d) deal with applicants who may be

“unsuitable to hold a street trading licence.”

What does that mean? It must be clarified.

Clause 9(1)(f) provides for the eventuality that

“the applicant has failed to provide the particulars required by the council to deal with the application.”

“Particulars” needs to be more closely defined.

Clause 10 (3)(b) is open, in my opinion, to abuse, as is 10(1)(e), which provides for revocation if

“the licence holder is, on account of misconduct or for some other reason relating to trading activities unsuitable”.

That is open to abuse by a local authority.

Clause 12 (2)(b) states

“the representation relating to the proposal may be made in writing to the council.”

There should also be an opportunity to make an oral submission.

Clause 14(5) deals with temporary licences:

“A council shall formulate, and make available to any person on request, criteria with respect to the granting of temporary licences by it under this section.”

That is open to abuse by the council as well. This is also the case in paragraph (6):

“A council may at any time amend or replace the criteria it has formulated under subsection 5.”

That could lead to inconsistencies if the local council were to misuse its power.

Clause 15 deals with fees and charges for licences, and subsection (1)(c) states that a council may charge

“such fees as the council may determine and as may be sufficient.”

The 1929 Street Trading (Regulation) Act (Northern Ireland) was introduced, as clearly set out in the parliamentary debates, to ensure that street traders were not carrying too heavy a burden of costs, especially if they were trading in a number of councils areas. Otherwise they would have had to obtain six, seven or 10 different licences. We must consider the costs for the purposes of this Bill.

Clause 15(5) states

“The notice shall specify a period, being less than 28 days from the date of its first publication in accordance with subsection (3)(b), within which written representations concerning the proposed fees or charges may be made to it within the period specified under subsection (5).”

There should be an opportunity to make an oral submission in that case as well.

Let us move on to the powers of seizure from a street trader's point of view. Even if a trader has a licence, there is nothing to stop anyone setting up beside him or 20 or 30 feet away. The powers of seizure are essential — provided that the Act is set out in a proper way to protect the licensed street trader.

Moving to clauses 18(8), 19 and 20, if powers of seizure are going to be invested in the Magistrate's Court there must be access to appeal against such an order. At the moment, there does not seem to be any appeal mechanism against a magistrate's order to seize a trader's goods or stall.

That covers my main concerns. I do not have any legal knowledge, and I am only aware of what I have had to go through to obtain street trading licences. The legislation does not comply totally with the European Convention on Human Rights. Certain parts of the Bill must be looked at again, as they may be in breach of a street trader's human rights. I only looked over the Bill this week and have not yet talked to anybody with legal knowledge. However, I intend to and would like to be able to make a written submission at a later stage.

**The Deputy Chairperson:** May I apologise for the short notice. This is all moving very quickly for us as well. Had we not brought you in this week, we would not have had a chance to hear your view at all. It was useful to hear from a council and a street trader. All new legislation goes to the Human Rights Commission. If we are concerned about anything, we can point it out to that body and have it consider the implications.

We are working to a pretty tight deadline. The Bill has to go back to the Assembly. If you were interested in submitting further comments, we would need to get them as soon as possible.

**Mr McKeever:** This Bill does not affect everyone, as health or education legislation does. Outside local government, it will apply only to a minority group. Street traders are few and far between. To rush the Bill through the Assembly would be a mistake. No one wants to take up this issue as there are so few street traders. There are not many votes to be won by anyone who speaks up for them. The issue is only of interest to local authorities — the public is not concerned.

**The Deputy Chairperson:** An element in the Assembly would like to see the matter go through quickly. However, it is not being rushed through; the Bill will not come into force until next year. The consultation period started some time ago, so the issue should have come before the Committee long before now — during the last suspension. It has been in the pipeline for a long time.

We have only 30 days in which to deal with all the legislation. It has taken 80 years for it to get to this stage, so we should not rush it through. We need to get it right for the street traders and for the health, safety

and convenience of the public. I think that I can speak for the Committee in saying that this is a Street Trading Bill, not a "No Street Trading Bill". We want to see street trading, but we want to see it regulated to everybody's benefit.

I am concerned at the proposed powers of seizure, and I will raise the matter with departmental officials. A street trader licensed to trade in Belfast could have his goods seized if he leaves that jurisdiction. How would that affect his work? How does it affect a trader if he is supposed to be in Belfast on Saturday and his van has been seized? We will question officials in an attempt to clear the matter up for the benefit of the street traders and of the council.

**Mr O'Connor:** Mr McKeever said that he would seek advice about possible infringements of human rights. How might those come about? There are many hawkers whose illegal trading is clearly to the detriment of licensed street traders. The licence is a form of protection. The power of seizure is essential as well. If we are to protect licence holders, there has to be some punishment for those who break the law. What sort of things might constitute an infringement of human rights? I am not asking for legal jargon, just a point of view.

**Mr McKeever:** There is a problem in Northern Ireland, and in Belfast in particular, with illegal street trading. No one can get a licence in Belfast to trade in the city centre because, under current legislation, there is, in effect, a blanket ban on street trading. No one can get a licence other than for the sale of flowers and newspapers in a pedestrian area or in the city centre. Obviously, that is why there is so much illegal trading in Belfast.

**Mr O'Connor:** Is it not unfair that shopkeepers who are paying rates have someone with no rates to pay standing outside their shop selling the same product?

**Mr McKeever:** You need to look at the right to trade — or free trade — under competition laws. The fact that a store in Belfast sells a particular item does not mean that a licensed street trader should not operate within a reasonable distance, but not just outside the door. Multinational companies do not have a greater right to trade than the street trader.

**Mr O'Connor:** I accept that. There is much successful street trading in many towns.

**Mr McKeever:** I must refer again to Hansard and to the parliamentary debate on the Street Trading (Regulation) Act (Northern Ireland) 1929. There was a great deal of concern about how that Act would operate. The debate shows that it was not its purpose to rid the streets of traders. It was said that there was a need for them. There has been reference to people who are not educated enough to get proper jobs, but could sell their wares.

The new Bill must take that parliamentary debate into consideration. I do not believe that it does. It does not give enough protection to the street trader. A street trader does not automatically become legal, but he has to be a street trader first.

**Mr McClarty:** I would like the representatives from Coleraine to outline their problems with street trading. Coleraine is a case in point because of the tourism aspect and events such as the North West 200 and the raft race.

**Ms McKinney:** We have major problems during the events that Mr McClarty has mentioned. Our problems are not with registered street traders; they are with illegal street traders. Hundreds of traders arrive for the North West 200. We spend a full day, or even a full week, round the triangle area, noting names and addresses. We then go through all the paperwork and serve summonses, 99·9% of which come back to us because the traders have given false names, addresses and vehicle numbers.

It is costly for the council, financially and in terms of officers' time. We welcome the Bill because it provides us with more powers. At present, when I see an illegal trader, I show him my authorisation card, ask for his details and inform him that he is trading illegally. However, I then have to walk away. If he gives a false name and address, he can continue to trade, because I have no power of seizure or authority to move him on. There may be a cost to Coleraine ratepayers if that person persists in trading. I have no problem with legal street traders, but there are major difficulties with illegal traders who descend upon the borough during the raft race festival and the North West 200.

**Mr McKeever:** I want to ask Mrs McKinney how many licences does —

**Mr McClarty:** Is that not entirely out of order? This is a discussion between the Committee and the witnesses.

**The Deputy Chairperson:** I am sorry. There has been a long consultation period. This is not the forum for questions.

**Mr McKeever:** I will put it differently. I hold a licence from Coleraine Borough Council, which I use at certain times of the year — for example, the North West 200. Many people trade at the North West 200 because it is on a particular day. If councils were to issue temporary licences for the occasional day, as provided for in the Bill, that would stop illegal trading in Coleraine and other areas. The problem is that many councils issue licences only on the basis of certain criteria or for one-off events outside town centres. For example, it is not possible to work in Coleraine town centre; the licence does not permit it. Councils make by-laws under the Street Trading (Regulation) Act (Northern Ireland) 1929 to prohibit street trading in designated areas. That is not the way the Act

was intended to operate. The Act only refers to certain streets.

**The Deputy Chairperson:** I take your point, but retailers and ratepayers too must be protected. We need to get the right balance. That is why we invited you, Mrs McKinney and Mr Elder, to this session. We want to hear which parts of the Bill you believe to be unnecessary or excessive. The Committee will consider that during its final deliberations. We have to ensure that ratepayers are not at an unfair disadvantage in competing with those who pay for street-trading licences.

**Mr McKeever:** The issue of ratepayers versus street traders who pay nothing is always raised. That does not mean that street traders are unwilling to pay. If there were a procedure whereby they could obtain a licence to trade, few people would abuse the system.

If the system is abused because there is no way to obtain a licence, it is abused by the local council, not the street trader. There is a difference.

**Mr O'Connor:** We have moved on since the 1929 Act. The public must be protected as well. I want to ask the officials from Coleraine Borough Council whether there have been any cases of food poisoning involving illegal traders who sell food from hamburger vans or ice-cream vans. Has that had repercussions for public health?

**Ms McKinney:** I am not 100% sure whether there are any recorded cases of food poisoning. Mr McClarty might know, but I am not aware of any. During major events, the environmental health department inspects all food traders. Over the years, standards have been good because there has been an ongoing inspection programme. One or two traders still have quite poor standards, but about 95% are good. The difference is that the environmental health department inspects only food hygiene; it cannot inspect illegal traders.

I want to make a point about public health. At 2.00 am on the Saturday of the North West 200 I dealt with a trader who was parked outside a bungalow in Portrush. I advised him that the old lady who lived in the house was in a terrible state and could not sleep because the generator was thumping away. He refused to move. He had no licence from Coleraine Borough Council. We would not licence him to trade at 2.00 am in a built-up area anyway. The police were called, but he still refused to move. Neither the police nor the council had the power to move him. He moved when all the trade had gone, which was at about 3.00 am. That old lady had asked a neighbour to contact us, but I could do nothing for her — I felt helpless. That is one reason street trading needs to be regulated. There would have been a lot of happy people that night if we had had the power to seize the generator. The trader was quite prepared



to continue disturbing those people. No council would seize items if it were not necessary. If we had had the power of seizure, we could have dealt with the problem that night and on others, but I had to walk away.

**Mr O'Connor:** As regards hygiene, you said that some traders have clean, well-put-together catering facilities, and others do not. People will always try to make a fast buck unless airtight legislation is in place to protect the public interest.

**Ms McKinney:** People who trade in food — hot or otherwise — have to register with the local council, and their vehicles must be passed by the health department.

**Sir John Gorman:** Two of us have to go to another important meeting. Do the other two witnesses want to give evidence? We can stay for a few minutes.

**The Deputy Chairperson:** We are almost finished. If Members leave, there will be no quorum.

Thank you for coming to give evidence. It has been useful to hear both views. In going through the Bill clause by clause and line by line, we will take into consideration what we have heard today.



# **Written Answers**





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# NORTHERN IRELAND ASSEMBLY

Friday 8 September 2000

## Written Answers to Questions

### THE ENVIRONMENT

#### Comber Bypass

**Mr Taylor** asked the Minister of the Environment what progress there has been with the planning arrangements for the Comber by-pass during the past 12 months; when will there be a planning decision in relation to the proposed major residential development at the location of the Comber by-pass; how long this Planning application has been with his Department; and if he will make a statement. (AQW 8/00)

**The Minister of the Environment (Mr Foster):** The planning application, which incorporates a proposal for the Comber bypass, was received on 12 November 1998. The Department determined that an environmental statement (ES) was required, and this was received on 21 June 1999. Following statutory consultation, an addendum to the ES was received on 19 January 2000. The main issues arising are conservation, land quality, contaminated land and flooding. The matter is also relevant to the emerging Ards and Down area plan. Senior planning officials are to attend a meeting of the Comber Development Association on 13 September 2000 to discuss the proposals. Following this, the Planning Service intends to take a decision on how to progress the application.

### FINANCE AND PERSONNEL

#### Rating Revaluation (Non-Domestic Properties)

**Mr Attwood** asked the Minister of Finance and Personnel what plans he has to carry out a rating revaluation of non-domestic properties. (AQW 13/00)

**The Minister of Finance and Personnel (Mr Durkan):** The current valuation list was published on 31 December

1996 and came into effect on 1 April 1997. Since that time some differential shifts in rental patterns have taken place, and these are not reflected in the net annual values appearing in the list. This creates anomalies between different areas and between different classes of property and distorts the fair distribution of the overall rates burden between ratepayers. A revaluation of the non-domestic sector will therefore be undertaken by the Valuation and Lands Agency, and work on this will commence immediately. The domestic sector is not being revalued at this time, but the position will be kept under review and considered in the context of a wider review of the rating system which was signalled in my Budget speech to the Assembly on 15 December last.

The new valuation list will be published on or before 31 December 2002 and will come into effect on 1 April 2003. Any ratepayer who is aggrieved by his or her new valuation will have statutory rights of appeal, including an appeal to the independent Lands Tribunal.

### REGIONAL DEVELOPMENT

#### Cryptosporidium

**Mr Davis** asked the Minister for Regional Development to outline the position regarding the outbreak of cryptosporidium in the Lisburn area and whether he will give an assurance that it is unlikely the outbreak will spread elsewhere; and if he will make a statement.

(AQW 6/00)

**The Minister for Regional Development (Mr Campbell):** The most recent information available indicates that 81 cases of cryptosporidiosis have been confirmed in the area supplied with drinking water from the Forked Bridge water treatment works through the Lagmore conduit. The areas affected broadly include north Lisburn, Poleglass and Dunmurry. Approximately 90,000 customers are now affected by the "boil water" notice in these areas.

Investigations have indicated that there has been contamination of a section of the Lagmore conduit. An examination of the seven-mile-long conduit confirmed that there had been ingress because of damage to the crown of the conduit. It is believed that the damage was caused when an outfall was being laid from a septic tank attached to a property built in the last few years. The damage has been repaired and the conduit has been sealed.

The Water Service also proposes to bypass the suspect section of the conduit with part of the new replacement pipeline which is currently being constructed at a cost of £2.5 million. The bypass should be completed towards the end of next week. The Water

Service is also cleaning all the service reservoirs in the area. This will be completed by Friday 8 September. Water sampling is ongoing in the distribution system.

The Water Service has followed risk assessment protocols based on national guidelines, and the associated testing regimes are fully in line with those required by regulations in England and Wales and by direction in Scotland. These arrangements have been agreed with the drinking water inspector and the chief medical officer. However, I am unable to give a categorical guarantee that the outbreak will not spread elsewhere. Cryptosporidiosis is ubiquitous in the community, is carried by many animals and some humans and can be spread, for example, through contact with animals.

What I can say is that the Water Service will do all in its power to prevent the spread of the disease through the public water supply.

### **Killyleagh Sewerage Plant**

**Mr Taylor** asked the Minister for Regional Development if he approves of the scheme to pump sewage from Crossgar into the sewage plant at Killyleagh; to outline how this scheme will reduce the capacity of Killyleagh sewerage plant; and if he will make a statement. (AQW 7/00)

**Mr Campbell:** I am satisfied that the scheme to transfer waste water from Crossgar for treatment at the Killyleagh works represents the optimum solution for

the provision of enhanced treatment facilities for waste water from Crossgar. The scheme utilises some of the surplus capacity at the Killyleagh works, and there will still be sufficient capacity to cater for considerable additional housing and industrial development in the Killyleagh and Crossgar areas. The scheme is the most economic option available by a significant margin and provides environmental benefit to the Quoile River system. There will also be benefits to the treatment process at the Killyleagh works as it operates closer to its design capacity.

The Killyleagh works is currently operating at just over 30% capacity owing to the closure of the former tannery. In planning the scheme, account was taken of projected residential and industrial expansion in Crossgar and Killyleagh to the year 2021 on the basis of figures provided by the Planning Service. The projections allow for 350 additional houses at Crossgar and 335 additional houses at Killyleagh. After the transfer of the waste water from Crossgar, and taking account of this projected increase in housing, it is estimated that the Killyleagh works will be operating at around 70% of its design capacity in 2021. A further 1,000 houses in the area would bring the loading on the Killyleagh works to about 88% of its design capacity.

After the transfer of the waste water from Crossgar, there will remain very considerable surplus capacity at the Killyleagh Works to cope with further unforeseen residential and industrial development in both the Crossgar and the Killyleagh areas.



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# NORTHERN IRELAND ASSEMBLY

Friday 15 September 2000

## Written Answers to Questions

### AGRICULTURE AND RURAL DEVELOPMENT

#### Farming Infrastructure

**Mr Gibson** asked the Minister of Agriculture and Rural Development what plans she has to assist farmers to improve farm infrastructure. (AQW 3/00)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** One of the first initiatives that I announced on taking up appointment was the establishment of a task force to develop a vision for the future of the agri-food industry in Northern Ireland. The strategy group's remit is to identify the problems and opportunities in the rural economy over the next decade and to map out a strategy to meet that vision. All aspects of the industry are being thoroughly examined, and the issues of farm structure, supply chain and processing sector structure are high on the agenda.

The work of the strategy group is proceeding apace and I expect to receive its reply early next year. This matter is of the utmost priority, and I will give due consideration to the recommendations put to me.

#### University Veterinary Faculty

**Mr Gibson** asked the Minister of Agriculture and Rural Development if she supports the provision of a veterinary faculty at one of the local universities. (AQW 4/00)

**Ms Rodgers:** On the basis of present information I could not support the proposal that a veterinary faculty be established at a university in Northern Ireland. There are no indications of a major manpower shortage in the recruitment of veterinary surgeons to work in Northern Ireland. Against this background, it would be difficult to justify the costs, especially in view of many competing demands, of establishing and running a veterinary faculty locally. There must also be concerns about the

viability of such a faculty. Other universities have established reputations in this sphere, and there could be no guarantee about the uptake of places.

A veterinary faculty also requires adequate clinical cases for training purposes and a considerable weight of veterinary research to attract lecturing staff, both of which would be extremely difficult to meet from within Northern Ireland.

Finally, you will appreciate that determining their curricula is a matter for both QUB and UU as autonomous institutions. Both received additional student places on foot of the 1998 comprehensive spending review, but neither university sought to establish veterinary degree courses with any of the additional places secured. Further expansion is being considered in the context of spending review 2000 but, again, neither university made a case to establish veterinary degree courses.

I have consulted my colleague Dr Sean Farren MLA, Minister of Higher and Further Education, Training and Employment, on this matter.

#### Lough Neagh

**Mr J Wilson** asked the Minister of Agriculture and Rural Development to outline progress in regard to the Erne Catchment Nutrient Management Scheme and indicate whether she intends to implement a similar scheme for Lough Neagh. (AQW 12/00)

**Ms Rodgers:** The Erne Catchment Nutrient Management Scheme was introduced in October 1996 under the Special Support Programme for Peace and Reconciliation. The initiative was one of a number designed to provide support and co-operation between the public bodies in Northern Ireland and the Republic of Ireland in addressing problems of common concern. The objective of the Scheme is to reduce farm source pollution of waters in certain river catchments in the Erne system.

The Scheme has progressed satisfactorily, with approximately 1,200 farmers, representing about a 95% uptake of those targeted, being assisted to draw up nutrient management plans for their farms. Expenditure on the Scheme to date has totalled £981,000, and it is due to end in December 2000.

The expectations for the Scheme are that there should eventually be an improvement in the Erne's water quality. While early indications are positive, it is likely that full benefits of the Scheme will only be measurable in the long term — that is, after 10 years have elapsed. It is proposed to conduct an evaluation of the Scheme's effectiveness, particularly in relation to phosphate loading, once the final data for year ending 31 December 2000 have been processed.



As the Scheme was time-bound and specifically designed to operate on a cross-border catchment, it is not possible, therefore, to extend it to Lough Neagh. However, in the context of the Programme for Government and the spending review, I am considering what action it might be possible to take to reduce the contribution made by agriculture to the general problem of eutrophication, particularly in the area of the Lough Neagh catchment.

## CULTURE, ARTS AND LEISURE

### Sports Council: Equality Issues

**Mr Gibson** asked the Minister of Culture, Arts and Leisure what efforts he has made to ensure that grants by the Sports Council for Northern Ireland comply with the equality agenda of the Office of the First Minister and the Deputy First Minister. (AQW 2/00)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** The Sports Council is in the process of drawing up an equality scheme which will address all equality issues. Following widespread consultation, a final draft scheme has been adopted by the council. This has still to be approved by the Equality Commission.

## EDUCATION

### Independent Schools

**Mr Gibson** asked the Minister of Education if he will ensure equality of treatment for the independent Christian school sector in Northern Ireland. (AQW 1/00)

**The Minister of Education (Mr M McGuinness):** All independent schools are treated equally by the Department of Education through the legislative framework for independent schools, which is contained in the Education and Libraries (NI) Order 1986. No independent school can be funded directly by the Department, but it is open to any independent school to apply for grant-aided status and be assessed against established criteria. All grant-aided schools must comply with the relevant statutory requirements, including, for example, the delivery of the statutory curriculum and management arrangements.

### Term-Time Staff

**Mr Paisley Jnr** asked the Minister of Education to detail his policy on the terms and conditions of term-time employees working in schools in Northern Ireland and to outline what steps he is taking to address concerns of these employees about their employment rights. (AQW 27/00)

**Mr M McGuinness:** The terms and conditions of service of term-time staff in schools are a matter for the education and library boards and other employing authorities. However, I have sympathy for the staff involved and have been monitoring the position closely. Boards have recently made an offer aimed at addressing staff concerns, and unions are consulting their members. It would be inappropriate to comment further at this stage, but it is clear that a resolution can only be achieved by negotiation through the established arrangements.

## ENTERPRISE, TRADE AND INVESTMENT

### Small Businesses

**Mr Paisley Jnr** asked the Minister of Enterprise, Trade and Investment to detail the measures being taken to cut red tape for small businesses. (AQW 44/00)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** Small business representatives in Northern Ireland have indicated that the main regulatory burdens affecting small businesses relate to reserved matters, such as national insurance, VAT and PAYE requirements, which are the responsibility of the Westminster Parliament.

To ensure that no new unreasonable regulatory burdens are imposed on business, NI Departments are required to complete regulatory impact assessments for all legislation being brought forward which affects business.

DETI officials liaise with colleagues in the regulatory impact unit, Cabinet Office, to ensure that any new initiative being introduced by Whitehall Departments are considered for Northern Ireland.

## THE ENVIRONMENT

### Area Plans

**Mr McGrady** asked the Minister of the Environment to outline what progress has been made in respect of the area plans for the Down and Newry and Mourne areas. (AQO 4/00)

**The Minister of the Environment (Mr Foster):** The first stage of the process, in terms of information gathering, research and analysis, has been completed for the Ards and Down area plan. An "issues" paper is currently being finalised for public consultation in October. The first stage of the Banbridge and Newry and Mourne district area plan is also under way, and it

anticipated that the “issues” will be published in December.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Hospital Waiting Lists

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety how she proposes to reduce the waiting lists for inpatients and outpatients.

(AQW 822/99)

**The Minister of Health, Social Services and Public Safety (Ms de Brún)** [*supplementary answer*]: Further to the answer I gave on 31 August 2000, the framework for action on waiting lists was not issued until 11 September 2000.

Maidir leis an fhreagra a thug mé ar an 31 Lúnasa 2000, níor eisíodh an creat le haghaidh gníomhaíochta maidir le liostaí feithimh go dtí an 11 Meán Fómhair.

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety what steps will be taken to reduce hospital waiting lists to at least the United Kingdom national average; and if she will make a statement.

(AQW 834/99)

**Ms de Brún** [*supplementary answer*]: Further to the answer I gave on 31 August 2000, the framework for action on waiting lists was not issued until 11 September 2000.

Maidir leis an fhreagra a thug mé ar an 31 Lúnasa 2000, níor eisíodh an creat le haghaidh gníomhaíochta maidir le liostaí feithimh go dtí an 11 Meán Fómhair.

### Acute Hospitals Review Group

**Mr Taylor** asked the Minister of Health, Social Services and Public Safety how many persons have been appointed as members of the Acute Hospitals Review Group; how many of these members live in (a) Northern Ireland, (b) Great Britain, (c) the Republic of Ireland, and (d) elsewhere; how many of the members are perceived to be (a) Protestant, and (b) Roman Catholic; and if she is satisfied that the group is representative of the people of Northern Ireland.

(AQW 9/00)

**Ms de Brún:** I have appointed nine members to the Acute Hospitals Review Group. Six live in the north of Ireland, one lives in Great Britain, and two live in the south of Ireland. I have no information as to the perceived religion of any members of the group. I selected members on the basis of the contribution that they would be able to make to the group's work. I am satisfied that each can reflect the views of all sections of

the community, as many of them have done or continue to do in their working life.

Tá mé i ndiaidh naonúr ball a cheapadh ar Ghrúpa Athbhreithnithe na nOspidéal Géarmhíochaine. Cónaíonn seisear díobh i dTuaisceart na hÉireann, cónaíonn duine eile sa Bhreatain Mhór agus beirt eile i nDeisceart na hÉireann. Níl eolas ar bith agam faoin chreideamh a mheastar atá ag ball ar bith den ghrúpa. Roghnaigh mé na baill ar bhonn a bhféadfadh siad a chur le hobair an ghrúpa. Tá mé sásta go bhfuil gach ball ábalta tuairimí gach earnáil den phobal a chur in iúl, mar atá déanta ag a lán díobh cheana nó mar a dhéanfaidh siad go leanúnach feasta i rith a saoil oibre.

### Hospitals: Investment

**Mr Taylor** asked the Minister of Health, Social Services and Public Safety what was the total capital investment for the past 10 years at (1) Altnagelvin Hospital, (2) the Royal Victoria Hospital, (3) the City Hospital, (4) the Mater Hospital, and (5) the Ulster Hospital.

(AQW 10/00)

**Ms de Brún:** The figures for total capital investment for the past 10 years are as follows:-

Altnagelvin Hospital	£33.51m
Royal Victoria Hospital	£99.73m
Belfast City Hospital	£14.61m
Mater Hospital	£3.67m
Ulster Hospital	£11.31m

In addition to these figures, the estimated capital value of leased equipment and other facilities procured by way of private partnerships under the private finance initiative is as follows:

Altnagelvin Hospital	£0.39m
Royal Victoria Hospital	£6.8m
Belfast City Hospital	£4.45m
Ulster Hospital	£0.31m

Is mar seo a leanas atá na figiúirí don infheistíocht chaipitiúil i ngach ospidéal le 10 mbliana anuas:-

Ospidéal Alt na nGealbhan	£33.51m
Ospidéal Ríoga Victoria	£99.73m
Ospidéal Chathair Bhéal Feirste	£14.61m
Ospidéal an Mater	£3.67m
Ospidéal Uladh	£11.31m

I dteannta na bhfigiúirí sin is mar seo a leanas atá luach caipitiúil measta trealamh léasaithe agus saoráidí eile a fuarthas ar mhodh comhpháirtíochtaí faoin Tionscnamh Airgeadais Phríobháidigh:

Ospidéal Alt na nGealbhan	£0.39m
Ospidéal Ríoga Victoria	£6.8m
Ospidéal Chathair Bhéal Feirste	£4.45m
Ospidéal Uladh	£0.31m

## Ulster Hospital

**Mr Taylor** asked the Minister of Health, Social Services and Public Safety what proposals there are for capital investment at the Ulster Hospital during the next five years; and if she will make a statement.

(AQW 11/00)

**Ms de Brún:** I recognise fully that a range of services need to be developed on the Ulster Hospital site, in line with the investment programmes under way or recently completed on other major acute sites. My Department's officials are discussing with the Ulster Community and Hospitals Trust how its proposals can be brought together in a strategic development plan for the Ulster Hospital. Once that has been done, and a detailed business case drawn up to support the proposals, I will look at the decisions which need to be taken about the timetable and funding.

Aithním go hiomlán go gcaithfear réimse de sheirbhísí a fhorbairt in Ospidéal Uladh atá ar aon dul leis na cláir infheistíochta atá ar siúl nó atá curtha i gcrích i bpríomhionaid ghéarmhíochaine eile. Tá feidhmeannaigh de chuid mo Roinne ag plé le hÍontaobhas SSS Phobal agus Ospidéal Uladh an dóigh ar féidir a chuid moltaí a chur in alt a chéile mar phlean straitéiseach do Ospidéal Uladh. A luaithe a bheas sin déanta agus Cás Gnó mionsonraithe ullmhaithe i dtacaíocht leis na moltaí breathnóidh mé ar na cinntí a bheas le glacadh maidir leis an chlár ama agus an maoiniú.

## Review Chairpersons

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to list the number of reviews initiated by her, to detail who is chairing them, and when each is expected to report.

(AQW 24/00)

**Ms de Brún:** The information is contained in the table below.

REVIEW	CHAIRPERSON	EXPECTED TO REPORT
Care in the Community	Dr Kevin McCoy	Reported on 4 February 2000
Review of Intensive Care Services	Dr Henrietta Campbell	Reported on 14 March 2000
Provision of Acute Hospital Services	Dr Maurice Hayes	End of February 2001
Cardiac Surgery	Dr Henrietta Campbell	Early in 2001

Tá an t-eolas ar fáil sa tábla thíos.

ATHBHREITHNIÚ	CATHAOIRLEACH	LE TUAIRISCIÚ
Cúram sa Phobal	An Dr Kevin McCoy	4 Feabhra 2000
Athbhreithniú ar Sheirbhísí Dianchúraim	An Dr Henrietta Campbell	14 Márta 2000
Soláthar Seirbhísí Géarmhíochaine Óspidéal	An Dr Maurice Hayes	Deireadh Feabhra 2001
Máinliacht Chairdiach	An Dr Henrietta Campbell	Go luath in 2001

## Cryptosporidiosis

**Mr Poots** asked the Minister of Health, Social Services and Public Safety what effect the cryptosporidium outbreak has had or will have on the health of constituents in part of the Lagan Valley constituency.

(AQO 8/00)

**Ms de Brún:** As of 12 September there were 121 confirmed cases of cryptosporidiosis within the affected area covering those populations served by the Poleglass and neighbouring northern service reservoirs. Most of these cases are within the boundary of the Lagan Valley constituency. Owing to the nature of this outbreak it is likely that further cases will be confirmed in the coming weeks. It is likely that within the affected area the number of people infected is significantly greater than the number of confirmed cases.

Cryptosporidiosis is characterised by severe diarrhoea and abdominal pain, which can last for more than one week. While a healthy individual usually makes a full recovery, in certain high-risk groups with low levels of immunity, such as those on chemotherapy, with HIV infection or AIDS, or transplant patients, the infection is more serious and can be life-threatening. There have been no deaths reported due to the present outbreak.

Amhail ar an 12 Meán Fómhair bhí 121 cás de chriptespóireadóis daingnithe sa cheantar a bhfuil an galar ann, ceantar ina gcónaíonn an pobal a fhaigheann a gcuid uisce ó Thaiscumar an Phoill Ghlais agus ó na taiscumair de chuid Sheirbhís an Tuaiscirt atá ar na gaobhair. Tá bunús na gcásanna seo taobh istigh de limistéar thoghlach Ghleann an Lagáin. Mar gheall ar nádúr na ráige seo is dócha go mbeidh tuilleadh cásanna á ndaingniú i rith na seachtainí atá le teacht. Is dócha gur mó go mór líon na ndaoine atá tinn sa cheantar a bhfuil an galar ann ná líon na gcásanna atá daingnithe.

Tá dianbhuinneach agus piantáí boilg a d'fhéadfadh maireachtáil breis agus seachtain le sonrú i ndaoine a bhfuil cripteaspóireadóis orthu. Cé gurb iondúil go dtagann an duine sláintiúil chuige féin go hiomlán, tá an t-ionfhabhtú níos contúirtí i gcás grúpaí atá i mbaol mór de dheasca leibhéil ísle imdhíonachta a bheith acu, is é sin: daoine a fhaigheann ceimiteiripe, daoine a bhfuil infhabhtú VEID nó an SEIF orthu, nó othair a ndearnadh trasphlandáil orthu. Féadfaidh sé a mbeatha a

chur i mbaol. Níor tuairiscíodh aon bhás de dheasca na ráige atá anois ann.





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# NORTHERN IRELAND ASSEMBLY

Friday 22 September 2000

## Written Answers to Questions

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Sex Offenders

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister whether they are aware of the campaign for a “Sarah’s law” and what measures, if any, the Executive is taking to implement a programme that will effectively protect children from sex offenders. (AQW 31/00)

**Reply:** We are aware of the campaign for the introduction of “Sarah’s law”, which would give parents access to a register of sex offenders. Legislation in this area remains a reserved matter and is thus the responsibility of the Secretary of State.

In Northern Ireland a number of Departments are involved in the provision and documentation of guidance on dealing with sex offenders.

The Inter-Agency Sex Offender Steering Group has recently approved a manual of guidance on the assessment and management of risk of sex offenders. Implementation of the manual, which largely formalises procedures that are already in place, will be taken forward from next month.

The Department of Education has advised all schools to include in their pastoral care curriculum, self-protection programmes for pupils. Guidance on the content of these has been widely circulated. Further, the Departments of Education and of Health, Social Services and Public Safety, together with the Northern Ireland Office, are working with UK Government Departments and the other devolved administrations to introduce a reciprocal mechanism for preventing unsuitable people from working with children. This development is also being pursued with colleagues from the Departments of Education and of Science and Health in Dublin under the auspices of the North/South Ministerial Council education sectoral joint working group on child protection.

### Northern Ireland Economic Council

**Dr Birnie** asked the Office of the First Minister and the Deputy First Minister to detail the staff complement of the Northern Ireland Economic Council, any current vacancies on the staff of that body and the planned process of recruitment. (AQW 52/00)

**Reply:** The Northern Ireland Economic Council has a staff complement of nine. This consists of five professional staff and four administrative/ clerical staff.

Currently there are three professional staff in post, one on a career break and one post—that of the director—vacant. An existing member of staff is carrying out the duties of the director. The appointment of a new director will take place after a review of the council has been undertaken this year.

The filling of two administrative/clerical vacancies is currently in progress.

#### Executive Subcommittees

**Mr McCarthy** asked the Office of the First Minister and the Deputy First Minister what plans exist regarding the establishment of Executive subcommittees on cross-departmental issues. (AQO 27/00)

**Reply:** The Executive Committee is established under section 20 of the Northern Ireland Act 1998, which states that the Executive Committee should consist of the First Minister, the Deputy First Minister and the Northern Ireland Ministers.

Paragraph 19 of strand one of the Belfast Agreement states that the Executive Committee will provide a forum for the discussion of, and agreement on, issues which cut across the responsibilities of two or more Ministers.

There is no specific provision for subcommittees in the legislation, but this would not preclude their being set up if that were deemed a more effective way of handling particular items of Executive business.

We recognise the need for Ministers to work cross-departmentally from time to time to ensure that policies are handled in a coherent strategic fashion. The Executive Committee has had one formal subcommittee on flags. It has also approved an interdepartmental subcommittee on drugs.

In the context of the Programme for Government, the Executive Committee will be examining how best to address cross-departmental issues.

#### North/South Ministerial Council

**Mr P Robinson** asked the Office of the First Minister and the Deputy First Minister to indicate the number of

meetings of an official nature all Northern Ireland Ministers have had with Ministers in the Republic of Ireland.

(AQO 29/00)

**Reply:** In the two periods of devolved administration since 2 December 1999, there have been a total of 30 meetings of an official nature between Northern Ireland Ministers and Ministers from the Republic of Ireland. Of these, 14 were under the auspices of the North/South Ministerial Council, including the inaugural plenary that was held in Armagh in December 1999.

### Executive Committee

**Mr Neeson** asked the Office of the First Minister and the Deputy First Minister if a statement will be made on progress towards establishing a European office for Northern Ireland in Brussels.

(AQO 28/00)

**Reply:** The Executive Committee has agreed to set up an office of the Executive in Brussels, and work is proceeding on its establishment. The fitting out of the office premises will commence as soon as the normal procurement procedures for contracting work have been completed. The process of selecting the staff for the office is already under way. We expect the office to be functioning in about three months' time.

The Office of the Executive will provide a European contact point for Ministers and their Departments. The staff of the office will be members of the UK permanent representation, who will have access to meetings and to a level of information which they would not otherwise have. Having separate premises will provide a focal point for Northern Ireland in Brussels, helping us to develop a distinct and positive profile within the EU.

### Equality Commission

**Mr Poots** asked the Office of the First Minister and the Deputy First Minister to provide details of the current religious composition of the Equality Commission.

(AQO 11/00)

**Reply:** The appointment of members of the Equality Commission is a reserved matter. The composition of the commission is therefore a matter for the Secretary of State.

## AGRICULTURE AND RURAL DEVELOPMENT

### Rural Development Programme

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development what measures she has put in place to address the Northern Ireland audit report 'The Rural Development Programme' (NIA Office 19); and if she will make a statement.

(AQW 35/00)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** I welcome the breadth of the Northern Ireland Audit Office report on the rural development programme and recognise the importance of learning lessons from what has been done before and the value of the report in highlighting those lessons. The Department is addressing the main concerns identified by the Audit Office.

Following publication of the report, the Public Accounts Committee (PAC) of the Assembly has decided to take evidence from the departmental accounting officer at a hearing scheduled for 25 October 2000. After the hearing the PAC will produce a report with recommendations, which the Department will respond to. These recommendations will be taken fully into account in preparing for the next rural development programme, which will come on stream early in 2001.

### Marketing of Agricultural Produce

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if she plans to implement any of the recommendations made by the Committee for Agriculture and Rural Development in its report 'Retailing in Northern Ireland - A Fair Deal for Farmers' (1/99/R); and if she will make a statement. (AQW 53/00)

**Ms Rodgers:** This report contained recommendations directed at all links in the food marketing chain, as well as the Department of Health, Social Services and Public Safety and the Department of the Environment. With regard to those recommendations directed at my Department, I was pleased to be able to confirm in my reply to the Committee that in most cases DARD was already taking forward a range of initiatives aimed at addressing the underlying issues and concerns. Particular examples include our work in encouraging collaboration in the marketing of agricultural produce, the promotion of partnerships in the food chain, supporting marketing initiatives and quality assurance programmes, encouraging local sourcing and our significant research and development and technology transfer commitments.

## EDUCATION

### Hearing-Impaired Children

**Mr Paisley Jnr** asked the Minister of Education to outline what provisions are available at grammar schools for children with hearing impairment. (AQW 43/00)

**The Minister of Education (Mr M McGuinness):** Children with a hearing impairment are assessed following the five-stage approach of the special educational needs code of practice in the same way as children with any other form of learning difficulty, and where necessary a statement of special educational needs is made for them, setting out the special provision they require.

A number of hearing-impaired children attend mainstream schools (including grammar schools) and may have additional teaching from an education and library board peripatetic teacher of the hearing-impaired and/or the services of a classroom assistant, in accordance with the provision specified in their statement. Other children attend special education units for the hearing-impaired, attached to local primary and secondary schools and some attend Jordanstown Special School (for pupils with hearing or visual impairment), Newtownabbey. A few children attend special schools for the hearing-impaired in Great Britain or the Republic of Ireland, and some attend Mary Hare Grammar School for the Hearing Impaired, Newbury, Berkshire.

Over the next few months my Department, in conjunction with the education and library boards' Special Educational Needs Regional Strategy Group, will be considering what other options might be possible for the more academically gifted hearing-impaired pupils. Without wishing to pre-empt these deliberations, I can say that the option of attendance at Mary Hare Grammar School will remain, where the board is satisfied that such a placement would best meet the pupil's needs and be consistent with the efficient use of resources.

## THE ENVIRONMENT

### Vehicles: Roadside Checks

**Mr M Murphy** asked the Minister of the Environment how many roadside checks with regard to the enforcement of transport licensing will be carried out annually in respect of (a) goods vehicles, (b) taxis and (c) omnibuses. (AQW 46/00)

**The Minister of the Environment (Mr Foster):** The Department carries out vehicle checks at the roadside, at the Department's weighbridge sites and at operators' premises. Separate figures for these locations

are not available as these are determined by operational considerations during the course of the year. It is expected that the following total numbers of vehicle checks will be carried out in the year ending 31 March 2001:

- (a) goods vehicles – 175 operations, checking a minimum of 20,000 vehicles;
- (b) taxis – 120 operations, checking a minimum of 1,800 taxis;
- (c) omnibuses – 45 operations, checking a minimum of 800 buses.

**Mr M Murphy** asked the Minister of the Environment, with regard to the enforcement of transport licensing, how many weighbridge operations will be carried out annually in respect of (a) goods vehicles, (b) taxis and (c) omnibuses. (AQW 47/00)

**Mr Foster:** The Department carries out vehicle checks at the roadside, at the Department's weighbridge sites and at operators' premises. Separate figures for these locations are not available as these are determined by operational considerations during the course of the year. It is expected that the following total numbers of vehicle checks will be carried out in the year ending 31 March 2001:

- (a) goods vehicles – 175 operations, checking a minimum of 20,000 vehicles;
- (b) taxis – 120 operations, checking a minimum of 1,800 taxis;
- (c) omnibuses – 45 operations, checking a minimum of 800 buses.

### Vehicles: Tachograph Inspections

**Mr M Murphy** asked the Minister of the Environment how many tachograph inspections will be carried out annually (a) at the roadside and (b) at operators' premises. (AQW 48/00)

**Mr Foster:** During the year ending 31 March 2001 the Department expects to carry out the following numbers of tachograph inspections:

- (a) at the roadside, 4,000 charts
- (b) at operators' premises, 7,000 charts.

**Mr M Murphy** asked the Minister of the Environment to outline the arrangements to provide balanced geographic distribution of tachograph inspections across Northern Ireland. (AQW 49/00)

**Mr Foster:** The Department's enforcement staff and the police carry out tachograph inspections throughout Northern Ireland. The number and distribution of tachograph inspections form part of an operational strategy aimed at ensuring that operators throughout Northern Ireland receive equitable treatment. The geographic distribution of checks is determined by operational considerations, and there is a combination



of routine roadside and weighbridge operations and inspections at operators' premises. Inspections are also carried out in response to information received from haulage industry representatives.

### **Environment and Heritage: Planning and Professional Officers**

**Mr Neeson** asked the Minister of the Environment what action he is taking to fill vacancies for professional staff in the Planning Service and the Environment and Heritage Service. (AQO 16/00)

**Mr Foster:** I am glad to be able to tell the Assembly that I have obtained significant financial resources to enable the recruitment of 47 professional planning staff and 43 mainly scientific staff to the Planning Service and the Environment and Heritage Service respectively. The recruitment process is now under way, and 24 posts have been filled.

### **Historic Buildings**

**Mrs Carson** asked the Minister of the Environment when the moratorium on accepting applications for grant-aid for historic building schemes will be lifted and if there have been any developments with regard to providing funding for these schemes. (AQO 10/00)

**Mr Foster:** Within present resource allocations, my Department intends to accept new applications in 2001-02 under a revised grants policy. However, grant payments for these new applications may not be released until the following financial year, 2002-03.

Discussions on the level of funding for the historic buildings grant scheme are continuing in the context of the 2000 spending review. I am not in a position to anticipate the outcome of those discussions.

### **Railways**

**Mr A Doherty** asked the Minister of the Environment if he will give consideration to the findings of the Railways Task Force in its report 'The Rail Debate' and those in the submission of the Northern Corridor Railways Groups and thereby promote the substantial environmental and road safety benefits as part of an integrated transport strategy for Northern Ireland. (AQO 33/00)

**Mr Foster:** The then Minister for Regional Development commissioned the Railways Task Force report. Officials from my Department have been involved in providing information on a number of environmental issues to assist in the production of the report.

I am aware that the Regional Development Committee received a presentation giving an overview of the findings of the Task Force on Wednesday 13 September.

I look forward to seeing the full report and technical assessment in due course.

## **FINANCE AND PERSONNEL**

### **Ministers: Transport**

**Mr Paisley Jnr** asked the Minister of Finance and Personnel, pursuant to AQW 689/99, to confirm the level of public expenditure on ministerial transport arrangements for the Minister of Health and the Minister of Education. (AQW 29/00)

**The Minister of Finance and Personnel (Mr Durkan):** The Department of Finance and Personnel is not responsible for the provision of official transport for the Minister of Health and the Minister of Education. Information on public expenditure in respect of their transport arrangements should be obtained from the Departments concerned.

## **HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY**

### **Acute Hospital Services**

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety when she expects to receive the report from the working group investigating future acute hospital provision in Northern Ireland; and if she will make a statement. (AQW 14/00)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** I have asked the review group to report to me at the end of February 2001. I decided to establish the review group because I wanted to take a fresh look at the complex issues that are involved in acute hospital services. The review group will give me independent, objective and informed advice which will help to guide the strategic development of hospital services in the Twenty-first century.

D'iarr mé ar an ghrúpa athbhreithnithe tuarascáil a chur chugam faoi dheireadh Feabhra 2001. Chinn mé ar an ghrúpa athbhreithnithe a bhunú mar gur mhaith liom breathnú athuair ar na ceistanna casta a bhaineann le seirbhísí géarmhíochaine ospidéal. Tabharfaidh an grúpa athbhreithnithe comhairle eolach, neamhspleách, oibiachtúil dom a chuideoidh linn forbairt straitéiseach a dhéanamh ar na seirbhísí ospidéal san 21ú haois.

### Ulster Community and Hospitals Trust

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety what conclusions have been reached in regard to the strategic development of the Ulster Community and Hospitals Trust. (AQW 22/00)

**Ms de Brún:** The need for strategic development at the Ulster Hospital is recognised, but no final conclusions have been reached to date. A meeting between senior officials and management of the trust to consider a strategic and prioritised approach to development of the hospital is due to take place on 25 September 2000. Plans for redevelopment of the hospital will need to take account of the outcome of the recent Eastern Health and Social Services Board proposals on the organisation of hospital services, as well as the wider review of acute hospital services which is now under way and the availability of resources.

Aithnítear go bhfuil forbairt straitéiseach de dhíth in Ospidéal Uladh ach níor thángthas ar aon chinneadh deireanach go dtí seo. Tá cruinniú le bheith ann idir feidhmeannaigh shinsearach agus lucht bainistíochta an Iontaobhais ar an 25 Méan Fómhair le cur chuige a leagann béim ar straitéisí agus ar thosaíochtaí a breithniú. Caithfear na nithe seo a leanas a chur san áireamh sna pleananna le haghaidh athfhorbairt an ospidéil: an toradh a bheas ar mholtaí Bhord Sláinte agus Seirbhísí Sóisialta an Oirthir a fuarthas ar na mallaibh agus, lena chois sin, an t-athbhreithniú ginearálta ar sheirbhísí géarmhíochaine ospidéal atá ar siúl anois agus na hacmhainní atá ar fáil.

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to detail meetings her officials have had with the Ulster Community and Hospitals Trust. (AQW 23/00)

**Ms de Brún:** Meetings between officials and HSS trusts take place on an ongoing basis. Since the Executive Committee was re-established on 31 May 2000 the following meetings have been held between DHSSPS officials and representatives of the Ulster Community and Hospitals Trust:

seven meetings to discuss the information technology needs of the Trust with staff from the directorate of information systems;

one meeting to discuss the trust's general capital provision on 29 August 2000.

Bíonn cruinnithe ann go leanúnach idir feidhmeannaigh agus na hIontaobhais SSS. Is mar seo a leanas a bhí na cruinnithe idir feidhmeannaigh na RSSSP agus ionadaithe Iontaobhas Phobal agus Ospidéal Uladh óna athbhunaíodh an Coiste Feidhmiúchán ar an 31 Bealtaine 2000:

Bhí seacht gcruinniú ann idir an tIontaobhas agus baill foirne ó Stiúrthóireacht na gCóras Eolais;

Bhí cruinniú amháin ann ar an 29 Lúnasa 2000 le soláthar ginearálta caipitiúil an Iontaobhais a phlé

### Ulster Hospital

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she considers the capital investment at the Ulster Hospital to be on a par with that at the Royal Victoria, Mater, Altnagelvin and Belfast City Hospitals. (AQW 25/00)

**Ms de Brún:** The major redevelopment programmes agreed some years ago for other main acute hospital sites, including the Royal Hospitals and Altnagelvin Hospital, have been taken forward following a detailed examination of the options, costs and benefits of a range of solutions in each case.

It is clear that strategic development also needs to embrace the Ulster Hospital site, and my Department is now working with the Ulster Community and Hospitals Trust to draw its current proposals together. When a redevelopment plan, with costs and implementation programme, has been agreed I will look at the issues of funding and timetable, in the light of the resources available to me.

I ndiaidh mionscrúdú a dhéanamh ar na roghanna, ar na costais agus ar na buntáistí i ngach cás maidir le réimse réiteach, cuireadh chun tosaigh na cláir mhóra forbartha, ar aontaíodh orthu roinnt blianta ó shin, do na príomhospidéal ghéarmhíochaine eile, agus na hOspidéal Ríoga agus Ospidéal Alt na nGealbhan san áireamh.

Is léir go gcaithfear Ospidéal Uladh a chur san áireamh fosta san fhorbairt straitéiseach agus tá mo Roinnse ag obair i gcomhar le hIontaobhas Phobal agus Ospidéal Uladh chun a chuid moltaí a tharraingt le chéile. Nuair a bheifear i ndiaidh aontú ar phlean athfhorbartha agus ar chlár lena chur i ngníomh, breathnóidh mé féin ar na ceisteanna a bhainfidh le maoiniú agus leis an chlár ama, i bhfianaise na n-acmhainní a bheas ar fáil agam.

### Smoking-Related Deaths

**Mr Davis** asked the Minister of Health, Social Services and Public Safety how many deaths have occurred in the past three years in each health board area as a result of smoking-related illnesses or disease. (AQW 26/00)

**Ms de Brún:** The number of deaths occurring as a result of smoking-related illnesses or disease for each of the three years from 1996 to 1998—the latest year for which such information is available—is as follows:

## SMOKING-RELATED DEATHS

HSS BOARD	1996	1997	1998
Eastern	1,331	1,328	1,229
Northern	648	623	656
Southern	446	432	469
Western	438	409	391
Total	2,863	2,792	2,745

Is mar seo a leanas atá líon na mbásanna de bharr tinneas nó galar, a raibh baint ag caitheamh tobac leo, a tharla gach bliain ó 1996 go 1998 arb í an bhliain is déanaí í a bhfuil eolas den chineál seo againn:-

## BÁSANNA DE BHARR CAITHEAMH TOBAC

BORD SSS	1996	1997	1998
Oirthear	1331	1328	1229
Tuaisceart	648	623	656
Deisceart	446	432	469
Iarthar	438	409	391
Iomlán	2863	2792	2745

## Drugs Abuse

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety, in pursuance of AQW 769/99, if she has any plans to meet with the chief of the RUC's anti-drugs unit to discuss plans to combat drug abuse in Northern Ireland. (AQW 30/00)

**Ms de Brún:** I have no plans to meet with the chief of the RUC's anti-drugs unit. Work on the measures to combat drug abuse is being taken forward under the aegis of the Central Co-ordinating Group for Action Against Drugs. This group comprises senior representatives from a wide range of departments and agencies, including the RUC, and I receive regular reports on its work. The measures being taken involve many different groups and agencies, including those in the fields of health and social services and education, as well as many doing important work at community level.

Níl pleananna ar bith agam cruinniú a bheith agam le ceannaire Aonad Frith-Dhrugaí an RUC. Tá an obair ar bhearta in éadan mí-úsáid drugaí á cur chun cinn faoi choimirce an Lárghrúpa Comhordaithe um Ghníomhaíocht in éadan Drugaí. Is é atá sa ghrúpa seo ionadaithe sinsearacha ó réimse leathan ranna agus gníomhaireachtaí agus an RUC san áireamh. Bíonn a lán grúpaí agus gníomhaireachtaí páirteach sna bearta seo, is é sin, iad siúd atá sna réimsí sláinte, oideachais agus seirbhísí sóisialta, chomh maith leo siúd a bhfuil obair thábhachtach ar siúl acu i measc an phobail.

## Cryptosporidiosis

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety to confirm the date on which the affected communities were alerted to the recent cryptosporidium outbreak, to detail what steps were taken to reduce the level of risk faced by vulnerable members of the population and to explain what steps have been taken to improve the arrangements for notifying the public in such circumstances.

(AQW 38/00)

**Ms de Brún:** The recent cryptosporidium outbreak has affected the populations served by the Poleglass and neighbouring northern service reservoirs. Elderly patients and those with severe medical conditions in the area served by Poleglass reservoir were advised on 25 August to boil their water before drinking — a precautionary measure in advance of the cause of the outbreak being established. The same day general practitioners in the affected area were contacted by the Eastern HSS Board by telephone and advised of the ongoing investigations. This was followed on 29 August with a letter to all GPs in the Eastern Board area advising them of the areas affected and asking them to advise those patients over 65 and those with serious medical conditions to boil water before drinking.

On 30 August the outbreak control team decided that a boil-water notice should be issued to people in the affected area. The notice was distributed by the Water Service on 31 August to all households and premises served by the Poleglass reservoir. This was extended to the population served via the Forked Bridge water treatment plant on 1 September. On 31 August and 1 September the Water Service and environmental health officers contacted nursing and residential homes, patients on home dialysis, schools and commercial food premises to give advice. The Eastern HSS Board opened a helpline on 2 September to provide information to members of the public who were concerned about the health implications of the outbreak, and a fact sheet on cryptosporidiosis has been added to their website.

It is standard practice to review all of the procedures and practices employed after an outbreak of this kind.

Tá an ráig cripteaspoiriam a tharla ar na mallaibh i ndiaidh dul i bhfeidhm ar an phobal a fhaigheann a gcuid uisce ó Thaiscumair an Phoill Ghlais agus ó na taiscumair de chuid Sheirbhís an Tuaiscirt atá ar na gaobhair. Ar an 25 Lúnasa insíodh d'othair scothaosta agus dóibh siúd atá i ndianriocht míochaine sa cheantar an t-uisce a fhiuchadh sula n-ólfadh siad é ar eagla na heagla go dtí go mbeadh cúis na ráige aimsithe. Chuir Bord SSS an Oirthir glaonna gutháin ar na Liachleachtóirí sa cheantar a raibh an galar ann an lá céanna lena gcur ar an eolas faoi na fiosrúcháin a bhí ar bun. Lena chois sin sheol an Bord litir chuig gach Liachleachtóir ina

cheantar ar an 29 Lúnasa le rá leo cá raith an galar agus le hiarraidh orthu inse do na hothair siúd a bhí os cionn 65 bliana d'aois nó a bhí i ndianriocht míochaine an t-uisce a fhiuchadh sula n-ólfadh siad é.

Ar an 30 Lúnasa chinn Foireann Rialaithe na Ráige gur chóir fógra a sheoladh chuig daoine sa cheantar a raibh an galar ann le hiarraidh orthu an t-uisce a fhiuchadh. Ar an 31 Lúnasa scaip an tSeirbhís Uisce na fógraí ar gach teach agus ar gach foirgneamh a fhaigheann uisce ó Thaiscumar an Phoill Ghlais. Scaipeadh iad fosta ar an phobal a fhaigheann uisce trí Ionad Cóireála Uisce Dhroichead an Ghabhail ar an 1 Meán Fómhair. Ar an 31 Lúnasa agus ar an 1 Meán Fómhair chuaigh an tSeirbhís Uisce agus Oifigigh Sláinte Comhshaoil i dteagmháil le teaghaisí cónaithe, le tithe altranais, le hothair a bhfuil scagdhealú ar siúl sa bhaile acu, le scoileanna agus le foirgnimh ghnó atá ag láimhseáil bia chun comhairle a thabhairt dóibh. D'oscail Bord SSS an Oirthir líne chabhrach ón 2 Meán Fómhair le heolas a sholáthar do daoine den phobal a bhí buartha faoi impleachtaí sláinte na ráige agus cuireadh leathanach eolais ar chripteaspóireadóis le láithreán gréasáin an Bhoird.

Is cuid den ghnáthchleachtas é athbhreithniú a dhéanamh ar na modhanna agus ar na cleachtais a chuirtear i bhfeidhm i ndiaidh ráige den chineál seo.

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety what she has done to produce a report on the parasite cryptosporidium since attention was brought to this issue at the meeting of the Regional Development Committee on 7 June 2000. (AQW 40/00)

**Ms de Brún:** This question relates to the cryptosporidiosis outbreak which occurred in April/May 2000 in the Eastern HSS Board area. An outbreak control team, led by the Eastern HSS Board, was established to monitor the outbreak and advise on appropriate precautions and remedial measures. The outbreak control team, which brings together public health professionals, environmental health officers and the Water Service, is finalising its report on the incident.

Baineann an cheist seo leis an ráig cripteaspóireadóise a tharla i gceantar Bhord SSS an Oirthir le linn Aibreán agus Bhealtaine 2000. Bunaíodh Foireann Rialaithe na Ráige, agus Bord SSS an Oirthir i gceannas uirthi, le faireachán a dhéanamh ar an ráig agus comhairle a thabhairt faoi na réamhchúraimí agus faoi na bearta feabhais cuí ba cheart a ghlacadh. Is é atá i bhFoireann Rialaithe na Ráige gairmithe na sláinte poiblí, oifigigh sláinte comhshaoil agus an tSeirbhís Uisce agus tá siad ar tí a dtuarascáil ar an ráig a chríochnú.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### New Deal Programme

**Mrs Robinson** asked the Minister of Higher and Further Education, Training and Employment if he considers the training period offered to candidates in the New Deal programme to be adequate and if he is satisfied that the New Deal programme is adequately resourced. (AQW 89/00)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** The New Deal for 18-24 year-olds and the New Deal for 25+ pilot both provide a training period of up to 52 weeks for eligible participants who wish to undertake full-time training while on New Deal. For those who do not choose to follow the training route, work experience placements lasting up to 26 weeks (New Deal 18-24) and 13 weeks (New Deal 25+ Pilot) are available.

The present New Deal 25+ Pilot programme is due to end on 31 March 2001, at which time it will be replaced by a substantive New Deal 25+ programme. I am currently in discussion with the responsible GB Minister regarding aspects of the design of this programme, including the duration of the work experience element.

I remain satisfied that the 52 weeks allowed for those following the full-time training route is adequate to achieve the targeted outcome.

The resources allocated to the New Deal programmes from the windfall levy are sufficient to cover the present demands on the programmes. Funding for future years, when the windfall levy moneys have been exhausted, has yet to be finalised with HM Treasury. I will be arguing for Northern Ireland to receive the necessary resources to allow for continued successful implementation of the New Deal programmes.

## REGIONAL DEVELOPMENT

### Regional Development Strategy

**Mr Gibson** asked the Minister for Regional Development what plans he has to help develop a commercial corridor across Northern Ireland on an east/west basis so that a balanced approach is achieved in the overall development of Northern Ireland. (AQW 15/00)

**The Minister for Regional Development (Mr Campbell):** The regional development strategy, currently being finalised, will emphasise the value of achieving balanced development across the region. A



regional strategic transport network with key and link transport corridors is identified. This will provide the skeletal framework for the future development of Northern Ireland. The strategy will be to exploit the economic potential of the key and link transport corridors which offer larger consumer markets, good links between the main towns and access to significant labour markets and rural catchment areas, in effect creating commercial corridors across the region. The Strategy recognises the importance of the east-west key transport corridor which links Belfast, Craigavon, Dungannon and Enniskillen with the important transport spine through the west of the Londonderry-Strabane-Omagh-Dublin route, thereby providing a number of hubs around which economic development in the west can be focused.

**Mr Gibson** asked the Minister for Regional Development if he has a working plan or model that would correspond to the north-east corridor of Ballymena, Coleraine, Limavady for the south of Lough Neagh corridor to Enniskillen and Omagh/Strabane. (AQW 16/00)

**Mr Campbell:** The Regional Development Strategy, when it is finalised, will provide a spatial framework, or model, for future development and will emphasise balanced development across the region. A regional strategic transport network with key and link transport corridors is identified. This will provide the skeletal framework for the future development of Northern Ireland. The strategy will be to exploit the economic potential of the key and link transport corridors which offer larger consumer markets, good links between the main towns and access to significant labour markets and rural catchment areas, in effect creating commercial corridors east to west across the region.

As a counterbalance to the north-east, the regional development strategy identifies what could be described as a broad crescent of economic development nodes to the south and west of Lough Neagh, following the south-western transport corridor and connecting with the western transport corridor (Londonderry-Strabane-Omagh-Dublin). This 'crescent' stretches from Craigavon/Omagh through Dungannon/Cookstown to Omagh, Enniskillen and the North-West, thus providing a range of centres for employment and services on which future economic growth in the west can be focused.

## Roads

**Mr Gibson** asked the Minister for Regional Development what plans he has to overcome the lack of infrastructure investment over the last 30 years in the rural roads in West Tyrone. (AQW 17/00)

**Mr Campbell:** It is clear that the levels of expenditure on Northern Ireland's roads over recent years have been inadequate to maintain properly or improve the existing

road network. I will therefore be considering, as part of the work currently under way to develop a long-term transport strategy, the scale of infrastructure investment required on roads, including rural roads, and how such investment might be funded. This is an issue which I will also be pursuing in my input to the Programme for Government.

## Omagh Waste Water Treatment Works

**Mr Byrne** asked the Minister for Regional Development when he intends to approve new waste water treatment works for Omagh on an out-of-town site. (AQW 18/00)

**Mr Campbell:** I am aware of the concerns expressed by public representatives and residents about the siting of the new Omagh waste water treatment works. I intend to visit Omagh shortly to see the proposed sites and to meet Omagh District Council to discuss the issues involved.

I hope to be in a position to make an announcement in the next two to three months.

## Water Supply Aluminium

**Mrs I Robinson** asked the Minister for Regional Development what are the current levels of aluminium in the water supply. (AQW 19/00)

**Mr Campbell:** I am replying as this is a matter for the Department for Regional Development.

The most recent assessment available for levels of aluminium in the water supply is contained in the Drinking Water Quality Report 1999, published by the Water Service in June 2000.

Approximately 94% of samples comply with the regulatory standards for aluminium contained in the Water Quality Regulations 1994. A significant programme of capital works, costing approximately £100 million, is planned to upgrade water treatment works and increase compliance levels generally.

## Water Metering

**Mrs I Robinson** asked the Minister for Regional Development whether there are any plans to introduce metering of water in households in Northern Ireland. (AQW 20/00)

**Mr Campbell:** There are no plans to introduce metering of water in households in Northern Ireland under the existing arrangements for funding the provision of water and sewerage services. However, in recognition of the very substantial investment needs of both services over the next decade and beyond, I intend to consider the options for future charging arrangements. The aim of

such arrangements might be to provide a more sensible, transparent and accountable relationship between the Water Service and its customers and promote the sustainable use of water resources. If, at any time in the future, there is consideration of introducing a separate water charge for domestic customers, consultation will be undertaken with the Department of Finance and Personnel.

### Roads Maintenance

**Mr Hay** asked the Minister for Regional Development if he has any plans to increase resources to rural areas in Northern Ireland, especially for roads maintenance and grass and hedge cutting. (AQW 21/00)

**Mr Campbell:** I will be considering, as part of the work currently under way to develop 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 for the roads budget fall far short of what is required. These are issues which I will also be pursuing in my input to the Programme for Government.

### Major Road Works (A26)

**Mr Paisley Jnr** asked the Minister for Regional Development what progress has been made to date with the major road works on the A26 at Ballymena; if he will indicate any additional measures being considered for pedestrian safety; and if he will make a statement. (AQW 28/00)

**Mr Campbell:** I was pleased to visit the A26 scheme recently and to see the excellent progress currently being made. The new dual carriageway is already taking shape, and a substantial length has now been surfaced. To date there has been relatively little disruption to the 21,000 drivers who use the road every day, and the contractor has made the most of the summer weather.

Progress from now is likely to be slower as the winter months approach and because of the complications of adjacent properties. Nevertheless, the contract is likely to be completed by May 2001—several weeks ahead of the original programme.

The scheme provides for pedestrian safety in that a continuous footway will be constructed along the eastern side. There will also be short lengths of footways to bus stops along the western side and at crossing points. Furthermore, special arrangements will be made at Valley Road to accommodate the parents of children attending Carnaghts Primary School. In addition to a crossing point

for the school crossing patrol, parking facilities will be provided on surplus ground near the school.

### Abandonment of Roads (North Antrim)

**Mr Paisley Jnr** asked the Minister for Regional Development to list any roads identified for abandonment in the North Antrim constituency. (AQW 32/00)

**Mr Campbell:** At present my Department's Roads Service is not considering any large-scale road abandonments.

In North Antrim a small number of minor abandonments are being progressed, mainly at the request of adjacent landowners. These are:

968m<sup>2</sup> of road at the end of the U2209 Old Crebilly Road, Ballymena;

1,121m<sup>2</sup> of road embankment beside the A36 Larne Road Link, Ballymena, at the Castle Demesne Link junction;

3,100m<sup>2</sup> of road embankment beside the A36 Larne Road Link, Ballymena, at the Crebilly Road junction; and

1,695m<sup>2</sup> of road embankment beside the A36 Larne Road Link at Ballymena, adjacent to Edwin May's car showroom complex.

### Road Maintenance

**Mr Paisley Jnr** asked the Minister for Regional Development what assessment has been made of the Northern Ireland Audit Office report on the structural maintenance of roads (NIA 15); and if he will make a statement. (AQW 33/00)

**Mr Campbell:** The Northern Ireland Audit Office report on the structural maintenance of roads recognised the decline in expenditure in real terms for this key activity. As a result of funding constraints over a number of years, the Roads Service has had to focus its resources on motorways and those other roads which make up the trunk road network. The report confirmed that expenditure on structural maintenance of roads in Northern Ireland has been consistently lower than in England, Scotland, Wales and the Republic of Ireland.

I am very conscious that I have inherited a significant road maintenance backlog and that the existing levels of funding fall far short of what is required. These are issues that I will be pursuing in my input to the Programme for Government.

## Road Works Programme

**Mr Paisley Jnr** asked the Minister for Regional Development to outline his policy (roadworks preparation pool) on the upgrading of roads and to specify whether this programme includes the upgrading of the main road from Ballymena to Ballymoney—the Frosses Road.

(AQW 34/00)

**Mr Campbell:** I refer the Member to a letter dated 20 July 2000 which the former Regional Development Minister, Mr Robinson, issued to all Northern Ireland MPs, MLAs and district councils. In that letter my predecessor explained the Department's new policy arrangements for delivering the Roads Service programme of major works.

These arrangements include the establishment of a major works preparation pool for schemes that the Roads Service hope to construct or start work on within the next five years or so. A 10-year forward planning schedule, to align with the Department's 10-year transportation strategy, will also be prepared. I hope to publish that schedule next year.

A scheme to dual the Frosses Road is not included in the major works preparation pool. At present my Department's Roads Service is considering a number of potential schemes for possible inclusion in the forward planning schedule. One of the schemes being considered is the dualling of the Frosses Road between Glarryford and the Ballycastle Road junction.

## Telecommunications Masts (South Down)

**Mr M Murphy** asked the Minister for Regional Development whether approval has been given for the proposed erection of telecommunications masts on Water Service property in the Rostrevor, Kilcoo and Downpatrick areas.

(AQW 37/00)

**Mr Campbell:** I am replying as this is a matter for the Department for Regional Development.

The Water Service has not received any requests for the erection of telecommunications masts at its installations in the Rostrevor area. The Water Service recently received four applications for the erection of masts in the Kilcoo and Downpatrick areas. The position on each is as follows:

- (a) The application in respect of Kilcoo waste water treatment works has been turned down. The works are to be extended, and the site could not accommodate the proposed mast.
- (b) Applications are currently being considered for the erection of masts at Lough Island Reavy water treatment works (near Kilcoo), Sampson's Stone service reservoir (in Downpatrick) and Clough

wastewater treatment works (approximately five miles from Downpatrick).

The three applications will be carefully examined against very rigorous criteria. This includes ensuring that the proposed installation does not affect Water Service operations, that all licensing and public safety requirements are met and that the cellular companies involved have obtained planning approval from the Planning Service for their proposals. Applications which meet these criteria are likely to be approved by the Water Service.

## Cryptosporidiosis

**Mrs Carson** asked the Minister for Regional Development to provide information on water treatment at all reservoirs in Northern Ireland and to confirm that no other areas of population are at risk from further outbreaks of cryptosporidium.

(AQW 39/00)

**Mr Campbell:** The type of treatment provided at each water treatment works depends on the quality of the raw water. Hence, treatment methods vary. Commonly used treatment methods are sand filtration and/or chemical treatment employing widely used flocculates based on iron and aluminium. Significant capital investment is required to enhance water treatment facilities across Northern Ireland to satisfy public health requirements and comply with EC Directives.

All Water Service sources of supply have been assessed for cryptosporidium risk. The risk assessment method is based on that used in England, Wales and Scotland, developed in consultation with the NI Drinking Water Inspector and agreed with the Department of Health, Social Services and Public Safety. Risk assessments are revised each year and are used to improve treatment.

The Silent Valley was the only source with a risk factor which indicated the need for continuous analysis during the higher-risk period (February to May each year).

A new water treatment works for the Silent Valley supply is due for completion in 2003/04 at a cost of £35m. This works will provide a primary barrier for the removal of cryptosporidium.

Cryptosporidium is ubiquitous in the community, is carried by many animals and some humans and can be spread, for example, through contact with animals.

I can assure you that Water Service will do all in its power to minimise any risk of cryptosporidiosis through the public water supply.

**Mrs Carson** asked the Minister for Regional Development what information has been forwarded to the Department of Health, Social Service and Public Safety from the Department of Regional Development with regard to the outbreak of cryptosporidium. (AQW 41/00)



**Mr Campbell:** The Department of Health, Social Services and Public Safety and the Department for Regional Development have an agreed joint protocol for the management of an outbreak of cryptosporidiosis. This is based on the recommendations of the 1998 report of the group of experts on cryptosporidium chaired by Prof Ian Bouchier.

The protocol was followed in the recent outbreak in the Lisburn and south-west Belfast areas with the establishment of an outbreak control team. The Team was chaired by the consultant for communicable disease control and involved officials of the Eastern Health and Social Services Board and the Water Service. Information on matters such as the extent of the area affected, water analysis results and ongoing investigations were dealt with by the team on a daily basis. Communications to the public were also agreed by the Team and issued as joint press statements.

The Department of Health was kept informed of progress by the Water Service, with a total of six reports being issued during the course of the incident. In addition to these formal methods of communication, there was regular liaison between the officials of the two Departments.

### Water and Sewerage Services

**Mrs I Robinson** asked the Minister for Regional Development how many of the estimated 6,000 homes without running water have benefited since the increase in financial allowances for the provision of mains water and public sewerage to existing homes. (AQO 3/00)

**Mr Campbell:** Since the 4 May 2000 announcement about the increased financial allowances, the Water Service has approved applications for connecting 62 existing properties to mains water supplies. These properties require the implementation of 23 construction schemes.

Two schemes, involving nine properties, are currently under construction, and the remaining 21 schemes, involving 53 properties, are either at design stage or out to contract.

### Strangford Bridge

**Mr McCarthy** asked the Minister for Regional Development if he will support requests from local residents for a bridge across Strangford Lough between Portaferry and Strangford as a replacement for the ferry service. (AQO 23/00)

**Mr Campbell:** The projected traffic volumes using such a bridge would simply not be high enough to justify its very considerable construction costs.

The span across Strangford Lough between Portaferry and Strangford measures 0.6 mile, and the cost of

constructing a bridge at this location is estimated to be £25 million to £30 million..

The environmental impact of the bridge would be a contentious issue in this area of outstanding natural beauty, particularly because the bridge would have to be a high-level construction to allow for continued navigation of the lough.

The Member for Strangford will be aware that my Department's Roads Service has recently awarded the contract for a new vessel for use on the Strangford Lough ferry service. The contract is for the design, construction and delivery of a new 28-car ferry vessel within a 12-month period. The contract sum is within the £3 million budget which was set aside for this project, and the procurement of a new vessel will ensure the continuation of a safe and reliable ferry service between Portaferry and Strangford.

### Public Transport (Finance)

**Mr Ford** asked the Minister for Regional Development what action he has taken to ensure that Northern Ireland will obtain additional funding for public transport in line with that allocated by the Department of the Environment, Transport and the Regions in Great Britain. (AQO 21/00)

**Mr Campbell:** The Northern Ireland 2000 spending review is the process by which public expenditure allocations will be made. In light of the fact that significant additional resources have been provided to the Northern Ireland block as a result of increased allocations in GB, including 20% annual increases for roads and transport, my aim is to ensure that substantial increases are provided for roads and transport in Northern Ireland. As part of the spending review process I have proposed bids for additional resources which have been notified to Mark Durkan, who will be presenting a draft Budget to the Executive Committee and the Assembly in the autumn. I will be promoting these bids strongly throughout the process leading to the agreement of the Budget. (I have also provided the Executive Committee with a paper setting out the current work in my Department in preparing a 10-year regional transportation strategy and have recently taken receipt of the Railways Task Force's interim report.)

### Sewerage (Ballyclare)

**Mr J Wilson** asked the Minister for Regional Development to outline his proposals for the enhancement of sewage treatment facilities and the sewer network in the greater Ballyclare area; and if he will give a start date for the commencement of work. (AQO 2/00)

**Mr Campbell:** A detailed technical and economic appraisal is currently being carried out of the options for providing enhanced waste water treatment facilities in



Ballyclare. There will be ongoing consultation with public representatives as plans are being progressed.

Subject to completion of all the formalities, the scheme is programmed to commence in the financial year 2002/03. It is expected to cost around £5 million and take two years to complete.

A study of the sewerage system in Ballyclare has recently been completed, and a range of improvements have been identified. These are expected to cost in the region of £500,000. However, due to other priorities, it is not likely that work on these can commence before 2005/06.

### **Portadown-Armagh Road (A3)**

**Mr Watson** asked the Minister for Regional Development when he proposes to proceed with the dualling of the A3 Portadown-Armagh road. (AQO 7/00)

**Mr Campbell:** The Member will know that the A3 between Portadown and Armagh is a two-lane carriageway route. The volumes of traffic currently being recorded are well within the capacity for this type of road. My Department's Roads Service has no plans at present to dual the road within the short-to-medium term and hence no such scheme is currently included in the Roads Service major works preparation pool. Options for improving the A3 will, however, be considered for possible inclusion in the Roads Service 10-year forward planning schedule, which will be published next year.

### **Flood Management**

**Mrs E Bell** asked the Minister for Regional Development what contingency plans his Department has now in place in the event of any further flooding. (AQO 19/00)

**Mr Campbell:** The Water Service, as part of its responsibility for the delivery of day-to-day water and sewerage services, has had in place emergency planning procedures to deal with a range of potential incidents. These procedures include a single province-wide telephone number, dedicated customer service/call handling units, 24-hour telemetry monitoring of key installations and deployment of emergency response staff and contractors to specific locations to deal with incidents.

The Water Service is currently reviewing these procedures to take account of issues identified during the recent exceptional flooding incidents in the Belfast area. I have also agreed with the Minister of Agriculture and Rural Development that the existing Inter-Agency Flood Group, led by the Rivers Agency and including staff from the Roads and Water Services, which has been addressing key issues of flood management co-ordination, will examine how current arrangements and procedures

can be enhanced in order to improve the response to flooding incidents.

### **Public Transport: Concessionary Fares**

**Mr Neeson** asked the Minister for Regional Development what plans his Department has to introduce free public transport for pensioners in Northern Ireland. (AQO 20/00)

**Mr Campbell:** I and my predecessor, Mr Robinson, are totally committed to seeing the introduction of a free travel scheme for older people at the earliest opportunity. To this end, Mr Robinson issued a discussion paper on this subject to councils in February 2000. I am pleased to advise that there was widespread support among councils for the provision of a free fare travel scheme for older people, although opinion was divided about how the scheme should be financed.

Mr Robinson again wrote to councils in June to seek a definitive opinion on financing the scheme. Councils were asked to comment by 1 September 2000. To date, 12 replies have been received.

The Department has put forward a Concessionary Fares Bill, and the Assembly agreed to incorporate this in the programme of legislation announced on Monday 11 September. The Bill provides for the introduction of a free public transport travel scheme(s) for older people (men and women 65 or over) and to enable district councils to contribute to the cost.

## **SOCIAL DEVELOPMENT**

### **Domestic Energy Efficiency Scheme**

**Mr Paisley Jnr** asked the Minister for Social Development if the scheme, recently announced in Great Britain, to provide central heating systems for older people on low incomes will be extended to Northern Ireland. (AQW 36/00)

**The Minister for Social Development (Mr Morrow):** No, the scheme will not extend to Northern Ireland. However, my Department has announced proposals, which are currently out for consultation, for a new Domestic Energy Efficiency Scheme. This scheme will be introduced in April 2001 and will provide a package of insulation measures, including central heating for low-income private-sector pensioner households on certain benefits.

## ASSEMBLY COMMISSION

### Questions

**Mr Paisley Jnr** asked the Assembly Commission if it has any plans to publish information relating to the number of questions tabled by Members, broken down by party, Department and individual member.

(AQW 45/00)

**Dr O'Hagan (Assembly Commission):** I am responding on behalf of the Assembly Commission.

The Assembly Commission has no plans to publish information relating to the number of questions tabled by Members, broken down by party, Department and individual Member.

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# NORTHERN IRELAND ASSEMBLY

Friday 29 September 2000

## Written Answers to Questions

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### USA Visit

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister to detail the cost of the visit to the United States of America, during week commencing 11 September 2000, in respect of (a) travel and (b) accommodation. (AQW 116/00)

**Reply:** The total travel and accommodation costs of our visit to the United States were as follows:

(a) Travel: £38,122

(b) Accommodation: £3,812.

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister to detail the number of civil servants and advisers who accompanied them to the United States of America, during week commencing 11 September 2000, to stipulate the offices they hold and to detail the costs those officials incurred in respect of (a) travel and (b) accommodation. (AQW 117/00)

**Reply:** Eight officials accompanied the First Minister and the Deputy First Minister on their visit to the United States. The offices held by these officials are as follows:  
Head of the Northern Ireland Civil Service  
Office Manager to the Head of the Civil Service  
Principal Private Secretary to the First Minister  
Principal Private Secretary to the Deputy First Minister  
Special Adviser and Chief of Staff to the First Minister  
Special Adviser to the Deputy First Minister  
Principal Information Officer to the First Minister  
Principal Information Officer to the Deputy First Minister.

The costs incurred by these civil servants and special advisers in respect of travel and accommodation were as follows:

Travel: £30,510

Accommodation: £3,082.

**Mr Paisley Jnr** asked the Office of the First Minister and the Deputy First Minister to provide a list of meetings attended on the visit to the United States of America during the week commencing 11 September 2000. (AQW 118/00)

**Reply:** Meetings with the following took place:

President Clinton and National Security Council advisers  
Senator George Mitchell

Frank Holleman, Deputy Secretary, Department of Education

Sir Christopher Meyer, British Ambassador to the US  
Edward Montgomery, Deputy Secretary, Department of Labor

Sean O hUiginn, Ambassador of Ireland to the US

Strobe Talbott, Deputy Secretary of State at the Department of State

A reception for political and civic figures, arranged by the Northern Ireland Bureau, was attended.

In addition to the joint programme, the First Minister and the Deputy First Minister held a number of meetings separately during the remainder of their visit. Their meetings were with a variety of senior political leaders and media and business figures.

The Head of the Northern Ireland Civil Service also held a number of meetings separately on 14 September to explore the best approach to Northern Ireland representation in the US, which is currently under consideration.

### AGRICULTURE AND RURAL DEVELOPMENT

#### Price Fixing (Meat Plants)

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if she is aware of the allegations of a cartel and price-fixing arrangement operated by meat plants in Northern Ireland and if she has access to any evidence to support these allegations. (AQW 54/00)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** I am aware that interests in Northern Ireland have made allegations to the Office of Fair Trading (OFT) regarding a cartel in the beef sector and that these are being considered by the OFT.

Competition policy is a reserved matter and is the responsibility of OFT to pursue.

My Department will, of course, co-operate with the OFT in their consideration of these allegations and will make available any information that it considers might be helpful in its inquiries.

### Vision Group

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development when the report and findings of the Vision Group will be published. (AQW 55/00)

**Ms Rodgers:** I expect to receive the report of the Steering Group set up to establish a vision for the future of the Northern Ireland agri-food sector at the end of February 2001.

A number of themes have already emerged from the deliberations of the group. I have sent a paper on these to the Executive Committee and will be sending it to the Assembly Committee on Agriculture and Rural Development within the next few days.

### Silent Valley Sheep

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development what amount of compensation will be made available to sheep farmers in the Silent Valley area, who have been compelled by the Water Service to move their stock off traditional grazing land, and for what period this compensation will be paid.

(AQW 56/00)

**Ms Rodgers:** My Department has already acted positively and sympathetically within the rules governing *force majeure* provisions to protect the premium position this year for farmers affected by the grazing ban. An urgent assessment of the full implications for the farmers affected is ongoing in an effort to establish the scope for action to ease their difficulties. I will write to you again when this assessment is completed and I can give a definite response.

### Fishery Harbour Authority

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development if she will list the names of those who sit on the Northern Ireland Fishery Harbour Authority and advise (a) when they were appointed, (b) whom they represent, (c) what interests they have declared, (d) what organisation nominated them and (e) what organisation they represent in their official capacity.

(AQW 65/00)

**Ms Rodgers:** Details concerning those who sit on the Northern Ireland Fishery Harbour Authority are as follows:

Mr Robert Ferris – Chairperson  
Miss Anne Marie Cunningham – Deputy Chairperson  
Ms Margaret Andrews – Member  
Mr Richard Coulter – Member  
Mrs Deidre Harding – Member  
Mr Walter G Smyth – Member  
Mr Joseph Mawhinney – Member.

Mr Ferris and Miss Cunningham were appointed by the Department of Agriculture. The remainder were appointed

in response to a public advertisement under procedures laid down by the Commission for Public Appointments.

No members of the authority have declared any interests which would conflict with their duties as members of the board of the authority.

None of the board members were nominated by any organisation.

All members, when discharging their roles as board members of the authority, do not represent the interests of any organisation other than the authority.

### Pig Meat

**Mr Shannon** asked the Minister of Agriculture and Rural Development if overproduction of pork in the United States of America will have a negative effect upon the Northern Ireland market. (AQW 73/00)

**Ms Rodgers:** The United States, like the European Union (including Northern Ireland), is a net exporter of pig meat. In recent years US exports have increased significantly, but this is not unusual for a country with vast supplies of low-priced feed grain and the freedom to export non-subsidised production.

Historically, any increase in supplies of pig meat on the world market has had a knock-on effect on all exporting countries, which, as a result, face stiffer competition in the market place. It is not possible to quantify the impact of this on any market, including the Northern Ireland market. However, as you may already be aware, the main market for our pig meat is within the UK, which is only about 70 % self-sufficient.

### Foxes

**Mr Shannon** asked the Minister of Agriculture and Rural Development if she would consider reintroducing the fox bounty. (AQW 74/00)

**Ms Rodgers:** No. The fox bounty was paid previously in circumstances which suggested that the culling of the standing fox population was necessary to reduce the levels of predation by foxes of livestock, particularly poultry and lambs. However, the measure proved to be ineffective in reducing the standing population, as evidenced by Dr James Fairley's report in 1968, which looked at the influence of hunting and, in particular, the impact of bounty schemes. The conclusion drawn from this study was that fox mortality attributable to man's hunting activities, including this bounty scheme, failed the basic test for the control of any wild animal population, in that these activities did not exceed natural mortality and thus were not having any impact on the standing population. The recommendation of the report was that the bounty scheme be withdrawn.



In considering reintroduction, I have taken into account whether such a measure is needed again and its probable level of effectiveness. I have also considered the level of payment which would be needed to encourage participation and the cost of resources which would be needed to ensure proper monitoring.

Having regard to these factors, and particularly the costs which would, of course, compete against other funding needs faced by my Department, I conclude that I would not be justified in reintroducing such a scheme.

**Mr Shannon** asked the Minister of Agriculture and Rural Development to provide figures illustrating the numbers of livestock and poultry losses attributed to foxes in each of the past five years. (AQW 75/00)

**Ms Rodgers:** My Department does not collect any statistics on mortalities due to wildlife predation.

### Fishing Businesses (Price of Diesel)

**Mr Shannon** asked the Minister of Agriculture and Rural Development to outline the full impact recent diesel price rises will have on the viability of many fishing businesses and whether any plans have been made to address this problem. (AQW 76/00)

**Ms Rodgers:** The impact of diesel price rises on the viability of fishing businesses will depend on many factors for example, the usage of diesel and the value of fish landed. There is nevertheless no doubt that businesses are being detrimentally affected. Whilst I do not have any direct influence on international oil prices or the level of taxation, this serves to emphasise the need to seek to increase the income of fishermen by addressing the related problems of the poor state of fish stocks and over-capacity. For the latter purpose I am actively considering the possibility of introducing a decommissioning scheme for fishing vessels later in the year.

### Vermin (Crows and Foxes)

**Mr Shannon** asked the Minister of Agriculture and Rural Development if she plans to take any measures to control the spread of vermin in the form of Grey-back crows or foxes. (AQW 77/00)

**Ms Rodgers:** The Department publishes leaflets which are available through local countryside Management Division offices — namely, ‘Control of Pests on the Farm (Animals)’ and ‘Control of Animals on the Farm (Wild Birds)’. Copies of the leaflets are enclosed for your information. However, at this time it is not proposed to introduce any measures to control the spread of vermin in the form of grey-back crows or foxes.

### Farmer Co-operatives

**Mr K Robinson** asked the Minister of Agriculture and Rural Development what support and advice is available to newly formed farmer co-operatives.

(AQW 105/00)

**Ms Rodgers:** The Department of Agriculture and Rural Development provides support for the setting up of co-operatives and for the salaries of key staff. Under the Marketing Development Scheme 50% grant is paid on eligible costs where these form part of a marketing initiative.

It is also planned that in the new phase of the Rural Development Programme, which will run until 2006, the Department will provide some capital funding for local projects and programmes developed by farmers’ groups and other collective groups in rural areas. These groups will be able to apply for money to carry out a project which they believe will improve economic, environmental or social conditions in their areas.

The Department’s Agri-food Development Service can provide assistance to the members of co-operatives through its lifelong learning programmes. Farmers wishing to avail of these programmes in the South Antrim area should contact the senior rural enterprise adviser, who is based at Kilpatrick House, 38–54 High Street, Ballymena (Telephone 028 2566 2834).

### Rural Development Plan

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development to detail the source of the additional £7.7m allocated to the Rural Development Plan and announced on 15 September 2000; and if it was (a) additional money from the European Union or (b) modulation money already available to the Department of Agriculture and Rural Development. (AQW 139/00)

**Ms Rodgers:** The additional £7.7m which I allocated to the LFA element of the Rural Development Plan was secured by me from the Treasury. It is not EU money, nor is it modulation money, nor has it been taken from other Northern Ireland programmes.

### Modulation Funding

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development what proportion of the £254m allocated to the Rural Development Plan on the 15 September 2000 comes from the modulation funding already available to the Department (AQW 140/00)

**Ms Rodgers:** Approximately 15% of the £254m allocated to the Rural Development Plan will come from modulation funding. However, it must be remembered that an equivalent sum of match funding—that is, additional

money—was made available at the time modulation was introduced. Most of this remains unallocated because, unlike money raised from modulation, it may be used across all of the measures in the Rural Development Regulation (EC 1257/1999) and it seemed sensible to allow as much time as possible for consideration of how this money might be used. In the context of the Rural Development Plan, I have been able to make available an additional £7.7m for aid to the less-favoured areas.

### Silent Valley Sheep

**Mr O'Neill** asked the Minister of Agriculture and Rural Development when she became aware of the Department of Regional Development's plan to ban sheep grazing in the Silent Valley and to report on whether she was consulted by the Minister for Regional Development on the likely impact of his decision on the farming community. (AQW 161/00)

**Ms Rodgers:** My Department first became aware on 14 December 1999—through the Environment and Heritage Service—of the Water Service's proposal to ban sheep from the Silent Valley. At a meeting with the Water Service on 28 January 2000 the need was stressed for the Water Service to keep the graziers of the sheep informed. Discussions ensued between officials on the duration and impact of the ban, which was initially imposed for the period to the end of May 2000 and subsequently extended for the rest of the summer grazing season to the end of October 2000.

I was not consulted by the Department for Regional Development prior to the announcement of the decision to further extend the ban until the new water treatment works is completed in 2003. My officials are now considering with the Department for Regional Development the implications of the extended ban.

### Fish Farming Licences

**Mr McHugh** asked the Minister of Agriculture and Rural Development to confirm if the Department of Agriculture and Rural Development has been issuing fish farming licences beyond its territorial jurisdiction in the areas of Carlingford and Warrenpoint; and if she will make a statement. (AQW 176/00)

**Ms Rodgers:** I can confirm that the Department has not issued any fish farming licences in the Carlingford and Warrenpoint areas beyond the boundary of the area on the northern side of the dredged channel, which was notified to the Irish Government as the area within which the Department could grant fish farming licences.

## CULTURE, ARTS AND LEISURE

### Sports Funding

**Mr Beggs** asked the Minister of Culture, Arts and Leisure what funding was made available to (a) soccer, (b) rugby, (c) hockey (d) Gaelic games and (e) other sports in each of the last five years. (AQW 70/00)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** Funding for sport in Northern Ireland is made available through the Sports Council for Northern Ireland. The figures are as follows:

Soccer				
1996/97	1997/98	1998/99	1999/00	2000/01
747,378.25	680,129.03	675,381.56	1,083,732.67	184,560.00
Rugby				
1996/97	1997/98	1998/99	1999/00	2000/01
37,523.35	287,335.75	181,670.45	113,077.85	16,000.00
Hockey				
1996/97	1997/98	1998/99	1999/00	2000/01
795,700.55	410,982.71	371,408.03	535,294.91	59,000.00
Gaelic Games				
1996/97	1997/98	1998/99	1999/00	2000/01
2,321,550.69	1,743,730.45	2,744,926.68	1,581,825.78	35,000.00
All Other Sports				
1996/97	1997/98	1998/99	1999/00	2000/01
3,915,524.82	6,090,405.49	6,764,464.27	4,223,319.48	629,224.00

The figures quoted above are comprised of Exchequer, Lottery Capital and Lottery Revenue funds.

The figures quoted for 2000/01 are made up of Exchequer funding for the complete financial year plus Lottery Capital and Lottery Revenue for part year, April 2000 to August 2000.

### GAA Rule 21

**Mr Beggs** asked the Minister of Culture, Arts and Leisure if he intends to lobby the Gaelic Athletic Association for the repeal of its Rule 21 in line with recommendation 114 of the report of the Independent Commission on Policing for Northern Ireland.

(AQW 78/00)

**Mr McGimpsey:** My views on Rule 21 are widely known, and as recently as 3 July 2000, in response to a Question asked by Derek Hussey in the Assembly, I emphasised my view:

"I would welcome the ending of Rule 21—it is wrong that it exists."

I am aware that the GAA has been reviewing its position in regard to Rule 21, and as recently as 19 January 2000, in a press statement issued by the association, Mr Joe McDonagh, President of the GAA, reiterated the body's intention to remove Rule 21 from its rule book

“When effective steps are taken to implement the amended structures and policy arrangements envisaged in the Good Friday Agreement”.

However, the constitutional position of the GAA is a matter for them, and it would not be appropriate for me to intervene. However, I can assure you that I will be taking every available opportunity to emphasise my position in regard to this matter.

### Soccer: Media Coverage

**Mr K Robinson** asked the Minister of Culture, Arts and Leisure what representation he will make to local media to ensure that soccer receives the same amount of positive coverage as other sports. (AQW 172/00)

**Mr McGimpsey:** It is a matter for the media to decide how much coverage should be given to soccer—indeed, any sport. However, I have regularly been in touch with the media about soccer in Northern Ireland and have issued six press releases on the subject in the past three months. I have visited a number of Irish League soccer grounds, given several interviews on the subject to television and radio and written an article for a newspaper on the subject.

I intend to continue to be active in this area, but responsibility remains with soccer to promote itself through the media.

## EDUCATION

### Recently Qualified Teachers: Employment

**Mr Dallat** asked the Minister of Education to detail the numbers of teachers qualifying in Northern Ireland in 1997-98, 1998-99 and 1999-2000 and to indicate how many of these teachers are still seeking full-time, permanent posts in (a) the primary and secondary sector or (b) the further and higher education sector.

(AQW 80/00)

#### The Minister of Education (Mr M McGuinness):

Intakes to initial teacher education courses and matters relating to teacher employment generally are the responsibility of my Department.

The numbers of teachers qualifying from full-time initial teacher education courses on Northern Ireland was 644 in 1997-98 and 649 in 1998-99. Information on the number of teachers qualifying in 1999-2000 is not yet available.

In June 2000 a total of 46 teachers in the primary sector under 25 years of age were registered with the Department of Enterprise, Trade and Investment as seeking teaching posts, five of whom had been unemployed for more than

six months. The equivalent figures for the secondary sector were 28 and three respectively. Data for the further and higher education sectors are not available.

### Pre-School Places

**Mr K Robinson** asked the Minister of Education for a breakdown of (a) the provision of pre-school places for each constituency in Northern Ireland, (b) the locations where they are provided and (c) the organisations providing them. (AQW 84/00)

**Mr M McGuinness:** The numbers and types of pre-school places in each constituency, taken from the census return of October 1999, are set out in the table below. I will arrange for a copy of tables showing the locations of these places and the organisations providing them to be placed in the Assembly Library.

#### PROVISION OF PRE-SCHOOL PLACES BY PARLIAMENTARY CONSTITUENCY 1999/2000

Constituency	Nursery	Reception	Voluntary & Private Pre-School	Total
Belfast East	858	2	90	950
Belfast North	962	42	145	1149
Belfast South	650	32	61	743
Belfast West	1143	59	350	1552
East Antrim	520	27	247	794
East Londonderry	260	95	362	717
Fermanagh / South Tyrone	338	146	258	742
Foyle	962	26	245	1233
Lagan Valley	338	52	234	624
Mid Ulster	208	95	467	770
Newry And Armagh	728	243	178	1149
North Antrim	443	54	294	791
North Down	260	52	167	479
South Antrim	624	89	194	907
South Down	286	296	348	930
Strangford	390	62	194	646
Upper Bann	936	170	26	1132
West Tyrone	338	140	240	718

### Newly Qualified Teachers: Employment

**Mr K Robinson** asked the Minister of Education what steps he intends to take to address the problem of newly qualified teachers who are unable to find full-time employment in teaching. (AQW 85/00)

**Mr M McGuinness:** The number and types of vacancies for which newly qualified teachers may be eligible to apply in any one year are influenced by a wide range of factors, but principally the decisions of schools on both the desired size of their teaching

complements and the designation of teaching posts as full-time or part-time, permanent or temporary. Evidence suggests that many temporary posts filled by newly qualified teachers are made permanent, and the majority of such teachers therefore obtain permanent posts within the first few years of appointment.

It is, however, important that schools be aware of the implications of designating a post as temporary or permanent, and to that end the employing authorities are in the process of preparing advice to schools on the use of temporary and permanent employment contracts, taking account of a range of school circumstances and employment legislation. The Department will also continue, through the application of its statistical teacher demand model, to correlate as closely as possible the likely projected vacancies in schools with the intake numbers it sets annually for each of the teacher training institutions.

### Department Notepaper: Ulster-Scots Language

**Mr K Robinson** asked the Minister of Education when he intends to have the headed notepaper in his Department incorporate Ulster-Scots in order that all sections of the community might be treated equally, as required under the Belfast Agreement. (AQW 86/00)

**Mr M McGuinness:** I am perfectly happy to have the title and address of my Department in Ulster-Scots on my letter-headed paper. However, given that the Executive Committee has commissioned work to develop a corporate image for the Administration, and in the interests of economy, I do not propose to make any changes until that work is completed.

### Unemployed Teachers

**Mr K Robinson** asked the Minister of Education if he has considered how newly qualified and, as yet, unemployed teachers might be used to tackle under-achievement in literacy and numeracy in areas of social need. (AQW 87/00)

**Mr M McGuinness:** There are no literacy and numeracy projects specifically aimed at using newly qualified, but unemployed, teachers. Summer literacy and numeracy schemes and out-of-school-hours learning activities, however, offer the potential for such teachers to help to address underachievement in literacy and numeracy. Decisions on the staffing of such programmes are a matter for the employing authorities.

### Dyslexia and Dyspraxia

**Mrs Carson** asked the Minister of Education what steps will be taken to give children with dyslexia or

dyspraxia an equal opportunity when sitting keystage 1 and keystage 2 assessments. (AQW 114/00)

**Mr M McGuinness:** The statutory assessment arrangements at key stages 1 and 2 afford equal opportunities to all pupils. There are no external tests involved for pupils in these key stages. As part of their day-to-day teaching, all teachers assess pupils' work in a variety of ways and make a judgement about the level at which each pupil is working in a subject. In years 4 and 7, teachers also use two assessment units in English and mathematics. These are not tests but informal tasks supplied by the Northern Ireland Council for the Curriculum, Examinations and Assessment and are used as part of the normal classroom work to help confirm a teacher's judgement. The teacher then selects the level description which best fits the pupil's work over a period, based on performance as a whole.

### School Transport

**Mr O'Connor** asked the Minister of Education if he will review the current school transport policy to assist parents in sending their children to what they consider to be the most appropriate school. (AQW 137/00)

**Mr M McGuinness:** The arrangements approved by my Department support parental preference and enable education and library boards to provide transport assistance where a pupil is unable to gain a place in a suitable school within statutory walking distance of his or her home. The definition of "suitable school" has regard to the well-established categories of controlled, catholic maintained, integrated and Irish-medium and, in the grammar sector, denominational and non-denominational schools.

To extend the policy would divert resources away from the classroom when our aim should be to concentrate the maximum possible level of resources on teaching and learning.

### Behaviour in Schools

**Mr Gibson** asked the Minister of Education what action has been taken to help schools to promote higher standards of behaviour. (AQW 141/00)

**Mr M McGuinness:** The School Improvement Programme, launched in 1998, includes a discipline strategy aimed at promoting and sustaining good behaviour. The key features of this strategy, which are in the process of being implemented, include:

- the creation of multi-disciplinary behaviour support teams in each education and library board to work with teachers and pupils on behaviour management;
- the creation of pupil referral units providing up to 200 additional short-stay withdrawal places for pupils whose behavioural problems cannot be satisfactorily managed within school;



- pilots in each education and library board area of permanent alternative provision for the most disruptive 14-16 year-olds for whom mainstream education is not suitable;
- the preparation of best practice guidelines for schools on a range of discipline policies;
- new legislation to strengthen the position of schools in matters of discipline, such as detention and suspension.

In the current financial year some £6.1m will be spent on implementing these measures and on tackling related issues, such as truancy. It will inevitably take a little time for the full effect of these recent initiatives to become apparent, but I believe they will make a significant contribution towards promoting good behaviour in schools.

### Literacy and Numeracy

**Mr Gibson** asked the Minister of Education to detail his plans to reduce the number of pupils who demonstrate low attainment in numeracy and literacy.  
(AQW 142/00)

**Mr M McGuinness:** The strategy for the promotion of literacy and numeracy in primary and secondary schools includes a wide range of initiatives aimed at improving literacy and numeracy standards for all pupils.

The main features of the strategy are:

- all schools are required to have a literacy and numeracy policy, regularly revised and shared with parents, and a teacher designated as a co-ordinator for each;
- inter-board steering groups have been established to secure full and effective co-ordination of literacy and numeracy promotion across all boards;
- a team of six literacy/numeracy development officers is in place in each board area;
- a major three year in-service programme of literacy and numeracy training for all schools is under way, offering up to six days' whole-staff training per school;
- a programme for training "Reading Recovery" teachers (a support programme for children in year 2 (5/6-year-olds) who are experiencing difficulties with reading);
- literacy and numeracy targets have been set for pupils at ages 8, 11 and 14; all schools are required to set their own targets for attainment;
- the provision by the Department of benchmarking data to enable schools to judge their own performance against schools in similar circumstances;
- the development and dissemination of guidance and good practice materials;
- the establishment of summer literacy and numeracy schemes which will be enhanced by resources made available by the New Opportunities Fund as part of its out-of-school-hours learning activities; and

- the National Year of Reading and Maths 2000, aimed at engaging the whole community in the effort to raise standards.

### Primary School Class Sizes

**Mr Gibson** asked the Minister of Education if he will detail his plans for reducing primary school class sizes and what progress has been made over the last three years.  
(AQW 143/00)

**Mr M McGuinness:** The class sizes in primary schools policy has been applied progressively and now covers all pupils in key stage 1. It began with P1 classes in September 1998 and was extended to P2 classes in September 1999 and to P3 and P4 classes in September 2000.

The policy has been a great success: there are currently no P1 and P2 classes over 30 pupils, apart from a few schools where exceptions were granted under the policy, nor is there any evidence of larger classes in key stage 2.

### Gallagher Report

**Ms E Bell** asked the Minister of Education when he expects to announce the findings of the Gallagher Report on the transfer procedure.  
(AQO 60/00)

**Mr M McGuinness:** I plan to publish the Gallagher Report on 28 September 2000.

### Schools: Term-Time Staff

**Mrs I Robinson** asked the Minister of Education if his announcement on 5 July 2000 about term-time staff was premature.  
(AQO 66/00)

**Mr M McGuinness:** My announcement of 5 July recognised that further negotiations would take place.

I am pleased that negotiations are to continue, as this is the only way a solution can be reached.

### School Transport

**Ms Lewsley** asked the Minister of Education if he has any plans to introduce transport for pre-school children attending nursery schools.  
(AQO 54/00)

**Mr M McGuinness:** The arrangements approved by my Department for the provision of home-to-school transport restrict provision to pupils who have reached the lower limit of compulsory school age. I have no plans at present to extend provision to pupils attending nursery schools.

### Schools: Term-Time Staff

**Mr K Robinson** asked the Minister of Education if he is satisfied that the recent offer from the management side of the Joint Negotiation Council to the term time staff in schools, in the matter of a retainer fee, is a fair and equitable response. (AQO 50/00)

**Mr M McGuinness:** It would be inappropriate for me to comment given that negotiations are ongoing. The elements of the offer are for the employing authorities to judge, taking account of pay relativities with other groups of staff. I do know that it is a genuine attempt to address the concerns of staff, particularly in relation to payment over the summer months.

**Mr S Wilson** asked the Minister of Education what is the current pay offer from the joint negotiating committee to term-time-only workers and if he recommends acceptance of this offer. (AQO 37/00)

**Mr M McGuinness:** The recent offer by the employing authorities includes a one-off payment of £200 for all term-time staff and a move to a 12-monthly pay cycle. The employers will also bring forward the commencement of the job evaluation exercise which will examine what pay rates should apply in future.

It would be inappropriate for me to comment on the offer in circumstances where negotiations are ongoing. I am sympathetic to the situation of these staff, and I am pleased that negotiations will continue as this is the only way a solution can be reached.

## ENTERPRISE, TRADE AND INVESTMENT

### IDB Site (Corr's Corner)

**Mr K Robinson** asked the Minister of Enterprise, Trade and Investment what steps have been taken to ensure that the Industrial Development Board site at Corr's Corner is promoted as a prestige location. (AQW 129/00)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** I can confirm that the IDB is actively engaged with its investment partner, Prologis Developments Ltd, in the development of a comprehensive marketing strategy aimed at attracting high-quality investment to the planned international business park at Ballyhenry.

### Economic Development: District Councils

**Mr K Robinson** asked the Minister of Enterprise, Trade and Investment what steps he will take to ensure

that any expertise acquired by local councils in the sphere of economic development will be incorporated into any plans for agencies under his control.

(AQW 131/00)

**Sir Reg Empey:** For many years DETI's agencies have worked closely and beneficially with district councils across a wide range of economic development activities. The importance of local knowledge and expertise is fully recognised by the Department, and the further development of these partnerships will be included in the agencies' new corporate plans.

### Department: Draft Equality Scheme

**Dr O'Hagan** asked the Minister of Enterprise, Trade and Investment if he will outline the consultation process carried out by him on the Department's draft equality scheme: (a) how the consultation was carried out, (b) who was consulted, (c) how the responses received will be written into the final schemes to be submitted to the Equality Commission and (d) how the consultation process will be ongoing. (AQW 150/00)

**Sir Reg Empey:** A copy of the draft equality scheme was sent to over 300 groups and individuals, and meetings were sought with a small number of key groups. A copy of the draft scheme, including the consultation list, was also placed on the Department's web site (<http://intranet.detini.gov.uk>). The responses were considered carefully, and a substantial number of the suggestions have been included in the revised draft scheme, which was submitted to the Equality Commission on 30 June 2000. A copy of the revised scheme is now on the Department's web site. Subject to the Equality Commission's views, it is not planned to consult further on the draft scheme. There will, however, be significant ongoing consultation on the implementation of the scheme with all the section 75 groupings.

## THE ENVIRONMENT

### Mobile Phones

**Mr Shannon** asked the Minister of the Environment to confirm that he is aware of the findings of the independent expert group on mobile phones, as detailed in the Stewart Report published in April 2000.

(AQW 91/00)

**The Minister of the Environment (Mr Foster):** I am aware of the recommendations of the Stewart Report on mobile phones and health. Having considered the report, I will be issuing a consultation paper on planning controls over telecommunications equipment, including mobile phone masts, before the end of October 2000.

**Mr Shannon** asked the Minister of the Environment to give an assurance that the recommendations of the Stewart Report will be implemented in Northern Ireland, together with a proposed timescale; and if he will make a statement. (AQW 92/00)

**Mr Foster:** I am aware of the recommendations of the Stewart Report on mobile phones and health. Having considered the report, I will be issuing a consultation paper on planning controls over telecommunications equipment, including mobile phone masts, before the end of October 2000.

### Raptors

**Mr Shannon** asked the Minister of the Environment if he will confirm the number of raptors currently found in Northern Ireland. (AQW 93/00)

**Mr Foster:** Six species of raptors regularly breed in Northern Ireland. The commonest are sparrowhawk, kestrel and buzzard, but there are no reliable estimates of the numbers. Surveys have given estimates of the other three as follows:

Peregrine Falcon	98 pairs in 1991
Hen Harrier	38 pairs in 1998
Merlin	over 18 pairs in 1997/98.

A new survey of Peregrine Falcons is planned for the UK during 2001.

### Apartment Developments

**Mr K Robinson** asked the Minister of the Environment if he has any plans to set up a working party to assess the impact of apartment developments in areas which traditionally consisted of settled detached and semi-detached dwellings. (AQW 96/00)

**Mr Foster:** I am aware of growing concerns about this issue. In response, my Department has recently designated five conservation areas to enhance the protection afforded to Belfast's Edwardian suburbs. In addition, the Department will bring forward for public consultation a revised development control advice note to provide planning guidance on proposals for small-scale housing within existing urban areas. Future changes to planning policy relating to apartment development are a matter for the Department for Regional Development, and I have no plans to set up a working party to assess the impact of apartment development.

### Litter and Dog Fouling

**Mr K Robinson** asked the Minister of the Environment if he has any plans to introduce legislation to assist local government in dealing more effectively with dog fouling and negligent owners. (AQW 97/00)

**Mr Foster:** District councils can avail of significant powers to deal with dog fouling. Article 4 of the Litter (Northern Ireland) Order 1994 introduced a new offence to prosecute persons permitting dogs to foul in areas prescribed by the Department in regulations. Lands under district council control and other public areas have been so prescribed. It is the responsibility of councils to enforce these measures. Persons convicted of an offence under this provision can be fined up to £500 (level 2 on the standard scale).

Article 6 of the Litter Order also introduced a general fixed penalty scheme for permitting dogs to foul. This scheme is similarly enforced by district councils, and the fixed penalty at present is £25.

The Department is currently reviewing the litter and dog fouling legislation with a view to carrying out a widespread consultation exercise to determine how the existing provisions can be improved. This consultation exercise, which is planned to take place early next year, will seek the opinions of the district councils.

### Coastal Habitat Protection

**Mr K Robinson** asked the Minister of the Environment if he intends to make an input to the European Union seminar on coastal habitat protection; and if he will make a statement. (AQW 98/00)

**Mr Foster:** Coastwatch Europe held a seminar on this subject at the European Commission Offices in Belfast on 20 September. Diary commitments prevented me from participating, but an official from my Department's Environment and Heritage Service gave a presentation on the EC Habitats and Birds Directives in Northern Ireland, and another official represented me at the launch of the 2000 coastwatch survey.

### Larne Area Plan 2010

**Mr K Robinson** asked the Minister of the Environment what steps will be taken to ensure that the area surrounding Larne Lough, such as Islandmagee, does not suffer from housing over-development resulting in further strains on sewerage and water supply systems. (AQW 100/00)

**Mr Foster:** Islandmagee and the area around Larne Lough is already designated as a countryside policy area in the Larne Area Plan 2010. Outside the development limits of designated settlements within countryside policy areas, it is the Department's policy to protect such areas by strictly controlling development.

### **Larne lough: Unlawful Waste Disposal**

**Mr K Robinson** asked the Minister of the Environment to confirm the number of incidents of unlawful waste disposal in Larne Lough in each of the last three years and to confirm that adequate environmental protection measures are in place in the event of such incidents. (AQW 101/00)

**Mr Foster:** It is understood that the reference to unlawful waste disposal relates to liquid discharges. The numbers of water pollution incidents reported to and investigated by my Department were 20 in 1997, 13 in 1998, 10 in 1999 and five in 2000 to date.

I can confirm that procedures are in place which detail the actions that will be taken by the Environment and Heritage Service to minimise the effects of an unauthorised discharge (accidental or deliberate) of polluting substances. The type of pollution will dictate the response. Where a discharge or spillage can be contained or stopped this will be the first approach. In the case of a contained spillage, arrangements will be made for removal and proper disposal. Prosecution for pollution offences is an important sanction in my Department's control of water pollution.

### **East Antrim Inshore Waters: Sewage Pollution**

**Mr K Robinson** asked the Minister of the Environment what steps will be taken to safeguard fishery activities along the East Antrim inshore waters from possible sewage pollution. (AQW 103/00)

**Mr Foster:** The Environment and Heritage Service (EHS), an agency within the Department of the Environment, is responsible for setting and enforcing effluent discharge quality standards. These standards are set to meet appropriate environmental quality objectives. Water Service sewerage systems are also subject to the requirements of the Urban Waste Water Treatment Directive 91/271/EEC, which has been implemented in Northern Ireland through the Urban Waste Water Treatment Regulations (NI) 1995.

A number of waste water treatment discharges are made to the east Antrim coastal waters, the largest being that from Larne. Under the regulations, waste water from Larne must receive at least secondary treatment by the end of 2000.

EHS is aware of a number of other Water Service proposals for improvements to sewerage systems in the east Antrim area.

### **Aquaculture (Larne Lough)**

**Mr K Robinson** asked the Minister of the Environment what action will be taken to ensure that aquaculture within Larne Lough is properly protected from sewage discharge. (AQW 104/00)

**Mr Foster:** The Environment and Heritage Service (EHS), an agency within the Department of the Environment, is responsible for the implementation of the Shellfish Waters Directive 79/923 EEC. The objective of the Directive is to protect or improve water quality of designated waters in order to support the life or growth of shellfish. The Directive has been transposed into Northern Ireland legislation by the Surface Waters (Shellfish) (Classification) Regulations (Northern Ireland) 1997. In 1999 an area of water in Larne Lough was designated under the Shellfish Regulations.

EHS is also responsible for setting and enforcing effluent discharge quality standards. Under the Urban Waste Water Treatment Directive, Larne waste water treatment works must receive at least secondary treatment by the end of 2000. The microbiological standards of the Shellfish Waters Directive are particularly stringent. To meet these standards, EHS will decide if a further level of treatment is required for the Larne sewage effluent. EHS is aware of a number of other Water Service proposals for improvements to sewerage systems in the east Antrim area.

### **Climate Change**

**Mr McGrady** asked the Minister of the Environment if he will detail the possible impact of climate changes in Northern Ireland, what he regards as the priority adaptation response, and what steps have been taken in the light of this prioritisation. (AQW 122/00)

**Mr Foster:** Officials in my Department are about to commission, in conjunction with the Scottish and Northern Ireland Forum for Environmental Research, a scoping study into the impacts of climate change in Northern Ireland and the adaptations that may be necessary.

It is expected that the results of the scoping study will be available by the middle of 2001. I shall advise the Assembly and the Environment Committee of the findings.

The study will be followed by a more detailed programme of research designed to confirm precisely the adaptation measures that may be required in Northern Ireland.

### **Driver and Vehicle Licensing**

**Mr McGrady** asked the Minister of the Environment if he will confirm that the Enforcement section of the



Transport, Licensing and Enforcement Branch is to be transferred to the Driver and Vehicle Testing Agency; and if he will make a statement. (AQW 123/00)

**Mr Foster:** Yes. Following a review of the workload pressures in the Department's Transport Licensing and Enforcement Branch, the executive functions of the Branch were transferred to two of the Department's executive agencies with effect from 1 October 2000.

Driver and Vehicle Licensing Northern Ireland has taken on responsibility for road freight and bus operator licensing and for licensing taxi drivers.

The Driver and Vehicle Testing Agency has taken on responsibility for the Branch's enforcement activities in relation to goods vehicles, buses and taxis and their drivers.

### Department: Draft Equality Scheme

**Dr O'Hagan** asked the Minister of the Environment if he will outline the consultation process carried out by him on the Department's draft equality scheme; (a) how the consultation was carried out, (b) who was consulted, (c) how the responses received will be written into the final schemes to be submitted to the Equality Commission and (d) how the consultation process will be ongoing. (AQW 151/00)

**Mr Foster:** (a) The draft equality scheme issued on 10 April for written consultation with a closing date of 5 June. The issue of the draft scheme was announced by public advertisement, and a copy was posted on the Internet. In addition, the Equality Unit in OFMDFM met with representatives of the voluntary and community sector, covering the main section 75 groups, to discuss general concerns on behalf of all Departments.

(b) Over 400 copies of the scheme issued to the organisations listed at Table C in the draft scheme, and about 30 further copies issued on request. Offers of meetings went to the over 40 organisations, which responded substantively. The draft scheme was also discussed with the Assembly Environment Committee.

(c) The responses received were taken into account fully in preparing a revised equality scheme. This was submitted to the Equality Commission for approval on 30 June. Annex D of the revised scheme outlines the background to the consultation exercise and provides a detailed response to the comments received.

A copy of the equality scheme is on the Department's Internet web site at [www.nics.gov.uk/env.htm](http://www.nics.gov.uk/env.htm).

(d) The Equality Commission's comments are still awaited on the equality scheme. The consultation process will continue on the equality scheme itself and the many commitments which it contains, including the preparation of guidelines to ensure full, timely and inclusive consultation on matters relating to the section 75 statutory duty. The

quality and effectiveness of consultation will be assessed in the Department's annual review of progress on implementing the scheme and complying with the statutory duties, which will be copied to the Equality Commission.

### Telecommunications Masts

**Mr M Murphy** asked the Minister of the Environment if he will undertake to ensure that telecommunication masts should be situated at least 500 metres from occupied dwellings. (AQW 187/00)

**Mr Foster:** Planning arrangements for mobile phone masts have been a long-standing matter of public concern. I will be issuing a consultation paper on planning controls over telecommunications equipment, including mobile phone masts, before the end of October 2000.

### Planning Applications

**Mr McGrady** asked the Minister of the Environment if he will outline the percentage of planning applications that are taken to district council with an opinion, in the prescribed eight-week timescale, and if he can confirm the target of 60% of applications being decided within eight weeks of application. (AQW 197/00)

**Mr Foster:** In the current business year to 31 August, 66% of minor applications and 53% of major applications have been taken to District Council with an opinion within 8 weeks. The targets for these applications are 65% and 60% respectively.

## FINANCE AND PERSONNEL

### Public Service Agreements and Service Delivery Agreements

**Dr Birnie** asked the Minister of Finance and Personnel to indicate what plans he has to replicate the practice of HM Treasury in securing public service agreements and service delivery agreements for spending Departments. (AQW 50/00)

**The Minister of Finance and Personnel (Mr Durkan):** My officials wrote to Departments commissioning PSA statements in August 2000, and DFP is currently working in conjunction with EPU to finalise these documents. Work is also ongoing developing service level agreements in consultation with Treasury.

### EU Special Support Programme

**Dr O'Hagan** asked the Minister of Finance and Personnel how much EU Special Support Programme for Peace and Reconciliation funding was given to West

Belfast and what percentage of the total SSPPR budget this represented. (AQW 79/00)

**Mr Durkan:** Current available information shows that approximately £31 million (8% of the programme) has been allocated to projects with postcodes in the West Belfast constituency.

### Public Expenditure

**Dr O'Hagan** asked the Minister of Finance and Personnel to detail the level of public expenditure on (a) Odyssey, (b) Laganside, (c) the Cathedral Quarter, Belfast, and (d) the Titanic project. (AQW 83/00)

**Mr Durkan:** By March 2001 the total public expenditure contribution to the Laganside Corporation since its foundation in 1989 is expected to be £108.42 million, including EU grant of £31.59 million. Of the total grant-in-aid figure of £76.83 million, £9.5 million will have been committed to Odyssey, as part of overall public expenditure on that project of £28.9 million, and £5 million to the Cathedral Quarter. No other public expenditure has been invested in the Cathedral Quarter, and no public expenditure has been committed to the Titanic project. As well as the public expenditure mentioned above, the Odyssey project has benefited from a £45 million contribution from the Millennium Commission.

### Fuel Duty

**Mr Close** asked the Minister of Finance and Personnel if he will write to the Chancellor of the Exchequer urging him to reduce the rate of fuel duty in Northern Ireland in order to mitigate the excesses of double taxation. (AQO 62/00)

**Mr Durkan:** While this is a reserved matter for the Chancellor, the First and Deputy First Ministers and Sir Reg Empey have made representations, on behalf of the Executive Committee, to the Treasury on the issue on several occasions.

### Disabilities

**Ms Lewsley** asked the Minister of Finance and Personnel if there are any plans for the Northern Ireland Statistics and Research Agency to undertake research into the nature and number of people with disabilities and the nature of the disabilities. (AQO 52/00)

**Mr Durkan:** The 2001 census of population and housing, which is being undertaken by the Northern Ireland Statistics and Research Agency, will ask a question on whether an individual has any long-term illness, health problem or disability. A question will also be asked on whether individuals look after, or give any help or support to, people with disabilities on an unpaid basis, to establish how much such help is being provided. Apart

from the census, NISRA has no current requests from Departments for additional research in this area.

### Child Poverty

**Mrs E Bell** asked the Minister of Finance and Personnel if there are plans to establish a Children's Poverty Fund in Northern Ireland. (AQO 74/00)

**Mr Durkan:** Following the Chancellor's announcement in July that he was setting up a Children's Fund in Great Britain, I have met with representatives of voluntary organisations to discuss children's issues. The case for a separate children's fund will be considered by the Executive Committee in drawing up its proposals for the Programme for Government and Budget allocations in the coming weeks.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Hospital Beds

**Dr Birnie** asked the Minister of Health, Social Services and Public Safety to indicate what measures are being put in place to prevent the recurrence of a beds shortage in hospitals. (AQW 51/00)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Hospital services came under severe pressure last winter as a result of an unprecedented number of admissions due to flu and flu-related illnesses. A comprehensive programme of action is under way at the moment to build on the lessons learned. This includes providing extra intensive-care and high-dependency beds, extending flu vaccinations to the over-65s and reviewing the effectiveness of existing winter pressures schemes. The extra £53 million allocated to the services earlier this year, along with the additional £5 million I announced for waiting list action, will also contribute to improving the capacity of the health and social services to deal effectively with the sorts of pressures that arose last winter.

Toisc gur glacadh isteach sna hospidéal líon an-mhór othar de bharr flu agus tinnis ghaolmhara a bheith orthu, cuireadh na seirbhísí ospidéal faoi an-bhrú i rith an gheimhridh seo caite. Faoi láthair tá clár cuimsitheach gníomhaíochta ar siúl le buntáiste a bhaint as na ceachtanna atá foghlamtha againn. Mar chuid de tá leapacha breise géarchúraim agus ardspleáchais á soláthar; tá an vacsaíniú in éadan flu á thabhairt feasta do dhaoine thar 65 bliana d'aois agus táthar ag athbhreithniú éifeacht na scéimeanna reatha a bheas ag déileáil le brúnna an gheimhridh. Fosta, cuideoidh na £53 mhilliún breise a cuireadh ar fáil do na seirbhísí níos luaithe sa bliain agus na £5 mhilliún a d'fhógair mé chun líon na ndaoine ar liostaí feithimh a laghdú – cuideoidh an t-airgead sin le

feabhas a chur ar chumas na seirbhísí sláinte agus sóisialta chun déileáil go héifeachtach leis na brúnna den chineál a tháinig i rith an gheimhridh seo caite.

### Acute Hospitals Review Group

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety what remuneration will be paid to the members of the Acute Hospitals Review Group; and if she will make a statement. (AQW 64/00)

**Ms de Brún:** The chairman of the Acute Hospitals Review Group will be paid at the rate of £400 per day, while other members of the group will receive £200 per day. Any necessary travelling and subsistence expenses will also be reimbursed. The rates of pay are in line with senior rates of pay in the Civil Service.

Is é an ráta pá a bheas ag Cathaoirleach Ghrúpa Athbhreithnithe na nOspidéal Géarmhíochaine £400 in aghaidh gach lae a oibríonn sé don athbhreithniú. Gheobhaidh an chuid eile £200 in aghaidh an lae. Cúiteofar le gach ball aon chostas maidir le taisteal agus cothú riachtanach. Tá na rátaí pá seo ar aon dul leis na rátaí sinsearach a pá sa Státseirbhís.

### Eastern Health and Social Services Board

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety what action will be taken to resolve the underfunding of the Eastern Health and Social Services Board (EHSSB) and if she will undertake to ensure that the EHSSB receives its fair share of moneys. (AQW 66/00)

**Ms de Brún:** I am acutely aware of the difficulties faced by the Eastern Health and Social Services Board and other boards in meeting the health and social care needs of their local population within available resources. To sustain the progress that has been made in the current financial year, I will continue to make the case to my Executive colleagues for additional resources. I am happy to provide the assurance that the EHSSB will receive its fair share of any additional resources I secure.

Is rí-mhaith is eol dom na deacrachtaí atá le sárú ag Bord Sláinte agus Seirbhísí Sóisialta an Oirthir (BSSSO) agus ag na Boird eile, agus iad ag iarraidh freastal ar riachtanais shláinte agus chúraim shóisialta an phobail áitiúil taobh istigh de na hacmhainní atá ar fáil. Is ar mhaithe leis an dul chun cinn a rinneadh i rith na bliana airgeadais seo a chothú a leanfaidh mé orm ag iarraidh ar mo chomhghleacaithe san Fheidhmeannas acmhainní breise a chur ar fáil. Tá mé sásta a dhearbhuí duit go bhfaighidh an BSSSO a sciar cothrom de cibé acmhainní a ghnóthóidh mé.

### Ophthalmology

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to detail the rate of cancellations for ophthalmology. (AQW 67/00)

**Ms de Brún:** Information on the rate of cancellations for ophthalmology is available only for outpatient clinics. In the financial year 1999-2000 the cancellation rate for outpatient ophthalmology clinics at local hospitals was 12.5%. In the quarter ending 30 June 2000 (the latest date for which information is available) the cancellation rate was 12.2%.

Is do chlinicí othar seachtrach amháin atá eolas ar fáil ar an ráta cealúchán oftailmeolaíochta. Sa bhliain airgeadais 1999/2000 ba é 12.5% ráta na gcealúchán do chlinicí oftailmeolaíochta in ospidéal áitiúla. Sa ráithe dar chríoch an 30 Meitheamh 2000 (an dáta is déanaí a bhfuil eolas ann dó) bhí 12.2% mar ráta cealúcháin.

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will outline the current position of ophthalmology at the Royal Victoria Hospital. (AQW 69/00)

**Ms de Brún:** The Royal Group of Hospitals is the regional centre for ophthalmology and contains facilities for inpatients, day cases and outpatients, as well as specialist accident and emergency facilities. It is also the regional teaching centre. The centre has a total of 38 beds. There are over 40 medical staff supported by about 50 nursing and technical staff. During 1999-2000 there were 2,561 inpatients, 7,111 day cases and 41,509 outpatient clinic attendances, and in 1998-99 (the latest figures available) there were 11,135 A and E patients.

Gníomhaíonn an Grúpa Ríoga Ospidéal mar ionad réigiúnach Oftailmeolaíochta agus is é atá ann saoráidí d'othair chónaitheacha, do chásanna lae agus d'othair sheachtracha chomh maith le saoráidí le haghaidh Taismí agus Éigeandálaí (T&É). Is ionad réigiúnach teagaisc é fosta. Tá 38 leaba san iomlán san ionad. Tá 40 san fhoireann mhíochaine agus tá faoi thuairim 50 san fhoireann altranais agus theicniúil mar thacaíocht acu. I rith na bliana 1999/2000 bhí 2,561 othar cónaitheach ann, 7,111 chás lae, 41,509 cuairteoirí ar chlinicí othar seachtrach agus sa bhliain 1998/99 (na figiúirí is déanaí atá ar fáil) bhí 11,135 othar (T&É) ann.

### Industrial Hemp: Agricultural production

**Mr O'Neill** asked the Minister of Health, Social Services and Public Safety if she will consider reducing licence fees for the agricultural production of industrial hemp in order to help farmers to make use of this alternative crop. (AQW 71/00)

**Ms de Brún:** My Department is about to review the licensing arrangements for the production and supply of



industrial hemp with a view to reducing the licensing fees. It is expected that a decision will be made before present licences are due for renewal.

Tá mo Roinnse ar tí athbhreithniú a dhéanamh ar na socruithe ceadúnaithe dóibh siúd atá ag táirgeadh agus ag soláthar cnáib thionsclaíoch ar mhaithe leis na táillí ceadúnais a laghdú. Táthar ag dréim leis go ndéanfar cinneadh faoi seo sula mbeidh na ceadúnais le hathnuachan.

### Hospital Waiting Lists

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety to detail how many patients in the Northern Board area are on waiting lists for surgery; to provide a breakdown of the numbers of patients awaiting surgery under the Causeway Trust, the United Hospital Trust and the Green Park Trust; and to indicate what action will be taken to reduce patient waiting lists. (AQW 72/00)

**Ms de Brún:** It is not possible to provide figures on the numbers of patients waiting specifically for surgery, as information is not collected in this form.

On 11 September I issued a framework for action on waiting lists, setting out a detailed programme of action designed to reduce waiting lists over the next three years. I have requested health and social services boards to submit action plans to me by 13 October, with proposals for how they propose to tackle the waiting list problem. I am confident that this focused and comprehensive approach will be effective in dealing with the problem.

Níl sé indéanta figiúirí a sholáthar maidir le líon na n-othar atá ag feitheamh le haghaidh cóireáil mháinliachta go sonrach, nó ní bhailítear an t-eolas ar an dóigh sin.

Ar an 11ú Meán Fómhair d'fhoilsigh mé creatcháipéis chun tabhairt faoi liostaí feithimh, ag leagan amach mionghníomhchláir le liostaí feithimh a laghdú thar na trí bliana dár gcionn. D'iarr mé ar Bhoird Sláinte agus Seirbhísí Sóisialta gníomhphleananna a chur isteach chugaim faoin 13ú Deireadh Fómhair, le moltaí faoin dóigh a rachaidh siad i ngleic le fadhb na liostaí feithimh. Tá mé cinnte go mbeidh an cur chuige fócasaithe agus cuimsitheach seo éifeachtach ag déileáil leis an fhadhb.

### Ophthalmology

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety whether the joint business plan of the Royal Victoria Hospital and the Ulster Hospital Trust will be fully resourced and if her Department will provide such funding. (AQW 88/00)

**Ms de Brún:** I assume that the question relates to the joint proposal from the Royal Hospitals Trust and the Ulster Community and Hospital Trust for an ophthalmology development in the north Down and Ards area.

The proposal seeks EHSSB support for the appointment of an additional consultant to the ophthalmology service, based at the Royal and providing a day case and outpatient service to the Ulster Community and Hospital Trust.

The EHSSB has not yet identified a recurrent source of funds to finance the proposed development, and it plans to meet with the two trusts concerned to discuss the financial implications. The board also faces a number of other competing priorities.

GP fundholders in the north Down and Ards area would use a major share of the services proposed and would therefore also have to agree to fund the development.

As the matter is for resolution by the authorities in question, the Department would expect it to be addressed, subject to the outcome of the local prioritisation process, within the overall annual allocation to the board and fundholders.

Glacaim leis go mbaineann an cheist leis an mholadh comhpháirteach ó Iontaobhas na nOspidéal Ríoga agus ó Iontaobhas Phobal agus Óspidéal Uladh go mbunófaí saoráid oftailmeolaíochta i gceantar Thuaisceart an Dúin agus na hArda.

Táthar ag iarraidh ar BSSSO sa mholadh aontú go gceapfaí sainchomhairleoir breise don tseirbhís Oftailmeolaíochta, a bheadh bunaithe san Ospidéal Ríoga agus a sholáthródh seirbhís chásanna lae agus seirbhís othar seachtrach d'Iontaobhas Phobal agus Ospidéal Uladh.

Go dtí seo níor aimsigh an BSSSO foinse athfhillteach airgeadais chun an fhorbairt seo a mhaoiniú agus tá rún aige bualadh leis an dá Iontaobhas atá i gceist chun na himpleachtaí airgeadais a phlé. Caithfidh an Bord déileáil le roinnt tosaíochtaí eile atá in iomaíocht leis an cheann seo.

Bhainfeadh liachleachtóirí a bhfuil Cisteshealúchas acu i gceantar Thuaisceart an Dúin agus na hArda úsáid as mórchuid na seirbhísí atá molta agus bheadh orthu, ar an ábhar sin, aontú go maoiníodh siad an tseirbhís.

Ós rud é go bhfuil an t-ábhar le réiteach ag na húdaráis atá i gceist, bheadh an Roinn ag dréim leis go ndéanfar sin taobh istigh den mhaoiniú a chionroinnfear ar an Bhord agus ar na Cisteshealbhóirí ach toradh an phróisis as a n-aimseofar tosaíochtaí áitiúla a bheith á rialú.



## Hospital Waiting Lists

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she is satisfied that all necessary steps are being taken to reduce the growing hospital waiting list in real terms, and to give her assessment of the potential impact of winter pressures on that list. (AQW 94/00)

**Ms de Brún:** On 11 September I issued a framework for action on waiting lists, setting out a detailed programme of action designed to reduce waiting lists over the next three years. I have requested health and social services boards to submit action plans to me by 13 October, with proposals for how they propose to tackle the waiting list problem. I am confident that this focused and comprehensive approach will be effective in dealing with the problem.

Additional pressures on hospital services during the winter months can impact on waiting lists if planned operations need to be rescheduled. During the outbreak of flu last winter, for example, all but the most urgent operations had to be suspended to make way for emergency admissions, and, although it is not possible to quantify the effect on waiting lists, there is no doubt that they increased as a result. I have asked boards and trusts to finalise their plans for this winter by the end of the month. I expect those plans to focus in particular on measures designed to minimise the impact of likely winter pressures.

Ar an 11ú Meán Fómhair d'fhoilsigh mé creatcháipéis chun tabhairt faoi liostaí feithimh, ag leagan amach mionghníomhchláir le liostaí feithimh a laghdú thar na trí bliana dár gcionn. D'iarr mé ar Bhoird Sláinte agus Seirbhísí Sóisialta gníomhpleananna a chur isteach chugam faoin 13ú Deireadh Fómhair, le moltaí faoin dóigh a rachaidh siad i ngleic le fadhb na liostaí feithimh. Tá mé cinnte go mbeidh an cur chuige fócasaithe agus cuimsitheach seo éifeachtach ag déileáil leis an fhadhb.

Is féidir le tuilleadh brúnna ar sheirbhísí ospidéal le linn míonna an gheimhridh éifeacht a bheith acu ar liostaí feithimh más gá obráidí pleanáilte a chur ar gcúl. Le linn briseadh amach an fhliú an geimhreadh seo caite, mar shampla, cuireadh ach na hobráidí a ba phráinní ar ceal le glacadh isteach éigeandála a ghlacadh agus, cé nach bhfuil sé dodhéanta an éifeacht ar liostaí feithimh a oibriú amach, níl amhras ar bith ann gur mhéadaigh siad mar thoradh air. D'iarr mé ar Bhoird agus ar Iontaobhais bailchríoch a chur ar a gcuid pleananna don gheimhreadh faoi dheireadh na míosa. Tá coinne agam go ndíreoidh na pleananna sin go háirithe ar bhearta a leagadh amach le héifeacht na mbrúnna geimhridh dóchúla a íosmhéadú.

## Ulster Hospital: Plastics and Maxillo Facial Surgery

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to confirm that the plastics and maxillo facial surgery department will not be removed from the Ulster Hospital Trust without widespread consultation; and if will she make a statement. (AQW 95/00)

**Ms de Brún:** The Eastern Health and Social Services Board is currently consulting on a paper about the pattern of acute hospital services in its area. The document was circulated for consultation over a period of four months, approximately ending 8 September. Among those included in the circulation were service providers, elected representatives, the Eastern Health and Social Services Council, professional bodies, Queen's University, patient support groups with a known interest, staff side representatives and trade unions. The paper was also available on the board's web site.

The paper details, inter alia, a number of developments at the Ulster Hospital which it considers necessary to allow the hospital to cater for an expanding population and to fully meet its potential as a cancer unit. The paper suggests in unambiguous terms that the transfer of plastics and maxillo facial surgery would greatly enhance and facilitate these other developments.

I expect to receive, in the near future, a package of proposals from the Eastern Board, which will relate to most or all of the hospitals in the area. I will decide at that time if further consultation should be undertaken on any or all of the proposals.

Tá Bord Sláinte agus Seirbhísí Sóisialta an Oirthir ag dul i gcomhairle ar pháipéar faoi láthair faoi phatrún na ngéarsheirbhísí ospidéal ina cheantar. Scaipeadh an cháipéis do chomhairliúchán thar tréimhse ceithre mhí, ag críochnú timpeall an 8ú Meán Fómhair. Orthu sin a fuair an cháipéis bhí Soláthraithe Seirbhíse, Ionadaithe Tofa, Comhairle Sláinte agus Seirbhísí Sóisialta an Oirthir, Forais Ghairmiúla, Ollscoil na Banríona, Grúpaí Tacaíochta Othar a raibh suim acu sa scéal, Ionadaithe Foirne agus Ceardchumann. Bhí an páipéar ar fáil ar líonláithreán an Bhoird fosta.

Tugann an páipéar mionchuntas, i measc rudaí eile, ar roinnt forbarthaí ag Ospidéal Uladh a shíleann sé atá riachtanach le ligean don ospidéal riar ar dhaonra atá ag méadú agus a chuspóir mar Ionad Ailse a chomhlíonadh. Molann an páipéar i dtéarmaí neamhdhébhriocha go méadódh agus go ndéanfadh aistriú Máinliacht Aghaidhe Phlaisteach agus Mhaxillo éascaíocht do na forbarthaí eile seo.

Tá súil agam go bhfaighidh mé réimse moltaí as seo amach ó Bhord an Oirthir a bhainfidh le formhór na n-ospidéal nó le iomlán ospidéal an cheantair. Beartóidh

mé ag an am sin más gá tuilleadh comhairliúcháin a dhéanamh ar mholadh ar bith nó orthu uilig.

### “Sarah’s Law”

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she is aware of the NSPCC campaign to protect children following demands for “Sarah’s law”, the proposal for a public education campaign on child protection to increase awareness about the nature of child abuse, and if she can tell the Assembly what steps she is taking to put in place such a campaign. (AQO 35/00)

**Ms de Brún:** I am aware of the campaign for the introduction of “Sarah’s Law”, which calls for controlled access to information about convicted sex offenders. The law in this area remains a reserved matter and is thus the responsibility of the Secretary of State. I am also aware that the NSPCC is pressing for a public education programme to increase awareness on how to protect children from sex abuse. This is an issue which will be given careful consideration by an inter-agency group on sex offenders.

You may be interested to know that the Inter-Agency Sex Offender Steering Group has recently approved a manual of guidance on the ‘assessment and management of risk of sex offenders’. Implementation of the manual, which largely formalises procedures that are already in place, will be taken forward from next month. Further, the Department of Education has advised all schools to include, in their pastoral care curriculum, self-protection programmes for pupils, and guidance on the content of these has been widely circulated.

Tá a fhios agam faoin fheachtas chun ‘Reacht Sarah’ a thabhairt isteach, reacht a cheadódh eolas faoi chiontóirí gnéis a ciontaíodh a chur ar fáil faoi rialú. Tá reachtaíocht sa réimse seo á forchoimeád go fóill agus mar sin is í freagrecht an Stát-Rúnaí í. Tuigim fosta go bhfuil an NSPCC ag iarraidh cláir oideachais chun tuilleadh eolais a thabhairt don phobal faoin dóigh le páistí a chosaint ar dhrochúsáid ghnéasach. Is ábhar é seo a bheas á mheas go cúramach ag grúpa idirghníomhaireachta um chiontóirí gnéis.

Bíodh a fhios agat go bhfuil an Grúpa Stiúrtha Idirghníomhaireachta um Chiontóirí Gnéis i ndiaidh treoir-lámhleabhar ar “Athbreithniú agus Bainisteoireacht Priacal maidir le Ciontóirí Gnéis” a cheadú ar na mallaibh. Is é atá sa lámhleabhar cur síos foirmiúil ar nósanna imeachta arb ann dá mbunús cheana agus cuirfear treoracha an lámhleabhair i bhfeidhm ón mhí seo chugainn amach. Ina theannta sin tá an Roinn Oideachais i ndiaidh inse do gach scoil gur cheart dóibh cláir ar fhéinchosaint a thabhairt do dhaltaí mar chuid den churaclam tréadchúraim, agus scaipeadh treoracha ar ábhar na gclár seo go forleathan.

### Health Service: Private Finance

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety if she will outline the results of any investigation she has commissioned, undertaken or reviewed concerning the use of private finance in the Health Service. (AQW 107/00)

**Ms de Brún:** I have not initiated any investigation concerning the use of private finance in the Health Service, the personal social services, or the Fire Service, although my Department regularly monitors progress on the ground and provides guidance and advice to any of our organisations requiring such assistance. There is a comprehensive business case and approval process in place which ensures that there is no presumption that private provision is better than public, or vice versa. Objective assessment of all available options is required. In view of the deplorable condition of some of our estate, it is important to ensure that our limited resources go as far as possible towards renewal and development, and in some cases private finance can help achieve that goal.

Níor bhunaigh mé fiosriúchán ar bith maidir le maoiniú príobháideach a bheith in úsáid sa tseirbhís sláinte, sna seirbhísí sóisialta pearsanta, nó sa tseirbhís dóiteáin, cé go mbíonn mo Roinnse ag déanamh faireacháin go rialta ar an dul chun cinn i gcoitinne agus go dtugann sí treoir agus comhairle d’eagraíocht ar bith dár gcuid a bhfuil sin uathu. Tá próiseas cuimsitheach ann le cas a phromhadh agus a cheadú agus cinnteoidh sé seo nach nglacfar leis mar fhír gur fearr maoiniú príobháideach ná maoiniú poiblí, nó a mhalairt. Caithfear gach rogha a mheasúnú go hoibiachtúil. I bhfianaise drochstaid chuid dár n-eastát, is tábhachtach a chinntiú go rachaidh ár n-acmhainní teoranta a fhaide is féidir chun an córas sláinte a athnuachan agus a fhorbairt, agus i gcásanna áirithe féadfaidh maoiniú príobháideach cuidiú linn na chuspóirí sin a bhaint amach.

### Beta Interferon

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety if she will confirm the number of patients currently receiving beta interferon at public expense. (AQW 108/00)

**Ms de Brún:** The number of patients currently receiving beta interferon at public expense is 229.

Is é 229 líon na n-othar atá ag fáil béite-inteifearóin ar chostas poiblí.

### Hospital Waiting Lists

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety to outline the clinical

priorities in regard to the reduction of hospital waiting lists; and if she will make a statement. (AQW 109/00)

**Ms de Brún:** On 11 September I issued a framework for action on waiting lists, setting out a detailed programme of action designed to reduce waiting lists over the next three years. I am confident that the focused and comprehensive approach set out in the framework will be effective in dealing with the problem. In tackling hospital waiting lists, priority will continue to be given to the reduction of waiting times for those treatments where the waiting lists are longest and the pain, discomfort and general reduction of the quality of life are most acute.

Emergency and urgent cases will, of course, continue to receive priority treatment. Against this background, it is for the doctors involved in a patient's care to decide whether or not treatment is needed urgently.

Ar an 11 Meán Fómhair, d'eisigh mé creat gníomhaíochta maidir le liostaí feithimh agus leag mé amach clár gníomhaíochta mionsonraithe chun líon na ndaoine ar na liostaí feithimh a laghdú thar na trí bliana atá le teacht. Tá mé cinnte go mbeidh an cur chuige cuimsitheach dírithe atá leagtha amach sa chreat éifeachtach chun déileáil leis an fhadhb. Agus muid ag tabhairt faoi líon na ndaoine ar liostaí feithimh na n-ospidéal a laghdú, beidh sé mar thosaíocht leanúnach againn na tréimhsí feithimh a laghdú i gcás na ndaoine sin is faide ar an liosta feithimh, ar measa a bpian agus a míchompord agus ar géire an laghdú ar chaighdeán a mbeatha.

Leanfar den nós, ar ndóigh, tús áite ó thaobh cóireála a thabhairt do chásanna práinne agus éigeandála. I ndeireadh na dála, is iad na dochtúirí a bhfuil cúram an othair orthu a bhfuil an cinneadh le déanamh acu cé acu atá cóireáil de dhíth go práinneach ar dhuine nó nach bhfuil.

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety if she will confirm that there are adequate numbers of nurses available to support her plan to reduce hospital waiting lists. (AQW 110/00)

**Ms de Brún:** I have asked health and social service boards to provide, by 13 October, action plans for reducing waiting lists. I shall expect these plans to include information on implications for the HPSS workforce, including the levels of nursing staff. The Department has already commissioned an extra 300 student nurse training places over the next three years to enhance the supply of qualified nurses. The need for further training places is reviewed annually, taking account of identified needs.

In addition, within the next few weeks my Department will be meeting with nursing representatives from boards and trusts to discuss planning proposals for the nursing and midwifery workforce.

D'iarr mé ar bhoird sláinte agus seirbhísí sóisialta gníomhphleananna d' ísliú liostaí feithimh a sholáthar faoin 13ú Deireadh Fómhair. Beidh mé ag súil go gcuimseoidh na plananna seo eolas ar na himpleachtaí do lucht oibre an SSPS, leibhéil na foirne altranais san áireamh. Choimisiúnaigh an Roinn 300 áit oiliúna breise d'ábhair altra thar na trí bliana dár gcionn cheana féin leis an soláthar de bhanaltraí cáilithe a mhéadú. Déantar athbhreithniú gach bliain ar an ghá le tuilleadh áiteanna oiliúna, ag cur san áireamh riachtanais aitheanta.

Mar bharr ar sin, beidh mo Roinn ag bualadh le hionadaithe altranais ó bhoird agus ó iontaobhais faoi cheann cupla seachtaine leis na moltaí planála don mheitheal oibre altranais agus do mhná cabhrach a phlé.

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety if she will confirm the number of beds available to support her plan to reduce hospital waiting lists. (AQW 111/00)

**Ms de Brún:** The framework for action on waiting lists which I issued on 11 September includes, as a key requirement, the need for boards and trusts to profile non-urgent elective work throughout the year in order to maximise the number of patients treated. In practice this will entail more effective forward planning of services, taking account of seasonal variations in referral rates and bed availability as well as emergency pressures. Making best use of resources in this way, including the use of all acute beds, is essential if waiting lists are to be reduced.

As well as using existing resources more efficiently, I can confirm that, as a result of the £53 million for health and social services announced earlier this year, seven additional intensive care beds, three paediatric intensive care beds and 11 high-dependency beds will come into service later this year. By the end of 2002, a further eight intensive care and 24 high-dependency beds will be provided. These additional beds will also help to reduce waiting lists.

Tá sé ar na príomhriachtanais sa chreat gníomhaíochta maidir le liostaí feithimh a d'eisigh mé ar an 11 Meán Fómhair go gcaithfidh na boird agus na hlontaobhais próifíl na hoibre roghnaí neamhphráinní i rith na bliana a mheas ar mhaithe le cóireáil a thabhairt don méid is mó othar. Is éard atá i gceist go praiticiúil go mbeifear ag planáil chun tosaigh ar shlí níos éifeachtaí maidir le soláthar seirbhísí agus go gcuirfear san áireamh an t-athrú de réir séasúr a thagann ar an líon othar a chuirtear chuig na hospidéal agus ar líon na leapacha atá ar fáil chomh maith le brú na n-éigeandálaí. Is gá an úsáid is fearr a bhaint as acmhainní ar an dóigh seo agus leapacha géarmhíochaine san áireamh, má tá líon na ndaoine ar na liostaí feithimh le laghdú.



Ní hé amháin go mbainfear úsáid níos éifeachtaí as acmhainní, ach thig liom a dhearbhu go mbeidh na nithe seo a leanas ann de bharr na £53 mhilliún a fôgraíodh do na seirbhísí sláinte agus sóisialta níos luaithe i mbliana: beidh seacht leaba dhianchúraim bhreise, tri leaba dhianchúraim phéidiatraiceacha agus 11 leaba ardspleáchais ag teacht in úsáid níos moille i mbliana. Faoi dheireadh na bliana 2002 cuirfear ocht leaba dhianchúraim bhreise agus 24 leaba ardspleáchais ar fáil. Cuideoidh na leapacha breise seo le líon na ndaoine ar na líostaí feithimh a laghdú.

### HPSS Salaries

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety if she will undertake to address the salary levels for staff not covered by the NHS pay review bodies. (AQW 112/00)

**Ms de Brún:** Staff employed in the Health and Personal Social Services (HPSS) are paid at the same rates as their colleagues in the National Health Service (NHS) and in social services departments of local authorities in England, Scotland and Wales.

Salary levels for staff not covered by the NHS pay review bodies will be examined as part of the Government's proposals for modernising pay in the NHS. These were outlined in February 1999 in 'Agenda for Change – Modernising the NHS Pay System' and are currently being developed by the four countries working together. They propose a new pay system that will offer all staff a more attractive career with the potential for better progression, greater use of skills, improved status and higher earnings for those who contribute most to the service. A job evaluation scheme will be used to evaluate every job in the HPSS and pay will be awarded on the basis of the job's worth in fair comparison with other jobs in the HPSS. Officials of my Department and colleagues employed in the HPSS are involved at all stages of the development of the new scheme, and I will be considering how the flexibility within the framework, when it is agreed, can best be applied to meet the needs of the HPSS.

Faigheann na baill foirne sna Seirbhísí Sláinte agus Sóisialta Pearsanta pá ar na rataí céanna lena gcomhghleacaithe sa tSeirbhís Náisiúnta Sláinte (SNS) agus i ranna seirbhísí sóisialta údarás áitiúil Shasana, na hAlban agus na Breataine Bige.

Déanfar scrúdu ar leibhéil thuarastal na mball foirne nár bhain Comhlachtaí Athbheithnithe Pá na Seirbhíse Sláinte leo. Is de bharr cuid de mholtaí an Rialtais a bhain le cruth nua-aimseartha a chur ar phá sa SNS a dhéanfar seo. Léiríodh na moltaí seo i Mí Feabhra 1999 in *Agenda for Change – Modernising the NHS Pay System*, agus tá comhoibriú ar siúl sna ceithre thír faoi láthair leis na moltaí seo a thabhairt chun cinn. Táthar ag moladh struchtúr nua pá

a thabharfaidh gairmréim níos tarraingtí dóibh siúd a thugann an oiread is mó don tseirbhís. Beidh faill acu dul chun cinn a dhéanamh, úsáid níos fearr a bhaint as a gcuid scileanna, ardú stádaí a fháil agus tuilleadh pá a ghnóthú. Beidh scéim mheastóireachta oibre ann agus bainfear úsáid aisti le gach cineál oibre sna SSSP a mheas agus bunófar an tuarastal ar luach na hoibre ach comparáid chothrom a bheith déanta le poist eile sna SSSP. Tá baint ag feidhmeannaigh de chuid mo Roinne agus ag a gcomhghleacaithe sna SSSP le forbairt na scéime nua ag gach céim agus nuair a bheas comhaontú ann fúithi beidh mé ag cuimhneamh ar an dóigh is fearr ar féidir solúbthacht na creatlaí seo a úsáid le riar ar riachtanais na SSSP.

### Residential Care: Patients from Republic of Ireland

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety to detail the number of elderly patients from the Republic of Ireland currently in care in residential homes in Northern Ireland and to identify how many of these places are publicly funded. (AQW 113/00)

**Ms de Brún:** The Department does not hold information on citizens of the south of Ireland who are currently in residential care here. Health and social services boards are required to give financial assistance to residents of their area who have been assessed and need residential or nursing home care but are not able to pay the full cost of their care. Where a resident seeks financial support his or her ability to pay is determined under the Health and Personal Social Services (Assessment of Resources) Regulations (NI) 1993. Residents who have assets and savings amounting to less than £16,000 are entitled to financial assistance.

Ní choinníonn an Roinn eolas faoi shaoránaigh ó dheisceart na hÉireann atá faoi cúram cónaithe anseo faoi láthair. Caithfidh na boird sláinte agus seirbhísí sóisialta cúnamh airgid a thabhairt do chónaitheoirí ina gceantar a ndéanadh measúnú orthu agus a bhfuil cúram cónaitheach nó cúram tí altranais de dhíth orthu agus gan iad a bheith ábalta costas iomlán an chúraim a íoc. I gcás ina bhfuil tacaíocht airgid ó chónaitheoir, déantar cinneadh ar a c(h)umas i dtaobh íocaíochta faoin Health and Personal Social Services (Assessment of Resources) Regulations (NI) 1993. Tá cónaitheoirí a bhfuil sócmhainní agus coigilteas ar lú a méid ná £16,000 acu i dteideal cúnaimh airgid.

### Ambulances

**Mr Gallagher** asked the Minister of Health, Social Services and Public Safety to detail the total number of ambulances purchased for the Northern Ireland fleet during the last 24 months and the purchase price and supplier of each vehicle. (AQW 115/00)



**Ms de Brún:** The information requested on the total number of ambulances purchased for the Northern Ireland fleet during the last 24 months and the purchase price and supplier of each vehicle is as follows:

**NI AMBULANCE SERVICE ACCIDENT & EMERGENCY VEHICLES PURCHASED DURING THE LAST 24 MONTHS**

Chassis Supplier	Chassis Type and Cost	Body Supplier	Body Cost	No. of Vehicles
Daimler Chrysler UK	Mercedes 412D £23,034	Wilker Auto Conversions	£24,677	16
	Mercedes 416D £24,702	Wilker Auto Conversions	£33,727	2
	Mercedes 412D £23,034	U.V.G Ltd	£28,573	12
	Mercedes 416D £24,702	JAKAB Industries	£33,000	1
	Mercedes 416D £24,702	Not finalised	Not finalised	3
Renault UK	Renault Master LM35TD £14,915	Oughtred & Harrison	£17,722	9
Volvo	Volvo V90 £48,737.50 all inclusive	UK Rescue	See chassis cost	2
TOTAL 45 VEHICLES				

**NI AMBULANCE SERVICE PATIENT CARE VEHICLES PURCHASED DURING THE LAST 24 MONTHS**

Vehicle Supplier	Vehicle Type and Cost	Vehicle Converter	Conversion Cost	No. of Vehicles
Renault UK	Renault Master LM35D £13,250	Oughtred & Harrison	£11,500	34
	Renault Master LM35D £13,250	Nu-Track Ltd	£10,727	4
Daimler Chrysler UK	Mercedes 610D £21,513	Nu-Track Ltd	£11,758	1
TOTAL 39 VEHICLES				

Is mar seo a leanas atá an t-eolas a iarradh faoi líon iomlán na n-otharcharanna a ceannaíodh do fhliht Thuaisceart Éireann le 24 mhí anuas chomh maith le phraghas ceannaigh agus le soláthraí gach feithicle:

**FEITHICLÍ TAISMÍ & ÉIGEANDÁLA SHEIRBHÍS OTHARCHARRANNA TÉ A CEANNAÍODH LE 24 MHÍ ANUAS**

Soláthraí Fonnaidh	Saghas Fonnaidh agus Costas	Soláthraí Cabhlach	Costas Cabhlach	Líon na bhFeithiclí
Daimler Chrysler UK	Mercedes 412D £23,034	Wilker Auto Conversions	£24,677	16
	Mercedes 416D £24,702	Wilker Auto Conversions	£33,727	2
	Mercedes 412D £23,034	U.V.G Ltd	£28,573	12
	Mercedes 416D £24,702	JAKAB Industries	£33,000	1
	Mercedes 416D £24,702	Le daingniú	Le daingniú	3
Renault UK	Renault Master LM35TD £14,915	Oughtred & Harrison	£17,722	9
Volvo	Volvo V90 £48,737.50 gach rud san áireamh	UK Rescue	Féach Costas Cabhlach	2
IOMLÁN 45 FHEITHICIL				

**FEITHICLÍ CÚRAIM OTHAR SHEIRBHÍS OTHARCHARRANNA TÉ A CEANNAÍODH LE 24 MHÍ ANUAS**

Soláthraí Fonnaidh	Saghas Fonnaidh agus Costas	Soláthraí Cabhlach	Costas Cabhlach	Líon na bhFeithiclí
Renault UK	Renault Master LM35D £13,250	Oughtred & Harrison	£11,500	34
	Renault Master LM35D £13,250	Nu-Track Ltd	£10,727	4
Daimler Chrysler UK	Mercedes 610D £21,513	Nu-Track Ltd	£11,758	1
IOMLÁN 39 bhFEITHICIL				

**Sure Start Programme**

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety to detail the distribution of the £2.2 million allocated to the Sure Start programme.  
(AQW 119/00)

**Ms de Brún:** In July I announced the allocation of £2m to introduce the “Sure Start” programme for families with young children here. Fifteen projects are being funded, although the project in inner city south Belfast

will be phased in to keep within the budget allocated. The following lists the successful projects and the amounts for which they had bid for the current financial year. These bids are now subject to more detailed discussion with the Childcare partnerships to ensure that each partnership remains within its overall share of the £2m allocated.

#### Projects to be funded:

- Ballymagroarty/Hazelbank, Derry  
Lead organisation: Ballymagroarty/Hazelbank  
Childcare Partnership  
Bid: £125,000
- Strabane  
Lead organisation: Barnardos  
£82,000
- Dungiven  
Lead organisation: Dry Arch Centre  
£136,000
- Cherish, Irvinestown  
Lead organisation: Irvinestown Community  
Partnership  
£106,000
- Clogher Valley  
Lead organisation: Clogher Valley Rural Childcare  
Initiative  
£103,000
- Orana, Newry  
Lead organisation: Orana Family Support Centre  
£201,000
- Close to Home, Dungannon  
Lead organisation: Families and Children's Forum  
£112,000
- Ballykeel, Ballymena  
Lead organisation: NSPCC  
£150,000
- Cookstown  
Lead organisation: Newpin  
£123,000
- Bushmills  
Lead organisation: Causeway Health and Social  
Services Trust  
£144,000
- Kids n Kin, Ardoyne and Oldpark  
Lead organisation: Wishing Well Family Centre  
£137,000
- Lower Ards Peninsula  
Lead organisation: NSPCC  
£102,000
- Inner City East Belfast  
Lead organisation: South and East Belfast Health  
and Social Services Trust  
£241,000
- Downpatrick  
Lead organisation: Down Lisburn Health and Social  
Services Trust  
£205,000
- Inner City South Belfast  
Lead organisation: South and East Belfast Health

and Social Services Trust  
£309,000

I mí Iúil d'fhógair mé gur cuireadh £2m ar fáil le tús a chur le clár Sure Start do theaghlaigh a bhfuil léanaí óga acu. Tá 15 tionscadal á maoiniú, cé go mbeidh an tionscadal i lárcheantar cathrach Bhéal Feirste Theas á mhaoiniú i gcéimeanna le fanacht taobh istigh den bhuiséad a cionroinneadh. Is mar seo a leanas a liostaítear na tionscadail ar glacadh leo agus na suimeanna a iarradh dóibh don bhliain reatha airgeadais. Beidh tuilleadh plé le déanamh anois faoi na suimeanna seo leis na Comhpháirtíochtaí Cúraim Leanaí lena chinntiú go bhfanfaidh gach comhpháirtíocht taobh istigh den sciar iomlán a fuair siad den £2m.

#### Tionscadail le haghaidh maoiniú

- Baile Mhic Robhartaigh/Hazelbank, Doire  
Eagraíocht cheannais: Comhpháirtíocht Chúraim  
Leanaí Bhaile Mhic Robhartaigh/Hazelbank  
£125,000
- An Srath Bán  
Eagraíocht cheannais: Barnardos  
£82,000
- Dún Geimhin  
Eagraíocht Cheannais: Ionad Dry Arch  
£136,000
- Cherish, Baile an Irbhinigh  
Eagraíocht Cheannais: Comhpháirtíocht Phobail  
Bhaile an Irbhinigh  
£106,000
- Gleann Chlochair  
Eagraíocht Cheannais: Tionscnamh Tuaithe Cúraim  
Leanaí Ghleann Chlochair  
£103,000
- Orana, An tIúr  
Eagraíocht Cheannais: Ionad Cúnaimh Teaghlach  
Orana  
£201,000
- Close to Home, Dún Geanainn  
Eagraíocht Cheannais: Fóram na dTeaghlach agus  
na Leanaí  
£112,000
- An Baile Caol, An Baile Meánach  
Eagraíocht Cheannais: NSPCC  
£150,000
- An Chorr Chríochach  
Eagraíocht Cheannais: Newpin  
£123,000
- Muileann na Buaise  
Eagraíocht Cheannais: Iontaobhas Sláinte agus  
Seirbhísí Sóisialta an Chlocháin  
£144,000
- Kids n Kin, Ard Eoghain agus an tSeanpháirc  
Eagraíocht Cheannais: Ionad Teaghlach Wishing  
Well  
£137,000
- Leithinis Íochtarach na hArda  
Eagraíocht Cheannais: NSPCC  
£102,000
- Lárcheantar Cathrach Bhéal Feirste Thoir  
Eagraíocht Cheannais: Iontaobhas Sláinte agus

Seirbhísí Sóisialta Oirthear Bhéal Feirste  
£241,000

- Dún Pádraig  
Eagraíocht Cheannais: Iontaobhas Sláinte agus Seirbhísí Sóisialta an Dúin agus Lios na gCearrbhach  
£205,000
- Lárcheantar Cathrach Bhéal Feirste Theas  
Eagraíocht Cheannais: Iontaobhas Sláinte agus Seirbhísí Sóisialta Deisceart agus Oirthear Bhéal Feirste  
£309,000

### Blood Testing Service

**Mr McFarland** asked the Minister of Health, Social Services and Public Safety why the blood testing service has been withdrawn from Ards Hospital.

(AQO 53/00)

**Ms de Brún:** The decision to transfer the haematology services from Ards Hospital to the laboratories on the Ulster Hospital site was made several years ago with a view to bringing about improvements in the delivery of these services. The move from a splitsite to an amalgamated service will make it easier to comply with the standards of Clinical Pathology Accreditation (CPA) Ltd., the accrediting authority.

Rinneadh an cinneadh roinnt blianta ó shin go n-aistreofaí na seirbhísí haemateolaíochta ó Ospidéal na hArda chuig na saotharlanna ar shuíomh Ospidéal Uladh ar mhaithe le soláthar na seirbhísí seo a fheabhsú. Ós rud é go ndearna seirbhís chónasctha as seirbhís a bhí ar dhá shuíomh, beidh sé níos fusa feasta cloí le caighdeáin an Clinical Pathology Accreditation (CPA) Ltd., is é sin an t-údarás creidiúnaithe.

### Deaf People: Mental Health

**Mr Ford** asked the Minister of Health, Social Services and Public Safety if she has any plans to establish a service in Northern Ireland to meet the mental health needs of deaf people.

(AQO 72/00)

**Ms de Brún:** The four HSS boards currently fund a regional service for people who are mentally ill and have a hearing impairment. The service provides a specialist quarterly outpatient clinic, a specialist counselling/psychotherapy service, specialist social workers located in each trust providing support for deaf people with mental health problems and their families, and a specialist in-patient service purchased from a specialist unit in Manchester.

Faoi láthair tá na ceithre bhord SSS ag maoiniú seirbhís réigiúnach do dhaoine a bhfuil meabhairghalar agus máchail éisteachta orthu. Mar chuid den tseirbhís cuirtear na nithe seo a leanas ar fáil:- sainchlinic d'othair sheachtracha uair sa ráithe; sainseirbhís chomhairliúcháin

agus sícíteiripe; sainoibríthe sóisialta suite i ngach iontaobhas agus iad ag tabhairt tacaíochta do dhaoine a bhfuil meabhairghalar agus máchail éisteachta orthu agus dá dteaghlaigh; agus sainseirbhís d'othair chónaitheacha a cheannaítear ó shainaonad i Manchain.

### Occupational Therapists

**Mr Close** asked the Minister of Health, Social Services and Public Safety what action will be taken to alleviate the shortage of trained occupational therapists in Northern Ireland; and if she will make a statement. (AQO 71/00)

**Ms de Brún:** My Department has highlighted occupational therapy waiting times as a pressure to be addressed by boards in proposals for spending the £53m recurrent funding announced earlier this year. The four boards have indicated that additional resources will be allocated to occupational therapy services in the current year. My Department will monitor the situation.

In addition, at the request of my Department, the University of Ulster has increased the annual intake of occupational therapy students from 36 in 1992 to the current level of 50.

Níos luaithe i mbliana nuair a d'fhógair mo Roinnse moltaí ar an dóigh ar cheart an ciste athfhillteach £53m a caitheamh, cuireadh in iúl go tréan do na boird go raibh brú orthu tabhairt faoin fhad is éigean do dhaoine fanacht agus iad ag iarraidh teiripe saothair. Tá ceithre bhord i ndiaidh a thaispeáint go gcuirfear acmhainní breise ar fáil do sheirbhísí teiripe saothair sa bhliain reatha. Déanfaidh mo Roinnse faireachán ar na cúrsaí seo.

Lena chois sin tá Ollscoil Uladh, ar iarratas ó mo Roinnse, i ndiaidh líon iontrála na mac léinn don chúrsa sa teiripe shaothair a mhéadú ó 36 in 1992 go 50 – an líon atá anois ann.

### Acute Hospitals Review Group

**Mr Armstrong** asked the Minister of Health, Social Services and Public Safety to make a statement on the terms of reference of the Acute Hospitals Review Group.

(AQO 44/00)

**Ms de Brún:** The terms of reference I have set for the Acute Hospital Review Group are:

“To review the current provision of acute hospital services and, taking account of the issues of local accessibility, safety, clinical standards and quality of services, to make recommendations to the Minister on the future profile of hospital services. In taking forward its work, the Review Group will be expected to take into account the views of individuals, organisations and groups with an interest or involvement in the provision of hospital services and assess the scope for co-operation in the provision of local services with hospitals in other parts of the island.”

I am satisfied that these terms of reference will provide a sound basis for a comprehensive examination of the issues which I will subsequently need to take into account in deciding on the future of acute hospital services here.

Is mar seo a leanas atá na téarmaí tagartha a leag mé síos do Ghrúpa Athbhreithnithe na nOspidéal Géarmhíochaine:

“Athbhreithniú a dhéanamh ar sholáthar reatha seirbhísí géarmhíochaine ospidéal agus na nithe seo a leanas a chur san áireamh:- cumas an phobail áitiúil teacht ar sheirbhísí, sábháilteacht, caighdeán chliniciúla agus feabhas na seirbhísí; agus moltaí a chur faoi bhráid an Aire faoi phróifíl na seirbhísí ospidéal sa todhchaí. Agus é i mbun a chuid oibre, beifear ag dréim leis go gcuirfidh an Grúpa Athbhreithnithe san áireamh tuairimí daoine aonair, eagraíochtaí agus grúpaí ar suim leo an t-ábhar nó atá páirteach i soláthar seirbhísí ospidéal, agus go ndéanfaidh sé measúnú ar an méid seirbhísí áitiúla is féidir a sholáthar i gcomhar le hospidéal i gcodanna eile den oileán.”

Tá mé sásta go dtabharfaidh na téarmaí tagartha seo dúshraith mhaith dúinn le scrúdú cuimsitheach a dhéanamh ar na nithe a bheidh orm a chur san áireamh níos faide anonn nuair a bheas orm cinneadh a dhéanamh ar na socruithe maidir le seirbhísí géarmhíochaine ospidéal sa todhchaí.

### Neonatal Hearing: Screening

**Ms Lewsley** asked the Minister of Health, Social Services and Public Safety if she will consider the introduction of a programme for universal neonatal hearing screening in Northern Ireland. (AQO 51/00)

**Ms de Brún:** Yes. The National Screening Committee is establishing a pilot programme. It is not yet clear whether a local site will be included in this.

Is fíor sin. Tá an Coiste Náisiúnta Scagthástála ag bunú clár píolótach. Níl sé soiléir go fóill an mbeidh ionad áitiúil anseo san áireamh sa chlár.

### Laboratory and Medical Scientific Officers

**Mrs E Bell** asked the Minister of Health, Social Services and Public Safety what she will do to alleviate the shortage of medical laboratory staff and medical scientific officers in local hospitals; and if she will make a statement. (AQO 70/00)

**Ms de Brún:** There has been no formal assessment of the recruitment and retention of laboratory staff. However, my department is about to undertake a more wide-ranging review of pathology services, part of which will involve recruitment and retention issues.

A three-year pay deal for laboratory staff, agreed in June this year, not only provides for inflationary increases but also targeted additional resources at the lower end of the pay scales to address staff recruitment and retention difficulties in the early stages of their careers.

In addition my Department, in conjunction with its counterparts in England, Scotland and Wales is currently engaged with trade unions in the development of a new pay system for NHS/HPSS staff. Such a system, if agreed, will provide an opportunity for the pay of laboratory staff to be examined to ensure that staff are being rewarded fairly for the responsibility they undertake.

Ní dhearnadh aon mheasúnú foirmiúil ar líon na mball foirne saotharlainne a earcaíodh agus a coinníodh. Ach tá mo Roinnse ar tí athbhreithniú níos leithne a dhéanamh ar na seirbhísí paiteolaíochta, a mbeidh baint ag cuid de le foireann a earcú agus a choinneáil.

I mí an Mheithimh i mbliana aontaíodh ar chonradh pá do bhaill foirne saotharlainne, conradh atá chan amháin ag soláthar do mhéadú boillscitheach pá ach atá ag cur tuilleadh acmhainní ar fáil dóibh siúd atá ar na pointí ag bun na scálaí pá. Rinneadh seo le tabhairt faoi na deacrachtaí a bhaineann le baill foirne sóisearacha a earcú agus a choinneáil.

Lena chois sin, tá mo Roinnse, i gcomhar lena macasamhail i Sasana, in Albain agus sa Bhreatain Bheag, ag plé forbairt chóras nua pá do bhaill foirne na SNS/SSPS leis na ceardchumann. Tabharfaidh a leithéid de chóras, má tá comhaontú air, faill iniúchadh a dhéanamh ar phá bhall foirne saotharlann lena chinntiú go bhfuil siad ag fáil pá atá ag cur go cothrom leis na freagrachtaí atá orthu.

### GP Patient Lists

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety to indicate the number of patients who were refused services by a general practitioner and forced to find a new general practitioner in each of 1997-98, 1998-99 and 1999-2000. (AQO 55/00)

**Ms de Brún:** The numbers of patients removed from general practitioners' lists at the request of doctors were:

1997/98	1048
1998/99	803
1999/2000	602

Is mar seo a leanas atá líon na n-othar a baineadh de liostaí na liachleachtóirí ar iarratas ó dhochtúirí:

1997/98	1048
1998/99	803
1999/2000	602

### Punishment Beatings

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety if she will henceforth provide, on a monthly basis, the number of admissions to hospital resulting from so-called punishment beatings. (AQO 41/00)



**Ms de Brún:** No. This information is not collected. Ní bhailítear an t-eolas seo.

### Fire Service

**Mr S Wilson** asked the Minister of Health, Social Services and Public Safety what representations have been made to her by the Fire Service regarding the proposal to award an Exceptional Service Medal to members of the service. (AQO 38/00)

**Ms de Brún:** I announced in the Assembly on 27 June that the Fire Authority would be striking a medal for fire fighters in recognition of their outstanding service to the community over the past 30 years. The Fire Brigades Union has asked for a meeting with me to discuss a number of issues, including the award, and arrangements for the meeting are being made.

D'fhógair mé sa Tionól ar an 27 Meitheamh go mheadh an tÚdarás Dóiteáin ag bualadh boinn don lucht múchta dóiteáin ar son a gcuid seirbhíse don phobal le 30 bliain anuas. D'iarr Ceardchumann na mBriogáidí Dóiteáin cruinniú orm le roinnt ábhar a phlé chomh maith le bronnadh na mbonn, agus tá socruithe á ndéanamh i gcomhair an chruinnithe sin.

### Royal Group Hospitals: Expenditure

**Dr McDonnell** asked the Minister of Health, Social Services and Public Safety, in light of the overspend by the Royal Victoria Hospital, Belfast, what plans she has to improve the management of, and accountability for, public expenditure. (AQO 68/00)

**Ms de Brún:** The previous financial year was an exceptionally difficult year for the Royal Group of Hospitals, and indeed for trusts in general, due in part to the unprecedented nature of the winter pressures and the additional costs which were incurred in dealing with both the threat of the millennium bug and the special payments to staff for working over the Millennium period.

My Department places strong emphasis on budgetary discipline with the HPSS and the financial positions and any resultant overspends are actively monitored by the Department and appropriate action is taken as necessary. Where Trusts are currently incurring or projecting deficits in excess of 0.5% of their budgets they must put in place a recovery plan to restore financial stability. The RGH Trust has prepared such a recovery plan, and it is currently being scrutinised by my Department. This scrutiny will examine any deficiencies in management and accountability within the Trust.

My Department will also be developing proposals to strengthen performance management within the HPSS as a whole. Central to this will be more rigorous

accountability arrangements for Boards and Trusts and the achievement and maintenance of financial stability.

Ba bhliain an-deacair ar fad í an bhliain airgeadais seo a chuaigh thart do Ghrúpa na nOspidéal Ríoga agus le fírinne, do na hlontaobhais i gcoitinne. Tharla seo go páirteach de bharr bhrú an gheimhridh agus de bharr na gcostas breise a tabhaíodh chun déileáil le bagairt fhríd na mílaoise agus le íocaíochtaí speisialta a thabhairt do na baill foirne a bhí ag obair thar thréimhse thús na mílaoise.

Cuireann mo Roinnse béim láidir ar rialú buiséid maidir leis na SSSSP agus staideanna airgeadais na n-lontaobhas. Déanann an Roinn faireachán gníomhach ar aon ró-chaiteachas ina dhiaidh sin agus, más gá, déanfaidh sí cibé beart is cuí. I gcás ina bhfuil na hlontaobhais ag tabhú nó ag tuar easnamh reatha sa bhreis ar 0.5% dá mbuiséid, caithfidh siad plean téarnaimh a cheapadh le cobhsaíocht airgeadais a athbhunú. Tá lontaobhas an GOR i ndiaidh Plean téarnaimh a cheapadh agus tá mo Roinnse á iniúchadh faoi láthair. Mar chuid den iniúchadh seo déanfar scrúdú ar easnamh ar bith maidir le bainistíocht agus cuntasacht taobh istigh den lontaobhas.

Beidh mo Roinnse ag ceapadh moltaí fosta le bainistíocht ar feidhmiú a threisiú taobh istigh de na SSSSP ina n-íomláine. Mar chuid an-tábhachtach den ábhar seo beidh socruithe níos déine ann maidir le cuntasacht na mbord agus na n-lontaobhas agus beidh cobhsaíocht airgeadais le baint amach agus le coinneáil ar bun.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### New Deal Programme

**Mrs I Robinson** asked the Minister of Higher and Further Education, Training and Employment to confirm how many candidates, (a) in total and (b) as a percentage of all those on the Programme, have gone on to employment following their participation in the New Deal programme in each of the last three years.

(AQW 90/00)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** Moves from New Deal to employment will be a key measure of the success of the New Deal programme.

Information on the post New Deal activity of participants is recorded by the Training and Employment Agency. At the moment, detailed analysis of the data held by the Agency on New Deal has been affected by the introduction of a new computer system earlier this year and the transfer of data from the old system to the new. Work to resolve this issue is progressing well and as a

matter of urgency. However, it is not yet possible to have the level of confidence we need in the data to release information in the way requested. Work in my Department is underway to resolve all of the issues pertaining to the publication of data.

Early survey work on participants on the New Deal for 18-to-24-year-olds, carried out independently from the Department, showed that 49% of those who left the programme in the first six months went directly into employment. At the time that participants were interviewed – which was at least eight months after leaving New Deal – 50% of all leavers reported being in employment.

My Department intends to carry out further survey work with New Deal participants to supplement data collected within the Department. A considerable evaluation programme is also in place to assess the impact of New Deal. One of the key questions that the evaluation will answer is the incidence of post-programme employment of participants, and also the sustainability of such employment.

### Department: Draft Equality Scheme

**Dr O'Hagan** asked the Minister of Higher and Further Education, Training and Employment if he will outline the consultation process carried out by him on the Department's draft equality scheme: (a) how the consultation was carried out, (b) who was consulted, (c) how the responses received will be written into the final schemes to be submitted to the Equality Commission and (d) how the consultation process will be taken forward. (AQW 170/00)

**Dr Farren:** I attach for your information a copy of the Equality Scheme which DHFETE submitted to the Equality Commission for approval on 30 June 2000.

Regarding parts (a) and (b) of your question, I would refer you to Annex C of the scheme. The draft Equality Scheme which was published for consultation on 7 April was also considered by the Assembly HFETE Committee. Its views are reflected in the revised scheme, and I responded in detail to the Committee.

Regarding part (c) of your question, please see the appendix of the scheme (Volume 2), which sets out who responded to the draft scheme, the points which they raised and the Department's responses to these points. You will see that the Department gave careful consideration to all the points raised in relation to the draft DHFETE scheme, and to the Equality Commission's response to the NI Civil Service draft schemes in general.

Regarding part (d) of your question, I would refer you in particular to volume 1 paragraphs 4.1.7 – 4.1.13 and annexes B and E.

## REGIONAL DEVELOPMENT

### Silent Valley: Sheep Grazing

**Mr Paisley Jnr** asked the Minister for Regional Development to explain why the decision was taken to prevent sheep from grazing on Water Service-owned land in the Silent Valley area. (AQW 57/00)

**The Minister for Regional Development (Mr Campbell):** In my statement to the Assembly on 11 September 2000 on the cryptosporidiosis outbreak in the Lisburn area, I explained that, following UK outbreaks of cryptosporidiosis associated with public water supplies, the Government had appointed a group of experts to report on measures to mitigate the risk of cryptosporidium in the public water supply.

One of the recommendations of the group was that water utilities carry out risk assessments on all their supplies. Early in 1999, Water Service assessed the risk of contamination at all of its sources. The methodology used was based on models used in England, Wales and Scotland and developed in consultation with the Northern Ireland Drinking Water Inspector.

This assessment identified the Silent Valley as the only source with a risk factor that indicated the need for continuous sampling and analysis during the spring, which is the period of highest risk. The associated testing regimes are based on national guidelines and are fully in line with those required by regulation in England and Wales and by Direction in Scotland. The Drinking Water Inspector and the Chief Medical Officer for Northern Ireland are closely involved in the development and monitoring of these arrangements.

The link between the grazing of sheep and the risk of cryptosporidium appearing in water supplies is well established. Consequently in the spring of this year Water Service took the decision to temporarily exclude sheep from the Silent Valley catchment area to protect the quality of water entering the public supply from this source. The temporary exclusion period was subsequently extended.

Water Service employed consultants to advise on the management of the Silent Valley catchment, and their report identified a number of issues to be considered in conjunction with other Departments and agencies. Following these considerations, I concluded that the sheep should continue to be excluded from the Silent Valley catchment.

Public representatives, local farmers and farming representative bodies were notified of my decision on 14 and 15 September 2000. My Department's officials have been liaising with officials from the Department of Agriculture and Rural Development to establish what measures can be taken to assist the farmers.

The position will be reviewed when a new water treatment works is provided for the Silent Valley water supply. The new works, which will provide a barrier to prevent cryptosporidium entering the distribution system, is programmed for completion in 2003/2004 at a cost of £35 million.

## SOCIAL DEVELOPMENT

### Occupational Therapy

**Mr Shannon** asked the Minister for Social Development to state when the present review of occupational therapy services to Northern Ireland Housing Executive tenants is due for completion and when the recommendations of the review might be implemented. (AQW 59/00)

**The Minister for Social Development (Mr Morrow):** I am not able to provide a firm date for the publication of the preliminary report. However, I can tell you that the steering group hopes to agree its report in early October and intends that recommendations together with an implementation plan will be available shortly after that meeting.

It is envisaged that some recommendations can be implemented immediately, with others phased in over time.

### Child Support

**Mr Shannon** asked the Minister for Social Development if he has considered increasing the ceiling on occupational pension which Child Support Agency claimants are presently allowed to receive. (AQW 60/00)

**Mr Morrow:** In assessing liability for child support, the full amount of the net weekly income that a non-resident parent receives is taken into account, including any amount received in respect of occupational pensions.

Introducing a disregard on occupational pensions would be inconsistent with the treatment of other forms of income in the Child Support scheme. It would mean, for example, that two non-resident parents with the same overall amount of income could pay different amounts in the same family circumstances because one had income from an occupational pension and the other from earnings. This would be difficult to justify.

**Mr Shannon** asked the Minister for Social Development if he has considered amending the relevant legislation to ensure that overtime is not included by the Child Support Agency when drawing up figures of weekly wage for employees. (AQW 61/00)

**Mr Morrow:** The principle of taking account of overtime in calculating earnings is important, as for many employees overtime is a regular part of earnings.

Children living with their parents will normally benefit from any regular additional income brought into the home, and it is right that a child of a non-resident parent should similarly benefit. It would be unfair if someone with basic pay and overtime paid less Child Support than someone whose pay is the same or even a lesser overall amount.

I intend shortly to bring before the Assembly the Child Support, Pensions and Social Security Bill which provides for major reform of the child support scheme. While the principle of taking account of overtime will remain, under the reforms the Child Support Agency will consider whether pay in the weeks leading up to the calculation is representative of normal earnings. Where irregular payments of overtime form part of the non-resident parent's income the agency may look at a different period if this gives a more accurate picture. This should reduce or eliminate the effect of occasional overtime on the amount of child support liability.

**Mr Shannon** asked the Minister for Social Development if he would consider reducing the change of assessment figure by the Child Support Agency to £5. (AQW 62/00)

**Mr Morrow:** I intend shortly to bring before the Assembly the Child Support, Pensions and Social Security Bill which provides for major reform of the Child Support scheme. The main part of the reform is the introduction of a new, simpler formula based on deductions from net earnings of 15%, 20% and 25% for one, two or three or more children. Under the reformed scheme, Child Support liability will only be reassessed where changes to a non-resident parent's income are at least 5% higher or lower than the figure used in the original assessment. Non-resident parents will be told how much this 5% tolerance means in practice for them when they are notified of their Child Support liability.

**Mr Shannon** asked the Minister for Social Development if he has considered amending the relevant legislation to ensure that Child Support Agency mileage allowance is calculated via local bus routes, in line with other Departments, and not on a straight-line basis as at present. (AQW 63/00)

**Mr Morrow:** The long distance travel to work allowance permitted under the current child support scheme is designed to be straightforward to administer. However, any parent who believes that the allowance is inadequate may seek an allowance which is more representative of the actual costs incurred by applying for a departure from the normal rules for calculating liability. Under the departures system account is taken of the actual distance travelled between the parent's home and place of work.

I intend shortly to bring before the Assembly the Child Support, Pensions and Social Security Bill which



provides for major reform of the child support scheme. The main part of the proposed reform is the introduction of a new simpler formula based on deductions from net earnings of 15%, 20% and 25% for one, two or three or more children. The new formula is designed to avoid the complexities associated with the current formula.

Under the new formula there is no specific provision for long distance travel-to-work expenses. The new standard rates will take account of the fact that non-resident parents have many other calls on their resources and they will normally be left with at least 75 % of their disposable income out of which to meet travel-to-work and other expenses.

### Springvale Development Scheme

**Dr O'Hagan** asked the Minister for Social Development to detail the level of public expenditure on the Springvale development scheme in respect of capital funding, site clearance, consultation, promotion, job creation and construction. (AQW 81/00)

**Mr Morrow:** It is not possible to supply figures under all the headings specified. However, details are available as follows. These include moneys expended by DHFTE and DETI.

#### CAPITAL FUNDING

This includes expenditure on land acquisition, site clearance and construction. Public expenditure on capital funding of the Springvale Development Scheme has amounted to £36.8m. This figure includes £1.9m spent by my Department on land acquisition and site clearance, £8.3m spent by IDB on land acquisition and estate development at Springvale Business Park and a further £675k spent by IDB on land acquisition, estate development and landscaping at Glenbank Industrial Estate, which is incorporated in the Springvale Development Scheme. Also included in the £36.8m, is £4.3m which my Department has spent on construction, £7.6m which IDB has spent on factory building within the Springvale Business Park, £5.8m spent by the former Department of Economic Development on construction of the Springvale Training Centre and £6.9m expended by the Northern Ireland Housing Executive in providing 170 housing units.

#### CONSULTANCY FEES, COMMUNITY CONSULTATION AND PROMOTIONAL COSTS

Expenditure on non-capital items, such as consultancy fees, community consultation and promotional costs, has amounted to £30.4m. This figure includes expenditure attributable to the Department of Higher and Further Education, Training and Employment in respect of the Springvale Educational Village project, which will occupy part of the overall development scheme site. The figure also includes costs of

approximately £20k which IDB has incurred in promoting the Call Centre building within Springvale Business Park as part of IDB's overall Call Centre initiatives. The £30.4m also includes £27m Selective financial assistance offered by IDB between June 1996 and September 2000 towards total company investment of over £54m by F G Wilson/Caterpillar, Andor Technology, Fujitsu and Insurance Advisory Services at Springvale Business Park.

#### JOB CREATION

A total of 1,163 jobs were created. The projects in Springvale Business Park involve 1,106 new jobs. There are 57 people permanently employed within the Springvale Training Centre. There are no exact figures for construction jobs, but using a very general rule of thumb, it is estimated, on the basis of the public and private expenditure on capital works, that the scheme is likely to have generated in the region of 2,500 man years of construction employment.

### Laganside Corporation

**Dr O'Hagan** asked the Minister for Social Development to detail the level of public expenditure on the Laganside Corporation in terms of capital funding, site clearance, consultation, promotion, job creation and construction. (AQW 82/00)

**Mr Morrow:** It is not possible to provide this information with a reasonable degree of accuracy, exactly in relation to the indicated categories, mainly for reasons of disproportionate cost.

For the period 1 April 1995 to 31 March 2000 expenditure by the Laganside Corporation in the categories specified was as follows:

Capital Funding (Grants)	£22.28m
Site and General Infrastructure (incl site clearance)	£29.54m
Publicity and Promotion (incl marketing)	£ 2.17m

The corporation's policies, programmes and projects are subject to consultation, the costs of which are either borne within specific project budgets or generally within running costs, and therefore the public expenditure costs of consultations is not available.

Much of the corporation's expenditure is incurred in order to provide the conditions for creating employment opportunities. The cumulative number of permanent jobs created in its designated area at 31 March 2000 was 5,620. In the same period the number of construction jobs generated by the corporation, and through third party investment, was 10,700.



The figure for site and general infrastructure costs includes construction costs.

Further information on expenditure by Laganside Corporation, by category, is available at page 8 of its Annual Report 1999-2000, which may be obtained from the Library.

## ASSEMBLY COMMISSION

### Statutory Committees

**Rev Dr Ian Paisley** asked the Assembly Commission to confirm the number of meetings of each of the Statutory Committees and give a breakdown of those that took place in public session and the number in closed session; and to detail the total number of hours each Committee has been in session. (AQW 58/00)

**The Representative of the Assembly Commission:**  
I am responding to you on behalf of the Assembly Commission.

The attached table details the number of meetings of each of the Statutory Committees of the Assembly during the period 2 December 1999 to 8 September 2000. The table shows the number of meetings that took place in public session, the number in closed session and the number of hours each Committee has been in session.

The table also shows the number of Statutory Committee meetings that are classified as closed/public — these typically involved Committees having a short “closed” meeting immediately followed by a meeting that was open to the public.

Committee	Total Number of Meetings	Public Meetings	Closed Meetings	Closed/Public Meetings	Duration of Meetings (hrs)
Agriculture & Rural Development	16	4	8	4	67
Culture, Arts & Leisure	15		9	6	43
Education	16		15	1	24
Enterprise, Trade & Investment	23		12	11	60
Environment	13		6	7	30
Finance & Personnel	19		7	12	53
Higher & Further Education, Training & Employment	19	7	3	9	50
Health, Social Services & Public Safety	15		8	7	49
Social Development	16		9	7	31
Regional Development	21		19	2	35



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# NORTHERN IRELAND ASSEMBLY

Friday 6 October 2000

## Written Answers to Questions

### AGRICULTURE AND RURAL DEVELOPMENT

#### Department: Internet Misuse

**Mr McHugh** asked the Minister of Agriculture and Rural Development if she is aware of press reports alleging Internet misuse within the Department, if she will comment on the accuracy of these reports and detail what action she has taken in respect of these allegations. (AQW 165/00)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** I am aware of press reports covering Internet misuse. An investigation has been carried out into misuse of the Internet by some departmental staff. As a result, formal disciplinary action has been taken against a number of officers. An investigation is ongoing into misuse of e-mail facilities by some staff. If appropriate, disciplinary action will be taken. A range of actions are underway to counter possible misuse of the Department's computer facilities in the future.

#### Department: Draft Equality Scheme

**Dr O'Hagan** asked the Minister of Agriculture and Rural Development if she will outline the consultation process carried out by her on the Department's draft equality scheme; (a) how the consultation was carried out (b) who was consulted (c) how the responses received will be written into the final schemes to be submitted to the Equality Commission and (d) how the consultation process will be taken forward. (AQW 166/00)

**Ms Rodgers:** The Department of Agriculture and Rural Development's consultation on the draft equality scheme was carried out along the lines set out in the Equality Commission for Northern Ireland's Guide to the Statutory Duties.

A copy of the scheme was sent to some 370 organisations, including representative organisations of

the Section 75 groups, community and voluntary groups, political parties and groups representing the agriculture industry and the rural community. A list of those organisations contacted has been placed in the Assembly Library.

Wherever possible comments have been written in to the draft equality scheme which was submitted to the Equality Commission on 30 June. Other comments are under active consideration by my Department.

The consultation will be progressed as soon as a formal response is received from the Equality Commission. Organisations will also be invited to comment on the Department's screening policy which is currently underway.

#### Lough Neagh Wetlands and Waterways

**Mrs Carson** asked the Minister of Agriculture and Rural Development if she will undertake to consider designating the Lough Neagh wetlands and waterways as an area of Outstanding Natural Beauty and/or an environmentally sensitive area. (AQW 179/00)

**Ms Rodgers:** Northern Ireland has already designated five environmentally sensitive areas, which include the most important wildlife habitats and characteristic landscapes. These are: (a) the Mourne Mountains and Slieve Croob; (b) the Antrim Coast, Glens and Rathlin; (c) West Fermanagh and the Erne Lakeland; (d) the Sperrins and (e) Slieve Gullion. Environmentally sensitive areas now cover 20% of the total Northern Ireland land area, which is comparable with the amount of land so designated in other EU member states.

EU legislation restricts the amount of land that any member state may designate as an environmentally sensitive area (ESA). This has been done in the interests of ensuring that ESA designation is carried out only for the purpose intended and is not being used as an illegal state aid to the farming industry. Further extensive designation could not, therefore, take place unless the requirements of the EU legislation could be met, and there is considerable doubt about whether the land around Lough Neagh could meet these.

My Department recognises, however, the importance of promoting environmentally beneficial farming practices on all farmland in Northern Ireland. The new Northern Ireland Rural Development Plan makes provision for this by introducing a countryside management scheme (CMS), which shares the same broad aims as the ESA scheme. This new scheme will fund those farmers who adopt environmentally beneficial farming practices and can provide the greatest environmental benefit in the 80% of Northern Ireland that falls outside the ESAs. Farmers around Lough Neagh will have opportunity to apply to enter the CMS.

My colleague, the Minister of the Environment, informs me that his Department is currently refining its policy on the designation of additional areas of outstanding natural beauty (AONB) under the provisions of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. However, it remains unlikely that the landscape around Lough Neagh will merit AONB designation.

### Potato Growers

**Mr McGrady** asked the Minister of Agriculture and Rural Development to outline what action has been taken in relation to the recent recommendation by the Agriculture and Rural Development Committee that Northern Ireland potato growers require (a) investment in adequate storage facilities and (b) to identify other varieties of potato in order to extend their season; and if she will make it her policy to provide financial assistance and professional advice and research to assist in the implementation of these alternatives.

(AQW 194/00)

**Ms Rodgers:** Through the 1994-99 EU Processing and Marketing Grant Scheme some £2m has been provided to projects which included investment in modern potato storage facilities. That scheme is now closed, but the Rural Development Programme for 2000 to 2006, which is subject to EU clearance, includes provision for a continuation of processing and marketing grants on a similar basis. Each year trials are undertaken to evaluate new varieties for their potential for use by the ware sector in Northern Ireland, and I can confirm that this work will continue. There is also an ongoing advisory programme aimed at developing the competencies of growers to manage the harvesting, storage and handling of potatoes.

### Department and Agency Staff: Salaries/Wages

**Mr Adams** asked the Minister of Agriculture and Rural Development to identify the number of staff in her Department and its associated agencies currently receiving (a) the national minimum wage and (b) less than £5 an hour.

(AQW 220/00)

**Ms Rodgers:** All staff in my Department and its associated agencies are currently receiving at least the national minimum wage.

The numbers of staff currently receiving less than £5 an hour are as follows:

Non-industrial	-	372
Industrial	-	75

### Flooding (Ballyclare)

**Mr J Wilson** asked the Minister of Agriculture and Rural Development what steps she intends to take to prevent a recurrence of the flooding in Ballyclare in September 1999.

(AQO 85/00)

**Ms Rodgers:** Following the flooding in September 1999, interim flood defences were constructed by the Rivers Agency to improve protection to the most vulnerable sections of the Green Burn which flows through Ballyclare, and consultants were commissioned to carry out a wide-ranging study of the flooding problems in the town. The study is due to be completed in December 2000. Officials will be available early in the New Year to discuss the way forward with the interests involved.

Pending the outcome of the study operational staff are carrying out frequent inspections and maintenance as necessary.

### Brucellosis

**Mr McNamee** asked the Minister of Agriculture and Rural Development if she intends to take extra steps to combat the massive increase in the incidence of brucellosis outbreaks in areas of South Armagh.

(AQO 89/00)

**Ms Rodgers:** We have already taken additional action in an effort to reduce the level of brucellosis in the South Armagh area. In normal circumstances, when an outbreak occurs, those herds in an inner ring contiguous to the infected herd are subjected to movement restrictions and to an immediate herd test, with follow-up testing every four months until they are no longer at risk. Testing is also carried out immediately and at four monthly intervals in an outer ring contiguous to herds in the inner ring. In the Armagh area we have extended this outer ring to another circle of herds which we also subject to immediate and subsequent testing at four monthly intervals. We are also carrying out bulk milk sampling in the area. This amounts to a significantly enhanced effort on DARD's behalf to reduce the level of brucellosis in the area concerned.

We are also considering certain further measures which might be helpful both in high-incidence areas and elsewhere. These include changing from biennial to annual testing in high-incidence areas such as Armagh, extending the bulk milk sampling programme Province wide and introducing a cull cow blood sampling programme all which would act as early indicators of infection.

However, any or all of these can be put in place if we can make available the necessary resources.



Brucellosis is easily spread, and once infection enters a herd, neighbouring herds are at high risk of contracting the disease.

Farmers in South Armagh and elsewhere in Northern Ireland must play their full part in prevention by taking appropriate precautions such as purchasing cattle from a reliable source, maintaining the integrity of the herd, ensuring that tests are carried out on time and by reporting abortions. It is also important to maintain good herd records so that where infection is detected, tracing of animals can be carried out quickly and effectively. There is no doubt that we are facing a significant problem in relation to brucellosis, but I hope that industry and Government working together can bring us back to the position we were in some years ago when Northern Ireland was clear of the disease.

### Rural Area Aid Payments

**Mr McHugh** asked the Minister of Agriculture and Rural Development if she will explain how excluding 2,600 small family farms from area aid payments will help sustain and encourage rural development and rural regeneration. (AQO 88/00)

**Ms Rodgers:** This question has been overtaken by events. The 2,600 farmers referred to are now included in the LFA scheme which has been sent to Brussels for approval.

### Milk Quotas

**Mr Savage** asked the Minister of Agriculture and Rural Development if, following her decision on the allocation of additional milk quotas, she will consider providing discretion for those producers who in the past two years have purchased milk quotas placing them over the threshold for additional quota. (AQO 86/00)

**Ms Rodgers:** The allocation to eligible producers will be based on the volume of quota held at 1 April 1999. Anyone who has purchased quota since that date, which has resulted in bringing them above the 250,000 litre threshold, will be considered for an allocation on the basis of their quota held at 1 April 1999.

### Energy Costs

**Mrs E Bell** asked the Minister of Agriculture and Rural Development what additional costs fall on farmers in Northern Ireland compared to those in Great Britain as a result of higher energy costs. (AQO 83/00)

**Ms Rodgers:** There is relatively little data available on comparative energy costs in Northern Ireland and Great Britain. However, information on electricity costs indicates that general consumers in Northern Ireland pay 20% to 25% per cent more than their counterparts

in GB. There is nothing to suggest that agriculture is any different.

## CULTURE, ARTS AND LEISURE

### Irish Language

**Mr McGrady** asked the Minister of Culture, Arts and Leisure what measures are being taken by the Arts Council to recognise and promote the development of the Irish language. (AQW 120/00)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** The Arts Council's policy in relation to support for Irish language arts is the same as that for the arts in English, Irish or any other language: to promote work of quality, whether it be in the genres of writing, storytelling, traditional singing or drama. The council does not support language development per se, but rather underpins the development of all arts in language communities.

Arts Council expenditure on both Irish language and Ulster-Scots arts activities has risen significantly in recent years, and the council has published a position statement entitled 'Literature, Language, Tradition' in both languages, which clearly sets out its current policy on these areas. In addition, the council has drawn up terms of reference for a needs analysis into Irish and Ulster-Scots language arts. It is partnering with the respective agencies of the North/South language body in this welcome and necessary piece of research which will help inform future policy and the development of a more proactive role for the Arts Council in this important area.

### Minority Languages

**Mr McGrady** asked the Minister of Culture, Arts and Leisure what progress has been made in (a) the Department of Culture, Arts and Leisure, (b) other Departments and (c) statutory agencies to develop a policy towards the promotion of the Irish language. (AQW 121/00)

**Mr McGimpsey:** All Departments are aware of the overarching commitment in the Belfast Agreement to promote understanding, tolerance and respect for linguistic diversity and of the specific commitments to Irish in the agreement and the Council of Europe Charter for Regional or Minority Languages.

It is clear that since devolution the level of interest in the use of Irish has increased considerably in the Executive and in one or two Departments in particular.

Northern Ireland Departments, together with the Northern Ireland Office and the Northern Ireland Court Service, have been considering the relevant policy and practical implications of these developments.

On 28 September the Executive Committee noted a paper covering the measures which can be applied by Departments to Irish in Northern Ireland in the context of the Council of Europe Charter on Regional or Minority Languages.

Work will be undertaken by a Standing Interdepartmental Charter Group, chaired by my Department to develop an action plan for implementing the charter. This plan will be ready by April 2001.

All Departments are currently considering draft guidance on the use of Irish in official business which will be brought to the Executive Committee for approval before the charter comes into force early next year.

My Department will shortly consider corporate plans for Foras na Gaeilge and Tha Boord o Ulster-Scotch, which set out how both agencies propose to implement their obligations in respect of the Belfast Agreement. These may have implications for other Departments. The plans will be submitted for approval to the North/South Ministerial Council.

A priority for my Department in helping us develop policy is to obtain quality information regarding various aspects of the current situation regarding the Irish language sector and demand for its use in public life. We have, therefore, commissioned or planned a number of research projects. The results of these will be made available to Departments and will be published as appropriate.

My Department has also been examining the implications of the Belfast Agreement commitment to seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland and has consulted widely with those with expertise and experience in this area. We have commissioned a consultant to produce an action plan for a pilot project to test demand. The project should be in place by April 2001.

In developing policy towards promotion of the Irish language we will listen carefully to advice from Foras na Gaeilge, the Department Assembly Committee, ministerial colleagues and individuals or organisations with expertise or an interest in this area.

Within the context of the obligations imposed by the Belfast Agreement and the Council of Europe Charter, it is a matter for individual Departments and their statutory agencies to develop policy and practice tailored to their own circumstances.

### **Department: Draft Equality Scheme**

**Dr O'Hagan** asked the Minister of Culture, Arts and Leisure if he will outline the consultation process carried out by him on the Department's draft equality scheme; (a) how the consultation was carried out (b) who was consulted (c) how the responses received will be written into the final schemes to be submitted to the Equality Commission and (d) how the consultation process will be taken forward. (AQW 167/00)

**Mr McGimpsey:** I can confirm that the Department of Culture, Arts and Leisure consulted widely with numerous bodies including district councils, public bodies responsible for culture, arts and leisure as well as voluntary and community groups. A list of those consulted is attached for your information. Advertisements were also included in the local press to ensure that anyone who may have been inadvertently omitted was given an opportunity to respond. During the consultation phase departmental officials met with representatives of groups declaring a specific interest in our scheme. The equality scheme was amended in the light of the responses received during the consultation exercise.

I can also confirm that the Department will continue to consult widely in relation to the equality scheme and the impact assessments of our policies in the future. All those consulted on the draft scheme and those who responded will be included. In addition, when carrying out impact assessments over the coming years the Department will advertise in the local press to give everyone a further opportunity to be fully involved.

Functional Area	Public Sector Bodies	NGO
All areas	Education and Library Boards District Councils	NIPSA FDA Political Parties
The Arts	Education and Library Boards Arts Council for NI NI Film Commission British Council District Councils CRC Cultural Diversity Committee Youth Council NI Tourist Board Laganside Corporation Museums Council National Museums & Galleries of NI	Arts & Business NI ADAPT NI NIVT European Partnership Boards Universities Media WEA

Public Record Office		Barnardo's British Deaf Association Deaf Self Help Disabled Concern Extern Organisation The National Deaf Children's Society Northern Ireland Council for Ethnic Minorities Belfast Civic Trust The Blind Centre for Northern Ireland Bryson House Disability Action Disabled in Community Action Mencap Regional Office The Cedar Trust Northern Ireland Council for Voluntary Action Northern Ireland Deaf Youth Association Guide Dogs for the Blind Association PHAB Sense, The National Deaf, Blind & Rubella Association Traveller Movement (NI) Ulster Institute for the Deaf Women's Resource & Development Agency Gingerbread Help the Aged NI Royal National Institute for the Blind Simon Community Northern Ireland Ulster Deaf Sports Council Women's Information Group Prof Elizabeth Meehan, QUB Mr John Keanie Mrs Hilary Gault Dr W H Crawford Miss Maura McCann The Earl of Belmore Mr W Stratton Mills Mr Patsy McShane
Sport	Sports Council for NI District Councils Education and Library Boards Youth Council Community Relations Council	NI Sports Forum/Governing Bodies NICVA NIVT Disability Action Rural Community Network
Inland Waterways	District Councils FCB	Ulster Angling Federation Ulster Coarsefishing Federation UFU Fish Farming Council NIAPA Fish Farming Council Inland Waterways Association of Ireland NI Branch

Public Libraries	Education and Library Boards	Linenhall Library Library and Information Services Council Northern Ireland Museums Libraries and Archives Council	Linguistic diversity	North/South Language Body	Altram Bláthanna Chinese Welfare Association (NI) Coláiste An Phobail Comhaltas Uladh Comhchoiste na Gaeilge Conradh na Gaeilge Cultural Diversity Group Community Relations Council Culturlann MacAdam Ó Fiaich Equality Commission for NI Forbairt Feirste Gaeiloluint Gael Linn Gaelaras GAIRM Glór na nGael Iomairt Cholm Cille Linen Hall Library Multi-Cultural Resource Centre NI Council for Ethnic Minorities Northern Visions POBAL Queen's University, Roinn na Ceiltise Queen's University, School of English St Mary's University College Ti Chulainn Ulster-Scots Heritage Council Ulster-Scots Language Society Ultach Ultach Trust UU Coleraine, Roinn na Gaeilge UPC
Functional Area	Public Sector Bodies	NGO			
Museums	Education and Library Boards District Councils Council for Curriculum, Examination and Assessment Council for Catholic Maintained Schools Arts Council for Northern Ireland Youth Council of Northern Ireland Sports Council of Northern Ireland National Heritage Lottery Fund (Belfast) Northern Ireland Tourist Board Northern Ireland Museums Council National Museums and Galleries of Northern Ireland Equality Commission Northern Ireland Public Service Alliance Community Relations Council Labour Relations Agency Commission for Racial Equality for Northern Ireland Rural Development Council for Northern Ireland National Lotteries Charities Board Committee of Area Museums Council Northern Ireland Voluntary Trust	Association of Northern Ireland Colleges Armagh Observatory Armagh Planetarium Queen's University University of Ulster Disability Action Royal National Institute for the Blind Age Concern Mencap Northern Ireland Council for Ethnic Minorities Northern Ireland Council for Voluntary Action Arts and Business Workers Educational Association National Art Collections Fund European Commission Representation National Heritage Memorial Fund Heritage Council of Ireland Cultural Heritage National Training Organisation Museums Association Irish Museums Association International Council of Museums Association of Independent Museums Association of Local Authorities of Northern Ireland			



## Ulster-Scots Literature and Culture

**Mr K Robinson** asked the Minister of Culture, Arts and Leisure what steps will be taken to improve public access to Ulster-Scots literature and culture and if he will co-operate with his colleague, the Minister of Education, to explore opportunities through which this minority language might be encouraged and accorded respect.

(AQW 173/00)

**Mr McGimpsey:** My Department has lead responsibility for giving effect to the Belfast Agreement commitment to promote tolerance, respect and understanding for linguistic diversity which includes Ulster-Scots.

The North/South Co-operation (Implementation) Northern Ireland Order 1999 set up the language body with two parts, Foras na Gaeilge and Tha Boord o Ulster Scotch. The role of the boord is to promote greater awareness and use of Ullans and Ulster-Scots culture. My officials are currently considering the draft corporate plan for Tha Boord o Ulster Scotch which sets out how the boord proposes to carry out this function for 2000/2001 to 2003/2004. The plan will be submitted for approval to the North/South Ministerial Council.

Indicative funding for the boord of £667,000 in the current year represents a fivefold increase in Government expenditure on Ulster-Scots in 1999/2000 of £118,000. The boord will have indicative funding of £1.3m in 2001.

In March this year the UK Government in March this year signed the Council of Europe Charter for Regional or Minority Languages, recognising Ulster-Scots for Part II which contains general principles and objectives regarding recognition and non-discrimination. Work will be undertaken by a Standing Interdepartmental Charter Group chaired by my Department to develop an action plan for implementing the charter as a whole. This plan will be ready by April 2001.

A priority for my Department in helping us develop policy on linguistic diversity is to obtain quality information on aspects of the Ulster-Scots language situation. We have therefore commissioned or planned a number of research projects. The results of these will be made available to Departments and will be published as appropriate.

In developing policy towards promotion of the Ulster-Scots language and culture we will listen carefully to advice from Tha Boord o Ulster-Scotch, the departmental Assembly Committee, ministerial colleagues and individuals or organisations with expertise or an interest in this area.

As part of the work of developing its corporate strategy my Department instigated the Future Search Programme within which we are looking at the possible

role of the Department in various areas. One of these is cultural diversity which would include Ulster Scots culture.

## Sport (Young People)

**Mr K Robinson** asked the Minister of Culture, Arts and Leisure what action he will take to promote sport for the young.

(AQW 174/00)

**Mr McGimpsey:** The Sports Council for Northern Ireland has statutory responsibility for the development of sport within the Province, including sport for the young. In 1993, the Sports Council, in partnership with other agencies, published a strategy for sport for young People. The implementation of this strategy over the last six years has demonstrated that Northern Ireland leads the way in this area of sports development, and others are now starting to introduce similar programmes throughout England, Scotland and Wales. Programmes run in Northern Ireland include Youth Sport Foyle and Youth Sport West, both of which are cross-border programmes and Youth Sport South, North-East and South-East. All of these programmes are operated in conjunction with the appropriate education and library boards and district councils.

In addition to the youth sport programmes, the Sports Council Lottery Fund also supports a wide variety of programmes ranging from training provision for coaches specifically involved with young people, to the provision of multi sport facilities in primary schools.

## Fisheries: Conservation

**Mrs Nelis** asked the Minister of Culture, Arts and Leisure if he will undertake to set up an agency to promote the protection of fishing and waterway environments.

(AQW 180/00)

**Mr McGimpsey:** The inland fisheries of Northern Ireland are currently the subject of an inquiry by the Assembly's Culture, Arts and Leisure Committee. I have at the same time instituted a review of the functions of the Fisheries Conservancy Board (FCB). I have no plans in advance of the outcomes of either of these initiatives to set up any new agency. However, in the meantime, my Department is in the process of taking legislation through the Assembly that will strengthen the fishery conservation and protection powers presently available to the FCB.

## Act of Union

**Mr Kennedy** asked the Minister of Culture, Arts and Leisure if he has put in place any activities to celebrate the bi centenary of the Act of Union in 2001.

(AQO 101/00)

**Mr McGimpsey:** My Department is in the process of planning a rolling programme of events to mark the bi-centenary of the Act of Union in 2001, which at this early stage includes:

- an inaugural reception and lecture in Newtownards in January 2001;
- a centrepiece exhibition in Parliament Buildings in March 2001 which will move to the Ulster Museum in May;
- a scaled-down exhibition in the Dublin Arts Centre in the autumn of 2001;
- a conference in Londonderry in June 2001; and
- education workshops for A-level students in Belfast in October 2001.

It should be noted however that many of the arrangements at this stage are tentative.

### Motorcycle Racing

**Mr Close** asked the Minister of Culture, Arts and Leisure what plans there are to create a motorcycle racing track in Northern Ireland. (AQO 78/00)

**Mr McGimpsey:** I am aware of a number of proposals to develop a new motorcycle racing track in the Province through both local authority and private enterprise initiatives. At my request the Sports Council for Northern Ireland, in conjunction with the Motor Cycle Union of Ireland, will be undertaking a review of facilities at the Province's four existing short circuit venues. As part of that exercise a preliminary feasibility study will be carried out to explore the need and scope for a new motorcycle race track. My Department will be making additional resources available so that this work can be completed urgently.

### Football Task Force

**Mr McCarthy** asked the Minister of Culture, Arts and Leisure if he will provide an update on the work of the task force looking into Irish league football; and if he will make a statement. (AQO 80/00)

**Mr McGimpsey:** In August I announced my intention to set up a football task force to take a fundamental look at the game in Northern Ireland. This will be a major exercise to build a strategy for the future development of football.

My Department is finalising the arrangements for taking this forward, and I will be making a further comprehensive announcement shortly. I intend the process to be inclusive, transparent and innovative, with the widest possible interests being consulted. It is important that all aspects of the game, from grass-roots through to international level be examined.

### Cultural Theme (2001)

**Mr Leslie** asked the Minister of Culture, Arts and Leisure if he has established any special cultural theme for the year 2001. (AQO 100/00)

**Mr McGimpsey:** I do not at present plan to establish any single cultural theme for the year 2001.

However, this week I shall be announcing a £1m cultural initiative called Diversity 21 to be funded by my Department. This will be funded with new money voted by the Executive Committee in July to enable us to promote cultural diversity.

The initial phase of this programme will be held between October 2000 and March 2001 and will cover 14 separate projects, most of which are expected to continue throughout the year 2001.

I believe it will be more beneficial to Northern Ireland to have a programme that allows us to deal with cultural diversity in all its forms, rather than focus on a single theme.

### Film Industry

**Mr Bradley** asked the Minister of Culture, Arts and Leisure to indicate what steps are being taken to encourage the promotion of the film industry in Northern Ireland. (AQO 99/00)

**Mr McGimpsey:** My Department is co-operating with the Department of Enterprise, Trade and Investment to promote an integrated approach to the development of film culture and the film industry in Northern Ireland. The Northern Ireland Film Commission, the key organisation representing the local film industry, will receive a total of over £0.5m in financial assistance from DCAL and LEDU in the current financial year. LEDU also provides direct assistance to over 25 local independent television and film producers and is involved in PACT, the Producers Alliance for Cinema and Television, in developing a series of training programmes designed to increase the competitiveness of local producers.

Funding from DCAL and LEDU complements funding for film and television projects from a variety of other sources, most notably the National Lottery film finance programme of the Arts Council of Northern Ireland which provides around £700,000 a year for film projects.

### EDUCATION

#### Administration: Efficiency

**Mr Gibson** asked the Minister of Education if he will outline the measures he has taken to ensure that the

present administration of education is efficient and cost-effective. (AQW 144/00)

**The Minister of Education (Mr M McGuinness):**

All bodies in the education sector are subject to controls on administrative expenditure and to various performance targets. Our aim is to ensure that the resources available to education are used efficiently and cost-effectively so as to maximise the funds devoted to the classroom and other front-line services.

**Department: Draft Equality Scheme**

**Dr O'Hagan** asked the Minister of Education if he will outline the consultation process carried out by him on the Department's draft equality scheme (a) how the consultation was carried out (b) who was consulted, (c) how the responses received will be taken into account in the final schemes to be submitted to the Equality Commission and (d) if the consultation process will be ongoing. (AQW 152/00)

**Mr M McGuinness:** In undertaking the consultation process the Department issued printed copies of its draft equality scheme to some 450 organisations and individuals. In so doing the Department identified a wide range of groups/organisations representative of persons likely to be affected by the scheme. Letters issued to all schools in Northern Ireland, and press advertisements aimed at the general public, indicated that a copy of the draft scheme was available on the Department's Internet web site or from the Department's equality unit on request. In addition, the scheme was available, on request, in Braille, large print, audio tape and Cantonese versions, although no requests were received for any of these alternative versions.

A list of those organisations and individuals consulted was included at Annex F to the Department's revised equality scheme, which was submitted to the Equality Commission on 30 June. I have now placed a copy in the Assembly Library.

Consultations on the draft scheme took place over an eight week period ending on 9 June 2000, and the revised scheme submitted to the Equality Commission on 30 June took account of the many constructive comments offered by those organisations who responded to the draft. The revised scheme is still under consideration by the commission.

Consultations on the Department's draft scheme were completed on 9 June, but further consultations will take place progressively over the next three to five years on its detailed implementation.

**Term-Time Staff**

**Mrs I Robinson** asked the Minister of Education if he will confirm that the term-time staff salary review

will be concluded before the end of this year; and if he will make a statement. (AQW 159/00)

**Mr M McGuinness:** Jobs have already been evaluated on a generic basis for some term-time staff. An evaluation in relation to classroom assistants is to be undertaken as soon as possible, within a timescale to be agreed as part of the continuing negotiations. It would be feasible to complete this before the end of the year if agreement is reached.

At the meeting of the joint negotiating council on 22 September, the trade union side indicated that they were not yet in a position to respond to the management side's offer made at the meeting on 31 July, as the unions have not completed consultation with their members. A further meeting of the council has been scheduled for 3 November.

**Ministerial Transport**

**Mr Paisley Jnr** asked the Minister of Education if he will (a) confirm the level of public expenditure on his ministerial transport arrangements and (b) identify the private company involved in these arrangements. (AQW 164/00)

**Mr M McGuinness:** The Department currently rents a car for use by me on official business at a cost of £775 per month plus VAT.

The rate payable in respect of the driver and back-up driver, where appropriate, is £5.68 an hour plus allowances for overtime, evening or night working.

No private company is involved in this work

**St Mary's Primary School (Killyclogher)**

**Mr Byrne** asked the Minister of Education to set out the proposed timetable for the construction of a new building for St Mary's Primary School, Killyclogher, Omagh. (AQW 232/00)

**Mr M McGuinness:** A select list of contractors for the new school was approved by my Department in September, and tenders are expected to be submitted shortly. The contract period will be approximately 18 months.

## ENTERPRISE, TRADE AND INVESTMENT

### Department and Agency Staff: Salaries/Wages

**Mr Adams** asked the Minister of Enterprise, Trade and Investment to identify the number of staff in his Department and its associated agencies currently receiving (a) the national minimum wage and (b) less than £5 per hour. (AQW 219/00)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** The number of staff in the Department of Enterprise, Trade and Investment and its associated agencies currently receiving (a) the national minimum wage is nil and there are 174 who earn less than £5 an hour.

The April 2000 pay settlement has been finalised but has not yet been applied to individual salaries. The Department will provide updated figures when this process has been completed.

## THE ENVIRONMENT

### Transport: Licensing

**Mr M Murphy** asked the Minister of the Environment on what basis he took the decision to transfer the enforcement and policy work of the Transport Licensing Enforcement Branch to the Driver and Vehicle Testing Agency. (AQW 188/00)

**The Minister of the Environment (Mr Foster):** Following a review of workload pressures on the senior management of the Transport Licensing and Enforcement Branch, the enforcement function of the branch and associated operational policy was transferred to the Driver and Vehicle Testing Agency with effect from 1 October 2000.

**Mr M Murphy** asked the Minister of the Environment if there has been any consultation with staff affected by the transfer of enforcement and policy work from the Transport Licensing Enforcement Branch to the Driver and Vehicle Testing Agency. (AQW 189/00)

**Mr Foster:** Yes. Staff representatives were consulted about the proposed changes to the management arrangements and senior management met the staff involved to answer questions they had raised.

**Mr M Murphy** asked the Minister of the Environment if he will confirm that he is responsible for

both policy development and enforcement of licensing regulations to suit operational and business needs.

(AQW 190/00)

**Mr Foster:** Yes. Recent changes to the management arrangements for the Department's road freight, bus operator and taxi driver licensing and associated enforcement functions do not affect ultimate responsibility for these functions which remains with me.

**Mr M Murphy** asked the Minister of the Environment if he will confirm that he contracted consultants to assess the Driver and Vehicle Testing, the Driver and Vehicle Licensing (NI), and the Transport Licensing and Enforcement Branch under the Next Steps Agency quinquennial review, if that review has been completed and if so to state when the results will be published.

(AQW 191/00)

**Mr Foster:** I understand that consultants were engaged by the previous direct rule Administration to assist in carrying out a combined next steps quinquennial review of the Driver and Vehicle Testing (NI), the Driver and Vehicle Licensing (NI) and the executive functions of the Department's Transport Licensing and Enforcement Branch.

That Administration did not reach any conclusion on the review pending devolution. I intend to bring the review to a formal conclusion in the near future and I will announce the outcome in the Assembly in due course.

**Mr M Murphy** asked the Minister of the Environment if he will detail what performance measurement of the Driver and Vehicle Testing Agency is undertaken each year. (AQW 200/00)

**Mr Foster:** The key performance measures which I approved for the agency are set out in its published business plan for 2000/2001, copies of which were placed in the Assembly Library on 4 July 2000. The performance of the agency against these targets will be set out in its annual report which will be presented to the Assembly in the summer of 2001.

The agency's annual report for 1999/2000 was presented to the Assembly in July 2000, and copies are available in the Assembly Library.

### Taxis: Sterling Report

**Mr M Murphy** asked the Minister of the Environment to detail his assessment of the recommendations in the Sterling Report ('Review of Northern Ireland Taxi Service 1992'), and if he will make a statement.

(AQW 201/00)

**Mr Foster:** I have not made any assessment of the 'Sterling Report' ('Review of Northern Ireland Taxi Service 1992'). I understand that this report was prepared



for a previous direct rule administration and that the proposed changes were, for the large part, not implemented.

I acknowledge that with the passage of time since the earlier review there would be merit in undertaking a further examination of the regulation of the taxi industry here in the light of present circumstances and I have bid for resources in the 2000 spending review to initiate such an examination. Further progress depends on the success of that bid.

### Transport: Licensing

**Mr M Murphy** asked the Minister of the Environment if his policy for restructuring the Driver and Vehicle Testing Agency and the Driver and Vehicle Licensing Agency will prevent efforts to privatise these organisations in the future. (AQW 202/00)

**Mr Foster:** There are no plans to privatise the functions carried out by the Driver and Vehicle Testing Agency and Driver and Vehicle Licensing (NI).

**Mr M Murphy** asked the Minister of the Environment if his decision to transfer the functions of the Transport Licensing and Enforcement Branch to the Driver and Vehicle Testing Agency and the Driver and Vehicle Licensing Agency is premature in advance of the publication of the next steps agency quinquennial review. (AQW 203/00)

**Mr Foster:** No. I refer the Member to the answer to written question 191/00.

**Mr M Murphy** asked the Minister of the Environment to detail how many driver and vehicle licensing enforcement officers have been employed in each of the last five years. (AQW 210/00)

**Mr Foster:** The numbers of enforcement officers involved in enforcement work in relation to road freight operators, bus operators and taxi drivers and their vehicles in each of the last five years are as follows:

1 April 1996	16
1 April 1997	16
1 April 1998	16
1 April 1999	14
1 April 2000	14

### Taxis: Guide Dogs

**Mr A Maginness** asked the Minister of the Environment if he intends to amend the regulations relating to private hire taxis to permit the carrying of guide dogs. (AQW 248/00)

**Mr Foster:** No. The provisions of the Disability Discrimination Act 1995, which will require public hire taxis to carry guide dogs will apply throughout the United Kingdom. There are no plans to extend these

provisions to the carriage of guide dogs in private hire vehicles.

## FINANCE AND PERSONNEL

### Department and Agency Staff: Salaries/Wages

**Mr Adams** asked the Minister of Finance and Personnel to identify the number of staff in his Department and its associated agencies currently receiving (a) the national minimum wage and (b) less than £5 an hour. (AQW 216/00)

**The Minister of Finance and Personnel (Mr Durkan):** There are no staff in the Department of Finance and Personnel and its associated agencies currently receiving the national minimum wage or less.

There are 376 staff in the Department of Finance and Personnel and its associated agencies currently receiving less than £5 an hour.

### Civil Servants: Personnel Files

**Mr Bradley** asked the Minister of Finance and Personnel what information, other than appraisal reports, is held on the personnel files of civil servants; to state if a civil servant has access to his/her file and to confirm if civil servants may access the file relating to their own employment without notice. (AQW 222/00)

**Mr Durkan:** Personal files for civil servants contain a variety of information relevant to an individual's employment, for example, documentation relating to recruitment, transfer requests, details of bank/building society account, queries raised by the individual, notification of pay changes, details of promotions and copies of any disciplinary warnings.

Civil servants do not have a formal right of access to their file but requests for access may be granted at the discretion of the employing department. In relation to legal proceedings, civil servants have the same rights to disclosure of information as any other employee.

In addition, civil servants, in common with all other individuals, have rights under the Data Protection Act 1998. This will entitle them, with effect from 24 October 2001, to receive copies of personal data held on them.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Surgery Waiting Lists

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety to detail how many patients are on waiting lists for surgery in the Homefirst Community Trust area and to indicate what action will be taken to reduce this waiting list. (AQW 125/00)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** At the end of June 2000, there were no patients waiting for surgery in the Homefirst Community Trust area.

Ag deireadh Meithimh 2000, ní raibh othar ar bith ag fanacht ar mháinliacht ag Iontaobhas an Phobail Homefirst.

### Eye Damage (Dog Excrement)

**Mr K Robinson** asked the Minister of Health, Social Services and Public Safety if she will detail the number of children suffering eye damage attributable to contact with dog excrement; and if she will make a statement. (AQW 126/00)

**Ms de Brún:** Information on the number of children suffering eye damage attributable to contact with dog excrement is not available.

Statistics on numbers of people admitted to local hospitals with a diagnosis of toxocariasis are given in the table below.

**NUMBER OF PEOPLE ADMITTED TO NI HOSPITALS UNDER THE DIAGNOSES OF TOXOCARIASIS BY GENDER AND AGE GROUP, 1996/97 TO 1999/00**

Age	1996/97		1997/98		1998/99		1999/00	
	Male	Female	Male	Female	Male	Female	Male	Female
Less than 1	0	0	0	0	0	0	0	0
1 to less than 16	0	0	0	0	1	1	0	0
16 and over	1	0	0	0	0	0	0	0
Total	1	0	0	0	1	1	0	0

Níl eolas ar fáil faoi líon na bpáistí ar cuireadh síos dóibh go ndearnadh dochar dá súile de bharr teagmháil le cac madadh.

## TUGTAR STAITISTICÍ SA TÁBLA THÍOS FAOI LÍON NA NDAOINE A GLACADH ISTEACH IN OSPIDÉIL AGUS TOCSACÁIRIÁIS ORTHU DE REIR FÁTHMHEAS DOCHTÚIRÍ.

Aois	1996/97		1997/98		1998/99		1999/00	
	Fir	Bain	Fir	Bain	Fir	Bain	Fir	Bain
Faoi bhun 1	0	0	0	0	0	0	0	0
Os cionn 16 bliana	0	0	0	0	1	1	0	0
16 agus os cionn	1	0	0	0	0	0	0	0
Iomlán	1	0	0	0	1	1	0	0

### Whiteabbey Hospital

**Mr K Robinson** asked the Minister of Health, Social Services and Public Safety what action will be taken to ensure that Whiteabbey Hospital plays a role in addressing the health needs of residents in East Antrim. (AQW 127/00)

**Ms de Brún:** The provision of safe, effective and accessible acute hospital services is of vital importance to the whole community. It is one of my top priorities as Minister. I want to move forward as quickly as possible on this matter, and that is why I have commissioned a short, independent review of all the issues involved. The review group will report to me at the end of February 2001 with recommendations on the future development of services.

I cannot anticipate what the independent group's report may have to say about services at Whiteabbey or any other hospital.

Tá sé barrthábhachtach don phobal uile go soláthrófar seirbhísí sábháilte éifeachtacha géarmhíochaine ospidéil, seirbhísí ar féidir teacht go réidh orthu. Tá sé sin ar na tosaíochtaí is mó agam féin. Ba mhaith liom gluaiseacht chun tosaigh a ghaiste is féidir agus is é sin an chúis ar choimisiúnaigh mé athbhreithniú gairid neamhspleách ar gach ní a bhaineann leis an ábhar seo. Cuirfidh an grúpa athbhreithnithe a dtuarascáil faoi mo bhráid faoi dheireadh Feabhra 2001 agus in éineacht léi beidh moltaí faoin dóigh ar cheart na seirbhísí a fhorbairt sa todhchaí.

Ní thig liom gníomhú sula mbeidh tuairimí an ghrúpa neamhspleách ar fáil ina dtuarascáil faoi na seirbhísí in Ospidéal na Mainistreach Finne nó in ospidéal ar bith eile.

### Occupational Therapy

**Mr K Robinson** asked the Minister of Health, Social Services and Public Safety if she will confirm the current waiting times for occupational therapy appointments in the

East Antrim constituency and to confirm if there has been a reduction in waiting times over the last 18 months.

(AQW 128/00)

**Ms de Brún:** At the end of the June 2000 there were 1,155 people waiting for an occupational therapy assessment in the East Antrim constituency area. Of these, 63% have been waiting for more than three months. This compares with 1,468 at 31 December 1998, of whom 64% have been waiting for more than three months.

Faoi dheireadh mí an Mheithimh 2000 bhí 1,155 duine ag feitheamh le measúnú le haghaidh teiripe ceirde i dtoghlaigh Antroim Thoir. Bhí 63% díobh siúd ag feitheamh le breis agus tri mhí. I gcomparáid leis an fhigiúr seo bhí 1,468 duine ar an 31 Nollaig 1998 agus 64% díobh siúd ag feitheamh le breis agus tri mhí.

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety what is the current position in regard to the recruitment of occupational therapists for the Health Service.

(AQW 134/00)

**Ms de Brún:** Health and social services boards and trusts are responsible for ensuring that there are sufficient occupational therapists to provide the level of service to meet the assessed needs of their population. However, my Department has highlighted occupational therapy waiting times as a pressure to be addressed by boards in proposals for spending the £53m recurrent funding announced earlier this year. The four boards have indicated that additional resources will be allocated to occupational therapy services in the current year. My Department will monitor the situation.

Tá se mar freagracht ar na boird sláinte agus seirbhísí sóisialta agus ar na hlontaobhais a chinntiú go bhfuil go leor teiripeoirí ceirde ann leis an leibhéal seirbhíse a sholáthar a bheas ag freastal ar riachtanais mheasta na ndaoine ina gceantair. Ach tá na tréimhsí feithimh le haghaidh teiripe ceirde leagtha síos go sonrach ag mo Roinnse mar bhrú a gcaithfidh na boird aghaidh a thabhairt air agus tá seo luaite sna moltaí a rinneadh faoin dóigh ar cheart na £53m de mhaoiniú athfhillteach a chaitheamh nuair a fógraíodh sin níos luaithe i mbliana. Tá na ceithre bhord i ndiaidh a chur in iúl go gcuirfeadh acmhainní breise ar fáil do sheirbhísí teiripe ceirde sa bhliain reatha. Déanfaidh mo Roinnse faireachán ar na chúrsaí seo.

### Cancer (Men)

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety if she will confirm the amount of funding available over the next five years for research into cancers specific to men.

(AQW 136/00)

**Ms de Brún:** The Department of Health, Social Services and Public Safety funds research largely through the HPSS research and development fund which is

managed by the research and development office for the HPSS to implement the HPSS research and development strategy. In common with other NHS research and development strategies, it is neither-disease specific nor disease-driven. Therefore, there is no amount of funding earmarked for cancers specific to men. Equally, there is no limit, other than the total value of the HPSS fund, to the amount that is potentially available to cancers specific to men.

At present the HPSS research and development fund has committed £4.9m (at 1999/00 prices) to support cancer research over the next five years. None of these research projects is in cancers specific to men. It should be noted that the research and development office has not received any research proposals relating to research into cancer specific to men, so no proposals have been turned down in this area.

This future five-year cancer spend is incurred across the various strands of the HPSS research and development strategy as follows:

Cancer Recognised Research Group	£3.0m
Cancer Trials Unit (indicative figure only)	£1.0m
DNA Centre (indicative figure only)	£0.1m
Education and training	£0.6m
Career Development	£0.2m
Total	£4.9m

The Department of Health, Social Services and Public Safety also core funds, from the Departmental Surveys, Registries and Research Group (DSRRG) budget, the Northern Ireland Cancer Registry (NICR). Part of the NICR aim is to enable research. However, as with the HPSS research and development fund, there is no amount of funding earmarked for cancers specific to men. Core funding for 2000/01 is £422k, rising to an estimated £500k in 2004/05.

Funding for cancer research is also available from sources outside the DHSSPS, for example the Medical Research Council. The scale and quantum of this funding is not known.

Maoiníonn an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí taighde go formhór ó chiste taighde agus forbartha (TF) na SSSSP. Tá an ciste seo á stiúradh ag an oifig taighde agus forbartha thar ceann na SSSSP chun straitéis TF an SSSSP a chur i gcrích. Tá an straitéis seo ar aon dul leis na cinn eile a bhaineann le TF na SNS. Níl sí dírithe go sonrach ar ghalar amháin nó ar ghalair go háirithe. Ar an ábhar sin níl suim áirithe den mhaoiniú á cur i leataobh do 'chineálacha ailse a bhaineann le fir amháin'. Ag an am ceanna níl aon teorainn, seachas luach iomlán chiste TF na SSSSP, leis

an tsuim a d'fhéadfadh a bheith ar fáil do 'chineálacha ailse a bhaineann le fir amháin'.

Faoi láthair tá £4.9m (de réir phraghasanna 1999-00) de chiste TF na SSSSP i dtacaíocht le taighde ar ailse thar na chéad chúig bliana eile. Ní bheidh ceann ar bith de na tionscadail taighde seo á dhéanamh ar 'chineálacha ailse a bhaineann le fir amháin'. Ba cheart a thabhairt faoi deara nach bhfuair an oifig TF iarratas ar bith maidir le taighde ar 'chineálacha ailse a bhaineann le fir amháin', agus dá bharr seo níor diúltaíodh aon iarratas sa réimse seo.

Is mar seo a leanas a bheas an caiteachas cúig bliana seo sa toadhcháir ar ailse thar na réimsí éagsúla de straitéis TF na SSSSP:

Grúpa Aitheanta Taighde ar Ailse	£3.0m
Aonad um Thrialacha ar Ailse (figiúr tascach amháin)	£1.0m
Ionad DNA (figiúr tascach amháin)	£0.1m
Oideachas agus Oiliúint	£0.6m
Forbairt Gairme	£0.2m
Iomlán	£4.9m

Cuireann an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí bunmhaoiniú ar fáil do Chlárlann Ailse Thuaisceart Éireann (CATÉ) ó bhuiséad an Ghrúpa Ranna um Shuirbhéanna, Chlárlanna agus Thaighde (GRSCT). Tá sé mar chuid de aidhm CATÉ 'taighde a chumasú'. Mar sin féin, amhail le chiste TF na SSSSP, níl suim ar bith á cur i leataobh do 'chineálacha ailse a bhaineann le fir amháin'. Is é £422k an bunmhaoiniú don bhliain 2000-01 agus meastar go méadóidh sin go £500k sa bhliain 2004-05.

Cuireann foinsí eile, taobh amuigh den RSSSP, maoiniú ar fáil le haghaidh taighde ar ailse, an Chomhairle Taighde Míochaine mar shampla. Ach ní fios scála nó méid an mhaoinithe sin.

### Belvoir Park Hospital

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will make a statement about the condition and facilities for patients and visitors to Belvoir Park Hospital. (AQW 145/00)

**Ms de Brún:** Belvoir Park Hospital is owned by Belfast City Hospital Health and Social Services Trust.

The condition and the facilities for patients and visitors to Belvoir Park Hospital reflect the fact that the cancer centre is based in an old fever hospital and that facilities have developed in response to changes in treatment.

The trust is aiming to provide new accommodation for these services on the Belfast City Hospital site by 2003. Nevertheless, it recognises the need to ensure that the accommodation and facilities at Belvoir Park Hospital are adequately maintained, within available resources, bearing in mind the expected limited lifespan of the hospital.

Is le hÍontaobhas Sláinte agus Seirbhísí Sóisialta Ospidéal Bhéal Feirste Ospidéal Pháirc Belvoir.

Léiríonn bail Ospidéal Pháirc Belvoir agus na saoráidí d'othair agus do chuariteoirí atá ann gur i seanospidéal fiabhras atá an t-ionad ailse suite agus gur fhás na saoráidí de réir mar a bhí an chóireáil ag athrú.

Tá an tÍontaobhas ag iarraidh áit nua a fháil do na seirbhísí seo ar shuíomh Ospidéal na Cathrach faoin bhliain 2003. Ach mar sin féin aithníonn sé gur gá a chinntiú go bhfuil an chóiríocht agus na saoráidí in Ospidéal Pháirc Belvoir á gcoinneáil go sásúil taobh istigh de na hacmhainní atá ann agus ag féachaint don teorainn a mheastar bheas ann maidir le saolré an ospidéil.

### Alcohol-Related Harm

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she consulted with the Royal Ulster Constabulary when drawing up her report on a strategy for reducing alcohol related harm and to detail the role she envisages for the Royal Ulster Constabulary in this strategy. (AQW 146/00)

**Ms de Brún:** The Community Affairs Division of the RUC was represented on the project team which developed the report 'Reducing Alcohol Related Harm in NI: A Report to DHSS by the Project Team', published in June 1999 and which formed the basis for the current strategy. Many interested parties, including the Community Affairs Division, were further consulted by my Department during the final consultation of the strategy.

As outlined in the strategy document a local strategy implementation group, involving a wide range of concerned organisations, will be established in each board area. These groups will have a key role in implementing the strategy at ground level. This will include working with the Department to develop measures for protecting the community by reducing anti-social and criminal behaviour, advising on licensing options, supporting efforts to reduce access to alcohol by underage drinkers and encouraging and supporting responsible trading practices.

Bhí ionadaithe ó Roinn Gnóthaí Pobail an RUC ar an fhoireann tionscadail a d'ullmhaigh an tuarascáil "Reducing Alcohol Related Harm in NI -A Report to DHSS by the Project Team", a foilsíodh i mí an Mheithimh 1999, agus ba uirthi a bunaíodh an straitéis



reatha. Chuaigh mo Roinnse i gcomhairle arís leis na páirtithe leasmhara, agus an Roinn Gnóthaí Pobail san áireamh, le linn an bhabhta dheireanaigh comhairliúcháin maidir leis an Straitéis um Dochar de bharr Alcóil a laghdú.

Mar a mhínítear sa doiciméad straitéise, bunófar grúpa feidhmithe i ngach ceantar boird agus beidh réimse leathan eagraíochtaí a bhfuil baint acu leis an cheist páirteach ann. Beidh ról tábhachtach ag na grúpaí seo maidir leis an straitéis a chur i bhfeidhm i measc an phobail. Chomh maith leis sin beifear ag obair leis an RSSSP chun bearta a cheapadh a chosnóidh an pobal trí iompar frithshóisialta agus coiriúil a laghdú, trí roghanna ceadúnaithe a mholadh, trí thacaíocht a thabhairt do na hiarrachtaí atáthar a dhéanamh le alcól a choinneáil ó dhaoine faoi aois agus trí spreagadh agus tacaíocht a thabhairt do chleachtais díolacháin freagracha.

### Organophosphate Sheep Dipping

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will confirm that no health monitoring, as specified by health and safety guidelines, is being carried out following the reintroduction of organophosphate sheep dipping. (AQW 155/00)

**Ms de Brún:** The Health and Safety Executive produced guidance on sheep dipping in 1995.

The leaflet provides advice to contractors to monitor the health of those involved in sheep dipping. In addition, any ill health of people or animals resulting from exposure to sheep dipping should be reported through the Suspected Adverse Reactions Surveillance Scheme operated by the Veterinary Medicines Directorate, Ministry of Agriculture, Fisheries and Food. This guidance applies here and is distributed to sheep farmers by the Health and Safety Executive.

It will remain relevant following the reintroduction of certain organophosphate sheep dipping products.

D'fhoilsigh an Feidhmeannas Sláinte agus Sábháilteachta bileog treorach ar thumadh caorach sa bhlian 1995. Sa bhileog moltar do chonraitheoirí faireachán a dhéanamh orthu siúd a bhfuil baint acu le tumadh caorach. Lena chois sin, má tá tinneas ar dhaoine nó ar ainmhithe de bharr teagmháil a bheith acu le tumadh caorach, ba cheart sin a thuairisciú faoin Scéim Faireacháin i leith Cásanna a bhfuil Cuma Dhroch-Fhrithghníomhúcháin Ann a fheidhmíonn Stiúrthóireacht Chógas Tréidliachta na hAireachta Talmhaíochta, Iascaigh agus Bia. Tá an bhileog treorach i bhfeidhm anseo agus tá sí á dáileadh ar fheirmeoirí ag an Fheidhmeannas Sláinte agus Sábháilteachta.

Fanfaidh an bhileog i bhfeidhm ós rud é go bhfuil tairgí áirithe orgánafosfáite in úsáid arís le haghaidh tumadh caorach.

### Acute Hospital Services

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to detail (a) how much the review of acute hospital services has cost so far and (b) what the estimated final cost will be. (AQW 156/00)

**Ms de Brún:** To date, the independent review of acute hospitals is estimated to have cost £11,000. The total costs of the review are estimated at £145,000.

Go nuige seo, meastar gur gurb é £11,000 costas an athbhreithnithe neamhspleách ar ospidéal ghéarmhíochaine. Meastar gur £145,000 a bheas mar chostas iomlán ar an athbhreithniú.

### Cardiologists

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety what steps she is taking to increase the number of cardiologists. (AQW 162/00)

**Ms de Brún:** Current plans are aimed at maintaining current consultant numbers, and while it is anticipated that there will be approximately eight consultant retirements in cardiology by 2006, current training levels mean that there is scope for increasing consultant numbers by 10% in the same period.

We have better cardiologist provision than England, Scotland and Wales, with 21 consultant cardiologists currently in post and 10 specialist registrars in training.

In view of the constantly changing situation, the position is reviewed annually.

Táthar ag iarraidh sna pleananna reatha líon na lianna comhairleacha atá ann a choinneáil agus cé go bhfuiltear ag dréim leis go mbeidh tuairim ocht gcairdeolaí chomhairleachaag éirí as faoin bhliain 2006, tá an oiread díobh faoi oiliúint anois agus go bhféadfaí líon na lianna comhairleacha a mhéadú faoi 10% le linn an ama sin.

Tá níos mó cairdeolaithe fostaithe anseo ná mar atá i Sasana, in Albain agus sa Bhreatain Bheag. Tá 21 chairdeolaí comhairleach fostaithe faoi lathair agus tá 10 sainchláraitheoir faoi oiliúint.

Ós rud é go bhfuil cúrsaí ag síorathrú — beidh an t-ábhar seo á athbhreithniú go bliantúil.

### Ministerial Transport

**Mr Paisley Jnr** asked the Minister of Health, Social Services and Public Safety if she will (a) confirm the level of expenditure her Department allocates to her

personal transport arrangements and (b) identify the private company contracted to do this work.

(AQW 163/00)

**Ms de Brún:** The Department currently rents a car for use by me on official business at a cost of £950 a month plus VAT.

The rate payable in respect of the driver and back-up driver, where appropriate, is £5.68 an hour plus allowances for overtime, evening or night working.

Fuel is obtained from a central point on the Stormont Estate and is not charged to the Department.

No private company is involved in this work.

Faoi láthair bíonn gluaisteán ar cíos ag an Roinn agus bainim úsáid as le haghaidh gnó oifigiúil. Tá £950 móide CBL an mhí mar chostas cíosa air.

Íoctar £5.68 san uair mar ráta (maille le liúntais maidir le ragobair agus obair oíche) leis an tiománaí agus leis an tiománaí cúltaca, nuair is cuí.

Faightear breosla ó lárphointe ar Eastát Stormont agus ní ghearrtar an costas ar an Roinn.

Níl baint ag aon chuideachta phríobháideach leis an obair seo.

## Occupational Therapy

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to detail (a) the waiting time for occupational therapy appointments, (b) the cancellation rate and (c) if there are sufficient therapists. (AQW 181/00)

**Ms de Brún:** At the end of June 2000 there were 11,000 people waiting for an occupational therapy assessment. Of these, 34% had been waiting for less than three months and 66% over three months. Information on cancelled occupational therapy appointments is not collected. Health and social services boards and trusts are responsible for ensuring that there are sufficient therapists to provide the level of service to meet the assessed needs of their populations. The length of the waiting list suggests that there are not sufficient therapists currently in post. However, the four boards have indicated that additional resources will be allocated to occupational therapy services in the current year from the £53m recurrent funding announced earlier this year.

Faoi dheireadh mhí an Mheithimh 2000 bhí 11,000 duine ag feitheamh le measúnú le haghaidh teiripe ceirde. Bhí 34% díobh siúd ag feitheamh le níos lú ná trí mhí agus bhí 66% ag feitheamh le breis agus tú mhí. Ní bhailítear eolas ar choinní teiripe ceirde a cealaíodh. Tá sé mar fhreagracht ar na boird sláinte agus seirbhísí sóisialta agus ar na hiontaobhais a chinntiú go bhfuil go leor teiripeoirí ceirde ann chun an leibhéal measta

seirbhíse a sholáthar a theastaíonn le freastal ar riachtanais na ndaoine ina gceantair. Má chuirtear líon na ndaoine ar an liosta feithimh san áireamh, tá an chuma air nach bhfuil go leor teiripeoirí fostaithe faoi láthair. Tá na ceithre bhord i ndiaidh a chur in iúl go gcuirfead acmhainní breise ar fáil do sheirbhísí teiripe ceirde sa bhliain reatha as na £53m de mhaoiniú athfhillteach a fógraíodh níos luaithe i mbliana.

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will outline what progress has been made pursuant to AQW 761/99 and if she will list the number of reports that she is (a) currently examining and (b) awaiting. (AQW 182/00)

**Ms de Brún:** The joint Housing Executive/Department of Health, Social Services and Public Safety team reviewing the housing adaptations service has completed an extensive examination of each of the constituent elements involved in providing the service, including occupational therapy input. I am awaiting the preliminary report of the review.

Tá comhfhoireann an Fheidhmeannais Tithíochta agus na Roinne Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí, a bhí ag déanamh athbhreithniú ar sheirbhísí oiriúnaithe tithe, i ndiaidh scrúdú mór a chríochnú ar na comhchodanna a bhaineann le soláthar na seirbhíse, agus eolas ó theiripeoirí ceirde curtha san áireamh acu. Tá mé ag fanacht le réamhthuarascáil an athbhreithnithe.

## Ulster Hospital

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will undertake to ensure that the Ulster Hospital will be included in future major redevelopment programmes. (AQW 185/00)

**Ms de Brún:** I am satisfied that, in line with the redevelopment programmes at the other main acute hospital sites, the Ulster Hospital needs to be upgraded. My officials met recently with the trust and agreed that the range of investments envisaged for the hospital should be drawn together into a comprehensive redevelopment programme to bring services and facilities at the Dundonald site up to modern standards. I have asked for this work to be completed as quickly as possible. When that has been done, I will be able to consider the overall needs in the light of the resources available to me.

Tá mé sásta go bhfuil uasghrádú de dhíth in Ospidéal Uladh le bheith ar aon dul leis na príomhospidéil ghéarmhíochaine eile a bhfuil cláir athfhorbartha ar siúl acu. Bhí cruinniú idir feidhmeannaigh de mo chuid agus an tiontaobhas ar na mallaibh agus aontaíodh gur cheart an réimse infheistíochtaí a shamhlaítear don ospidéal a tharraingt le chéile mar chlár cuimsitheach athfhorbartha leis na seirbhísí agus na saoráidí ar shuíomh Dhún Dónaill a thabhairt suas chun caighdeán

nua-aimseartha. D'iarr mé orthu an obair seo a chríochnú a ghaiste is féidir. Nuair a bheas sin déanta, beidh mé ábalta na riachtanais iomlána a mheas i bhfianaise na n-acmhainní a bheas ar fáil agam.

### Occupational Therapy

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 761/99, if she will give a date for the publication of the preliminary report. (AQW 186/00)

**Ms de Brún:** I am not able at this time to give a firm date for the publication of the preliminary report. However, I can tell you that the steering group hopes to agree its report in early October, and intends that recommendations, together with an implementation plan, will be available shortly after that meeting. It is envisaged that some of the recommendations can be implemented immediately, with others being phased in over time.

Níl mé in ann dáta cinnte a thabhairt an tráth seo maidir le foilisiú na réamhthuarascála. Ach thig liom a inse duit go bhfuil an grúpa stiúrtha ag súil go mbeidh siad ábalta aontú ar an tuarascáil go luath i mí Dheireadh Fómhair agus go bhfuil sé ar intinn acu go mbeidh na moltaí, agus plean feidhmithe, ar fáil go gairid i ndiaidh an chruinnithe sin. Samhlaítear gur féidir cuid de na moltaí a chur i bhfeidhm láithreach agus go gcuirfear na cinn eile i bhfeidhm de réir a chéile le himeacht aimsire.

### Eastern Health and Social Services Board

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if her review of acute services will delay a review of the Eastern Health and Social Services Board. (AQW 205/00)

**Ms de Brún:** Many of the issues covered by the Eastern Board's consultation on the clinical profiles of hospitals in its area will not be affected by the independent review of acute hospital services. It is important that work on these issues goes ahead where practicable. Clearly, some issues, such as those relating to hospital services in Downpatrick, will be affected by the work of the independent review. The board will be making relevant material on these issues available to Dr Hayes and his colleagues.

Ní rachaidh an t-athbhreithniú neamhspleách ar sheirbhísí géarmhíochaine ospidéal i bhfeidhm ar a lán ceisteanna a bheas faoi chaibidil mar chuid den chomhairliúchán atá ar siúl ag bord an Oirthir maidir le próifíil cliniciúla ospidéal ina cheantar. Tá sé tábhachtach go leanfar den obair ar na ceisteanna seo más indéanta sin. Is léir go rachaidh obair an athbhreithnithe neamhspleách i bhfeidhm ar cheisteanna áirithe, mar

shampla, na cinn sin a bhaineann le seirbhísí ospidéal i nDún Pádraig. Cuirfidh an bord an t-ábhar a bhaineann leis na ceisteanna seo ar fáil don Dr Hayes agus dá chomhghleacaithe.

### Royal Belfast Hospital Group

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will detail (a) the current financial position at Royal Belfast Hospital Group (RBHG) (b) the reasons for its current debt and (c) what steps are being taken by the RBHG to reduce it. (AQW 206/00)

**Ms de Brún:** As you will be aware, the previous financial year was an exceptionally difficult one for the Royal Group of Hospitals Trust and, indeed, for the HPSS in general, due, in part, to the unprecedented nature of the winter pressures, particularly the outbreak of flu and flu-related illnesses and additional costs which were incurred in dealing with the threat of the millennium bug and in staffing payments over the millennium period. The present financial year will present an equally challenging financial environment.

Within this context, the Royal Group of Hospitals trust reported an operational deficit of £6.8 million for 1999/2000 and the Trust has incurred a deficit of £3.5 million for the four months up to the end of July 2000.

The main factors contributing to the deficit position arise from pressures relating to increased casemix complexity and dependency of patients treated. This has led to increased expenditure on agency nursing, medical staff, drugs and medical and surgical items. There are also shortfalls in GP fundholder and non-contract income and difficulties in maintaining planned activity levels in cardiac surgery.

The Royal Group of Hospitals trust has recently produced a draft recovery plan which identifies savings of around £3 million for 2000/01 and recurring savings of £5 million by the end of 2002/03. This plan, together with a report produced by the advisory group on efficiency, is presently being considered by senior officials from my Department and a multidisciplinary group chaired by the chief executive of the Eastern Health and Social Services Board.

It would be inopportune of me to pre-judge the outcome of these deliberations, as they have not yet been finalised. I can, however, assure you that I will be examining the outcome extremely closely and I will ensure that all steps are taken to ensure a speedy recovery process that will enable the Trust to achieve a position of financial stability.

Mar is eol duit, ba bhliain an-deacair ar fad í an bhliain airgeadais seo a chuaigh thart don Ghrúpa Ríoga Ospidéal agus le firinne, do na SSSSP i gcoitinne.

Tharla seo go páirteach de bharr bhrúnna ollmhóra an gheimhridh, an ráig fliú go háirithe agus tinnis ghaolmhara, agus de bharr na gcostas breise a tabhaíodh chun déileáil le bagairt fríd na mílaoise agus le íocaíochtaí speisialta a thabhairt do bhaill fóirne thar thréimhse thús na mílaoise. Beidh dúshlán na bliana airgeadais seo chomh mór céanna.

Sa chomthéacs seo, thuairiscigh an GRO go raibh £6.8 milliún mar easnamh oibríochtúil acu don bhliain 1999/2000 agus gur thabhaigh an tiontaobhas £3.5 mar easnamh do na ceithre mhí a fhad le deireadh Iúil 2000.

Is iad na príomhchúiseanna leis an easnamh seo na brúnna a bhaineann le fás agus le castacht mheascán na gcásanna agus le spleáchas othar i ndiaidh cóireála. Dá bharr seo tá caiteachas breise ann ar altraí gníomhaireachtaí, ar fhoireann mhíochaine, ar dhruaí agus ar mhíreanna míochaine agus máinliachta. Tá easnaimh ann fosta maidir le hioncam neamhchonarthach agus ioncam a thagann ó chisteshealbhóirí agus tá deacrachtaí ann cloí leis na leibhéil ghníomhaíochta a beartaíodh do mháinliacht chairdiach.

Tá an GRO i ndiaidh plean téarnaimh a cheapadh ar na mallaibh a aimsíonn tuairim le £3 mhilliún coigiltis don bhliain 2000/01 agus coigilteas athfhillteach £5 mhilliún faoi dheireadh na bliana 2002/03. Tá an plean seo agus tuarascáil a d'ullmhaigh an grúpa comhairleach ar éifeachtúlacht á n-íniúchadh faoi láthair ag feidhmeannaigh shinsearach a ó mo Roinnse agus ag grúpa ildisciplíneach a bhfuil príomhfheidhmeannach BSSSO i gceannas air.

Ba mhíthrathúil an mhaise dom breith a thabhairt roimh ré ar thoradh an bhreithnithe seo, ós rud é nach bhfuil sé críochnaithe go fóill. Ach thig liom a dhearbhu duit go ndéanfaidh mé féin mionscrúdú géar ar an toradh agus cinnteoidh mé go ndéanfar gach beart lena chinntiú go mbainfear téarnamh amach go gasta, téarnamh a chuirfidh ar chumas an iontaobhais cobhsaíocht airgeadais a bhaint amach.

## Dermatology

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will detail the numbers of patients attending each dermatology unit across Northern Ireland and the cancellation rates for appointments at each unit. (AQW 207/00)

**Ms de Brún:** Information on the rate of cancellations of dermatology appointments is available only for outpatient clinics. In the financial year 1999/2000, the cancellation rate for outpatient dermatology clinics at hospitals here was 6.3%. In the quarter ending 30 June 2000 (the latest date for which information is available) the cancellation rate was 4.5%.

Statistics on inpatient and outpatient activity for the dermatology specialty are given in the tables below.

### INPATIENTS (ORDINARY ADMISSIONS AND DAY CASES) FOR DERMATOLOGY BY HOSPITAL, 1999/2000

Hospital	Ordinary admissions & day cases
Altnagelvin Area	783
South Tyrone	18
Belfast City	5,177
Coleraine	68
Craigavon Area	299
Lurgan	188
RBHSC	44
Royal Victoria Hospital	212
Ulster	1,804
Antrim	12
Whiteabbey	92
Total	8,697

### ATTENDANCES AT OUTPATIENT CLINICS FOR DERMATOLOGY BY HOSPITAL, 1999/2000

Hospital	Attendances
Altnagelvin Area	10,588
Roe Valley	867
Armagh Community	1,080
South Tyrone	2,882
Belfast City	15,539
Coleraine	2,261
Route	1,055
Craigavon Area	9,165
Lurgan	41
Downe	1,476
Lagan Valley	2,166
Mater Infirmorum	1,143
Daisy Hill	4,851
RBHSB	2,037
Royal Victoria Hospital	11,890
Ards	1,367
Bangor	1,759
Ulster	6,446
Antrim	2,301
Mid-Ulster	2,225
Moyle	1,414
Waveney	2,421
Whiteabbey	3,134
Total	88,108

Tá eolas faoi ráta cealúcháin coinní le haghaidh cóireáil deirmeolaíochta ar ceal ar fáil i gcás clinici othar seachtrach amháin. Sa bhliain airgeadais 1999/2000 ba é 6.3% ráta na gcealúchán do chlinici deirmeolaíochta in ospidéal anseo. Sa ráithe dár chríoch an 30 Meitheamh 2000 (an dáta is déanaí a bhfuil eolas ann dó) ba é 4.5% an ráta cealúcháin.

Tugtar staitisticí ar thinreamh othar cónaitheach agus seachtrach maidir le deirmeolaíocht mar shainchóireáil sna táblaí thíos.



**OTHAIR CHÓNAITHEACHA (GNÁTHIONTRÁLACHA AGUS CÁSANNA LAE) LE HAGHAIDH CÓIREÁIL DEIRMEOLAÍOCHTA DE RÉIR OSPIDÉIL, 1999/2000 ROYAL BELFAST HOSPITAL GROUP**

Ospidéal	Gnáthiontrálacha agus cásanna lae
O. Cheantar Alt na nGealbhan	783
O. Dheisceart Thír Eoghain	18
O. Cathrach Bhéal Feirste	5,177
O. Chúil Raithin	68
O. Cheantar Craigavon	299
O. na Lorgan	188
ORBFLT	44
Ospidéal Ríoga Victoria	212
O. Uladh	1,804
O. Antroma	12
O. na Mainistreach Finne	92
Iomlán	8,697

**TINREAMH AR CHLINICÍ OTHAR SEACHTRACH LE HAGHAIDH CÓIREÁIL DEIRMEOLAÍOCHTA DE RÉIR OSPIDÉIL, 1999/2000**

Ospidéal	Tinreamh
O. Cheantar Alt na nGealbhan	10,588
O. Ghleann na Ró	867
O. Phobal Ard Mhacha	1,080
O. Dheisceart Thír Eoghain	2,882
O. Cathrach Bhéal Feirste	15,539
O. Chúil Raithin	2,261
O. an Rúta	1,055
O. Cheantar Craigavon	9,165
O. na Lorgan	41
O. An Dúin	1,476
O. Ghleann an Lagáin	2,166
O. an Mater Infirmorum	1,143
O. Chnoc na Nóiníní	4,851
ORBFLT	2,037
Ospidéal Ríoga Victoria	11,890
O. na hArda	1,367
O. Bheannchair	1,759
O. Uladh	6,446
O. Antroma	2,301
O. Lár Uladh	2,225
O. na Maoile	1,414
O. Waveney	2,421
O. na Mainistreach Finne	3,134
Iomlán	88,108

**Royal Belfast Hospital Group**

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will confirm that the Royal Belfast Hospital Group (RBHG) transferred resources from its new building programme to provide walkway equipment and, as a result, cannot complete its new building programme. (AQW 208/00)

**Ms de Brún:** Resources from the new building programme within phase 1 of the redevelopment programme at the Royal Victoria Hospital have not been transferred to provide for a covered walkway on the site. The walkway is part of a separate millennium-funded programme of work which complements and enhances the siteworks.

The building programme is ahead of schedule, and full handover of all floors is expected by October 2001.

Níor aistríodh acmhainní ar bith ó chlár tógála chéim 1 den chlár athfhorbartha in Ospidéal Ríoga Victoria chun cosán a bhfuil díon air a sholáthar san áit. Is cuid de chlár oibre ar leith an cosán atá á mhaoiniú ag Ciste na mílaoise agus cuireann sé cuma agus feabhas ar an suíomh oibre.

Tá an clár oibre chun tosaigh ar an sceideal agus táthar ag súil go bhfaighfear seilbh ar gach urlár — faoi Dheireadh Fómhair 2001.

**Department and Agency Staff:  
Salaries/Wages**

**Mr Adams** asked the Minister of Health, Social Services and Public Safety to identify the number of staff in her Department and its associated agencies currently receiving (a) the national minimum wage and (b) less than £5 an hour. (AQW 215/00)

**Ms de Brún:** There are no staff in the Department of Health, Social Services and Public Safety or the Health Estates Agency who currently earn the national minimum wage of £3.70 an hour. There are currently 130 staff who earn less than £5 an hour.

Níl ball foirne ar bith sa Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí nó i nGníomhaireacht na nEastát Sláinte faoi láthair atá ag gnóthú an íospá náisiúnta £3.70 san uair an chloig. Tá 130 ball foirne ann faoi láthair a ghnóthaíonn níos lú ná £5 san uair an chloig.

**HIGHER AND FURTHER EDUCATION,  
TRAINING AND EMPLOYMENT**

**Undergraduates: Fees**

**Mr McGrady** asked the Minister of Higher and Further Education, Training and Employment if he will detail the number of undergraduates from Northern Ireland from both (a) manual and (b) non-manual headed households who undertook degree courses in the two academic years prior to and the years following the introduction of fees. (AQW 124/00)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** The Department does not hold information in the form requested. Information on the social class of students on degree courses is drawn from the Universities and Colleges' Admission Service (UCAS) and relates to NI-domiciled accepted applicants to degree courses through the UCAS system. It will, therefore, not include part-time undergraduates at university, undergraduates in further

education colleges or students who apply directly to a university. This information is detailed below:

**NI-DOMICILED ACCEPTED APPLICANTS TO DEGREE COURSES THROUGH UCAS BY SOCIO-ECONOMIC GROUP**

Social Class	Manual	Non-Manual	Not Known	Total
1996	2526	5480	521	8527
%	31.6	68.4		
1997	2777	6224	845	9846
%	30.9	69.1		
1998	2765	6099	842	9706
%	31.2	68.8		
1999	2812	6161	903	9876
%	31.3	68.7		

**Local Undergraduates**

**Mr Gibson** asked the Minister of Higher and Further Education, Training and Employment if there is a difference in the percentage of local undergraduate students failing to graduate at local universities compared with Great Britain universities. (AQW 130/00)

**Dr Farren:** It is not possible from existing data to compare the percentage of local undergraduate students failing to graduate at local universities compared to local undergraduate students failing to graduate at other United Kingdom universities.

**Information Technology Skills**

**Mr Gibson** asked the Minister of Higher and Further Education, Training and Employment what action he has taken to promote skills/training related to the information technology industry. (AQW 133/00)

**Dr Farren:** Since 1997 a series of specific initiatives for the IT sector has been implemented, including the Rapid Advancement Programme (graduate IT conversion training) and an e-commerce programme. Training for the IT industry has also been promoted within a number of the Department's programmes, Modern Apprenticeship, Bridge to Employment, New Deal and Management Development Programmes.

The 1998 comprehensive spending review included provision for 1,600 additional higher education places at the two Northern Ireland universities to be phased in over the 1999 to 2002 period. Over 500 places have been allocated in 1999/2000 and again in 2000/01. Of these, some 300 in each year have been allocated to IT-related courses, and it is expected that a further 300 will be allocated to such courses in 2001/02, to bring the total additional IT-related places to some 900.

**Higher Education:  
Student Drop-out Rates**

**Mr Gibson** asked the Minister of Higher and Further Education, Training and Employment if he will confirm the drop-out rate for students in higher education for each of the last five academic years. (AQW 135/00)

**Dr Farren:** Work on non-completion rates is at a development stage throughout the United Kingdom. The Higher Education Funding Council for England (HEFCE) published, in 1999, projected non-completion rates for full-time students starting first degree courses in higher education institutions throughout the UK for 1996/97 only. The values for the Queen's University of Belfast are 10% and 17% for the University of Ulster. It should be noted that differences between institutions, such as subject mix or the qualifications on entry of students make comparisons between institutions unreliable.

**Department and Agency Staff:  
Salaries/Wage**

**Mr Adams** asked the Minister of Higher and Further Education, Training and Employment to identify the number of staff in his Department and its associated agencies currently receiving (a) the national minimum wage and (b) less than £5 an hour. (AQW 214/00)

**Dr Farren:** I can confirm that in this Department no staff are paid the national minimum wage or less, and 239 staff receive less than £5 an hour.

As the 2000 pay awards have not been applied to individual records, the above figures are based on the 1999 rates of pay.

**REGIONAL DEVELOPMENT**

**Vehicle Speed Limits**

**Mr K Robinson** asked the Minister for Regional Development if he has any plans to introduce legislation to reduce the speed limit in residential areas to 20 miles an hour and if he will make a statement. (AQW 102/00)

**The Minister for Regional Development (Mr Campbell):** As this is a matter for the Department for Regional Development, your question has been forwarded to me for reply.

The legislation permitting the introduction of 20 mph speed limits on roads in residential areas in Northern Ireland is already in place. Speed limits alone, however, have a limited effect on vehicle speeds, and my Department's Roads Service has no plans to introduce

20 mph speed limits in residential areas without implementing supporting traffic-calming measures. Roads Service has already introduced eight 20 mph zones, each with self-enforcing traffic-calming measures and will continue to create such zones through its ongoing programme of traffic-calming measures aimed at reducing road traffic accidents.

### Road Signs

**Mr K Robinson** asked the Minister for Regional Development if he will undertake to have erected proper road signage to indicate clearly the confines of the borough of Newtownabbey. (AQW 106/00)

**Mr Campbell:** Nameplate signs depicting district council boundaries are not prescribed as traffic signs in the Traffic Signs Regulations (NI) 1997, and, as such, their erection is not the responsibility of my Department's Roads Service.

It is my understanding that most, if not all, of the existing nameplate signs identifying district council boundaries were erected by district councils after the reorganisation of local government in 1973. In each case the signs would have been erected following consultation with Roads Service regarding siting and safety issues.

There should be no objection to Newtownabbey Borough Council's erecting such signs at appropriate locations, providing planning and safety needs are met. The council should therefore consult Roads Service Eastern Division regarding the position and nature of any signs that it proposes to erect to delineate the borough.

### Water Sources: Cryptosporidium Oocysts

**Mr Hussey** asked the Minister for Regional Development if any of the 22 sources identified in 1999 by the Water Service as having a lower risk factor from the presence of cryptosporidium oocysts in source water are in the western division. (AQW 132/00)

**Mr Campbell:** I explained in my 11 September 2000 statement to the Assembly that the assessment of the risk of cryptosporidium contamination of water sources in Northern Ireland is based on models used in England, Wales and Scotland. The methodology was developed in consultation with the Northern Ireland drinking water inspector and agreed with the Department of Health, Social Services and Public Safety.

Five of the 22 sources identified in 1999 as having a lower risk factor are in the Western Division. These are Derg, Killyhevlin, Lough Macrory, Newtown Stewart and Stradreagh.

### Roads (Newtownabbey)

**Mr K Robinson** asked the Minister for Regional Development what plans he has to cope with the increased demands placed upon roads infrastructure in Newtownabbey due to continued housing developments. (AQW 147/00)

**Mr Campbell:** The need for additional roads infrastructure and other transportation measures in Newtownabbey will be addressed as part of the Belfast metropolitan area plan. The Department of the Environment's Planning Service will take the lead in developing the plan, work on which is due to commence later this financial year. The plan will identify areas to be zoned for new housing and will take account of the additional traffic generated by these and other developments.

### Water Quality (South and East Antrim)

**Mr K Robinson** asked the Minister for Regional Development if he is satisfied that current measures for testing and maintaining the quality of the public water supply in south and east Antrim conform with best practice and if he will make a statement. (AQW 148/00)

**Mr Campbell:** The Water Quality Regulations (NI) 1994 fully incorporate the European Drinking Water Directive. The legislation specifies the water quality compliance standards at treatment works, service reservoirs and at the customers' taps. The regulations also set out where samples should be taken, their frequency and analytical procedures.

The laboratories responsible for sampling and testing in the south and east Antrim areas are audited by the United Kingdom Accreditation Service (UKAS) which assesses laboratory procedures. These laboratories are also audited by the Drinking Water Inspectorate (DWI) of the Department of the Environment. The Water Service also routinely takes part in UK-wide quality control exercises. Each year the DWI publishes a report on Water Service performance.

Against this background I can confirm that the current measures for sampling and testing, resulting in the maintenance of water quality in south and east Antrim, conform with best practice.

### Park-and-Ride Facilities (East and South Antrim)

**Mr K Robinson** asked the Minister for Regional Development what steps will be taken to encourage "park-and-ride" facilities at commuter stations in east and south Antrim. (AQW 149/00)

**Mr Campbell:** Translink have advised that they are keen to provide and encourage the use of park and ride facilities in the east and south Antrim area.

Plans are in hand to expand the number of parking spaces at Whitehead railway station from 20 to 30 to meet demand and, as part of the Antrim to Bleach Green railway line reinstatement, to provide about 50 spaces at Antrim station and to develop car parking facilities at Templepatrick and Mossley West stations. These facilities will be in addition to the 115, 19 and 13 spaces currently available at Carrickfergus railway station, Ballyclare bus station and Larne bus station respectively.

Translink have advised that they will continue to examine other potential sites for park and ride facilities, though any developments would be dependent on customer demand and the availability of resources, among other considerations.

### **Northern Corridor (European Network Route)**

**Mr K Robinson** asked the Minister for Regional Development if he will undertake to liaise with his colleagues in Scotland and Westminster to promote the northern corridor route into Europe so that the benefits of improvements to the A8 Larne road might be fully realised.  
(AQW 153/00)

**Mr Campbell:** I am content to give that undertaking. The importance of the northern corridor is already recognised through its designation as a trans european networks (TENs) route, and the matter has been raised with colleagues in the Scottish Office and in DETR. Indeed, I hope to meet the Scottish Minister for Transport soon and will take that opportunity to discuss strategic transport issues, including the importance of the northern corridor.

### **Water and Sewerage Systems (Islandmagee)**

**Mr K Robinson** asked the Minister for Regional Development what plans he has to prevent the water supply and sewage disposal systems in Islandmagee from becoming further stretched due to continued housing development.  
(AQW 154/00)

**Mr Campbell:** In preparing proposals for the upgrading of water and sewerage services in Islandmagee the Water Service has taken account of proposed housing, commercial and industrial development.

Water infrastructure improvement proposals include

(a) the upgrading of the Woodburn Water Treatment Works. This is one of the works which supplies the Islandmagee area. The work is due to be completed in 2001 at a cost of £9 million; and

(b) the assessment of the condition and capacity of the water distribution mains in the area. This is being taken forward as part of the Water Service's mains rehabilitation programme. The assessment will identify the pipeline upgrading work that is necessary, and this will be implemented as resources permit.

Water Service consultants are carrying out a comprehensive study of the sewerage infrastructure in Islandmagee. The study should be completed this autumn and will be carefully evaluated by Water Service and the Department of the Environment's Environment and Heritage Service. It is, however, expected that the work on the required improvements to the sewerage system will commence in 2003 at a cost of £2.8 million

### **Department: Draft Equality Scheme**

**Dr O'Hagan** asked the Minister for Regional Development if he will outline the consultation process carried out by him on the Department's draft equality scheme; (a) how the consultation was carried out (b) who was consulted (c) how the responses received will be written into the final schemes to be submitted to the Equality Commission and (d) how the consultation process will be taken forward.  
(AQW 169/00)

**Mr Campbell:** The draft departmental equality scheme issued on 7 April 2000 for written consultation with a closing date of 5 June 2000. The issue of the draft scheme was announced by public advertisement in the local newspapers, and a copy was posted on the Internet. In addition, the Equality Unit in OFM / DFM met with representatives of the voluntary and community sector covering the Section 75 groups to discuss general concerns on behalf of all Departments.

Over 400 copies of the draft departmental scheme issued to the organisations listed at table C in the scheme. Further copies were issued to those organisations and individuals that contacted the Department in response to the public advertisement. A copy of the draft scheme was also provided to the Assembly Regional Development Committee.

The 71 written responses received by the Department were fully taken into account in preparing the revised draft equality scheme. This was submitted to the Equality Commission for approval on 30 June 2000. Annex A of the revised draft scheme summarises the Department's response to the issues raised during the consultation process. A copy of the revised equality scheme has been placed in the Department's website.

The Equality Commission's comments are awaited on the draft equality scheme. Consultation will be a major part of the equality impact assessments on new and existing policies required under the equality scheme. The Department proposes to liaise closely with the Equality Commission and representative organisations



on the development of the most appropriate methods of consultation on such assessments. It proposes to work actively to remove barriers to communication with Section 75 groups. The Department is also committed to consulting further with the Equality Commission and major representative organisations on which policies should be subjected to equality impact assessment. The quality and effectiveness of consultation generally will be assessed in the Department's annual review of progress on implementing the equality scheme.

### **Roads and Transport (Rural Areas)**

**Mr McGrady** asked the Minister for Regional Development if, in the light of the approximately £180 million being sought for the railway service, he will outline the steps that will be taken to improve the rural roads and transport system. (AQW 195/00)

**Mr Campbell:** It is clear that the levels of expenditure on Northern Ireland's roads over recent years have been inadequate to maintain properly or improve the existing road network. I will therefore be considering, as part of the work currently under way to develop a long-term transport strategy, the scale of the infrastructure investment required on roads, including rural roads, and how such investment might be funded. This is an issue which I will also be pursuing in my input to the Programme for Government.

As regards rural transport, my Department administers the Rural Transport Fund for Northern Ireland which provides around £1.3 million annually to support community-based transport schemes, rural bus services and research on rural transport needs.

### **Personal Injury: Compensation Payments**

**Mr Davis** asked the Minister for Regional Development to provide details of the number, the average value and the total value of compensation payments made by the Department in respect of personal injury claims in each of the last five years. (AQW 212/00)

**Mr Campbell:** The total value of all compensation payments made by the Department (including the former Department of the Environment for Northern Ireland) in respect of public liability personal injury claims in each of the last five years is as follows:

1999/00:	£3,148,891.30
1998/99:	£3,824,476.39
1997/98:	£4,380,353.98
1996/97:	£3,269,191.27
1995/96:	£3,393,749.56

I regret that information on the number of claims that those payments relate to is not readily available and could be provided only at disproportionate cost. The average payment is therefore also not available.

### **Department and Agency Staff: Salaries/Wages**

**Mr Adams** asked the Minister for Regional Development to identify the number of staff in his Department and its associated agencies currently receiving (a) the national minimum wage and (b) less than £5 an hour. (AQW 224/00)

**Mr Campbell:** No staff in the Department for Regional Development, including its agencies, are in receipt of the current national minimum wage figure (£3.70 an hour). All of the Department's 4,888 staff receive an hourly rate in excess of this amount, with some 266 of these currently receiving less than £5 an hour. The forthcoming application of outstanding pay awards, effective from 1 April 2000, will result in a substantial increase in the number of the Department's staff who are in receipt of an hourly rate of £5 or more.

The 266 individuals currently receiving less than £5 an hour mainly consist of recently-recruited staff in clerical, typing and support grades whose salary points are at the lower ends of their respective pay scales. A large proportion of these particular staff will, however, begin to receive £5 or more an hour once the current year's outstanding pay awards, effective from 1 April 2000, are applied in October/November.

## **SOCIAL DEVELOPMENT**

### **Urban Regeneration (West Belfast)**

**Dr O'Hagan** asked the Minister for Social Development if he will detail the funding allocated to West Belfast for urban regeneration. (AQW 158/00)

**The Minister for Social Development (Mr Morrow):** The funding allocated to West Belfast for urban regeneration for the period 1994/95, 1995/96, 1996/97, 1997/98, 1998/99 totalled £65,017,000. This figure reflects actual expenditure in West Belfast.

YEAR	SPEND ('000)
1994/95	£12,276
1995/96	£13,906
1996/97	£12,244
1997/98	£14,679
1998/99	£11,912
<b>TOTAL</b>	<b>£65,017</b>

### Department: Draft Equality Scheme

**Dr O'Hagan** asked the Minister for Social Development if he will outline the consultation process carried out by him on the Department's draft equality scheme; (a) how the consultation was carried out (b) who was consulted (c) how the responses received will be written into the final schemes to be submitted to the Equality Commission and (d) how the consultation process will be taken forward.

(AQW 168/00)

**Mr Morrow:** My Department issued its draft equality scheme on 7 April 2000 for an eight-week consultation period accepting responses up to and including 15 June. Whilst the Department engaged in a written consultation process, the Equality Unit of OFM/DFM held a number of face-to face meetings and one seminar on behalf of all Departments in order to reduce the pressure on individual groups having to meet with Departments separately.

The draft scheme was issued to around 300 groups and individuals. These were identified by the Department as being organisations/individuals who would normally be consulted, as well as others whom the Department knew would have an interest in their business. The list was further extended taking account of information provided by the Equality Unit and from the Equality Commission's guide. A further 12 organisations were added to the list during the consultation process. A full list of consultees is included in the Department's draft equality scheme.

The availability of the draft Equality Scheme was publicised widely both in the press and on the Internet. The scheme was available in formats to cater for people with visual impairment and in Cantonese on request.

Forty seven organisations provided responses by the extended closing date. Many of the comments were taken on board, and the main comments were highlighted in appendix 8 of the revised draft scheme that was sent to the Equality Commission. Comments were written into the revised draft in so far as it was possible to take these on board, taking account of the diverse range of comments which were received.

The Department's revised draft equality scheme, which incorporates its arrangements for consulting, is currently with the Equality Commission for approval.

The Department is committed to undertaking equality impact assessments of specific policies listed in the draft equality scheme, and, in accordance with the Section 75 duty, full consultation will be an integral part of the process. As new policies are brought forward, they will also be screened for impact on equality of opportunity. In consulting, the Department will either write to relevant bodies or, in appropriate circumstances, consult through meetings, standing or ad-hoc consultative forums and consultative panels et cetera.

Consultation will also take place shortly on policies, which, after screening, were not included for equality impact assessment in the Department's draft equality scheme.

### Housing Executive Allocations: A1 Priority Status

**Mr Shannon** asked the Minister for Social Development if he will undertake to review the manner in which the Northern Ireland Housing Executive allocates A1 priority status in cases where separation forces two tenants to vacate their property, with a view to conferring A1 priority status on both individuals.

(AQW 183/00)

**Mr Morrow:** Following a fundamental review of the allocation schemes used by the Housing Executive and registered Housing Associations, a Common Selection Scheme (CSS), covering future allocations of all social housing, is to be introduced in November 2000. Details have been widely circulated to tenants who are to be reassessed under the scheme and to public representatives. A review of the workings of all aspects of the CSS is planned, including the relative priorities allocated to A1 and other applicants, when the scheme has been in operation for a year.

**Mr Shannon** asked the Minister for Social Development to review the allocation of A1 priority status to parents who are forced, through separation, to leave the family home.

(AQW 184/00)

**Mr Morrow:** Following a fundamental review of the allocation schemes used by the Housing Executive and registered Housing Associations, a Common Selection Scheme (CSS), covering future allocations of all social housing, is to be introduced in November 2000. Details have been widely circulated to tenants who are to be reassessed under the scheme and to public representatives. A review of the workings of all aspects of the CSS is planned, including the relative priorities allocated to A1 and other applicants, when the scheme has been in operation for a year.

## Energy Efficiency

**Mr McGrady** asked the Minister for Social Development to outline (a) the current schemes available in relation to energy conservation in the home, (b) how successful these schemes have been and (c) whether he has plans to improve how this issue is addressed.

(AQW 196/00)

**Mr Morrow:** (a) The current schemes available in relation to energy conservation in the home are:

- (i) Department for Social Development partnership initiatives:

The Domestic Energy Efficiency Scheme (DEES)

Beechmount (West Belfast) Energy Efficiency Pilot Project

Willowfield/Bloomfield (East Belfast) Energy Efficiency Pilot Project

Foyle (Londonderry) Energy Efficiency Pilot Project

Loft and Cavity Wall Insulation Scheme in Housing Association properties.

- (ii) Northern Ireland Housing Executive private sector partnership initiatives as Home Energy Conservation Authority:

Cavity Wall Insulation Cashback Scheme

Cavity Wall Insulation Scheme for people with disabilities

Heating Controls Cashback

No Age to Golden Age Scheme

Solar water Heating Project

Heatsmart – advice service

Private Landlords Heating Scheme

The Devenish Community Project in Enniskillen.

- (iii) Northern Ireland Housing Executive work to its own housing stock:

Cyclical Maintenance Schemes – installation of cavity wall insulation and loft insulation

Roomheater Replacement Schemes — installation of properly controlled natural gas and oil central heating.

- (iv) Northern Ireland Electricity Schemes:

Power for Low Income Families

Energy Efficiency for Care Register Customers

Key Pad Meters

No Age to Golden Age

DEES Plus Schemes

Fridgesavers.

- (v) The Energy Saving Trust:

Warmth Programme

Condensing Boilers Cashback Scheme.

There are a number of other, smaller schemes, including combined heat and power projects, schools education programmes, Housing Executive and Housing Association staff training programmes and National Energy Action's (NEA) Warm Homes for Families. Energy conservation advice is available from the Energy Efficiency Advice Centres in Belfast, Enniskillen and Londonderry. Since opening, the three centres have advised over 90,000 customers.

The schemes listed have all been developed under an energy conservation banner, with the objective of ensuring they are practicable, cost-effective and likely to result in significant improvements in the energy efficiency of the housing stock.

The success of these schemes, even though a number are still in their infancy, may be measured by the Housing Executive's 1999 Home Energy Conservation Report, which has indicated a 5% improvement in the energy efficiency of the housing stock across all sectors. The Housing Executive, as home energy conservation authority, is working to achieve a 34% improvement by 2011, in order to meet its responsibilities under the Home Energy Conservation Act 1995. Achievements can also be measured by the success of the Domestic Energy Efficiency Scheme (DEES). Since its inception in 1995, nearly 100,000 homes have received insulation measures under the scheme, which has created energy efficiency savings of some £7m for the participating households.

Further energy efficiency improvements will be measured by the results of the house condition survey in 2001.

As home energy conservation authority, the Housing Executive is continually reviewing, in association with my Department, how the energy conservation message can be improved. For example, the Housing Executive recently held a conference for district council staff, to encourage the development of council based initiatives for the residents of the district council areas. Shortly, the Housing Executive will be touring all 26 district council areas, using the mobile energy efficiency unit to deliver the energy message at a local level.

In addition, the existing Domestic Energy Efficiency Scheme (DEES) is being revised to address the issue of fuel poverty. This will have consequential benefits in terms of energy conservation, with the expansion of the scheme to include, for the first time, cavity wall insulation and properly controlled heating systems. An important requirement of the new scheme will be the

provision and delivery of understandable energy advice to DEES clients in order to maximise the benefits of energy conservation.

### **Child Poverty**

**Mr McGrady** asked the Minister for Social Development if, given the United Kingdom Government's aim to eliminate child poverty within 20 years, he will confirm that (a) this target is applicable to Northern Ireland, (b) what current strategies are in place to meet this aim and (c) what progress has been made to date.

(AQW 198/00)

**Mr Morrow:** The target of eliminating child poverty within 20 years, and halving it within 10 years is applicable to the United Kingdom as a whole.

I am committed to achieving this target in Northern Ireland and attach a high priority to measures aimed at eradicating child poverty.

In order to ensure that all children get the best start in life improvements will have to be made in a number of areas. To eradicate child poverty, we need to improve family income through tax and benefit reforms, through

increasing opportunities for parents to work and through reducing child health and educational inequalities.

Progress so far has been encouraging. There has been a fall in the proportion of children living in workless households brought about by tax and benefit reform. Further details can be found in the second annual report on tackling poverty and social exclusion, 'Opportunity for All – One Year On: Making a Difference' (Cm 4865 September 2000).

### **Department and Agency Staff: Salaries/Wages**

**Mr Adams** asked the Minister for Social Development to identify the number of staff in his Department and its associated agencies currently receiving (a) the national minimum wage and (b) less than £5 an hour.

(AQW 223/00)

**Mr Morrow:** As at 28 September 2000 my Department and its associated agencies had 7,600 staff; of these, none are receiving the national minimum wage. A total of 2,192 staff are receiving less than £5 an hour.







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# NORTHERN IRELAND ASSEMBLY

Friday 13 October 2000

## Written Answers to Questions

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### Civic Forum

**Mr Paisley Jnr** asked the Office of the First Minister and Deputy First Minister to identify the members of the Civic Forum who have a close family relationship with an Assembly member and to give an assurance that these MLAs did not canvas for the appointment of a family member to the Civic Forum. (AQW 228/00)

**Reply:** The processes for appointment to the Civic Forum did not contain a requirement to disclose family relationships, with members of the Assembly or otherwise. We are unable therefore to identify members of the Forum who might be so related. Furthermore, although a number of MLAs did write directly to us regarding our appointments, it was not apparent that any of the canvassing was on behalf of family members.

We are also unaware of any canvassing of the 10 nominating sectors by an Assembly member on behalf of any family member.

#### Department Agencies: Performance Targets

**Dr McDonnell** asked the Office of the First Minister and Deputy First Minister how Ministers will announce and publish the annual performance targets set for Agencies in their respective Departments. (AQW 256/00)

**Reply:** Setting an Agency's annual key performance targets – financial and non financial – is a matter for the relevant Minister in the light of proposals put to him by the Chief Executive. The annual targets for each Agency will be set before the beginning of the period to which they relate and will be published before the end of April in the relevant financial year.

#### Charter Mark

**Ms Morrice** asked the Office of the First Minister and Deputy First Minister if they could detail the number of applications for Charter Mark currently under consideration, the target date for the assessment of these applications, the arrangements for publication of Charter Mark submissions for those applications which have been successful; and if they will make a statement. (AQW 257/00)

**Reply:** The first phase of the 2000 Charter Mark Award Scheme has already taken place, during which we had 4 winners from 8 applications. There are a further 59 Charter Mark applications from Northern Ireland based organisations which have still to be assessed, bringing the total number of applications for this year to 67.

These 59 applications are now being assessed and will be judged on 21 November 2000. Publication of the results usually coincides with the National Awards Ceremony in London, which for year 2000 winners will be on Tuesday, 13 February 2001. The submissions made by successful applicants are not published.

We are very pleased with Northern Ireland's success in obtaining Charter Marks. Winning a Charter Mark Award is a great achievement; it is recognition for providing excellent service to the public. We have every confidence that this year our public services will do well and win a large number of Charter Marks for the year 2000.

#### Province-Wide Crisis: Financial Provision

**Mr Shannon** asked the Office of the First Minister and Deputy First Minister if they will detail the source of any monies which would be provided in the event of a Province wide crisis such as a fuel shortage. (AQW 266/00)

**Reply:** The Northern Ireland Administration does not hold a reserve fund.

Additional expenditure resulting from an emergency situation would need, in the first instance, to be found from within Departmental budgets. There are regular monitoring rounds in which the Executive can transfer money between Departments on the basis of need.

#### Civic Forum

**Mr O'Connor** asked the Office of the First Minister and Deputy First Minister to detail how many people were appointed to the Civic Forum from each constituency. (AQW 278/00)

**Reply:** The number of people appointed to the Civic Forum from each constituency, based on the contact address provided by members is as follows:

Constituency	Number appointed
Belfast East	4
Belfast North	8
Belfast South	11
Belfast West	1
East Londonderry	2
East Antrim	0
Fermanagh and South Tyrone	3
Foyle	4
Lagan Valley	2
Mid Ulster	6
Newry and Armagh	1
North Antrim	2
North Down	3
South Antrim	1
South Down	3
Strangford	2
Upper Bann	4
West Tyrone	2

One member works and resides outside Northern Ireland.

## AGRICULTURE AND RURAL DEVELOPMENT

### Rural Development Plan 2000-06

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development to detail if the European Union Commission has approved the Northern Ireland Rural Development Plan 2000-2006. (AQW 235/00)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** A revised draft of the Northern Ireland Rural Development Plan was sent to the European Union Commission on 25 September and discussed with Commission officials in a bilateral meeting on 28 September. The Commission asked for some more details to be included in the Plan. However, no fundamental issues remain to be resolved and I am confident that the Plan will be approved at the STAR Committee on 24 and 25 October.

### Steering Group

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development if she will report on the steering

group set up by her following her announcement of 3 December 1999 and detail, (a) what meetings have been held, (b) what reports issued and (c) the cost to date. (AQW 236/00)

**Ms Rodgers:** Because of the suspension of devolution, the Steering Group charged with developing a vision for the future of the Northern Ireland agri-food sector was not set up until 3 May. The first meeting of the full Steering Group was held on 11 May and there have been two meetings subsequently. However, the Group works through four Sub-Groups and these have had a total of 17 meetings to date.

No reports, as such, have been issued but a paper outlining the “Emerging Themes” from the Group’s deliberations was considered by the Executive Committee on 28 September. A copy of this paper was sent to the Assembly Committee on Agriculture and Rural Development.

Expenditure on the vision exercise to date is estimated at £2,500.

### Net Annual Valuations

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development if, pursuant to AQW 439/99, she will confirm (a) if such discussions have taken place and (b), if so, with what results. (AQW 237/00)

**Ms Rodgers:** I can confirm that I have raised the issue of Net Annual Valuations, (NAVs) of farm-based retail outlets with Mr Mark Durkan, Minister of Finance and Personnel.

The Minister of Finance and Personnel has previously signalled that the whole range of rate exemptions and relief will be considered as part of the wide-ranging review of the rating system.

### Shoreline Conservation

**Mr Shannon** asked the Minister of Agriculture and Rural Development if she has any plans to implement community-based initiatives to look after and manage shores and shore-line waters and if she is aware of similar schemes on mainland UK. (AQW 267/00)

**Ms Rodgers:** In 1992 the Department of Environment and Agriculture agreed to the establishment of the Strangford Lough Management Committee. The main purpose of the Committee is to advise government on the conservation and management of Strangford Lough. Its membership comprises representatives of the local community, Lough users and those with a specialist interest in the Lough.

In common with mainland UK the Department is also seeking to implement the EC Habitats directive and has designated a number of Special Areas of Conservation



including Strangford Lough. However, beyond this I am not aware of any particular GB initiative involving local communities but I would be happy to consider these if you could provide any further detail.

## CULTURE, ARTS AND LEISURE

### Ulster-Scots Language

**Mr K Robinson** asked the Minister of Culture, Arts and Leisure what steps he will take to ensure that the Ulster-Scots language receives the same priority from local media accorded to the Irish language; and if he will make a statement. (AQW 175/00)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** Ulster-Scots is one of the languages recognised under Part II of the Council of Europe Charter on Regional or Minority Languages which sets out general principles of recognition and support for indigenous minority languages and the removal of discrimination against them.

Tha Boord O Ulster Scotch has been established to promote the Ulster-Scots language and culture. As part of its role to develop public understanding Tha Boord may have an interest in how the language and culture are presented by the media. I will therefore draw your question to the attention of the Chair of Tha Boord, Lord Laird of Artigarvan. The draft Corporate Plan setting out the steps the Boord intends to take to carry out its function in 2000/2001 will be considered at the next meeting of the North South Ministerial Council.

Media coverage generally, as you will appreciate, is a matter for the relevant editors and you might wish to take the matter up directly with them.

### Ordnance Survey

**Mr J Wilson** asked the Minister of Culture, Arts and Leisure, what performance targets have been set for Ordnance Survey of Northern Ireland (OSNI) in 2000/01. (AQW 193/00)

**Mr McGimpsey:** OSNI have had the following targets set:

#### Output

1. To revise, update and make available for customers 33,500 new survey units of change.
2. To upgrade 1,050 maps of mountain, moorland, inland water fringe and coastal water fringe areas by re-surveying at 1:2500 scale and converting into digital form.
3. To publish 6 maps at 1:50,000 scale.

4. To complete the collection of geographic addresses on the final 2,350 maps of the topographic database.
5. To complete the enhancements on a further 96 maps AT 1:10,000 scale.

#### Quality of Service

6. To dispatch within 7 working days 97% of customers' orders for small-scale and large-scale paper maps.

#### Efficiency

7. With the completion of the large scale digital capture programme, the work flowlines previously used in calculated efficiency are no longer appropriate. Consequently the year 2000-2001 will become the base line for future efficiency measurements. The cost recovery target adequately covers year on year efficiency measurement.

#### Financial

8. To recover from the sales of goods and services 54% of the total costs incurred in running the Agency.

### Department and Agency Staff: Salaries/Wages

**Mr Adams** asked the Minister of Culture, Arts and Leisure to identify the number of staff within his Department and its associated agencies currently receiving (a) the National Minimum wage and (b) less than £5.00 per hour. (AQW 225/00)

**Mr McGimpsey:** I can confirm that there are no staff in the Department of Culture, Arts and Leisure currently receiving the National Minimum wage. There are 47 staff receiving less than £5.00 per hour.

## EDUCATION

### Department and Agency Staff: Salaries/Wages

**Mr Adams** asked the Minister of Education to identify the number of staff within his Department and its associated agencies currently receiving (a) the National Minimum wage and (b) less than £5.00 per hour. (AQW 218/00)

**The Minister of Education (Mr McGuinness):** The Department of Education has no members of staff receiving less than the minimum wage. The number of staff receiving less than £5.00 per hour is 80. The Department has no agencies.

### St Mary's University College: Irish Language

**Mrs Nelis** asked the Minister of Education if he will undertake to increase the number of Irish language places in St Mary's University College. (AQW 254/00)

**Mr M McGuinness:** Initial training for teaching through the medium of Irish is provided by St Mary's University College through two routes: a four year Bachelor of Education (BEd) degree; and a one-year Post-Graduate Certificate of Education (PGCE).

The Department does not set an intake number for the Irish-medium BEd course but allows the college to allocate places to it from within its overall BEd quota in the light of both the number of applications and of suitable candidates.

The Department sets an annual intake number for the PGCE course but, in recognition of the recent growth in demand for qualified teachers in the IM sector, it permits the college to exceed the notified intake where the college considers that there are more suitable applicants for the course than places available.

The Department will continue to maintain this flexible approach to intake numbers and is willing to consider, in association with the college, any further adjustments or developments which may be necessary to respond to needs in Irish-medium schools.

### Schools Funding (Primary and Secondary Sectors)

**Mrs I Robinson** asked the Minister of Education what steps will be taken to resolve the unequal funding of primary and secondary schools. (AQW 287/00)

**Mr M McGuinness:** The complex issue of funding differentials between the primary and secondary sectors is being considered in the context of ongoing work on the development of a common LMS formula which will replace the seven existing formulae used to fund schools in the Province. My intention is to issue a consultation document to schools and other interests before the end of this year and I will welcome comments on all aspects of the proposed formula at that stage.

### School Leavers: Qualifications

**Mr Beggs** asked the Minister of Education if he will detail the proportion of pupils completing secondary education in each of the last three years obtaining the following: (a) one or more Advanced Level passes, (b) five or more General Certificate of Secondary Education passes at Grades A to C, (c) one or more General Certificate of Secondary Education passes at Grades A to G, (d) one or more General National Vocational Qualification passes at intermediate level, (e)

one or more General National Vocational Qualification pass at foundation level and (f) no formal secondary level qualifications. (AQW 291/00)

**Mr M McGuinness:** The information for 1999/2000 is not yet available. The figures for the previous 3 years are as follows:

	1996/97	1997/98	1998/99
a. 1 or more GCE A Levels	33.3%	34.3%	34.3%
b. 5 or more GCSEs A*-C	49.8%	51.7%	52.3%
c. 1 or more GCSEs A*-G	92.1%	93.0%	93.6%
d. 1 or more GNVQ passes at Intermediate level	2.2%	2.6%	2.4%
e. 1 or more GNVQ passes at Foundation level	0.1%	0.1%	0.1%
f. No Formal Qualifications	3.6%	3.1%	2.7%

### Pre-School Places (Lagan Valley)

**Mr Poots** asked the Minister of Education if he will detail the number of schools in the Lagan Valley constituency which have pre-school places and how many places are available in each school and to specify for what percentage of the age cohort does this provide. (AQW 303/00)

**Mr M McGuinness:** In 1999/2000 there were 16 schools in the Lagan Valley constituency with pre-school places. This represents provision for around 28% of the age cohort.

The number of places in each school was as follows:

Pond Park Nursery	104
Dromara Primary	5
St Joseph's Primary	1
Barbour Nursery	78
St James' Primary	5
Lisburn Central Primary	52
Hilden Integrated Primary	4
St John's Primary	5
Newport Primary	6
Moir Primary	7
Old Warren Primary	26
St Aloysius Primary	26
Holy Trinity Nursery	52
Tonagh Primary	13
St Colman's Primary (Dromore)	4
St Michael's Primary (Finnis)	2

Through the South Eastern Education and Library Board Pre-School Education Advisory Group's Development Plan, and through EUSPPR funding, a further 364 places are being planned for the statutory nursery sector in the Lagan Valley constituency within the period of the Pre-School Education Expansion Programme (1998/99 - 2001/02). This will provide for 54% of the age cohort.

In addition 234 places have been secured in 15 voluntary/private settings in the constituency and this, together with the existing and planned statutory provision, should address the needs of approximately 70% of the age cohort.

## ENTERPRISE, TRADE AND INVESTMENT

### Textiles: Investment

**Mrs I Robinson** asked the Minister of Enterprise, Trade and Investment if he will detail how much first time investment has been allocated to textiles in the last 3 years. (AQW 238/00)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** In the last 3 years to 31/3/2000, IDB and LEDU have provided financial assistance totalling £975,000 to companies making investments in the textile and clothing sector for the first time.

### Economic Council Reports

**Mrs I Robinson** asked the Minister of Enterprise, Trade and Investment to outline his response to Northern Ireland Economic Council report 133 and if he will make a statement. (AQW 263/00)

**Sir Reg Empey:** The Inter-departmental assessment of NIEC Report "No 133", commissioned by Dr Farren and myself, has now been completed. The individual Departmental components of that assessment are currently being cleared by the relevant Ministers. Dr Farren and I hope to receive the completed document over the next few days after which we will put a joint report to the Executive Committee.

### Electricity Pylons and Poles

**Mr Shannon** asked the Minister of Enterprise, Trade and Investment to detail what rights landowners have at present with respect to the erection of electricity pylons and poles. (AQW 265/00)

**Sir Reg Empey:** Before erecting electricity pylons or poles, Northern Ireland Electricity plc is required to obtain planning permission and a wayleave for the proposal. Where the landowner refuses to grant a voluntary wayleave, the company can apply to the Department of Enterprise, Trade and Investment for a necessary wayleave.

Under the procedures governing applications both to the Department of the Environment for planning permission and to the Department of Enterprise, Trade and Investment

for necessary wayleaves, landowners have the right to register any objections to the proposal; and in each case, where they give rise to material considerations, to have them taken into account by the Department in reaching its decision.

### New Businesses (Strangford)

**Mrs I Robinson** asked the Minister of Enterprise, Trade and Investment if he will detail how many new businesses have been encouraged to locate in the Strangford constituency, and if he will make a statement. (AQW 275/00)

#### Sir Reg Empey:

#### LEDU

1. During the financial year 99/00 LEDU committed a total amount of £650,000 in the Strangford Constituency. This has resulted in the creation of 112 jobs among LEDU clients in the area.
2. LEDU has a total of 55 clients in the constituency, which currently employ over 900 people and have the combined turnover of over £55m and external sales to the value of £25 m.
3. The constituency has also showed above average growth in both employment and turnover over 1998-1999 in comparison with the NI average growth levels among LEDU's client base.

#### IDB

4. During the last three years three new inward investment projects located in the Strangford constituency. Combined these produced a total investment of £6.4 million and 181 new jobs promoted. In addition, there were 17 first time and repeat visits to the constituency from prospective investors, the majority of which were to existing companies.

### Natural Gas

**Mr McGrady** asked the Minister of Enterprise, Trade and Investment what efforts have been made to extend the natural gas pipeline to the south east of Northern Ireland, and if he will make a statement. (AQW 280/00)

**Sir Reg Empey:** As I have previously stated, I am keen that the gas industry in Northern Ireland be extended, but any expansion of the gas network outside the Greater Belfast area relies on the private sector developing economically viable opportunities. The Director General of Gas for Northern Ireland, who is responsible for the granting of licences under the Gas (Northern Ireland) Order 1996, is still considering licence applications from several private sector companies to take gas to the south east of Northern Ireland.

The supply of gas to the south east of Northern Ireland is closely linked to the construction of a North-South gas interconnector but potential investors are awaiting the outcome of a future pricing policy exercise in the South before they can reach conclusions on the viability of a North-South gas pipeline and submit firm proposals. I hope that the deliberations on pricing policy will be concluded shortly and that viable private sector proposals for a North-South pipeline will then emerge.

The First Minister and Deputy First Minister and I have made representations to the Minister for Public Enterprise emphasising that a North-South pipeline is a vital element in creating an all-island energy market with significant benefits for North and South.

### Information Technology Commission

**Mr Ford** asked the Minister of Enterprise, Trade and Investment what steps he has taken to create an Information Technology Commission as suggested in Strategy 2010. (AQO 137/00)

**Sir Reg Empey:** The Information Age Initiative was established in September 1999 in response to the Strategy 2010 recommendation and charged with developing a strategic framework and Action plan to enable Northern Ireland to “enthusiastically grasp the opportunities of the Information Communication Technology (ICT) revolution”. The Initiative published its strategy document in April 2000 and since then has made good progress in implementing many of its recommendations.

### New TSN

**Mr Byrne** asked the Minister of Enterprise, Trade and Investment if, in view of the New Targeting Social Need (NTSN) parameters, he will describe the steps he has taken to ensure that new inward investment projects and overall economic development is distributed evenly throughout Northern Ireland. (AQO 129/00)

**Sir Reg Empey:** The Department’s New Targeting Social Need Action Plan focuses efforts and resources on promoting economic development on areas objectively defined as having the greatest social and economic need. As regards inward investment IDB will continue with its policy of offering enhanced levels of assistance to companies locating in these areas, and challenging targets have been set for first time visits to, and new inward investment projects locating in, these areas.

### Tourism (South Armagh)

**Mr Fee** asked the Minister of Enterprise, Trade and Investment if he will outline what steps he is taking to

promote tourism in South Armagh and if he will make a statement. (AQO 127/00)

**Sir Reg Empey:** With the support of NITB, IFI and the EU, the South Armagh Tourism Initiative partners, including statutory agencies, the district councils and community organisations, have been working to an agreed action plan for product development, visitor management and provider training.

### Unemployment (Fermanagh)

**Mr McHugh** asked the Minister of Enterprise, Trade and Investment if he will confirm that a number of established employers are leaving Fermanagh and if he will make a statement. (AQO 140/00)

**Sir Reg Empey:** While recent announcements of job losses in Fermanagh are deeply regrettable I am encouraged to see that the most recent unemployment statistics show a decrease over the last year in Fermanagh’s figures. Nevertheless I am not complacent. I wish to see additional employment opportunities created through indigenous company growth and the attraction of new inward investment.

### Business/Education Links

**Mrs E Bell** asked the Minister of Enterprise, Trade and Investment to outline what plans he has to co-operate with the Minister of Education to promote enterprise and entrepreneurship in Northern Ireland schools. (AQO 136/00)

**Sir Reg Empey:** I will be co-operating with the Minister for Education, through the Northern Ireland Business Education Partnership (NIBEP), and with local business bodies on a range of initiatives to promote business education links and enterprise in schools. Examples are LEDU’s support for Young Enterprise and IDB’s Youth Forums at Board Roadshow events.

## THE ENVIRONMENT

### Transport Strategy

**Mr M Murphy** asked the Minister of the Environment if, in relation to the Government’s 1998 white paper, “A New Deal for Transport: Better For Everyone” and the subsequent document “Sustainable Distribution: A Strategy” in respect of increased and enhanced enforcement, he will outline how this policy has been taken forward; and if he will make a statement. (AQW 199/00)

**The Minister of the Environment (Mr Foster):** Publication of the UK Government’s White Paper on



Integrated Transport (July 1998) focussed attention on the need to shape a new future for transport in the UK. In response, the then Minister of the Environment in Northern Ireland, Lord Dubs, published a Northern Ireland Transport Policy Statement 'Moving Forward' which put in place a number of initiatives to influence how people travel.

The Minister for Regional Development is responsible for transportation policy in Northern Ireland and I have been informed by him that his officials are preparing a Regional Transportation Strategy for Northern Ireland that will provide a strategic framework to facilitate the future development of local transport plans and consider how they can be adequately resourced.

The proposals contained in the UK documents relate in the main to circumstances in Great Britain. In keeping those aspects of enforcement which are the responsibility of my Department under review to ensure their continued efficiency and effectiveness, and in any future review of the regulation of the road haulage and passenger carrying industries here, I will wish to bear in mind the proposals in the UK documents and the strategic framework which emerges from the Regional Transportation Strategy for Northern Ireland.

### **Transport Licensing and Enforcement Officers**

**Mr M Murphy** asked the Minister of the Environment if additional Driver and Vehicle Licensing enforcement officers have been recruited as a result of the review of the taxi industry. (AQW 211/00)

**Mr Foster:** I refer the member to the answers to questions 201/00 and 210/00. No additional transport licensing and enforcement officers have been appointed as a result of the review of the taxi industry in 1992 which was carried out by a previous direct rule administration.

### **Department and Agency Staff: Salaries/Wages**

**Mr Adams** asked the Minister of the Environment to identify the number of staff within his Department and its associated agencies currently receiving (a) the National Minimum wage and (b) less than £5.00 per hour. (AQW 217/00)

**Mr Foster:** No staff within the Department of the Environment and its Agencies are in receipt of the current National Minimum Wage (£3.70 per hour). All of the Department's 1,723 staff receive an hourly rate in excess of this amount, with some 334 of these currently receiving less than £5.00 per hour. The forthcoming application of outstanding pay awards, effective from 1 April 2000, will result in a substantial increase in the

number of the Department's staff who are in receipt of an hourly rate of £5.00 or more.

### **Recreation Space**

**Mr Adams** asked the Minister of the Environment if he will identify current or draft local area plans which incorrectly applied the National Playing Fields Association 6 Acre Standard (NPFA) for the provision of play and recreational space. (AQW 230/00)

**Mr Foster:** The statutory responsibility for the provision of adequate facilities for recreation in Northern Ireland rests with District Councils. They advise the Department on the future open space needs of their local areas, as part of the consultation process on development plans. The primary role of the Department is to facilitate the open space requirements of District Councils by zoning appropriate sites. In its presentation of supporting technical information, the Department does undertake an assessment of open space provision generally based on reference to the NPFA standard. The Department acknowledges that the NPFA standard was incorrectly applied, by inclusion of publicly owned golf courses, in the open space assessments for the draft Lisburn Area Plan 2001 and the draft Craigavon Area Plan 2010. In the case of Lisburn, open space provision will be reassessed as part of the forthcoming Belfast Metropolitan Area Plan work on which will commence shortly. As regards Craigavon, the Department intends issuing a clarification to the draft Plan to encompass a range of issues, including the open space standards.

**Mr Adams** asked the Minister of the Environment if he will outline what steps will be taken, by the Planning Service, to review the application of the National Playing Fields Association 6 Acre Standard (NPFA) in both current and draft local area plans and to ensure the exclusion of golf facilities from calculations of play and recreational space. (AQW 231/00)

**Mr Foster:** The statutory responsibility for the provision of adequate facilities for recreation in Northern Ireland rests with District Councils. They advise the Department on the future open space needs of their local areas, as part of the consultation process on development plans. The primary role of the Department is to facilitate the open space requirements of District Councils by zoning appropriate sites. In its presentation of supporting technical information, the Department does undertake an assessment of open space provision generally based on reference to the NPFA standard. The Department acknowledges that the NPFA standard was incorrectly applied, by inclusion of publicly owned golf courses, in the open space assessments for the draft Lisburn Area Plan 2001 and the draft Craigavon Area Plan 2010. In the case of Lisburn, open space provision will be reassessed as part

of the forthcoming Belfast Metropolitan Area Plan work on which will commence shortly. As regards Craigavon, the Department intends issuing a clarification to the draft Plan to encompass a range of issues, including the open space standards.

### **Countryside Access: Landowners' Liability**

**Mrs I Robinson** asked the Minister of the Environment if he has secured the removal of third party liability from landowners whose property is open to give the public access to the countryside. (AQW 264/00)

**Mr Foster:** Primary responsibility for the legislation governing third party liability is a matter for the Office of Law Reform in the Department of Finance and Personnel.

However, during a recent consultation on access to the countryside, the issue of liability towards third parties, (commonly referred to as Occupiers' Liability in the case of land or property), emerged as an issue of concern amongst landowners.

My Department has therefore commissioned a study on the subject insofar as it relates to countryside recreation. This study is due to be completed in the spring of next year. I will wish to consider, when I have seen the results of that study, whether or not to make representations about changes to the legislation.

### **Road Haulage Licences**

**Mr Beggs** asked the Minister of the Environment if he will bring forward proposals to govern the award of Road Haulage Operators' licences to take account of convictions for offences in regard to the avoidance of fuel duty. (AQW 268/00)

**Mr Foster:** I have no plans at present to change the requirements governing the issue of operators' licences for road hauliers.

Under existing legislation the Department takes all unspent convictions into account when establishing or reassessing the suitability of an operator. Many Excise Duty offences are dealt with by way of civil penalty and do not count as convictions.

In any future review of operator licensing, I will bear the question of civil penalties in mind. Any change to the licensing requirements would, however, require primary legislation.

**Mr Beggs** asked the Minister of the Environment if he will detail the number of Road Haulage Operators' licences that have been refused renewal as a result of the operator being caught smuggling. (AQW 269/00)

**Mr Foster:** There have been no Road Haulage Operator licences refused renewal as a result of the operator being caught smuggling.

**Mr Beggs** asked the Minister of the Environment if he will detail the number of Road Haulage Operators' licenses that have been revoked during each of the last 10 years. (AQW 270/00)

**Mr Foster:** Records are available only for the last nine years. The number of operator licences revoked in each of those years was as follows:

Year	Operator Licences Revoked
91/92	2
092/93	3
93/94	1
94/95	0
95/96	0
96/97	0
97/98	0
98/99	0
99/00	0

### **Magnetic Fields: Childhood Cancer**

**Mr O'Connor** asked the Minister of the Environment if he has read the United Kingdom Childhood Study published in the Lancet as "Exposure to Power Frequency Magnetic Fields and the risk of childhood cancer" and if he will make a statement. (AQW 283/00)

**Mr Foster:** This is a health issue and therefore for the Department of Health, Social Services and Public Safety. I take the advice of that Department on the implications of health issues for planning.

### **Vehicle Licensing: Cross-Border Joint Operations**

**Mr M Murphy** asked the Minister of the Environment if he will confirm the number of cross-border joint operations conducted by the Driver and Vehicle Testing Agency (DVTA) and the Republic of Ireland Driver Control Section in respect of Vehicle Licensing in compliance with European Community Directive 91/439/EEC (OJ L237 24.08.91 P1). (AQW 290/00)

**Mr Foster:** Directive 91/439/EEC relates solely to driver licensing, and includes no requirements in respect of cross-border operations. However, EC directive 88/599/EEC, which sets out minimum levels of enforcement and mandatory checking procedures on EU regulations governing tachographs and drivers' hours, may be relevant.

Since 1 April 2000, the Department's enforcement staff have conducted three joint operations with enforcement officers from the Republic of Ireland and Great Britain.

**Department: Draft Equality Scheme**

**Dr O'Hagan** asked the Minister of the Environment what steps he took to address issues of religious and political discrimination in preparing the Department's draft equality scheme and to list those consulted in preparing this aspect of the draft scheme. (AQW 297/00)

**Mr Foster:** The purpose of the Equality Scheme is to show how the Department proposes to fulfil the duties imposed by Section 75 of the Northern Ireland Act 1998 in having due regard to the need to promote equality of opportunity between people of different religious belief and political opinion. There are seven other categories to which the equality of opportunity obligation also applies.

There is no hierarchy of categories and all nine are to be treated similarly. Therefore no specific steps were taken to address issues of religious and political discrimination over and above the other categories.

There was a general consultation and over 400 copies of the scheme were issued. In addition, an advertisement was placed in the local press advising the public that the consultation was under way and that copies of the scheme could be obtained from a given source. The scheme was also placed on the Internet.

In the Department of the Environment the consultees on the religious and political opinion categories were all [108] MLAs, the four main churches and four other

religious organisations and the nine political parties in the Assembly and three other smaller parties

**Planning Application X/99/0144**

**Mr Taylor** asked the Minister of the Environment in respect of Planning Application No. X/99/0144, if he will confirm (a) when work commenced on site, (b) if the contract is being implemented in accordance with the terms of the planning approval, (c) when representatives of his Department last visited the site, (d) if he is aware of concerns about flooding at Oakdale between Nos. 40 and 68; and if he will make a statement. (AQW 334/00)

**Mr Foster:** (a) My Department does not have information as to the exact date work commenced on site. I can confirm, however, that work was underway in August 2000. (b) While some works were carried out that were not in accordance with the approved plans, following intervention by my officials, these have now been rectified by the developer. Officials will, however, continue to monitor developments on site and will take whatever remedial action is considered appropriate to rectify any future breaches that may be brought to the Department's attention. (c) Officials last visited the site on 5 October 2000. (d) I am aware of the concerns regarding flooding at this site. However, there is no breach of planning control at this site requiring action by my Department.

## FINANCE AND PERSONNEL

### Civil Servants: Statistics

**Mr Maskey** asked the Minister of Finance and Personnel if he will provide a statistical breakdown of the number of Civil Servants in each District Council area, according to (a) religion (b) gender and (c) grade.

(AQW 276/00)

**The Minister of Finance and Personnel (Mr Durkan):** Community background monitoring information is collected for the specific purpose of addressing the extent to which the Northern Ireland Civil Service (NICS) offers and provides equality of opportunity and fair participation to both sections of the community and, where this is assessed not to be the case, to consider the appropriateness or otherwise of taking lawful affirmative action. This is the basis on which staff have been asked for and have provided the information. Given the sensitivity of community background information, the NICS has had in place, since the introduction of monitoring in 1985, a Code of Practice, agreed with Trade Unions, governing the confidentiality of monitoring information and the categories of statistical analyses to be published.

Information about the composition of the NICS is contained in the regular reports of the Service's Equal Opportunities Unit, the most recent of which, the Seventh Report, contains an extensive range of analyses and was published in April this year. Copies of the Report are available in the Library and on the Internet at [www.dfpni.gov.uk](http://www.dfpni.gov.uk).

Given the purpose for which community background information has been collected, monitoring information is not maintained at the level requested and is not within the categories of statistical analyses to be published covered by the Code of Practice agreed with Trade Union.

### NORTHERN IRELAND CIVIL SERVICE BY DISTRICT COUNCIL BY GENDER AS AT 1ST JANUARY 2000

DCA	Female	Male	Total
Antrim	163	267	430
Ards	140	79	219
Armagh	163	216	379
Ballymena	344	536	880
Ballymoney	60	57	117
Banbridge	58	33	91
Belfast	7655	7801	15456
Carrickfergus	161	191	352
Castlereagh	572	520	1092
Coleraine	424	482	906
Cookstown	125	101	226
Craigavon	377	601	978
Derry	707	569	1276
Down	314	489	803
Dungannon	188	183	371
Fermanagh	207	432	639
Larne	98	67	165
Limavady	94	108	202
Lisburn	309	429	738
Magherafelt	79	70	149
Moyle	1	33	34
Newry and Mourne	228	239	467
Newtownabbey	88	102	190
widetlparNorth Down	519	477	996
Omagh	302	505	807
Strabane	76	84	160
Northern Ireland	13452	14671	28123

#### Notes

- (1) District Council Area could not be determined for 168 NI Civil Servants
- (2) Number of Civil Servants is on a headcount basis as at January 2000
- (3) Number of Civil Servants excludes staff on a career break, HCS, NIAO, Electoral Office, NI Court Service, Prison Grades, and staff employed directly by the NI Assembly and staff employed directly by PANI.
- (4) Number of Civil Servants includes staff on secondment (including seconded to NIO, PANI/RUC) and NI Civil Servants working in the NI Assembly.
- (5) Included are permanent and casual, Industrial and Non-Industrial staff.



## NORTHERN IRELAND CIVIL SERVICE BY DISTRICT COUNCIL BY GRADE LEVEL AS AT 1ST JANUARY 2000

DCA	Non-Industrial Grades by Grade Level								Casual	Industrial
	Grade 5 and above	Grade 6&7	Deputy Principal	Staff Officer	Executive Officer 1&2	Administrative Officer	Administrative Assistant	staff	Grades	Total
Antrim	1	5	109	9	87	68	37	16	98	430
Ards	0	9	1	3	66	68	32	16	24	219
Armagh	0	7	1	9	99	99	38	19	107	379
Ballymena	0	20	36	87	279	191	68	44	155	880
Ballymoney	0	0	2	2	23	37	10	8	35	117
Banbridge	0	0	1	2	22	36	9	3	18	91
Belfast	203	819	1188	1534	4106	4651	1631	735	589	15456
Carrickfergus	1	8	37	19	85	68	47	7	80	352
Castlereagh	2	25	67	118	370	316	155	21	18	1092
Coleraine	1	33	19	48	244	236	110	68	147	906
Cookstown	0	3	45	5	48	52	20	6	47	226
Craigavon	0	14	39	76	267	216	82	31	253	978
Derry	1	17	30	56	308	411	230	160	63	1276
Down	0	10	22	54	169	169	67	27	285	803
Dungannon	0	24	3	12	140	83	42	17	50	371
Fermanagh	0	8	19	27	136	125	56	17	251	639
Larne	0	4	1	3	44	51	20	8	34	165
Limavady	0	0	3	12	35	57	21	7	67	202
Lisburn	2	18	41	59	189	153	78	21	177	738
Magherafelt	0	0	1	2	41	46	12	8	39	149
Moyle	0	0	0	0	2	0	1	0	31	34
Newry and Mourne	0	10	5	10	117	138	51	28	108	467
Newtownabbey	0	0	2	12	73	59	21	5	18	190
North Down	25	98	86	104	236	220	106	26	95	996
Omagh	0	21	31	68	224	147	69	31	216	807
Strabane	0	0	2	3	35	47	17	11	45	160
Northern Ireland	236	1153	1791	2334	7445	7744	3030	1340	3050	28123

## Notes:

- (1) District Council Area could not be determined for 168 NI Civil Servants
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- (3) Number of Civil Servants excludes staff on a career break, HCS, NIAO, Electoral Office, NI Court Service, Prison Grades, and staff employed directly by the NI Assembly and staff employed directly by PANI.
- (4) Number of Civil Servants includes staff on secondment (including seconded to NIO, PANI/RUC) and NI Civil Servants working in the NI Assembly.
- (5) Included are permanent and casual, Industrial and Non-Industrial staff.

**Government Departments: Decentralisation**

**Mr Maskey** asked the Minister of Finance and Personnel if he will outline his plans for the decentralisation of Government Departments, and if he will make a statement.  
(AQW 277/00)

**Mr Durkan:** I recognise the contribution which public sector jobs can make to the economic and social

development of local communities. It is my intention to develop a Civil Service office accommodation strategy which will incorporate a review of the current policy on job location. It would be premature to prejudge the outcome of this work or to speculate as to the precise locations which might be involved in any relocation of jobs. Factors which will have to be taken into account include the current number of Civil Service jobs in an

area in relation to the local workforce; New TSN indicators; regional development strategy; effects on equality of opportunity within the Northern Ireland Civil Service; and not least service delivery, business efficiency and cost. I will also be considering how best to ensure that all the potentially affected interests have an opportunity to influence the way forward.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Medical Consultants

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety to detail the ratio of consultants per 100,000 population for each medical speciality in Northern Ireland. (AQW 239/00)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** The information requested is set out in the attached table.

#### RATIO OF CONSULTANTS (WTE) PER 100,000 OF TOTAL POPULATION

30 SEPTEMBER 1999

SPECIALTY	RATIO PER 100,000 POPULATION
Accident & Emergency	0.9
Anaesthetics	7.6
Anatomy	0.01
Cardiology	1.3
Cardiothoracic Surgery	0.4
Care of the Elderly	1.3
Clinical Genetics	0.09
Clinical Neuro-physiology	0.1
Clinical Pharmacology & Therapeutics	0.1
Clinical Physiology	0.07
Dermatology	0.7
E.N.T.	1.2
General Surgery	3.4
Genito-Urinary Medicine	0.2
Infectious Diseases	0.06
Medical Oncology	0.06
Medicine – Endocrinology	0.1
Medicine – Gastroenterology	0.06
Medicine – General	3.5
Medicine – Respiratory	0.2
Medicine – Thoracic	0.06
Nephrology (Renal)	0.4
Neurology	0.3
Neurosurgery	0.2
Obstetrics & Gynaecology	2.5
Occupational Health	0.2
Ophthalmology	1.0
Orthopaedic & Traumatic Surgery	1.5
Paediatric Surgery	0.2

SPECIALTY	RATIO PER 100,000 POPULATION
Paediatrics	2.8
Pathology – Chemical	0.4
Pathology – Haematology	0.8
Pathology – Histopathology	1.6
Pathology – Immunology	0.06
Pathology – Medical Microbiology	0.6
Pathology – Neuropathology	0.1
Plastic Surgery	0.2
Psychiatry – Adult	3.9
Psychiatry – Alcoholism & Drug Abuse	0.06
Psychiatry – Child & Adolescent	0.5
Psychiatry – Forensic	0.06
Psychiatry – Mental Handicap	0.4
Psychiatry – Old Age	0.2
Psychotherapy	0.2
Radiology	3.5
Radiotherapy	0.6
Rehabilitation	0.1
Rheumatology	0.4
Transplant Surgery	0.06
Urology	0.6

Tá an t-eolas a iarradh leagtha amach sa tábla atá i gceangal leis seo.

#### CÓIMHEAS LIANNA COMHAIRLEACHA (CUL) IN AGHAIDH GACH 100,000 DEN DAONRA IOMLÁN

30 MEÁN FÓMHAIR 1999

SPEISIALTÓIREACHT	CÓIMHEAS IN AGHAIDH GACH 100,000 DEN DAONRA
Taisní agus Éigeandálaí	0.9
Ainéistéitic	7.6
Anatamaíocht	0.01
Cairdeolaíocht	1.3
Máinliacht Chardatóracsach	0.4
Cúram do Dhaoine Aosta	1.3
Géineolaíocht Chliniciúil	0.09
Néaraifiseolaíocht Chliniciúil	0.1
Cógaseolaíocht agus Teiripic Chliniciúil	0.1
Fiseolaíocht Chliniciúil	0.07
Deirmeolaíocht	0.7
C.S.S.(Otolaraingeolaíocht)	1.2
Máinliacht Ghinearálta	3.4
Leigheas Úraiginitíúil	0.2
Galair Ionfhabhtaíocha	0.06
Oinceolaíocht Mhíochaine	0.06
Leigheas – Inchríneolaíocht	0.1
Leigheas – Gaistreintreolaíocht	0.06
Leigheas Ginearálta	3.5
Leigheas Riospráideach	0.2
Leigheas Tóracsach	0.06
Neifreolaíocht (Duánach)	0.4
Néareolaíocht	0.3
Néarmháinliacht	0.2
Cnáimhseachas agus Gíniceolaíocht	2.5
Sláinte Cheirde	0.2
Oftailmeolaíocht	1.0

SPEISIALTÓIREACHT	CÓIMHEAS IN AGHAIDH GACH 100,000 DEN DAONRA
Máinliacht Ortaipéideach agus Trámach	1.5
Máinliacht Phéidiatraiceach	0.2
Péidiatraic	2.8
Paiteolaíocht Cheimiceach	0.4
Paiteolaíocht – Haemaiteolaíocht	0.8
Paiteolaíocht – Histeapaiteolaíocht	1.6
Paiteolaíocht – Imdhíoneolaíocht	0.06
Paiteolaíocht – Micribhitheolaíocht Mhíochaine	0.6
Paiteolaíocht – Néarapaiteolaíocht	0.1
Máinliacht Phlaisteach	0.2
Síciatracht – Aosaigh	3.9
t Síciatracht – Alcólacht agus Mí-Úsáid Drúgai	0.06
Síciatracht – Leanai agus Ógánaigh	0.5
Síciatracht Fhoiréinseach	0.06
Síciatracht – Éislinn Mheabhrach	0.4
Síciatracht – Seanaois	0.2
Sícteiripe	0.2
Raideolaíocht	3.5
Radaiteiripe	0.6
Athshlánú	0.1
Réamaiteolaíocht	0.4
Máinliacht Trasplandála	0.06
Úireolaíocht	0.6

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety if she will detail how many consultant posts are currently vacant in Northern Ireland, and how many have been vacant for over six months and if she will provide the figures in each case (a) by speciality, (b) by health board area and (c) by individual trust. (AQW 240/00)

**Ms de Brún:** Information in the form requested is not readily available and could only be obtained at a disproportionate cost.

Níl fáil go réidh ar an eolas a d'iarr tú agus ní fhéadfaí é a fháil ach ar chostas a bheadh díréireach.

### Medical Staff

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety to specify the current number of Specialist Registrar, Staff Grade and Associate Specialist posts in Northern Ireland broken down by speciality, by board and by individual trust. (AQW 241/00)

**Ms de Brún:** The information requested is set out in the attached tables.

#### TOTAL AT 1/8/00

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
A&E	9	19	7
Anaesthetics	41	8	5
Medicine	75	21	3
Surgery	88	14	5
O&G	41	1	3
Dentistry	4	3	3
Pathology	24	-	3
Paediatrics	30	14	1
Radiology	25	1	1
Psychiatry	29	11	9
Public Health	7	-	-
TOTAL	373	92	40

#### EHSSB AREA ROYAL GROUP OF HOSPITALS HSS TRUST

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
A&E	2	1	-
Anaesthetics	18	1	-
Medicine	26	2	1
Surgery	35	4	3
O&G	9	-	1
Dentistry	3	2	2
Pathology	15	-	-
Paediatrics	16	4	1
Radiology	11	-	-
Psychiatry	2	-	-
TOTAL	137	14	8

#### ULSTER COMMUNITY AND HOSPITAL HSS TRUST

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
A&E	2	2	
Anaesthetics	6	1	
Medicine	5	2	
Surgery	10	-	
O&G	5	-	
Dentistry	-	1	
Paediatrics	4		
Radiology	2		
Psychiatry	1		
TOTAL	35	6	

**BELFAST CITY HOSPITAL HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
A&E	2	1	
Anaesthetics	6	1	
Medicine	24	2	
Surgery	13	1	
O&G	8	-	
Dentistry	-	-	1
Pathology	9	-	3
Radiology	10	1	1
Psychiatry	5		
TOTAL	77	6	5

**MATER HOSPITAL HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
A&E	1	-	
Anaesthetics	2	-	
Medicine	2	2	
Surgery	3	1	
O&G	3	-	
Psychiatry	2	2	2
TOTAL	13	5	2

**GREEN PARK HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
Anaesthetics		2	
Medicine	2	-	
Surgery	7	2	
Radiology	1		
TOTAL	10	4	

**DOWN LISBURN HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
A&E		6	
Medicine	1	3	
Surgery	1		
O&G	1		
Psychiatry	4		
TOTAL	7	9	

**S & E BELFAST COMMUNITY HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
Psychiatry	4		2
TOTAL	4		2

**N & W BELFAST COMMUNITY HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
Psychiatry	4		1
TOTAL	4		1

**EHSSB**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
Psychiatry	2		
Public Health	4		
TOTAL	6		

**NHSSB AREA  
UNITED HOSPITALS HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
A&E		2	2
Anaesthetics	2	2	2
Medicine	4	2	
Surgery	4	3	
O&G	5		1
Paediatrics	3	1	
Psychiatry	1	1	
TOTAL	19	11	5

**HOMEFIRST COMMUNITY HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
Psychiatry	1	1	2
TOTAL	1	1	2

**CAUSEWAY HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
A&E		1	1
Medicine	1	1	
Surgery	2	1	1
Paediatrics		4	
Psychiatry		1	
TOTAL	3	8	2

**NHSSB**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
Public Health	1		
TOTAL	1		

**WHSSB AREA  
SPERRIN LAKELAND HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
A&E		2	1
Medicine		1	
Surgery	1		
Paediatrics		1	
Psychiatry	1		
TOTAL	2	4	1



**ALTNAGELVIN HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
A&E	1	1	
Anaesthetics	4	1	3
Medicine	4	2	
Surgery	6	1	
O&G	4		
Dentistry	1		
Paediatrics	3	1	
Radiology	1		
TOTAL	24	6	3

**FOYLE COMMUNITY HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
Psychiatry	1	5	1
TOTAL	1	5	1

**WHSSB**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
Public Health	1		
TOTAL	1		

**SHSSB AREA****NEWRY & MOURNE HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
A&E		1	1
Medicine	1	1	
Surgery	2		
O&G	1		1
TOTAL	4	2	2

**CRAIGAVON AREA HOSPITAL HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
A&E	1	1	1
Anaesthetics	3		
Medicine	4	3	2
Surgery	4	1	
O&G	5		
Dentistry	1		
Paediatrics	3		
TOTAL	21	5	3

**ARMAGH & DUNGANNON HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
A&E		1	1
Medicine	1		
Surgery			1
O&G		1	
Paediatrics		3	
Psychiatry		1	1
TOTAL	1	6	3

**CRAIGAVON & BANBRIDGE COMMUNITY HSS TRUST**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
Psychiatry	1		
TOTAL	1		

**SHSSB**

SPECIALITY	Specialist Registrar	Staff Grade	Associate Specialist
Public Health	1		
TOTAL	1		

Tá na t-eolas a iarradh leagtha amach sna táblaí atá i gceangal leis seo.

**IOMLÁN AR AN 1/8/00**

Speisialtóireacht	Sainchlárúit heoir	Grád foirne	Speisialtóir Comhlach
T&É	9	19	7
adjustright Ainéistéitic	41	8	5
Míochaine	75	21	3
Máinliacht	88	14	5
C&G	41	1	3
Fiaclóireacht	4	3	3
Paiteolaíocht	24	-	3
Péidiatraic	30	14	1
Raideolaíocht	25	1	1
Síciatracht	29	11	9
Sláinte Phoiblí	7	-	-
IOMLÁN	373	92	40

**CEANTAR BSSSO****IONTAOBHAS SSS AN GHRÚPA RÍOGA OSPIDÉAL**

Speisialtóireacht	Sainchlárúit heoir	Grád foirne	Speisialtóir Comhlach
T&É	2	1	-
Ainéistéitic	18	1	-
Míochaine	26	2	1
Máinliacht	35	4	3
C&G	9	-	1
Fiaclóireacht	3	2	2
Paiteolaíocht	15	-	-
Péidiatraic	16	4	1
Raideolaíocht	11	-	-
Síciatracht	2	-	-
IOMLÁN	137	14	8

**IONTAOBHAS SSS PHOBAL AGUS OSPIDÉAL ULADH**

Speisialtóireacht	Sainchlárait heoir	Grád foirne	Speisialtóir Comhlach
T&É	2	2	
Ainéistéitic	6	1	
Míochaine	5	2	
Máinliacht	10	-	
C&G	5	-	
Fiaclóireacht	-	1	
Péidiatraic	4		
Raideolaíocht	2		
Síciatracht	1		
IOMLÁN	35	6	

**IONTAOBHAS SSS OSPIDÉAL CATHRACH BHÉAL FEIRSTE**

Speisialtóireacht	Sainchlárait heoir	Grád foirne	Speisialtóir Comhlach
T&É	2	1	
Ainéistéitic	6	1	
Míochaine	24	2	
Máinliacht	13	1	
C&G	8	-	
Fiaclóireacht	-	-	1
Paiteolaíocht	9	-	3
Raideolaíocht	10	1	1
Síciatracht	5		
IOMLÁN	77	6	5

**IONTAOBHAS SSS OSPIDÉAL AN MATER**

Speisialtóireacht	Sainchlárait heoir	Grád foirne	Speisialtóir Comhlach
T&É	1	-	
Ainéistéitic	2	-	
Míochaine	2	2	
Máinliacht	3	1	
C&G	3	-	
Síciatracht	2	2	2
IOMLÁN	13	5	2

**IONTAOBHAS SSS NA PÁIRCE GLAISE**

Speisialtóireacht	Sainchlárait heoir	Grád foirne	Speisialtóir Comhlach
Ainéistéitic		2	
Míochaine	2	-	
Máinliacht	7	2	
a40Raideolaíocht	1		
IOMLÁN	10	4	

**IONTAOBHAS SSS AN DÚIN AGUS LIOS NA GCEARRBHACH**

Speisialtóireacht	Sainchlárait heoir	Grád foirne	Speisialtóir Comhlach
T&É		6	
Míochaine	1	3	
Máinliacht	1		
C&G	1		
Síciatracht	4		
IOMLÁN	7	9	

**IONTAOBHAS SSS PHOBAL DHEISCEART AGUS OIRTHEAR BHÉAL FEIRSTE**

Speisialtóireacht	Sainchlárait heoir	Grád foirne	Speisialtóir Comhlach
Síciatracht	4		2
IOMLÁN	4		2

**IONTAOBHAS SSS PHOBAL THUAISCEART AGUS IARTHAR BHÉAL FEIRSTE**

Speisialtóireacht	Sainchlárait heoir	Grád foirne	Speisialtóir Comhlach
Síciatracht	4		1
IOMLÁN	4		1

**BSSSO**

Speisialtóireacht	Sainchlárait heoir	Grád foirne	Speisialtóir Comhlach
Síciatracht	2		
Sláinte Phoiblí	4		
IOMLÁN	6		

**CEANTAR BSSST****IONTAOBHAS SSS NA NOSPIDÉAL AONTAITHE**

Speisialtóireacht	Sainchlárait heoir	Grád foirne	Speisialtóir Comhlach
T&É		2	2
Ainéistéitic	2	2	2
Míochaine	4	2	
Máinliacht	4	3	
C&G	5		1
Péidiatraic	3	1	
Síciatracht	1	1	
IOMLÁN	19	11	5

**IONTAOBHAS SSS PHOBAL HOMEFIRST**

Speisialtóireacht	Sainchlárait heoir	Grád foirne	Speisialtóir Comhlach
Síciatracht	1	1	2
IOMLÁN	1	1	2

**IONTAOBHAS SSS AN CHLOCHÁIN**

Speisialtóireacht	Sainchlárait heoir	Grád foirne	Speisialtóir Comhlach
T&É		1	1
Míochaine	1	1	
Máinliacht	2	1	1
Péidiatraic		4	
Síciatracht		1	
IOMLÁN	3	8	2

**BSSST**

Speisialtóireacht	Sainchlárait heoir	Grád foirne	Speisialtóir Comhlach
Sláinte Phoiblí	1		
IOMLÁN	1		

### Hospital Laboratory Staff: Gender Inequality

**Mr Ford** asked the Minister of Health, Social Services and Public Safety what steps are being taken to address the gender inequality in hospital laboratories in Northern Ireland, and to deal with the increasing number of equal value claims from female staff in laboratories.

(AQW 249/00)

**Ms de Brún:** As part of the Opportunity Now in the HPSS campaign initiated by my Department and supported by HPSS bodies, local statistics detailing Medical Laboratory Scientific Officers and Medical Laboratory Assistants staff breakdowns by age, whole time equivalent, gender and grade have been obtained allowing a profile of the profession to be compiled. These statistics are to be analysed with a view to highlighting the issues in terms of demographics for the laboratory professions. The research will then culminate with the hosting of 5 representative focus groups meeting locally in November 2000 that will add qualitative comment on issues such as career development, pay and work life balance. A report will then be produced for wide dissemination during January 2001. Where inequalities in relation to gender are identified the report will attempt to make recommendations aimed at having them alleviated.

Officials from my Department have met with the staff organisation representing laboratory staff and a further meeting is arranged for 24 October to discuss equality and workforce planning issues.

At present there are only 2 equal pay cases relating to female staff in laboratories.

My Department, in conjunction with its counterparts in England, Scotland and Wales, is currently engaged with staff organisations in the development of a new pay system for NHS/HPSS staff. The new system will be supported by an integral job evaluation scheme which will be used to evaluate every job in the HPSS and pay will be awarded on the basis of the job's worth in fair comparison with other jobs in the HPSS.

Mar chuid de Opportunity Now in the HPSS, feachtas a sheol mo Roinnse agus tacaíocht aici ó chomhlachtaí na SSSSP, fuarthas staitisticí áitiúla ina raibh mioneolas ar bhaill foirne, ar Oifig Eolaíoch Saotharlann Míochaine agus Cúntóirí Saotharlann Míochaine iad, de réir aoiseanna, de réir coibhéise in uimhreacha lánaimseartha de réir inscní, agus de réir grád a chuireann ar ár gcumas próifíl na gairme a chur le chéile. Tá na staitisticí seo lena scagadh chun na príomhphointí a léiriú maidir le déimeagrafaíocht gairmeacha saotharlainne. Tiocfaidh an taighde chun críche ansin nuair a thabharfar 5 fócasghrúpaí le chéile go háitiúil i mí na Samhna 2000 agus cuirfidh siad sin tuairimí luachmhara leis an eolas atá ann cheana faoi

cheisteanna éagsúla, mar shampla, forbairt gairmréime, pá agus cothromaíocht idir obair agus an gnáthshaol. Ullmhófar tuarascáil lena scaipeadh go forleathan i rith mhí Eanáir 2001. Déanfar iarracht sa tuarascáil, i gcásanna a bhfuil easpa comhionannas aimsithe ar bhonn inscne, moltaí a ceapadh chun an easpa sin a mhaolú.

Bhuail feidhmeannaigh ó mo Roinnse cheana leis an cheardchumann a ghníomhaíonn ar son na mball foirne saotharlann agus tá cruinniú eile socraithe eatarthu don 24 Deireadh Fómhair chun ceisteanna a bhaineann le comhionannas agus le pleanáil i dtaobh an fhórsa saothair a phlé.

Faoi láthair níl ann ach dhá chás ina bhfuil ionannas pá á lorg a bhaineann le mná san fhoireann i saotharlanna.

Faoi láthair, tá mo Roinnse, i gcomhar lena macasamhail i Sasana, in Albain agus sa Bhreatain Bheag, ag plé forbairt córas nua pá do bhaill foirne na SNS/SSPS leis na ceardchumainn. Beidh scéim measúnaithe post mar dhlúthchuid den chóras nua seo agus bainfear úsáid aisti le gach post sna SSSSP a mheasúnú agus tabharfar tuarastal ar bhonn thuillteanas an phoist i gcomparáid chothrom le gach post eile sna SSSSP.

### Medical Laboratory Staff

**Mr Ford** asked the Minister of Health, Social Services and Public Safety how many Medical Laboratory Scientific Officer staff have taken early retirement or voluntary redundancy, how many vacancies have been advertised and how many new Medical Laboratory Scientific Officers have been appointed in Northern Ireland in the last five years.

(AQW 250/00)

**Ms de Brún:** Information in the form requested is not readily available and could only be obtained at a disproportionate cost.

Níl fáil go réidh ar an eolas a d'iarr tú agus ní fhéadfaí é a fháil ach ar chostas a bheadh díréireach.

### Cancer Screening

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she plans to provide cancer-screening appliances for patients whose physical needs are not yet met by the current provision.

(AQW 258/00)

**Ms de Brún:** Screening is currently provided for breast and cervical cancers. Screening covers all physical types. I am not aware of any problems in providing screening for women with particular physical needs.

Tá scagadh á sholáthar faoi láthair le haghaidh ailse chéice agus ailse cheirbheacs. Tá scagadh ar fáil do na cineálacha fisiciúla uile. Ní fios dom go bhfuil

fadhbanna ar bith ag baint le scagadh i gcás ban a bhfuil riachtanais fhisiciúla ar leith acu.

### In Vitro Fertilisation

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she has any plans to provide In Vitro Fertilisation (IVF) for those who cannot afford private health care. (AQW 259/00)

**Ms de Brún:** The provision of sub-fertility services, including in-vitro fertilisation, is at present being considered by a group established by the regional medical services consortium, which commissions regional services on behalf of the four health and social services boards. The group will advise on how services for people experiencing fertility problems can be improved. Until I receive the group's report, I shall not be in a position to determine what changes may be needed to improve services.

Faoi láthair tá soláthar seirbhísí fothorthúlachta agus toirchiú in-vitro san áireamh, á mheas ag grúpa a bunaíodh ag an chuibhreannas réigiúnach a choimisiúnaíonn seirbhísí réigiúnacha thar ceann na gceithre bhord sláinte agus seirbhísí sóisialta. Cuirfidh an grúpa eolas ar fáil fosta faoi na dóigheanna ar féidir feabhas a chur ar sheirbhísí do dhaoine a bhfuil fadhbanna torthúlachta acu. Go dtí go bhfaighidh mé tuarascáil an ghrúpa ní bheidh mé in ann a shocrú cad é na hathruithe a bheadh de dhíth chun seirbhísí a fheabhsú.

### Multidisciplinary Group on Influenza Vaccination

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to confirm who has been appointed to the Chief Medical Officer's multidisciplinary group on influenza vaccination; how many meetings of the group have been held to date and the total cost to date of this group. (AQW 261/00)

**Ms de Brún:** The Chief Medical Officer appointed 22 members including representatives from HSS Boards and Trusts, professional groups, primary care and the voluntary sector to the multidisciplinary Influenza/Pneumococcal Immunisation Working Group. A full list of members is attached. The group first met on 28<sup>th</sup> April 2000 and has now met on 5 occasions. To date the total cost of the group to the Department is £619.68.

Cheap an Príomhoifigeach Míochaine 22 bhall chuig an Mheitheal ildisciplíneach ar Imdhíonadh in éadan Fliú agus Niúmacocais, agus orthu siúd bhí ionadaithe ó Bhoird SSS agus ó Iontaobhais SSS, ó ghrúpaí gairme, ón earnáil chúraim phríomhúil agus ón earnáil dheonach. Tá liosta iomlán na mball i gceangal leis seo. Tháinig an mheitheal le chéile den chéad uair ar an 28

Aibreán 2000 agus anois tá 5 chruinniú i ndiaidh a bheith aici. Is é £619.68 costas iomlán na meithle don Roinn go dtí seo.

### APPOINTMENTS TO THE INFLUENZA PNEUMOCOCCAL WORKING GROUP

Booth, Kathryn (Dr)	Eastern Health & Social Services Board
Boyd, Dennis (Dr.)	Northern Health & Social Services Board
Brown, Morris (Dr.)	Western Health & Social Services Board
Cairns, Tom	Age Concern
Cullen, Greta	Southern Health & Social Services Board
Devine, Michael (Dr.)	Northern Health & Social Services Board
Dougal, Andrew	Chest Heart & Stroke Association (NI)
Gaffney, Brian (Dr.)	Health Promotion Agency
Gillan, Dr.	Southern Health & Social Services Board
Gordon, Margaret	Causeway Health & Social Services Trust
Guerin, Michael	Pharmaceutical Society
Hanniwan, Terry	Pharmaceutical Contractors Committee
Kilgallen, Anne (Dr.)	Western Health & Social Services Board
McGrabbe, Marion	Western Health & Social Services Board
Mitchell, Elizabeth (Dr.)	Department of Health Social Services & Public Safety
Morgan, Brian (Dr.)	Eastern Health & Social Services Board
Patterson, Brian (Dr.)	General Practitioners Committee, BMA
Reid, Tom	Department of Health Social Services & Public Safety
Smithson, Richard (Dr.)	Western Health & Social Services Board
Smyth, Brian (Dr.)	Communicable Disease Surveillance Centre (NI)
Sweeney, Brian (Dr.)	General Practitioners Committee, BMA
Tohani, Vinod (Dr.)	Southern Health & Social Services Board

### CEAPÚCHÁIN CHUIG AN MHEITHEAL AR IMDHÍONADH IN ÉADAN FLIÚ AGUS NIÚMACOCAIS

Booth, Kathryn (Dr)	Bord Sláinte agus Seirbhísí Sóisialta an Oirthir
Boyd, Dennis (Dr.)	Bord Sláinte agus Seirbhísí Sóisialta an Tuaiscirt
Brown, Morris (Dr.)	Bord Sláinte agus Seirbhísí Sóisialta an Iarthair
Cairns, Tom	Age Concern
Cullen, Greta	Bord Sláinte agus Seirbhísí Sóisialta an Deiscirt
Devine, Michael (Dr.)	Bord Sláinte agus Seirbhísí Sóisialta an Tuaiscirt
Dougal, Andrew	Chest Heart & Stroke Association (NI)
Gaffney, Brian (Dr.)	An Ghníomhaireacht um Chur Chun Cinn Sláinte
Gillan, Dr.	Bord Sláinte agus Seirbhísí Sóisialta an Deiscirt
Gordon, Margaret	Iontaobhas SSS an Chlocháin
Guerin, Michael	Pharmaceutical Society
Hanniwan, Terry	Pharmaceutical Contractors Committee
Kilgallen, Anne (Dr.)	Bord Sláinte agus Seirbhísí Sóisialta an Iarthair
McGrabbe, Marion	Bord Sláinte agus Seirbhísí Sóisialta an Iarthair
Mitchell, Elizabeth (Dr.)	An Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí
Morgan, Brian (Dr.)	Bord Sláinte agus Seirbhísí Sóisialta an Oirthir
Patterson, Brian (Dr.)	General Practitioners Committee, BMA



Reid, Tom	An Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí
Smithson, Richard (Dr.)	Bord Sláinte agus Seirbhísí Sóisialta an Iarthair
Smyth, Brian (Dr.)	Communicable Disease Surveillance Centre (NI)
Sweeney, Brian (Dr.)	General Practitioners Committee, BMA
Tohani, Vinod (Dr.)	Bord Sláinte agus Seirbhísí Sóisialta an Deiscirt

## Prescription Fraud

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will (a) detail what steps have been taken to deal with prescription fraud; (b) provide statistics on the reduction of fraud which has taken place and (c) confirm the number of prosecutions which have been instituted. (AQW 262/00)

**Ms de Brún:** The Department has been working closely with Health and Social Services Boards, the Central Services Agency and the pharmaceutical profession to introduce a range of measures to tackle exemption fraud. From 1 September 1999 patients who claim to be exempt from paying the statutory charge have been asked to produce evidence of entitlement when presenting their prescription. If no evidence is produced, the form is marked accordingly and can then be subsequently checked by the Central Services Agency. A major IT project is currently being implemented which will enhance the process for validating individual claims for exemption. A specialist Counter Fraud Unit is being established in the Central Services Agency to tackle exemption fraud by members of the public and undertake investigations into potential fraud involving GPs, dentists, pharmacists and opticians. New statutory powers are currently proposed which would introduce fixed penalty fines where exemption is falsely claimed, and which would also create a specific offence of evading statutory charges. It will also be possible, under the Tribunal system, to exclude a practitioner from the Boards' lists if he or she is proved to have abused any health scheme for financial or other benefit.

It is difficult to be precise with regard to the current level of undetected fraud, and therefore provide detailed statistics on its reduction. However, there has been an estimated increase of £1 million in income for the twelve months to June 2000, after taking account of increased charges and numbers of prescription forms. This can reasonably be attributed to the introduction of "point of dispensing" checks and related publicity.

So far as prosecutions are concerned, if a patient refuses to pay charges in relation to an erroneous claim to exemption, the case can be taken to the Small Claims Court. To date 42 cases have been successfully pursued in this way and a further 16 are due before the end of the year.

Tá an Roinn i ndiaidh bheith ag obair go dlúth i gcomhar leis na Boird Slainte agus Seirbhísí Sóisialta, le Gníomhaireacht na Lársheirbhísí (GL) agus le poitigéirí chun roinnt beart a chur i bhfeidhm le tabhairt faoi chalaois díolúine. Ón 1 Meán Fómhair 1999 iarradh ar othair a deir go bhfuil siad díolmhaithe ón táille reachtúil oideas a íoc sin a chruthú nuair atá siad ag tabhairt na n-oideas don phoitigéir. Mura bhfuil aon chruthúnas acu, marcáiltear na foirmeacha aonair dá réir agus féadfaidh an GL iad a scrúdú níos moille. Tá tionscadal mór TE á chur i bhfeidhm agus cuideoidh seo leis an phróiseas a bhaineann le bailíocht a thabhairt do na díolúintí a iarrann othair.

Tá Sainaonad Frithchalaoise á bhunú sa GL agus beidh sé mar aidhm aige tabhairt faoi chalaois díolúine ag daoine agus fiosrúcháin a dhéanamh ar chásanna a bhféadfadh calaois a bheith ann a bhaineann le liachleachtóirí, le fiacloirí, le poitigéirí agus le radharceolaithe. Tá cumhachtaí nua reachtúla á moladh faoi láthair a thabharfadh isteach fineálacha pionóis socraithe i gcásanna ina n-éilítear díolúine go breagach agus a chruthódh cion ar leith maidir le seachaint táillí reachtúla. Féadfar fosta, faoin chóras Binsí, ainm liachleachtóra a eisiáimh ó liostaí na mBord má chruthaítear gur bhain sé/sí drochúsáid as scéim sláinte ar bith ar mhaithe le tairbhe airgid nó tairbhe ar bith eile.

Is deacair a bheith beacht maidir le leibhéal reatha na calaoise nach n-aimsítear agus staitisticí mionsonraithe faoina laghdú a sholáthar dá bharr sin. Ach meastar gur tháinig méadú £1 mhilliún ar an ioncam sa dá mhí dhéag suas go dtí Meitheamh 2000 i ndiaidh an méadú i dtáillí agus i líon na bhfoirmeacha oidis a chur san áireamh. Bheadh sé réasúnta sin a chur síos don iniúchadh a tosaíodh ag na 'pointí dáileacháin' agus don phoiblíocht a ghabh leis.

I dtaca le hionchúisimh de, má dhiúltaíonn othar táillí a íoc i gcás díolúine a éilíodh go hearráideach, féadfar an cás a thabhairt chuig Cúirt na nÉileamh Beag. Go dtí seo d'éirigh le 42 chás a saothraíodh ar an dóigh seo agus tá 16 chás eile le bheith ann roimh dheireadh na bliana.

## Acute Services: EHSSB Report

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 650/99, if she is aware of the Eastern Health and Social Services Boards (EHSSB) report on Acute Services and if she will ensure that its recommendations on Downe Hospital are taken into consideration by her Review Group. (AQW 273/00)

**Ms de Brún:** The Eastern Health and Social Services Board recently completed a consultation exercise on the pattern of acute services within its area and is presently considering the responses to the consultation. While the exercise was ongoing, a Working Group, representative

of a broad range of interested parties, and acting on a request from the Board, prepared a report specifically on the future of acute services at the Downe. The Chairman of the Eastern Board sent me a copy of this report on 20 September. I understand that he also sent a copy to Dr Maurice Hayes, Chair of the Review Group, which I set up to look at acute services here generally. I expect that he will want to take it into account in preparing his own report.

Tá Bord Sláinte agus Seirbhísí Sóisialta an Oirthir i ndiaidh babhta comhairliúcháin a chríochnú faoi phatrún na seirbhísí géarmhíochaine taobh istigh dá cheantar agus i láthair na huaire tá na freagraí a fuarthas á scrúdú aige. A fhad agus bhítear á dhéanamh sin, d'ullmhaigh Meitheal, atá ionadaíoch do réimse leathan páirtithe leasmhara, tuarascáil, ar iarratas ón Bhord, tuarascáil a bhaineann go sonrach le chomhdéanamh seirbhísí géarmhíochaine Ospidéal an Dúin sa todhchaí. Sheol Cathaoirleach Bhord an Oirthir cóip den tuarascáil seo chugam ar an 20 Meán Fómhair. Tuigim gur sheol sé cóip fosta chuig an Dr Maurice Hayes, Cathaoirleach an Ghrúpa Athbhreithnithe, grúpa a bhunaigh mé féin le seirbhísí géarmhíochaine i gcoitinne athbhreithniú. Tá mé ag súil go mbeidh sé ag iarraidh á cur san áireamh nuair a bheas sé ag ullmhú a thuarascála féin.

### Enrolled Nurse Conversion

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she is aware of the Enrolled Nurse Conversion Survey and if she will ensure that a process is established to facilitate those who wish to convert from 2nd level to 1st level (Registered).

(AQW 274/00)

**Ms de Brún:** I am aware of the recent Enrolled Nurse Conversion Survey conducted by the Eastern Health and Social Services Board. It is recognised that identification and facilitation of enrolled nurse conversion is an important element of workforce development. The other Health and Social Services Boards have now been asked to conduct a similar survey to establish the interest by enrolled nurses in undertaking a conversion course. Once this information has been received and analysed I will consider what processes are appropriate to facilitate those who wish to convert to 1<sup>st</sup> level registered nurse.

Tá a fhios agam faoin suirbhé a rinne Bord Sláinte agus Seirbhísí Sóisialta an Oirthir ar altraí rollaithe atá ag iarraidh cúrsa cláraithe a dhéanamh. Aithnítear gur gné thábhachtach i bhforbairt an fhórsa saothair go bhféadfar teacht ar na haltraí rollaithe atá ag iarraidh an cúrsa cláraithe a dhéanamh agus cuidiú leo sin a dhéanamh. Táthar i ndiaidh iarraidh ar na Boird Sláinte agus Seirbhísí Sóisialta eile anois suirbhé den chineál céanna a dhéanamh le fáil amach cá mhéad altra

rollaithe ar mhaith leo an cúrsa cláraithe a dhéanamh. A luaitear a bheas an t-eolas seo faighte agus scagtha, breithneoidh mé ar na próisis is cuí chun cuidiú leo siúd atá ag iarraidh an t-athrú a dhéanamh le bheith ina n-altraí cláraithe lú leibhéal.

### Health Boards and Trusts: Publicity Costs

**Mr O'Connor** asked the Minister of Health, Social Services and Public Safety how much has been spent on publicity, (including salaries, literature and reports) by each Health Board and Trust in each of the last three years.

(AQW 279/00)

**Ms de Brún:** The information in the form requested is not readily available and could only be obtained at disproportionate cost. The annual accounts and supplementary financial returns of HSS Boards and Trusts do not separately identify expenditure on publicity.

The supplementary financial returns of HSS Boards and Trusts disclose expenditure on advertising.

Table 1 discloses the expenditure on advertising for the last three years.

Ní féidir teacht go réidh ar an eolas sa chruth inar iarradh é agus ní fhéadfadh á fháil gan chostas díréireach. Ní aimsítear go sonrach caiteachas ar phoiblíocht i gcuntais agus i dtuairisceáin fhorlíontacha bhliantúla airgeadais na mBord agus Iontaobhas SSS.

Tá faisnéis ann faoin chaiteachas ar fhógraíocht i tuairisceáin fhorlíontacha airgeadais na mBord agus na nIontaobhas.

Tá an t-eolas faoin chaiteachas ar fhógraíocht le trí bliana anuas i dTábla 1.

**TABLE 1**  
**ADVERTISING EXPENDITURE**

HSS BOARDS	1998/99 £000	1997/98 £000	1996/97 £000
Northern	14	7	33
Southern	30	14	22
Eastern	31	35	54
Western	4	2	-
<b>HSS TRUSTS</b>			
Belfast City Hospital	84	52	49
Royal Group of Hospitals	108	81	78
Ulster Community and Hospitals Trust	75	-	-
North Down and Ards Community	-	32	30
Ulster North Down and Ards Hospital	-	38	36
Down and Lisburn	109	55	76
South and East Belfast	114	71	51
North and West Belfast	66	65	48
Craigavon and Banbridge	13	22	26
Craigavon Area Hospital	39	39	31
Newry and Mourne	66	32	37
Green Park	47	34	24
Mater	31	16	14
Causeway	68	66	74
NI Ambulance Service	18	10	3
Homefirst	80	89	87
Foyle	89	69	92
Sperrin Lakeland	81	55	72
Armagh and Dungannon	53	33	72
Altnagelvin	74	39	57
United Hospitals	64	60	65
<b>TOTAL EXPENDITURE</b>	<b>1,358</b>	<b>1,016</b>	<b>1,131</b>

Source: Supplementary Financial Returns of HSS Bodies.

**TÁBLA 1**  
**CAITEACHAS AR FHÓGRAÍOCHT**

BOIRD SSS	1998/99 £000	1997/98 £000	1996/97 £000
B. an Tuaiscirt	14	7	33
B. an Deiscirt	30	14	22
B. an Oirthir	31	35	54
B. an Iarthair	4	2	-
<b>IONTAOBHAIS SSS</b>			
I. Ospidéal Cathrach Bhéal Feirste	84	52	49
I. an Ghrúpa Ríoga Ospidéal	108	81	78
I. Phobal agus Ospidéal Uladh	75	-	-
I. Phobal Thuaisceart an Dúin agus na hArda	-	32	30
I. Ospidéal Thuaisceart Dhún Uladh agus na hArda	-	38	36
I. An Dúin agus Lios na gCearrbhach	109	55	76
I. Dheisceart agus Oirthear Bhéal Feirste	114	71	51
I. Thuaisceart agus Iarthar Bhéal Feirste	66	65	48
I. Craigavon agus Dhroichead na Banna	13	22	26
I. Ospidéal Cheantar Craigavon	39	39	31
I. An Iúir agus Mhorna	66	32	37
I. na Páirce Glaise	47	34	24
I. an Mater	31	16	14
I. an Chlocháin	68	66	74
I. Sheirbhís Otharcarranna TÉ	18	10	3
I. Homefirst	80	89	87
I. an Fheabhail	89	69	92
I. Loch-cheantar Speirín	81	55	72
I. Ard Mhacha agus Dún Geanainn	53	33	72
I. Alt na nGealbhan	74	39	57
I. na nOspidéal Aontaithe	64	60	65
<b>CAITEACHAS IOMLÁN</b>	<b>1,358</b>	<b>1,016</b>	<b>1,131</b>

Foinse: Tuairisceáin Fhorlíontacha Airgeadais na gComhlachtaí SSS.

## Magnetic Fields: Childhood Cancer

**Mr O'Connor** asked the Minister of Health, Social Services and Public Safety if she has read the United Kingdom Childhood Study published in the Lancet as "Exposure to Power Frequency Magnetic Fields and the risk of childhood cancer" and if she will make a statement. (AQW 281/00)

**Ms de Brún:** The publication of UK Childhood Cancer Study in the Lancet 4 December 1999 was the first part of the UK Childhood Cancer Study on Childhood Cancer and electromagnetic fields (EMF). The Department will consider the results in the context of other work in this area and will seek views from the National Radiological Protection Board (NRPB). The NRPB's Advisory Group conducted an extensive review of the subject in 1992 and an additional review of new studies in 1994. They concluded that there was no firm evidence of a carcinogenic hazard associated with residence near major sources of electricity supply.

Some studies, however, have suggested a slightly raised risk and public concern persists. The results of this study and others will be included in a forthcoming new review by the NRPB Advisory Group. The Department will consider this review when it is available.

Ba é an *UK Childhood Cancer Study* a foilsíodh sa Lancet an 4 Nollaig 1999 an chéad chuid de thionscadal an UK Childhood Cancer Study ar Ailse Leanai agus ar réimsí leictreamaighnéadacha (RLM). Déanfaidh an Roinn breithniú ar na torthaí i gcomhthéacs obair eile sa réimse seo agus iarrfaidh sí tuairimí ar an Bhord Náisiúnta Cosanta ar Radaíocht (BNCR). Rinne Grúpa Comhairleach an BNCR dianathbhreithniú ar an ábhar sa bhliain 1992 agus rinne sé athbhreithniú breise sa bhliain 1994. Ba é a mbarúil nach raibh fianaise dhaingean ann go raibh baol carcanaigineach orthu siúd a bhí ina gcónaí in aice le foinsí móra soláthair leictreachais. Tá roinnt staidéar ann, afach, atá i ndiaidh a thabhairt le fios go bhfuil ábhar éigin priacail ann agus tá an pobal buartha faoi i dtólamh. Beidh torthaí an staidéir seo agus staidéar eile á gcur san áireamh in athbhreithniú nua a bheas á dhéanamh ag Grúpa Comhairleach an BNCR ar ball. Déanfaidh an Roinn scrúdú ar an athbhreithniú seo nuair a bheas sé ar fáil.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### Department Contracts (Proteus)

**Ms Morrice** asked the Minister of Higher and Further Education, Training and Employment if he will outline the time-scale and value of current contracts the Department holds with Proteus. (AQW 242/00)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** As part of its contract with the European Union to deliver the transnational Employment and Adapt Community Initiatives, the Department was required to put in place a National Support Structure (NSS) to provide technical assistance to projects being funded under these Initiatives.

PROTEUS was selected and awarded the NSS contract to run from 1 January 1998 to 31 December 1999. The contract was valued at £540,000. Proteus continues to provide this service in the current year but within the original contract value.

### Border Training Bureau

**Ms Morrice** asked the Minister of Higher and Further Education, Training and Employment why no funding has been made available to the Border Training

Bureau to bridge the funding gap occasioned by the ending of Peace I and the start of Peace II.

(AQW 243/00)

**Dr Farren:** The Border Training Bureau project was put forward by this Department for funding from the £2m made available in the Agenda for Government by the Executive Committee. Regrettably as the amount sought by projects was over five times that available and Border Training Bureau, along with many other projects, was not accepted for support.

### T&EA: Service Standards

**Ms Morrice** asked the Minister of Higher and Further Education, Training and Employment if the European Unit of the Training and Employment Agency has submitted application for accreditation of service standards, e.g. Charter Mark, and to report on the outcome of such application and if he will make a statement.

(AQW 244/00)

**Dr Farren:** The European Unit of the Department of Higher and Further Education, Training & Employment has not submitted an application for accreditation of service standards.

However, the Department will be considering a quality strategy which will include a focus on customer service.

### T&EA: Claims

**Ms Morrice** asked the Minister of Higher and Further Education, Training and Employment what criteria the European Unit of the Training and Employment Agency employ for processing, (a) first advance claims, (b) second advance claims and (c) final claims. (AQW 245/00)

**Dr Farren:** Under the 1994 -1999 Structural Funds Programmes, European Unit provides ESF assistance to projects funded under measures within the Single Programme, Community Initiatives and the Special Support Programme for Peace and Reconciliation.

Standard criteria apply to the processing of ESF claims for payment. Each year a first advance is payable when the Promoter meets (or continues to meet) the pre-conditions laid down in the Letter of Offer and confirms that the project has commenced (or is continuing). Payment of a second advance is dependent upon certification that 25% or more of the total eligible budget for that year has been spent. A final annual payment is made subject to terms and conditions of the letter of offer having been observed, when a detailed final claim covering the full year has been checked and reconciled with an independent certification of the claim and when confirmation of actual match funding has been received.



Requests for payments must be on the official forms issued by European Unit and accompanied by supporting documentation.

### European Funding of Projects

**Ms Morrice** asked the Minister of Higher and Further Education, Training and Employment if project providers may attend decision making meetings where their applications for European funding are being considered and to outline the appeals procedure for applicants who are unsuccessful in receiving funding. (AQW 246/00)

**Dr Farren:** With regards to areas of EU funding which are the responsibility of this Department there has been no recent selection activity. In the past project providers have not attended selection meetings and there has not been an appeals procedure.

### Higher and Further Education Places

**Mrs Nelis** asked the Minister of Higher and Further Education, Training and Employment if he will ensure that the bulk of additional full time places in higher and further education will be based in the North West. (AQW 253/00)

**Dr Farren:** It is for the Universities, as an autonomous bodies, to determine the geographical distribution of places, including any additional places won on a bidding basis, among their Campuses in accordance with their strategic priorities.

The University of Ulster received a number of additional places as a result of the 1998 Comprehensive Review (CSR), the bulk of which it has allocated to the Magee Campus. Since 1984, when Magee College became part of the University of Ulster (UU), the student population has risen from 200 to some 2,933 (1,927 full-time and 1,006 part-time) in 1999/00. The University's Corporate Plan for 1999/00 to 2002/03 acknowledges the significant role played by the Magee Campus in economic and community development in the region, and outlines continued expansion.

In respect of further education, there is no restriction on the North-West Institute's recruitment of full-time FE places. It is also free to bid for any additional full-time HE places which might become available as a result of the Spending Review.

### Department: Draft Equality Scheme

**Dr O'Hagan** asked the Minister of Higher and Further Education, Training and Employment what steps he took to address issues of religious and political discrimination in preparing the Department's draft equality scheme and to list those consulted in preparing this aspect of the draft scheme. (AQW 316/00)

**Dr Farren:** The purpose of the Equality Scheme is to show how the Department proposes to fulfil the duties imposed by Section 75 of the Northern Ireland Act 1998 in having due regard to the need to promote equality of opportunity between people of different religious belief and political opinion. There are seven other axes to which the equality of opportunity obligation also applies.

There is no hierarchy of axes and all nine are to be treated similarly. Therefore no specific steps were taken to address issues of religious and political discrimination over and above the other axes.

The Department published its draft Equality Scheme for public consultation on 7 April. The consultation process was conducted in accordance with the Equality Commission's guidelines and the Department sent the draft Scheme to over 100 organisations, inviting comments on any aspect of the Scheme. Details of those consulted are contained in Annex C of the Department's Scheme, a copy of which you have already received. In addition an advertisement was placed in the local press advising the public that the consultation was under way and that copies of the scheme could be obtained from a given source. The scheme was also placed on the Department's website.

### East Down Institute of Further and Higher Education

**Mr McGrady** asked the Minister of Higher and Further Education, Training and Employment what changes are contemplated by his Department for a variation in status for East Down Institute of Further and Higher Education. (AQO 110/00)

**Dr Farren:** No variation in status is planned for East Down Institute of Further and Higher Education.

### Northern Ireland Higher Education Council

**Mr Beggs** asked the Minister of Higher and Further Education, Training and Employment if he will detail the costs and benefits of maintaining the Northern Ireland Higher Education Council and the Northern Ireland Further Education Consultative Committee; and if he will make a statement. (AQO 124/00)

**Dr Farren:** The approximate cost of maintaining the Northern Ireland Higher Education Council and the Further Education Consultative Committee in 1999/2000 was £266,500. Both play an important role in providing advice to my Department, both on the planning and funding of higher education, and on issues of strategic importance to the HE and FE sectors.

## Training Centres and Further Education Colleges

**Mr Byrne** asked the Minister of Higher and Further Education, Training and Employment what progress has been made following the mergers between the training centres and further education colleges and what are the overall implications for practical skills training.

(AQO 128/00)

**Dr Farren:** A total of 9 Training Centres merged with Further Education Colleges on 1 September 2000. Under the terms of merger, some 2,500 trainees and 120 training centre staff transferred to the colleges, together with training centre premises, equipment and other assets. The mergers will allow for a more coherent approach to skills training and will benefit industry, those in need of skills training, and the economy in general.

## REGIONAL DEVELOPMENT

### Disabled Drivers: Parking Provision

**Mrs Nelis** asked the Minister for Regional Development if he will review the current criteria and arrangements for the provision of parking bays for disabled drivers adjacent to their homes. (AQW 252/00)

**The Minister for Regional Development (Mr Campbell):** As this is a matter for the Department for Regional Development, your question has been forwarded to me for reply.

Roads Service last reviewed its policy on the provision of on-street parking bays for disabled people in 1998. As a result of that review, it was decided to permit, in cases of special hardship, the provision of parking bays for disabled passengers as well as drivers.

I have no plans at present to review the current criteria and arrangements for the provision of parking bays for disabled drivers.

## SOCIAL DEVELOPMENT

### Disabled People: Housing

**Mrs I Robinson** asked the Minister for Social Development if he will make it his policy to ensure that specially adapted houses are only allocated to the disabled. (AQW 272/00)

**The Minister for Social Development (Mr Morrow):** The allocation of all public housing stock is a matter for

the Housing Executive and it would be improper for me to intervene. You will appreciate that the Housing Executive has to balance the demands of those needing adapted accommodation against the need to ensure that housing stock is used effectively. I am advised that its preferred policy is to allocate a specially adapted property to a person requiring such accommodation, making further adaptations if necessary. However, where no such need exists, as part of good housing management, the Executive will offer an adapted property to a general applicant on the waiting list for the particular area. It is not always possible to keep properties empty, in anticipation that an applicant will be found with the needs to match the design of the available property and who wishes to live in or move to that particular area.

### Housing Executive Property: Refurbishment

**Mr Beggs** asked the Minister for Social Development whether he has any plans to review the present system for awarding contracts for the refurbishment of Northern Ireland Housing Executive property. (AQW 284/00)

**Mr Morrow:** This is a matter for the Northern Ireland Housing Executive. However, I am advised by the Chief Executive that it is currently investigating a number of alternative systems in relation to its refurbishment contracts. This is in line with Government policy and Treasury guidelines for procurement in the public sector. No decisions have yet been taken on any new procurement proposals.

**Mr Beggs** asked the Minister for Social Development whether a uniform procedure is used for awarding all contracts for the refurbishment of Northern Ireland Housing Executive property. (AQW 285/00)

**Mr Morrow:** The awarding of such contracts is a matter for the Northern Ireland Housing Executive. However, I am advised by the Chief Executive that there is a standard procedure for the award of refurbishment contracts. There is uniformity in procedures where contracts are of similar size and estimated cost. The process is as follows:

- where the value of the proposed works or services is estimated to exceed the current thresholds of the European Communities the procurement is in accordance with the appropriate regulations;
- where the estimated value is below the thresholds the procurement is in accordance with the Executive's Standing Orders and Contracts Manual.

**Mr Beggs** asked the Minister for Social Development if he will make a statement on the eighteen month delay in awarding a contract to

refurbish Northern Ireland Housing Executive bungalows at Hawthorne Grove, Carrickfergus.

(AQW 286/00)

**Mr Morrow:** I am advised by the Chief Executive of the Housing Executive that this contract was delayed due to the nature of the work to be carried out and because of vandalism and arson attacks on the dwellings. The Housing Executive is currently involved in negotiations to include these dwellings in a scheme which has recently started in the Carrickfergus area. Subject to a successful conclusion of negotiations, it is hoped to begin work as soon as possible.

### **Special Purchase Evacuated Dwellings Scheme**

**Mr Beggs** asked the Minister for Social Development if he will detail the estimated cost of repairs to homes and rehousing incurred under the

Special Purchase Evacuated Dwellings Scheme (SPED) since 1 August 2000, and to detail the consequent effect on other housing budgets.

(AQO 122/00)

**Mr Morrow:** The SPED scheme covers the purchase costs of private sector homes that have had to be vacated because of threats against the life of the owner. It does not cover the cost of repairs or re-housing.

Since 1 August, the NI Housing Executive has spent some £618,000 on the Special Purchase of Evacuated Dwellings Scheme across Northern Ireland. A nominal figure funded from previous SPED purchases is included in the NIHE's budget each year. Any additional funding required, is the subject of an in-year bid which is at the discretion of the Executive Committee. All previous bids have always been met in full.

There are, therefore, no consequential effects on other NI Housing Executive programmes.





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# NORTHERN IRELAND ASSEMBLY

Friday 20 October 2000

## Written Answers to Questions

### OFFICE OF FIRST MINISTER AND DEPUTY FIRST MINISTER

#### USA Visit: Costs

**Mr Paisley Jnr** asked the Office of the First Minister and Deputy First Minister, pursuant to AQW 116/00, to provide a detailed breakdown of the cost of their visit to the United States, in respect of (a) the cost of travel by Ministers, (b) the cost of travel by officials, (c) the cost of accommodation for Ministers, (d) the cost of accommodation for officials, (e) the cost of other related expenses for Ministers and (f) the cost of other related expenses for officials. (AQW 340/00)

**Reply:** You have asked for further details on the cost of our visit to the United States in September this year. The details requested are as follows:

- (a) £7612.00
- (b) £30510.00
- (c) £730.00
- (d) £3082.00
- (e) Nil
- (f) £88.11

#### Ministerial Travel Costs

**Rev Dr Ian Paisley** asked the Office of the First Minister and Deputy First Minister if they will detail the cost of travel and accommodation of the Ministers and their staff to meetings of the cross border bodies and the British-Irish intergovernmental Council since 2 December 1999. (AQO 169/00)

**Reply:** We assume that the Member is asking about costs of attendance at North/South Ministerial Council, British-Irish Council and British-Irish Intergovernmental Conference meetings.

Ministers and their staff attend meetings of NSMC in plenary and sectoral formats. They do not attend meetings of the cross border bodies themselves, since these are

working meetings of officials and, where relevant, Board members.

Since 2 December 1999 there have been 15 meetings of NSMC, two in Plenary session and 13 in Sectoral format. The cost of travel and accommodation of Ministers and their staff attending these meetings has been some £16,000.

There has been one plenary meeting of the British-Irish Council and one of the British-Irish Intergovernmental Conference. These were held on 17 December 1999 in London. The costs of the Council and Conference were borne by the UK Government, as the host member, with travel costs etc being borne by the respective Governments. The cost of Northern Ireland participants was borne by the Northern Ireland administration. Total travel and accommodation costs for the meetings were £6,365.

One meeting of the British-Irish Council in sectoral format has also been held. The travel and accommodation costs were £2,920

### AGRICULTURE AND RURAL DEVELOPMENT

#### Beef: Categorisation

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development if she will detail what success has been achieved in relation to the relaxation of European Union rules on the categorisation of beef. (AQW 289/00)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** New EU rules on beef labelling came into operation on 1 September 2000. The original proposal included a requirement to show category of animal. This was of particular concern to the local beef industry because it would have added significantly to the costs of implementation. I am pleased to record that following lobbying by me, the industry and local MEPs, this aspect of the proposal was deleted.

#### Lough Neagh

**Mrs Carson** asked the Minister of Agriculture and Rural Development what action she is taking to include Lough Neagh Wetlands and Waterways on the list of Natural Resource tourism areas. (AQW 301/00)

**Ms Rodgers:** In early discussions with the European Commission on the proposal to develop a Natural Resource Rural Tourism programme, it became clear that officials in the European Commission did not welcome the idea of a programme that would cover all of Northern Ireland's rural areas. They were, however, more receptive to a programme that would target

disadvantaged areas which could also be demonstrated to have some particular natural resource tourism potential. This is why my officials have been seeking to identify the core target areas for the programme.

In identifying the target areas, the rationale of the Natural Resource Rural Tourism programme has been taken as the starting point. Since the rationale argues that there are parts of rural Northern Ireland that are disadvantaged but have the potential to develop and sustain a strong tourism product based on their natural resources, it is considered that the core of the target areas should be rural areas that are:

- (a) disadvantaged; and
- (b) have an official designation in respect of their landscape or environmental quality.

On the second of these points, there is a proposal to use Environmentally Sensitive Areas (ESAs) and Areas of Outstanding Natural Beauty (AONBs) as the criteria. A number of other designations have been considered, including Area of Special Scientific Interest (ASSI) and Special Area of Conservation (SAC), Special Protection Area and RAMSAR (important waterfowl sites). Because AONBs tend to cover larger and more coherent areas and relate more to the general environmental value of the areas, including the quality of the landscape, they may be the most appropriate designations for the Natural Resource Rural Tourism programme.

I should emphasise that the criteria and the proposed target areas are still being considered by my officials and I have yet to take a decision on any aspect of the Natural Resource Rural Tourism Programme. It is my intention to consult more widely on all aspects of the programme – including aims, possible activities and delivery mechanisms as well as the target areas – when I have had a chance to consider all these aspects in more detail.

As I am sure you will understand, I have a deep interest in the development of the Loughshores and I would like to assure you that if Lough Neagh is not included in the programme's target areas that will not by any means imply that the Lough will be officially considered to have no natural resource tourism potential. There will be opportunities under the next round of the Rural Development Programme for support to be granted to a tourism strategy for Lough Neagh through its 'Sectoral and Area-based Development' theme and I would welcome the development of such a strategy.

**Mrs Carson** asked the Minister of Agriculture and Rural Development if she will detail the criteria for areas included in the Natural Resource tourism package, and explain why Lough Neagh is not included in this package. (AQW 302/00)

**Ms Rodgers:** In early discussions with the European Commission on the proposal to develop a Natural Resource Rural Tourism programme, it became clear that officials in the European Commission did not welcome the idea of a programme that would cover all of Northern Ireland's rural areas. They were, however, more receptive to a programme that would target disadvantaged areas which could also be demonstrated to have some particular natural resource tourism potential. This is why my officials have been seeking to identify the core target areas for the programme.

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## Rural Development Plan

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development what account she has taken of the views of the farming community in formulating the Northern Ireland Rural Development Plan.

(AQW 312/00)

**Ms Rodgers:** During 1999, there was extensive consultation with farming and other organisations on the Commission's Agenda 2000 CAP Reform proposals and on the final decisions taken in Berlin. These consultations included the Rural Development Regulation.

More specifically, the elements of the Rural Development Plan were consulted on as follows:

- a Forest Service paper entitled "Forestry in Northern Ireland: The Rural Development Regulation and NI Structural Funds" was sent to the farming organisations and other interested bodies in November 1999. Responses were supportive of the Plan proposals;
- the farming organisations, and those with an interest in the environment, were consulted in general terms about the content of the agri-environment element of the Rural Development Plan on 12 October 1999. Consultation papers on the introduction of the voluntary code "Good Farming Practice" were issued on 25 January and 5 September 2000. Both farming organisations and the environmental bodies responded positively;
- preliminary views were sought on the potential changes in the LFA scheme in January 1999 and again in April of that year following the Berlin Agreement. Then, in August 1999, the key features envisaged for a new scheme were sent out for consultation. Following receipt of the Commission's comments on the draft Rural Development Plan, at the end of May 2000, further consultation has been taking place on a continuous basis. Generally, those consulted were in support of the proposals although, as might be expected, there was clearly not unanimous agreement on the LFA scheme, given the diversity of interests involved.

## Ulster Farmers' Union

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development what account she has taken of the views of the Ulster Farmers Union in regard to the new combined flock record.

(AQW 313/00)

**Ms Rodgers:** As with all consultation responses, the views of the Ulster Farmers' Union were considered in depth. On this subject there were two separate consultations and the Ulster Farmers' Union replied to both making in total 5 different comments. Two of their points, concerning a clarification in title for one of the columns and the general spacing within the document, were taken on board.

The Union expressed concern that column E of the flock record requires identification numbers to be recorded for purchases involving different flocks and also urged that the record should only be kept for animals on which Sheep Annual Premium was being claimed. EU Directive 92/102, which governs sheep record keeping, requires the record to include the identification mark and requires records for all sheep, irrespective of whether or not subsidy is being claimed. Indeed the former requirement has been a condition of Northern Ireland legislation since 1997 and the latter since 1969. It was therefore not possible to accede to these two points.

The Union also urged that Northern Ireland flock owners should not be asked to keep records which are any more rigorous than those required anywhere else in the EU. The only aspect of the record which goes further than the Directive is the requirement to record the breed of the animals concerned. This is included for disease control purposes and has been a requirement of Northern Ireland legislation since 1980. It should therefore add no extra burden to flockowners.

## Livestock Tuberculosis

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development if she will detail the incidence rate of Tuberculosis in Livestock within Northern Ireland in the last 5 years, and what steps are being taken to halt any increase.

(AQW 320/00)

**Ms Rodgers:** The Tuberculosis Control Scheme relates only to cattle. The incidence of the disease in cattle over the last 5 years is given in the following table:

Year	Incidence (Reactors as a percentage of the number of animal tests)
1995/96	0.147%
1996/97	0.177%
1997/98	0.228%
1998/99	0.344%
1999/00	0.342%

There is an extensive control programme in place involving identification and removal of infected animals combined with control on movements. All animals are tested annually, as required by European Directive 64/432/EEC, and animals that show a positive result to the test are compulsorily slaughtered.

To prevent onward spread of the disease animals may not be moved from infected herds until the problem is resolved. All animals that have moved from herds before the infection became apparent are traced and tested. In addition, regular testing is applied to the neighbours of herds with problems in order to pick up infection as soon as possible.

That said the Department is presently reviewing the TB control policy to establish whether more can be done to reduce the incidence of the disease.

## BSE

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development if she will detail the number of Bovine Spongiform Encephalopathy cases reported in the last three years in (a) Northern Ireland, (b) Republic of Ireland and (c) Great Britain. (AQW 321/00)

**Ms Rodgers:** The BSE cases for the last three complete years is as follows:

### BSE CASES

Country	1997	1998	1999
Northern Ireland	28	18	6
Republic of Ireland <sup>1</sup>	80	83	95
Great Britain <sup>2</sup>	4,312	3,179	2,274

<sup>1</sup> Figures include positive cohort animals: 1997 - 3; 1998 - 4; 1999 - 4

<sup>2</sup> Figures by date of restriction and include other BSE confirmations in animals which were not placed under restriction before slaughter.

## Pig Industry

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development if she will detail the objections raised by the European Union Commission in Brussels to the restructuring package in relation to pigs, originally announced in March 2000, and to detail the steps she will take to address these. (AQW 323/00)

**Ms Rodgers:** The Pig Industry Restructuring Scheme (PIRS) was first notified to the Commission for State Aid approval on 30 March 2000. As part of the consideration process, the Commission has requested clarification or assurances on a number of points and has written to the UK authorities on 3 separate occasions concerning specific aspects.

On 18 April, the Commission requested clarification or assurance on 13 points which were mainly related to those enterprises which would be eligible for aid, and on the means by which the required overall reduction of 16% in pig production capacity would be achieved. The UK's reply of 10 May provided assurance and clarification on all the points raised.

The Commission wrote a second time, on 16 June, to emphasise that any aid provided must not subsidise other enterprises that producers had and that those aided must meet half of the costs involved. The UK's reply of 26 June sought to reassure the Commission that these concerns were fully met by the requirements of the PIRS. A third Commission letter, dated 21 August, asked for assurance that the proposed aid was fully in line with EU Guidelines for State Aid in the Agriculture Sector. The UK replied on 31 August giving such assurance. On 6 October, the Ministry of Agriculture,

Fisheries and Food (MAFF) was alerted to a further matter that Commission officials were debating. The view being expressed was that, under EC Guidelines, those producers benefiting from restructuring aid would themselves have to contribute to the reduction in the industry's production capacity. The UK does not accept this interpretation of the Guidelines and will be writing accordingly to the Commission.

I will continue to support any action being taken in seeking to obtain approval to this scheme, which is of considerable importance to producers in Northern Ireland. In furtherance of this aim, I have recently written to MAFF Minister, Nick Brown, expressing my disappointment at this latest setback and urging him to contact Commissioner Fischler to ask him to use his influence to have the scheme approved without further Commission-inspired delays.

## Department: Draft Equality Scheme

**Dr O'Hagan** asked the Minister of Agriculture and Rural Development what steps she took to address issues of religious and political discrimination in preparing the Department's draft equality scheme and to list those consulted in preparing this aspect of the draft scheme. (AQW 332/00)

**Ms Rodgers:** The purpose of the Equality Scheme is to show how the Department proposes to fulfil the duties imposed by Section 75 of the Northern Ireland Act 1998 in having due regard to the need to promote equality of opportunity between people of different religious belief and political opinion. There are seven other categories to which the equality of opportunity obligation also applies.

There is no hierarchy of categories and all nine are to be treated similarly. Therefore no specific steps were taken to address issues of religious and political discrimination over and above the other categories.

During the consultation period some 370 organisations received copies of the scheme. The scheme was also placed on the Department's Internet web-site and is still available at that site.

In the DARD Scheme those consultees who might be expected to have had a particular interest in the religious and political aspects of the Scheme were:

- The four main churches and four other religious organisations
- The Northern Ireland political parties.

## Erne Nutrient Management Scheme

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development if she will detail the results of the Erne Nutrient Management Scheme and if she will make a statement. (AQW 339/00)



**Ms Rodgers:** The Erne Catchment Nutrient Management Scheme was introduced in October 1996 under the Special Support Programme for Peace and Reconciliation. The initiative was one of a number designed to provide support and co-operation between the public bodies in Northern Ireland and the Republic of Ireland in addressing problems of common concern. The object of the Scheme is to reduce farm source pollution of waters in certain river catchments in the Erne system.

The Scheme has progressed satisfactorily with approximately 1200 farmers, representing around a 95% uptake of those targeted, being assisted to draw up nutrient management plans for their farms. Expenditure on the Scheme to date has totalled £984,000. The Scheme is due to end on 31 December 2000.

The expectation for the Scheme is that there should eventually be an improvement in the Erne's water quality. While early indications are positive, it is likely that full benefits of the Scheme will only be measurable in the longer term, i.e. after 10 years have elapsed. It is proposed to conduct an evaluation of the Scheme's effectiveness, particularly in relation to phosphate loading, once the final data for the year ending 31 December 2000 has been processed.

### Private Forestry

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development if she will (a) outline her plans to introduce a private forestry development in Northern Ireland similar to that in Great Britain and (b) detail what action will be taken to ensure that such development contributes significantly to farm incomes. (AQW 352/00)

**Ms Rodgers:** The Northern Ireland Rural Development Plan 2000-2006 includes measures to support the afforestation of agricultural land. The beneficiaries will be owners and occupiers who will receive grants for initial afforestation and yearly payments to offset income foregone. The general population will also benefit from the social, economic and environmental contribution of these woods.

The forestry schemes involved are similar to those which will be running in Great Britain.

## CULTURE, ARTS AND LEISURE

### Sports Council: Funding

**Mr Berry** asked the Minister of Culture, Arts and Leisure if he will detail the distribution of the £38m of lottery funds allocated over the last five years by the Sports Council for Northern Ireland under the following categories: (a) high profile projects e.g. Odyssey Complex,

(b) Association Football, (c) Gaelic Athletic Association, (d) Rugby Union, (e) Cricket, (f) Hockey and (g) all other sports. (AQW 221/00)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** Over the last five years the Sports Council for Northern Ireland has made lottery awards totalling approximately £41m distributed as follows:

(a) High Profile projects:	- (awards of £400,000 or more)
Odyssey Trust	£2,500,000 (Construction of indoor arena)
Lisburn Racquets Club	£534,000 (Development of national badminton centre)
Cookstown District Council	£400,000 (Development of pool and changing facilities)
Limavady Borough Council	£400,000 Development of pool
Lisburn Borough Council	£400,000 Development of diving pool
Newry & Mourne District Council	£400,000 Development of pool
Omagh District Council	£400,000 Construction of sports hall
(b) Association Football:	£3,953,910
(c) Gaelic Athletic Association (football):	£9,064,653
(d) Rugby Union	£1,088,263
(e) Cricket	£1,433,153
(f) Hockey	£1,981,038
(g) All other sports	£23,543,614 (includes high profile projects listed above)

### Irish-Language Film and Television Production

**Mr Adams** asked the Minister of Culture, Arts and Leisure to detail the ways in which he will encourage and provide financial support for Irish Language film and television production in Northern Ireland. (AQW 255/00)

**Mr McGimpsey:** One of the commitments in the Belfast Agreement was "to seek more effective ways to encourage and provide financial support for Irish language film and television production in Ireland". The Council of Europe Charter on Regional or Minority Languages signed by the UK Government on 2 March 2000 also deals with media (Article 11).

In a joint statement by the Governments of the United Kingdom and the Republic of Ireland on 5 May 2000 it was announced that a two year Irish language TV and film production pilot scheme would start by April 2001. My Department has commissioned a consultant to prepare an action plan for the pilot project which will have a significant training element. It will also inform us about the demand for such productions. Funding for the project is being considered as part of the 2000 Spending Review.

### Department: Draft Equality Scheme

**Dr O'Hagan** asked the Minister of Culture, Arts and Leisure what steps he took to address issues of religious and political discrimination in preparing the Department's draft equality scheme and to list those consulted in preparing this aspect of the draft scheme.

(AQW 314/00)

**Mr McGimpsey:** I can confirm that my Department took the following into account when preparing the Equality Scheme:

the purpose of the Equality Scheme is to show how the Department proposes to fulfil the duties imposed by Section 75 of the Northern Ireland Act 1998 in having due regard to the need to promote equality of opportunity between people of different religious belief and political opinion. There are seven other categories to which the equality of opportunity obligations also applies.

there is no hierarchy of categories and all nine are to be treated similarly. Therefore no specific steps were taken to address issues of religious and political discrimination any differently from the other categories.

there was a general consultation and 400+ copies of the DCAL Scheme were issued. In addition an advertisement was placed in the local press advising the public that the consultation was under way and that copies of the scheme could be obtained from a given source. The Scheme was also placed on the Internet.

As part of the consultation exercise the Department consulted with the following political and religious organisations:

- Alliance Party
- Democratic Left
- Democratic Unionist Party
- Labour Party
- Northern Ireland Women's Coalition
- Progressive Unionist Party
- Sinn Féin
- Social Democratic and Labour Party
- Ulster Democratic Party
- Ulster Unionist Party
- United Kingdom Unionist Party
- Workers Party
- Baha'i Faith

- Church of Ireland
- Hebrew Faith
- Islamic Faith
- Methodist Church in Ireland
- Presbyterian Church in Ireland
- Roman Catholic Church
- Sikh Faith

## EDUCATION

### Schools: Funding

**Mrs I Robinson** asked the Minister of Education if he will detail the funding for Secondary, Primary and Integrated schools for the last 3 years and the average amount per pupil under the formula. (AQW 271/00)

**The Minister of Education (Mr M McGuinness):** Funding allocated to different school types by the various LMS funding formulae in use is recorded in the attached table. The figures do not take account of any additional funding that schools may receive from other sources, for example, earmarked allocations linked to Board or Department initiatives. Comparisons between school types should also take account of differences in responsibilities delegated to grant maintained integrated schools and voluntary grammar schools compared with ELB-funded schools.

**FORMULA FUNDING ALLOCATIONS 1998/99 TO 2000/01**

	<b>Formula Allocation (£)</b>	<b>Total Full Time Equivalent Pupil Numbers</b>	<b>Per Capita Amount (£)</b>
<b>Primary Schools</b>			
1998/99	261,996,758	178,794	1,465
1999/00	266,489,963	174,394	1,528
2000/01	272,059,893	172,524	1,577
<b>Secondary Schools</b>			
1998/99	355,542,107	147,580	2,409
1999/00	370,945,674	147,427	2,516
2000/01	386,079,221	147,287	2,621
<b>Integrated Primary Schools</b>			
1998/99	7,462,793	4,442	1,680
1999/00	8,221,576	4,858	1,693
2000/01	9,107,514	5,181	1,758
<b>Integrated Secondary Schools</b>			
1998/99	15,339,229	5,676	2,703
1999/00	19,658,923	7,159	2,746
2000/01	23,117,563	8,193	2,822

Notes:

(1) The heading of Primary Schools includes Controlled Schools, Maintained Schools and Schools with Nursery Classes or Special Units

(2) The heading of Secondary Schools includes Controlled, Maintained and Voluntary Grammar Schools, but excludes Preparatory Departments which are funded on a different basis and would distort the per capita figures if included.

(3) The heading of Integrated Schools includes Controlled Integrated Schools and Grant Maintained Integrated Schools

**School Pupil Quotas**

**Mrs I Robinson** asked the Minister of Education if he is aware (a) of the difficulties imposed upon schools that accept pupils in excess of their quotas, (b) that these excess pupils are weighted zero, (c) that such restrictions result in an inability to offer a comprehensive range of subjects particularly for 6th form pupils and if he will make a statement. (AQW 308/00)

**Mr M McGuinness:** Where an increase in a school's admissions or enrolment number is approved by the Department, the additional pupils attract funding under the LMS formula. Additional pupils admitted without Departmental approval may be zero-rated for funding purposes. This policy is designed to keep admissions and enrolment numbers in line with the physical capacity of schools and to avoid the creation of additional surplus places in other schools.

**Department:  
Draft Equality Scheme**

**Dr O'Hagan** asked the Minister of Education what steps he took to address issues of religious and political discrimination in preparing the Department's draft equality scheme and to list those consulted in preparing this aspect of the draft scheme. (AQW 317/00)

**Mr M McGuinness:** The purpose of the Equality Scheme is to show how the Department proposes to fulfil the duties imposed by Section 75 of the Northern Ireland Act 1998 in having regard to the need to promote equality of opportunity between nine identified categories of individuals, two of which are persons of different religious belief and persons of different political opinion.

There is no hierarchy of categories and all nine are treated similarly. Therefore no specific steps were taken to address issues of religious and political discrimination over and above the other categories.

During the consultation process the Department ultimately issued printed copies of its draft scheme to some 450 organisations and individuals including all MLAs, representatives of the main churches and all local political parties. The full list of those consulted was included at Annex F to the Department's revised Equality Scheme a copy of which was placed in the Assembly Library.

**School Children (Strangford Constituency)**

**Mr Taylor** asked the Minister of Education if he will detail the number of pupils there are at each of the primary, secondary and grammar schools in the constituency of Strangford; and what were the equivalent figures over the last five years.

(AQW 333/00)

**Mr M McGuinness:** Figures for the 2000/01 school year are not yet available. The information for the previous 5 years is as follows:

## PRIMARY SCHOOLS

SCHOOL NAME	95/96	96/97	97/98	98/99	99/00
Abbey Primary School	590	603	598	588	620
Alexander Dickson Primary School	215	219	217	209	203
Andrews Memorial Primary School	522	522	517	493	468
Ballycloughan Primary School	81	84	79	67	66
Ballykeigle Primary School	59	53	57	49	52
Ballywalter Primary School	153	165	165	170	182
Brooklands Primary School	668	683	675	679	689
Carrickmannon Primary School	82	80	80	90	94
Carrowdore Primary School	133	137	130	128	125
Carryduff Primary School	293	315	286	274	272
Castle Gardens Primary School	408	419	416	388	363
Comber Primary School	394	388	375	389	368
Darragh Cross Primary School	78	86	84	91	91
Derryboy Primary School	79	81	77	73	63
Dundonald Primary School	553	587	588	605	605
Greyabbey Primary School	70	69	73	69	74
Killinchy Primary School	243	240	217	218	231
Killyleagh Primary School	146	140	137	118	117
Kircubbin Integrated Primary School	68	79	79	90	100
Kirkistown Primary School	58	58	59	64	57
Londonderry Primary School	315	305	317	322	312
Loughries Primary School	89	83	83	85	88
Moneyrea Primary School	136	143	141	146	134
Newtownards Model Primary School	388	400	404	398	400
O'Neill Memorial Primary School	41	43	36	33	32
Portaferry Integrated Primary School	54	48	60	55	65
Portavogie Primary School	132	133	136	134	141
Regent House School Prep Department	165	161	159	160	163
St Finian's Primary School	161	144	144	124	119
St Joseph's Primary School	593	653	675	739	767
St Mary's Primary School, Comber	39	31	27	28	33
St Mary's Primary School, Ballygowan	50	50	48	48	38
St Mary's Primary School, Killyleagh	150	137	133	139	139
St Mary's Primary School, Kircubbin	224	211	222	195	173
St Mary's Primary School, Portaferry	281	277	270	261	259
St Patrick's Primary School	104	112	110	108	111
Victoria Primary School (Ballyhalbert)	106	101	101	101	102
Victoria Primary School (Newtownards)	553	572	568	581	578
West Winds Primary School	181	179	196	206	190

## SECONDARY SCHOOLS

SCHOOL NAME	95/96	96/97	97/98	98/99	99/00
Comber High School	422	416	452	448	424
Dundonald High School	625	609	645	634	646
Glastry High School	560	531	582	579	570
Lagan College	933	948	964	966	964
Movilla High School	834	858	888	895	890
Saintfield High School	314	326	339	341	342
St Columba's High School	348	345	324	306	300
Strangford Integrated College	0	0	64	143	239

## GRAMMAR SCHOOLS

SCHOOL NAME	95/96	96/97	97/98	98/99	99/00
Regent House School	1,444	1,441	1,422	1,434	1,444

## Nursery School Principals: Pay

**Mrs I Robinson** asked the Minister of Education if he will (a) confirm that the revised pay scale for Nursery Schools principals, as announced in 1999 is now in place and (b) detail those Boards where it has not yet been implemented and (c) state when this will be rectified. (AQW 353/00)

**Mr M McGuinness:** All nursery school principals were assimilated by my Department to the new pay spine for principals from 1 September 1999. Boards of Governors then had to set an individual school range of seven consecutive spine points for their principal's pay progression, having regard to the employing authorities' guidance, which is based on the different sizes of schools. All Education and Library Boards and the Council for Catholic Maintained Schools have confirmed to the Department that all nursery school principals are now being paid on the individual school range set in accordance with the statutory Determination issued by the Department on 25 August 1999 and the employing authorities' guidance.

**Mrs I Robinson** asked the Minister of Education if he will confirm that (a) the revised pay scale for Controlled Nursery School principals has not yet been implemented by the Southern Board, (b) the revised pay scale for Maintained Nursery School principals has not yet been introduced and (c) if he will take steps to rectify this. (AQW 354/00)

**Mr M McGuinness:** My Department assimilated all controlled nursery school principals in the Southern Education and Library Board's area, and maintained nursery school principals, to the new pay spine from 1 September 1999. Individual school ranges then had to be determined by Boards of Governors within the principal group assigned to each school by my Department, using each school's enrolment at the time of the October 1998 schools' census, and taking account of the employing authorities' guidance. This work has been completed and all Education and Library Boards and the Council for Catholic Maintained Schools have



confirmed to the Department that all nursery school principals are being paid on the revised pay spine, in accordance with the guidance from the Department and the employing authorities.

## ENTERPRISE, TRADE AND INVESTMENT

### Department: Draft Equality Scheme

**Dr O'Hagan** asked the Minister of Enterprise, Trade and Investment what steps he took to address issues of religious and political discrimination in preparing the Department's draft equality scheme and to list those consulted in preparing this aspect of the draft scheme. (AQW 296/00)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** All nine Section 75 categories, including persons of different religious belief and political opinion, were treated equally in the detailed preparation of the draft equality scheme. Over 300 groups were consulted on the draft scheme, including the main churches and political parties.

### Tourism (North Belfast)

**Mr A Maginness** asked the Minister of Enterprise, Trade and Investment if he will enter into consultation with the Northern Ireland Tourist Board to draw up a strategy for the development of tourism in North Belfast. (AQW 344/00)

**Sir Reg Empey:** A strategy for the development of tourism in North Belfast is being developed by Locus Management on behalf of the Inner City North Belfast Tourism Project which is managed by the Ashton Community Trust. A wide range of public, private and voluntary sector interests is represented on the steering committee. The study is being funded by NITB and the Belfast Regeneration Office. NITB is represented on the steering group and officers there will keep me informed of progress

### Inward Investment

**Mrs I Robinson** asked the Minister of Enterprise, Trade and Investment if he will detail (a) how many new inward investments have been announced in the last two years and (b) how many new jobs have been created from these projects. (AQW 378/00)

**Sir Reg Empey:** In the two year period up to 30 September 2000 17 new inward investment projects supported by IDB and promising 4,794 new jobs have

been announced. Employment in new projects typically builds up over a period of 3-5 years. Current employment relating to these 17 projects is 1,923.

## THE ENVIRONMENT

### Planning (Ballyclare Site)

**Mr J Wilson** asked the Minister of the Environment if he will confirm that a planning application has been made in respect of a site at Hillhead Road, Ballyclare. (AQW 319/00)

**The Minister of the Environment (Mr Foster):** I can confirm that an invalid planning application for Earthworks and Drainage Works to facilitate future development potential of land was submitted to my Department on 28 September 2000. The application was made valid following receipt of the additional information required and can now be processed.

### Planning (Caravan Sites)

**Mr Shannon** asked the Minister of the Environment if he will review current planning regulations in respect of caravan sites. (AQW 327/00)

**Mr Foster:** Current policy on caravan sites is set out in the publication entitled 'A Planning Strategy for Rural Northern Ireland', published in September 1993. I have no plans at present to review the current policy in respect of caravan sites.

### Coastal Erosion

**Mr Shannon** asked the Minister of the Environment if he will detail his plans to address the problem of coastal erosion around Northern Ireland and to give a timescale for the implementation of these plans. (AQW 335/00)

**Mr Foster:** Coastal erosion impacts upon the responsibilities of several Departments, including the Department of Agriculture and Rural Development and the Department for Regional Development.

I have no plans to address the impacts of coastal erosion as they affect the responsibilities of my Department.

### Quadracycles

**Mr A Maginness** asked the Minister of the Environment if he will introduce measures to regulate the use of Quads (four-wheeled motorcycles) on the public highway. (AQW 343/00)

**Mr Foster:** I have no plans to introduce further measures to regulate the use of Quads. Quad bikes or quadricycles (as defined in the Motor Cycles Etc. (EC Type Approval) Regulations 1999) are designed mainly for off-road use and normally classified as agricultural vehicles. As with other agricultural vehicles quads are allowed some limited road use when travelling no more than 1.5 kilometres between areas of private land.

For unrestricted normal road use most of these vehicles would require extensive modifications to comply with construction and use and lighting regulations and, as with a car, would require full type approval to EC requirements. However, for quadricycles which satisfy these standards there is no restriction on their use on public roads.

### **Omagh Bomb: Compensation (Council)**

**Mr Gibson** asked the Minister of the Environment if he will detail the amount of compensation awarded to Omagh Council following the Omagh bombing.

(AQW 347/00)

**Mr Foster:** Financial assistance amounting to £660,368 was provided to Omagh District Council to assist it to meet additional costs incurred in the aftermath of the bomb on 15 August 1998.

The expenditure, which has been validated by the Local Government Auditor, related mainly to staff costs associated with the clean-up process, memorial services, visits by State leaders and the Royal Family, the Incident Centre, administration of the Memorial Fund, and to loss of income from Omagh Leisure Centre.

### **Wildlife Order 1985**

**Mr Wells** asked the Minister of the Environment if he has any plans to update and amend the Wildlife (Northern Ireland) Order 1985.

(AQW 364/00)

**Mr Foster:** The schedules to The Wildlife (Northern Ireland) Order 1985 list animals and plants for which special protection is needed. My officials are reviewing the schedules and will shortly put advice to me on whether changes are required.

I will, of course, wish to consult interested parties on any proposals for change.

### **Nature Conservation and Amenity Lands Order 1985**

**Mr Wells** asked the Minister of the Environment if he has any plans to update and amend the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985.

(AQW 365/00)

**Mr Foster:** My officials have been considering whether additional measures are required to strengthen the protection and management of sites designated under the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (as amended in 1989). I expect them to put advice to me on this shortly.

I will, of course, wish to consult widely on any proposed changes to the legislation.

### **Conservation Areas (Belfast)**

**Mr A Maginness** asked the Minister of the Environment if he will consider extending the conservation in the Belfast area covering Somerton Road and Chichester Park area, to include the streets up to and including Downview Avenue.

(AQW 379/00)

**Mr Foster:** I have no immediate plans to do so, but I will take the Member for North Belfast's request into consideration in any future review of the five recently designated Belfast Conservation Areas.

### **Diesel: Ad Hoc Retailing**

**Mr Beggs** asked the Minister of the Environment if his Department has made any assessment of the damage to the environment which may be caused by ad hoc diesel retailing operations.

(AQW 383/00)

**Mr Foster:** No general assessment has been made of the environmental impact of ad hoc diesel retailing operations.

However, the Environment and Heritage Service of my Department receives reports of specific pollution incidents arising from these operations from members of the public and its own field staff.

All such reports are fully investigated and remedial action taken as appropriate.

### **Transport: Licensing**

**Mr Beggs** asked the Minister of the Environment if he will detail the funding allocated to the Transport, Licensing and Enforcement Branch in each of the last six years.

(AQW 395/00)

**Mr Foster:** The funding allocated to Transport Licensing and Enforcement Branch in each of the last six years is as follows:

1994/95	-	£ 999K
1995/96	-	£1249K
1996/97	-	£1480K
1997/98	-	£1356K
1998/99	-	£1360K
1999/00	-	£1389K

**Mr Beggs** asked the Minister of the Environment if he will detail the funding allocated to the Enforcement

section of the Transport, Licensing and Enforcement Branch in each of the last six years. (AQW 396/00)

**Mr Foster:** The funding allocated to the Enforcement Section of Transport Licensing and Enforcement Branch in each of the last six years is as follows:

	1994/95						
-	Not Available						
£821K	1	9	9	5	/	9	6 -
£808K	1	9	9	6	/	9	7 -
£746K	1	9	9	7	/	9	8 -
£695K	1	9	9	8	/	9	9 -
£726K	1	9	9	9	/	0	0 -

### Inland Waterways: Pollution

**Mrs Nelis** asked the Minister of the Environment what advice he has given all relevant Departmental Ministers to ensure the elimination of pollution from inland waterways. (AQO 142/00)

**Mr Foster:** My officials work in close co-operation with the other Departments in providing advice on water pollution matters. Co-ordination takes place through an inter-departmental Water Quality Management Committee which is chaired by my Department and also includes officials from the Departments of Agriculture and Rural Development, Regional Development, Enterprise, Trade and Investment and Culture, Arts and Leisure.

My Department has also liaised closely with the Department of Agriculture and Rural Development about farm-source pollution, providing advice on codes of good agricultural practice, working jointly on issues such as eutrophication and biodiversity and advising on eligibility under various agri-environmental grant schemes.

In addition, my officials have prepared advisory material for publications and guidance notes for those Departments involved in the construction of roads, bridges and green field developments.

And as environmental regulator of the Water Service in the Department for Regional Development, my Department sets standards for effluent discharges from Water Service water treatment plants, sewerage systems and sewage treatment works.

### Planning: Retail Development

**Mr Close** asked the Minister of the Environment if he is satisfied with current planning policy for retail development in Northern Ireland. (AQO 163/00)

**Mr Foster:** My Department currently exercises its planning responsibilities, in respect of retail development, in accordance with the provisions set out in Planning Policy Statement 5 (PPS 5) entitled "Retailing and Town Centres". The policy seeks to address both the protection of existing town centres and the need to encourage an efficient, competitive and innovative retail sector. Any review of current planning policy in this area would be a matter for the Department for Regional Development and, while striking the right balance will not always be easy, I see merit in such a review.

### Belfast Harbour Estate

**Mr S Wilson** asked the Minister of the Environment if he will make a statement on the current status of the planning application for the D5 site on the Belfast Harbour Estate. (AQO 162/00)

**Mr Foster:** I am aware that the applicants have lodged an appeal. In addition, I understand that the respondents have cross appealed. My Department will not be appealing the recent legal decision to quash the planning permission. However, we will be appealing the Courts interpretation of the "complements" test. This test is used by my department in assessing major retail proposals in out of centre locations. The planning application remains live pending the outcome of the appeal. Since the case is sub-judice, I cannot say more at this stage.

### Recycling of Household Waste

**Mr Ford** asked the Minister of the Environment what plans he has to ensure that local councils in Northern Ireland increase the percentage of household waste which is recycled. (AQO 148/00)

**Mr Foster:** The NI Waste Management Strategy published by my Department in March of this year includes a range of targets for the reduction, recycling and recovery of household waste.

One of these targets is to recycle or compost 15% of household waste by 2005 - a significant increase on the current level of recycling, which is estimated to be around 5%.

District Councils have a duty under the Waste and Contaminated Land (Northern Ireland) Order 1997 to complete by 30 June 2001 Waste Management Plans setting out how they propose to achieve the targets set out in the Strategy.

If my Department is not satisfied that the proposed Plans meet the requirements of the 1997 Order and the Strategy, it may give directions to Councils in order to secure compliance.

## FINANCE AND PERSONNEL

### Department: Draft Equality Scheme

**Dr O'Hagan** asked the Minister of Finance and Personnel if he will outline the consultation process carried out by him on the Department's draft equality scheme; (a) how the consultation was carried out, (b) who was consulted, (c) how the responses received will be written into the final scheme to be submitted to the Equality Commission and (d) how the consultation process will be taken forward. (AQW 298/00)

#### The Minister of Finance and Personnel (Mr Durkan):

- (a) The draft equality scheme for the Department of Finance and Personnel was issued for consultation on 17 April 2000. Comments were requested by 12 June 2000. The issue of the draft scheme was advertised in the three main local newspapers and a copy was posted on the Department's Internet site. Over 500 copies of the draft scheme were issued to a range of organisations and individuals including representatives of the nine categories specified in Section 75 of the Northern Ireland Act 1998. Further copies were issued on request to those who contacted the Department in response to the public advertisement. The draft scheme was also presented to the Committee for Finance and Personnel. An undertaking to provide the draft scheme in alternative formats was given although, to date, no requests for alternative formats have been received.
- (b) Annex C of the revised draft scheme, copies of which have been placed in the Assembly Library, provides a full list of those to whom the draft scheme was issued. A copy of the revised scheme has also been posted on the Department's Internet site - [www.nics.gov.uk/dfp.htm](http://www.nics.gov.uk/dfp.htm).
- (c) Forty eight responses were received by the Department. Wherever possible comments from consultees have been taken into account in the revised draft scheme which was submitted to the Equality Commission on 30 June 2000. Other comments, including those received after the 12 June closing date, are under active consideration by the Department.
- (d) I now await the Equality Commission's comments on the revised draft scheme. The Department is committed to consulting further with the Equality Commission and major representative organisations as to which policies should be subjected to Equality Impact Assessment, and on the most appropriate methods of consultation on such assessments.

**Dr O'Hagan** asked the Minister of Finance and Personnel what steps he took to address issues of religious and political discrimination in preparing the

Department's draft equality scheme and to list those consulted in preparing this aspect of the draft scheme.

(AQW 318/00)

**Mr Durkan:** The purpose of the equality scheme is to show how the Department of Finance and Personnel (DFP) proposes to fulfil the duties imposed by Section 75 of the Northern Ireland Act 1998.

The initial review of the Department's policies/functions included an assessment of the impact on each of the nine categories specified in Section 75, including those relating to religious belief and political opinion, by applying the criteria prescribed by the Equality Commission:

- (a) is there any evidence of higher or lower participation or uptake by different groups?
  - (b) is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy?
  - (c) is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with others in government or in the larger community?
  - (d) have consultations with relevant groups, organisations or individuals indicated that particular policies create problems which are specific to them?
- Further consultation will be undertaken to determine finally which policies/functions should be subjected to Equality Impact Assessment.
- The equality of opportunity obligation applies equally to all nine categories, including persons of different religious belief and political opinion. Therefore no specific steps were taken to identify/address issues of religious and political discrimination over and above the other seven categories.

Over 500 copies of DFP's draft equality scheme were issued as part of a general consultation. Comments were invited from, among others, thirteen political parties (including the nine represented in the Assembly), Members of the Legislative Assembly, the four main churches and four other religious organisations. A full list of those who received a copy of the draft scheme is provided at Annex C of the revised scheme, copies of which have been placed in the Assembly Library. A copy has also been posted on the following web site - [www.nics.gov.uk/dfp.htm](http://www.nics.gov.uk/dfp.htm).

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Craigavon Area Hospital Trust

**Mr Berry** asked the Minister of Health, Social Services and Public Safety if she will undertake to



provide additional funding to the Craigavon Area Hospital Group Trust to alleviate the current deficit.

(AQW 292/00)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Given the current deficit of the Craigavon Area Hospital Group Trust and its statutory duty to break-even, my Department has formally requested that a Financial Recovery Plan should be produced by the end of October, showing that a balanced financial situation can be achieved within an agreed timescale. This Plan will be examined and reviewed both by my Department and the Trust's main Commissioners.

It would be inopportune of me to pre-judge the outcome of the Recovery Plan proposals, as they have not yet been finalised.

Ós rud é go bhfuil easnamh ar Iontaobhas Ghrúpa Ospideal Cheantar Craigavon faoi láthair agus go bhfuil dualgas reachtúil air na cuntais a comhardú, Tá mo Roinnse i ndiaidh a iarraidh go gcuirfí Plean Téarnaimh Airgeadais ar fáil faoi dheireadh mhí Dheireadh Fómhair, plean a thaispeánfaidh gur féidir comhardú na gcuntas a bhaint amach taobh istigh de scála ama a bhfuil aontú ann faoi. Déanfaidh mo Roinnse agus Príomhchoimisinéirí an Iontaobhais araon scrúdú agus athbhreithniú ar an Phlean seo.

Ba mhíthrathúil an mhaise dom breith roimh ré a thabhairt ar thoradh na moltaí sa Phlean Téarnaimh ós rud é nár críochnaíodh go fóill iad.

### HSS Trusts: Deficit

**Mr Berry** asked the Minister of Health, Social Services and Public Safety if she will detail the current level of deficit for all Trusts in Northern Ireland.

(AQW 293/00)

**Ms de Brún:** The operational deficit for all HPSS Trusts for 1999/2000 was £15.6 million. The overall Trust cumulative operational deficit position was £20.2 million to 31 March 2000.

In light of this deficit and the statutory duty of Trusts to break even, my Department has formally requested that Financial Recovery Plans should be produced at the end of October by the relevant Trusts, showing that they can achieve a balanced financial position within agreed timescales. These Plans will be examined and reviewed both by my Department and the Trusts' main Commissioners.

Ba é £15.6 milliún an t-easnamh oibríochtúil ar na hIontaobhais uile don bhliain 1999/2000. A fhad leis an 31 Márta 2000 ba é £20.2 milliún easnamh carnach iomlán oibríochtúil na nIontaobhas.

I bhfianaise an easnaimh seo agus dhualgas reachtúil na nIontaobhas gur gá na cuntais a chomhardú, tá mo Roinnse

i ndiaidh a iarraidh go foirmiúil go gcuirfeadh na hIontaobhais Pleananna Téarnaimh Airgeadais ar fáil faoi dheireadh mhí Dheireadh Fómhair, pleananna a thaispeánfaidh gur féidir comhardú na gcuntas a bhaint amach taobh istigh de scála ama a bhfuil aontú ann faoi. Déanfaidh mo Roinnse agus Príomhchoimisinéirí na nIontaobhais araon scrúdú agus athbhreithniú ar na Pleananna seo.

### HSS Trusts: Funding

**Mr Berry** asked the Minister of Health, Social Services and Public Safety if it is her intention to allocate additional funding to Trusts to help reduce their deficit.

(AQW 294/00)

**Ms de Brún:** Given the current Trust deficits and their statutory duty to break even, my Department has formally requested that Financial Recovery Plans should be produced by the end of October by the relevant Trusts, showing that they can achieve a balanced financial situation within agreed timescales. These Plans will be examined and reviewed both by my Department and the Trusts' main Commissioners.

It would be inopportune of me to pre-judge the outcome of the Recovery Plan proposals, as they have not yet been finalised.

Ós rud é go bhfuil easnaimh ar Iontaobhais faoi láthair agus go bhfuil dualgas reachtúil orthu na cuntais a chomhardú, tá mo Roinnse i ndiaidh a iarraidh go gcuirfeadh na hIontaobhais atá i gceist Pleananna Téarnaimh Airgeadais ar fáil faoi dheireadh mhí Dheireadh Fómhair, pleananna a thaispeánfaidh gur féidir comhardú na gcuntas a bhaint amach taobh istigh de scála ama a bhfuil aontú ann faoi. Déanfaidh mo Roinnse agus Príomhchoimisinéirí na nIontaobhas araon scrúdú agus athbhreithniú ar na Pleananna seo.

Ba mhíthrathúil an mhaise dom breith roimh ré a thabhairt ar thoradh na moltaí sna Pleananna Téarnaimh ós rud é nár críochnaíodh go fóill iad.

### Department: Draft Equality Scheme

**Dr O'Hagan** asked the Minister of Health, Social Services and Public Safety if he will outline the consultation process carried out by him on the Department's draft equality scheme: (a) how the consultation was carried out, (b) who was consulted, (c) how the responses received will be written into the final scheme to be submitted to the Equality Commission and (d) how the consultation process will be taken forward.

(AQW 299/00)

**Ms de Brún:** My Department's Equality Scheme was submitted to the Equality Commission for approval on 30 June. The Scheme contains the information requested and I am sending a copy of it to you.

Cuireadh Scéim Chomhionannais mo Roinne faoi bhráid An Choimisiúin Chomhionannais ar 30 Meitheamh. An t-eolas a iarradh, tá sé sa Scéim agus tá mé ag seoladh cóipe chugat.

### New Fracture Services Units

**Mr Berry** asked the Minister of Health, Social Services and Public Safety if she has any plans to develop new Fracture Services Units in Northern Ireland particularly outside Belfast. (AQW 300/00)

**Ms de Brún:** No, not at present. My advice from the profession is that if the current complement of Orthopaedic Surgeons was spread more thinly, the situation would be worse not better.

As regards the future, my Department is considering a Speciality Advisory Committee report which, among other things, recommends an increase in the number of surgeons and the establishment of a Fracture (and Orthopaedic) Service at Antrim and Craigavon Hospitals. Steps have already been taken to substantially increase the number of trainee surgeons in line with that recommendation. This will facilitate a significant expansion of Trauma and Orthopaedic services.

Níl, chan faoi láthair. Is é an chomhairle a fuair mé ó lucht na gairme sin go mbeadh cúrsaí níos measa, chan níos fearr, dá mbeadh líon na Máinlianna Ortaipéideacha á scaipeadh níos tanaí.

Maidir leis an todhchaí, tá tuarascáil ón Choiste Comhairleach Speisialtóireachtaí á breithniú ag mo Roinn, agus moltar sa tuarascáil, i measc rudaí eile, gur chóir líon na máinlianna a mhéadú agus seirbhís um Chnámhbhriseadh (agus Seirbhís Ortaipéideach) a bhunú in Ospidéal Aontroma agus Craigavon. Tá bearta á ndéanamh le líon na máinlianna faoi oiliúint a mhéadú go mór ar aon dul leis an moladh sin. Cuideoidh seo nuair a bheifear ag cur go suntasach leis na seirbhísí Ortaipéideacha agus Tráma.

### Health Services: Allocation of Funding

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to outline her plans for the £53m for Health Services announced on 3 July 2000. (AQW 304/00)

**Ms de Brún:** The £53m has been allocated to health and social services as follows:

- |    |                                                                                                                                          |      |
|----|------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1. | Community Care, including care of the elderly, child and adolescent psychiatry, learning disability, mental health, physical disability. | £11m |
|----|------------------------------------------------------------------------------------------------------------------------------------------|------|

- |     |                                                                                                                                                                                                                                       |             |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 2.  | Hospital pressures, including waiting lists, ICU/HDU, cancer, regional medical services, hospital dental services, hospital acquired infection and disposal of clinical waste.                                                        | £17m        |
| 3.  | Professional recruitment/training/development, including junior doctor hours, social services training, nurse and PAM recruitment, and pressures relating to hospital pharmacists, clinical scientists, psychologists, and dentistry. | £3m         |
| 4.  | Ambulance Services, including enhanced communications and vehicle replacement.                                                                                                                                                        | £2m         |
| 5.  | Capital, to reduce over-commitments this year and allow increased amounts in later years.                                                                                                                                             | £6m         |
| 6.  | Children's Services, including community paediatric nursing.                                                                                                                                                                          | £5m         |
| 7.  | ICT Strategy, concentrating initially on the Unique Patient and Client Identifier project.                                                                                                                                            | £1m         |
| 8.  | Counter-fraud, including the establishment of a Central Fraud Investigation Unit and the funding of professional posts.                                                                                                               | £1m         |
| 9.  | General Medical Services, including investment in the number and skills of staff in primary care teams.                                                                                                                               | £1m         |
| 10. | Board Local Pressures, with the emphasis on measures to modernise existing services.                                                                                                                                                  | £5.2m       |
| 11. | Extension of vaccination programmes                                                                                                                                                                                                   | £0.8m       |
|     | <b>TOTAL</b>                                                                                                                                                                                                                          | <b>£53M</b> |

Boards were asked to submit their spending plans for their shares of these moneys. These plans were scrutinised by my Department and I subsequently approved them at the beginning of July.

The moneys were allocated as follows:

	£m
Eastern Health and Social Services Board	16.2
Northern Health and Social Services Board	9.0
Southern Health and Social Services Board	6.7
Western Health and Social Services Board	6.3
Centrally Managed Funds	<u>14.8</u>
	53.0

Is mar a leanas a leithroinneadh na £53m ar na seirbhísí sláinte agus ar na seirbhísí sóisialta:

- |    |                                                                                                                                                                                                                                                                                   |      |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1. | Cúram Pobail, agus cúram daoine scothaosta, síciatracht leanaí agus ógánach, míchumas foghlama, meabhairshláinte agus míchumas fisiceach san áireamh.                                                                                                                             | £11m |
| 2. | Brúnna ar ospidéal, agus liostaí feithimh, aonaid dianchúraim/ardspleáchais, ailse, seirbhísí míochaine réigúnacha, seirbhísí fioclóireachta ospidéil, ionfhabhtú a fuarthas in ospidéal agus diúscairt dramhaíola chliniciúla san áireamh.                                       | £17m |
| 3. | Earcú/traenáil/forbairt lucht gairme, agus uaireanta dochtúirí sóisearacha, traenáil sna seirbhísí sóisialta, earcú altraí agus gairmeacha atá gaolmhar le míochaine, agus brúnna maidir le cógaiseoirí ospidéil, eolaithe cliniciúla, síceolaithe agus fioclóireacht san áireamh | £3m  |
| 4. | Seirbhísí otharcharranna, agus feabhsú slite cumarsáide agus athnuachan feithicilí san áireamh.                                                                                                                                                                                   | £2m  |

5.	Caipiteal, ródhliteanais a laghdú i mbliana agus suimeanna breise a cheadú sna blianta amach anseo.	£6m
6.	Seirbhísí do Leanai, agus altranas péidiatraiceach pobail san áireamh.	£5m
7.	Straitéis Teicneolaíochta Eolais agus Cumarsáide atá á díriú ar dtús ar thionscadal le Córas Aimsithe Othar agus Cliant Aonair a chruthú.	£1m
8.	Frithchalaiois, agus bunú Láraonaid Imscrúdaithe Calaoise agus maoiniú post gairmiúil san áireamh.	£1m
9.	Seirbhísí Ginearálta Míochaine, agus infheistiú maidir le líon agus scileanna na mball sna foirne cúraim phríomhúil.	£1m
10.	Brúnna ar Bhoird Áitiúla, agus an bhéim ar bhearta a chuirfidh cuma nua-aimseartha ar sheirbhísí atá ann.	£5.2m
11.	Cur leis na Cláir Vacsaínithe	£0.8m
<b>IOMLÁN</b>		<b>£53M</b>

Iarradh ar na Boird a gcuid pleananna caiteachais maidir lena sciar den airgead a chur faoinár mbráid. Rinne mo Roinnse iniúchadh ar na pleananna seo agus cheadaigh mise ina dhiaidh sin iad ag tús mhí Iúil.

Is mar a leanas a leithroinneadh an t-airgead ar na Boird SSS:

	<b>£m</b>
Bord Sláinte agus Seirbhísí Sóisialta an Oirthir	16.2
Bord Sláinte agus Seirbhísí Sóisialta an Tuaiscirt	9.0
Bord Sláinte agus Seirbhísí Sóisialta an Deiscirt	6.7
Bord Sláinte agus Seirbhísí Sóisialta an Iarthair	6.3
Cistí faoi Bhainistíocht Lárnach	14.8
	53.0

### HSS Trusts: Deficit

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will give details of the current debt, cumulative debt, and the projected debt for each Trust in Northern Ireland. (AQW 305/00)

**Ms de Brún:** At this stage of the year, it would be inopportune of me to provide details of the projected deficits by Trust, since Trust estimates contain many uncertainties regarding the amount of money which will be made available for cost pressures in the year. Furthermore, they do not take account of the outcome of the recovery plan process which has been initiated for those Trusts with deficits in excess of 0.5% of turnover. In total, early projections suggest an over-commitment of some £20 million but this figure is subject to the qualifications above. Details of the current and cumulative Trust deficits are shown in the attached table.

TRUST	Cumulative Operational Position at 31 Mar 2000 (£k)	Year to date position at 31 July 2000 (£k)
Belfast City Hospital	-3,542	-550
Craigavon Area Hospital	-2,607	-872
N.I Ambulance Service	99	-95
Royal Group of Hospitals	-12,861	-3,536
Green Park	-1,889	-709
Mater	86	-783
Down and Lisburn	3,741	0
Craigavon and Banbridge	760	-152
South and East Belfast	612	-205
Newry and Mourne	525	-435
North and West Belfast	-1,005	-593
Causeway	92	-655
Altnagelvin	-2,324	-243
Homefirst	135	-645
Foyle	371	-255
United Hospitals	30	-451
Sperrin Lakeland	-1,505	-406
Armagh and Dungannon	-22	-590
Ulster	-861	-1097
<b>TOTALS</b>	<b>-20,165</b>	<b>-12,272</b>

Ba mhíthráthúil an mhaise dom ag an phointe seo sa bhliain mionneolas a thabhairt ar easnaimh atá á dtuar de réir Iontaobhas, ós rud é go mbíonn a lán éiginnteachtaí sna meastacháin Iontaobhas maidir le méid an airgid a chuirfear ar fáil le haghaidh brúnna caiteachais na bliana. Chomh maith leis sin ní chuireann siad san áireamh toradh phróiseas na bPleananna Téarnaimh atá curtha ar bun ag na hIontaobhais sin a bhfuil easnaimh orthu sa bhreis ar 0.5 dá láimhdeachais. Tá na chéad réamh-mheastacháin ag tabhairt le fios go mbeidh rócheangaltas faoi thuairim £20 milliún ann san iomlán ach beidh an figiúr seo ag brath ar na coinníollacha thuas. Tá mionneolas faoi easnaimh reatha agus channacha na nIontaobhas ar taispeáint sa tábla atá i gceangal leis seo

IONTAOBHAS	Suíomh Carnach Oibríochtúil ar an 31 Márta 2000 (£k)	Suíomh go dtí seo i mbliana ar an 31 Iúil 2000 (£k)
I. Ospidéal Cathrach Bhéal Feirste	-3,542	-550
I. Ospidéal Cheantar Craigavon	-2,607	-872
I. Sheirbhísí Otharcharranna TÉ	99	-95
I. an Ghrúpa Ríoga Ospidéal	-12,861	-3,536
I. na Páirce Glaise	-1,889	-709
I. an Mater	86	-783
I. an Dúin agus Lios na gCearrbhach	3,741	0
I. Craigavon agus Droichead na Banna	760	-152
I. Dheisceart agus Oirthear Bhéal Feirste	612	-205
I. an Iúir agus Mhorna	525	-435
I. Tuaisceart agus Iarthar Bhéal Feirste	-1,005	-593
I. an Chlochain	92	-655
I. Alt na nGealbhan	- 2,324	-243
I. Homefirst	135	-645
I. an Fheabhail	371	-255
I. na nOspidéal Aontaithe	30	-451
I. Loch-cheantar Speirín	- 1,505	-406
I. Ard Mhacha agus Dún Geanainn	-22	-590
I. Uladh	-861	-1097
IOMLÁIN	-20,165	-12,272

### HSS Trusts: Spending

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will confirm that a document outlining the projected deficit for each Trust in Northern Ireland was recently distributed to all Trust managers urging them to reduce expenditure wherever possible and if she will make a statement.

(AQW 306/00)

**Ms de Brún:** I can confirm that, in light of a worsening deficit position within some Trusts, my Permanent Secretary, as Accounting Officer, wrote to all Chairs of Boards, Trusts and Agencies in August, outlining their financial responsibilities.

I can further confirm that subsequent to Secretary's action, my Department has formally corresponded with Chief Executives and Directors of Finance in relevant Trusts to request that Financial Recovery Plans are produced by those Trusts with material cumulative or projected deficits. Directors of Finance also subsequently received a summary of the initial out-turn positions forecasted by Trusts for information purposes.

Thig liom a dhearbhu, i bhfianaise na n-easnamh atá ag éirí níos measa i gcuid de na hIontaobhais, gur scríobh mo Rúnaí Buan, mar Oifigeach Cuntais, chuig gach Cathaoirleach Boird, Iontaobhais agus Gníomhaireachta i mí Lúnasa gur mhínigh sé a gcuid freagrachtaí airgeadais dóibh.

Thig liom a dhearbhu fosta gur i ndiaidh don Rúnaí seo a dhéanamh, scríobh mo Roinn go foirmiúil chuig Príomhfheidhmeannaigh agus chuig Stiúrthóirí Airgeadais na nIontaobhas atá i gceist ag iarraidh ar na hIontaobhais atá ag tuar easnamh carnach ábhartha Pleananna Téarnaimh Airgeadais a chur ar fáil. Fuair Stiúrthóirí Airgeadais ina dhiaidh sin fosta, le haghaidh eolais, achoimre na gcéad torthaí atá á dtuar ag na hIontaobhais.

### Difficult Patients

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety if it is her intention to review Trusts' policies and guidelines in respect of the management of challenging behaviour in patients, including the use of restraint and seclusion and how they are practised.

(AQW 311/00)

**Ms de Brún:** The Mental Health Commission undertook a review of Trusts' policies in 1997. This was followed by the publication of guidance in 1998 on the issues it would expect to see contained in written policies. The Commission also drew Trusts' attention to a document 'Management of Imminent Violence: Clinical Practice Guidelines to support Mental Health Services' published by the Royal College of Psychiatrists. The Commission has advised that it has no specific concerns about the management of people with challenging behaviours in hospitals or facilities nor about the use of seclusion in particular. Accordingly, I have no plans at present to review Trusts' policies, but my Department will keep the matter under review.

Rinne an Coimisiún Meabhairshláinte athbhreithniú ar pholasaithe na nIontaobhas sa bhliain 1997. Ina dhiaidh sin d'fhoilsigh sé cáipéis treorach faoi na nithe ba mhaith leis a fheiceáil mar ábhar i bpolasaithe scríofa. Dhírigh an Coimisiún aird na nIontaobhas fosta ar 'Management of Imminent Violence: Clinical Practice Guidelines to support Mental Health Services' doiciméad a d'fhoilsigh Coláiste Ríoga na Síciatraithe. Tá an Coimisiún i ndiaidh a chur in iúl nach bhfuil inní ar leith air maidir le daoine a láimhseáil a bhfuil iompraíocht dhúshlánach acu in ospidéal, nó i saoráidí nó maidir lena gcur ar leithlis go háirithe. Ar an ábhar sin, níl pleananna ar bith agam faoi lathair polasaithe na nIontaobhas a athbhreithniú, ach déanfaidh mo Roinnse faireachán ar an cheist seo.

### Hospital Waiting Lists

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will outline the initiatives she has instigated to reduce hospital waiting lists and what assessment she has made in relation to the impact of these initiatives.

(AQW 322/00)



**Ms de Brún:** On 11 September, I issued a framework for action on waiting lists, which set out a comprehensive programme of action designed to reduce waiting lists over the next 3 years. The programme covers a wide range of measures, including the purchase of additional procedures, the implementation of best clinical and managerial practices across the service and schemes designed to manage hospital admissions more effectively. I have allocated an additional £5 million to support the programme in the current year.

Under the framework, Boards and Trusts will produce action plans in each of the next 3 years, detailing how they intend to address the waiting list problem. It is too early yet to assess the impact of these measures, but I shall be monitoring the implementation of action plans very closely to ensure their effectiveness.

D'fhoilsigh mé ar 11 Meán Fómhair, creatlach gníomhaíochta ar liostaí feithimh, a leag amach clár cuimsitheach gníomhaíochta a bhfuil sé de chuspóir aige na liostaí feithimh a laghdú thar na trí bliana romhainn. Clúdaíonn an clár réimse leathan de sheifteanna, agus sa chuntas leo, ceannacht tuilleadh modhanna, comhlíonadh na gcleachtaí is fearr, idir chliniciúil agus bhainisteoireach ar fud na seirbhíse agus scéimeanna a ceapadh le glacadh isteach a láimhseáil ar dhóigheanna níos éifeachtaí. Leag mé amach £5 mhilliún breise mar chuidiú leis an chlár sa bhliain reatha seo.

Sa chreatlach seo, cuirfidh Boird agus Iontaobhais pleananna gníomhaíochta amach i ngach bliain de na trí bliana atá romhainn, ag sonrú conas a rachaidh siad i gceann fhadhb na liostaí feithimh. Tá sé róluath go fóill turraing na seifteanna seo a mheas, ach beidh súil ghéar agam ar chomhlíonadh pleananna gníomhaíochta lena n-éifeacht a chinntiú.

### HSS Boards: Spending

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will detail the amount of money spent by each of the four Health Boards in the past year. (AQW 326/00)

**Ms de Brún:** The amount of money spent by each of the four Health and Social Services Boards in the past year 1999/2000 is detailed in the table below.

HSS BOARDS	1999/2000	
	Revenue £000	Capital £000
Northern	349,573	39
Southern	292,331	257
Eastern	626,449	454
Western	264,691	47

Tá an méid airgid a chaith gach ceann de na Boird Sláinte agus Seirbhísí Sóisialta sa bhliain seo caite 1999/2000 ar fáil sa tábla thíos.

BOIRD SSS	1999/2000	
	Ioncam £000	Caipiteal £000
B. an Tuaiscirt	349,573	39
B. an Deiscirt	292,331	257
B. an Oirthir	626,449	454
B. an Iarthair	264,691	47

### Alzheimer's Disease

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what assessment she has made in relation to the number of people suffering from Alzheimer's Disease in Northern Ireland. (AQW 330/00)

**Ms de Brún:** Alzheimer's Disease is the most common type of dementia accounting for more than 50% of all cases. It is difficult to be certain about the incidence of dementia not least because of the large number of sufferers who are not in contact with services. However, it is estimated that there are currently around 16,000 people here suffering from dementia.

Is é galar Alzheimer an cineál is coitianta néaltraithe. Is é atá ann i mbreis agus 50% de na cásanna. Is deacair a bheith cinnte faoin líon daoine a bhfuil néaltrú orthu agus ní hé an chúis is lú é nach mbíonn a lán fulangaithe i dteagmháil leis na seirbhísí. Ach mar sin féin, meastar go bhfuil tuairim agus 16,000 duine anseo a bhfuil néaltrú orthu.

### Department: Draft Equality Scheme

**Dr O'Hagan** asked the Minister of Health, Social Services and Public Safety what steps she took to address issues of religious and political discrimination in preparing the Department's draft equality scheme and to list those consulted in preparing this aspect of the draft scheme. (AQW 331/00)

**Ms de Brún:** My Department's Equality Scheme shows how the Department proposes to fulfil the duties imposed by Section 75 of the Northern Ireland Act 1998 in respect of the nine categories to which the statutory obligations apply. The arrangements set out in the Scheme for ensuring compliance with Section 75 duties apply equally to all nine categories. The Scheme includes a list of those consulted.

As the Scheme makes clear, equality impact assessments will, however, consider the specific implications of policies for each category, including people of different religious belief or political opinion.

Taispeánann Scéim Chomhionannais mo Roinne modh na Roinne le dualgais, a leag alt 75 amach den Acht

Thuaisceart Éireann 1998, a chur i gcrích, maidir leis na naoi n-earnáil a bhaineann leis na dualgais reachtúla. Tá na socrúithe céanna, mar atá siad leagtha sa Scéim le dualgais alt 75 a chinntiú, i bhfeidhm, agus iad mar an gcéanna i ngach ceann de na naoi n-earnáil. Cuimsíonn an Scéim liosta dóibh siud a ndeachthas i gcomhairle leo.

Mar a léiríonn an Scéim, scrúdóidh measúnuithe turrainge comhionannais, áfach, na himpleachtaí sainsiúla a bhaineann le cuspoirí gach earnála agus daoine de gach saghas creidimh nó claonta polaitiúla araon.

### Dementia

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will detail her plans to increase the amount of funding allocated to dealing with conditions associated with dementia. (AQW 336/00)

**Ms de Brún:** Financial provision for dealing with conditions associated with dementia is met from within the overall allocation of funding to Health and Social Services Boards. It is a matter for the Boards to determine the resource distribution to be made for the range of health and social care needs of their local populations, including those with conditions associated with dementia.

Is den mhaoiniú iomlán a leithroinntear ar na Boird Sláinte agus Seirbhísí Sóisialta a bhaintear an t-airgead a chuirtear ar fáil le cóireáil a thabhairt do dhaoine a bhfuil galair orthu a bhaineann le néaltrú. Is é cúram na mBord a shocrú cad é mar a dháilfear acmhainní ar an réimse riachtanas sláinte agus cúraim shóisialta atá ag an phobal lena n-áirítear na galair a bhaineann le néaltrú.

### Ulster Hospital: Laboratory Tests

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what action has been taken to address delays in sample testing at the Ulster Hospital. (AQW 337/00)

**Ms de Brún:** Delays in specimen processing have been occurring in the laboratory at the Ulster Hospital because of a shortage of clerical staff. Two additional staff have now been appointed to overcome the problem.

In addition, an Optical Character Recognition System, which will read pathology request forms automatically, is being piloted which, when implemented, will further speed up the process.

Bhí moill i bpróiseáil samplaí sa tsaotharlann ag Otharlann Uladh mar gheall ar easpa foirne cléiricí. Ceapadh beirt bhreise anois leis an fhadhb seo a sháru.

Mar bharr ar sin, tá Córas Aitheantais Optúil Carachtar a léifidh foirmeacha iarratais paiteolaíochta

go huathoibríoch, á phíolótú, agus nuair a chuirfear i bhfeidhm é, géaróidh sé an próiseas a thuilleadh.

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will confirm that the standards of performance for laboratory testing at the Ulster Hospital are not undermined by current delays.

(AQW 338/00)

**Ms de Brún:** A shortage of clerical staff has caused delays in specimen processing in the laboratory at the Ulster Hospital. Two additional staff have now been appointed and this should ensure that the performance standards are brought up again to an acceptable standard.

Ba í an easpa foirne cléiricí a ba chúis leis an mhoill i bpróiseáil samplaí sa tsaotharlann ag Otharlann Uladh. Ceapadh beirt bhreise anois agus ba chóir do seo a chinntiú go n-ardófar caighdeán oibre arís go leibhéal a nglacfar leis.

### Beta Interferon

**Mr O'Connor** asked the Minister of Health, Social Services and Public Safety if she will confirm that it is not her intention to withdraw Beta Interferon as a treatment for Multiple Sclerosis patients. (AQW 346/00)

**Ms de Brún:** I have no plans to withdraw beta interferon as a treatment for multiple sclerosis. I will however wish to consider the evidence and the final recommendations produced by the National Institute for Clinical Excellence (NICE) on the role of beta interferon in the treatment of MS and its implications for patients here.

Ní sé ar intinn agam beta interferon a tharraingt siar mar chóireáil d'Ilsléaróis. Cuirfidh mé san áireamh áfach, an fhianaise agus na moltaí deireannacha an Institiúid Náisiúnta um Fheabhas Cliniciúil (INFC) ar ról beta interferon i gcóireáil Ilsléaróise agus a impleachtaí d'othair anseo.

### Heart Surgery: Waiting Lists

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will detail the number of people presently waiting for heart operations in Northern Ireland. (AQW 369/00)

**Ms de Brún:** At 31 March 2000 (the latest date for which information is available), there were 560 people waiting for inpatient treatment in Cardiac Surgery.

Ar an 31 Márta 2000 (an dáta is déanaí a bhfuil eolas ar fáil ina leith) bhí 560 duine ag feitheamh le cóireáil Máinliachta Cairdiaiche a fháil mar othair chónaitheacha.

### Sure Start Strategy

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety if she will outline the progress made on the Sure Start Strategy which is already in place in England, Scotland and Wales.

(AQW 371/00)

**Ms de Brún:** In July I announced the allocation of £2m in this financial year to introduce the Sure Start programme for families with young children here. 15 projects are being funded initially. I intend to increase the funding for Sure Start next year to allow more projects to be introduced in areas of highest need.

D'fhógair mé i mí Iúil gur leithroinneadh £2m sa bhliain airgeadais seo chun tús a chur leis an chlár Sure Start do theaghlaigh anseo a bhfuil leanaí óga acu. Tá 15 thionscadal á maoiniú ar dtús. Tá rún agam an maoiniú le haghaidh Sure Start a mhéadú an bhliain seo chugainn chun gur féidir tionscadail bhreise a bhunú sna ceantair is mó riachtanas.

### Muckamore Abbey Hospital

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety if she will detail the number of occasions on which patients have been confined outdoors at Muckamore Abbey Hospital during each of the last five years.

(AQW 387/00)

**Ms de Brún:** The figures are as follows:

1996	89
1997	140
1998	191
1999	0
2000	0

Seo na figiúirí mar a leanas:

1996	89
1997	140
1998	191
1999	0
2000	0

### Mental Health

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety if she will outline the arrangements for inspection of health service practice in mental health hospitals in Northern Ireland.

(AQW 388/00)

**Ms de Brún:** Compliance with standards set by the Hospital Advisory Service in the mid-1990s is a matter

for ongoing monitoring by Boards through their contracting arrangements, and was separately reviewed earlier this year by an independent group commissioned by the Department. The Mental Health Commission has a statutory duty to keep under review the care and treatment of all patients.

Baineann déanamh oibre de réir caighdeán leagtha amach ag an tSeirbhís Chomhairleach Otharlainne sna meán-90í, le Boird a dhéanann monatóireacht leanúnach orthu trí shocruithe a gconarthaí, agus rinne grúpa neamhspleách a coimisiúnaíodh ag an Roinn athbhreithniú neamhspleách orthu níba luaite i mbliana. Tá dualgas reachtúil ag an Choimisiún Sláinte Meabhrach le cúram agus le cóireáil gach othar a choinneáil faoi athbhreithniú.

### Muckamore Abbey Hospital

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety if she will confirm that the policy for the care of mental health patients does not permit the confinement of these patients outdoors at Muckamore Abbey Hospital or elsewhere in Northern Ireland.

(AQW 389/00)

**Ms de Brún:** Seclusion of patients outdoors at Muckamore Abbey Hospital ceased in December 1998 and is not practised elsewhere.

Cuireadh deireadh le hothair a chur ar an uaigneas taobh amuigh ag Otharlann Mhainistir Mhaigh Chomair i Nollaig 1998 agus ní chleachtaítear in áit ar bith eile é.

## HIGHER AND FURTHER EDUCATION, TRAINING AND EMPLOYMENT

### New Deal

**Mrs I Robinson** asked the Minister of Higher and Further Education, Training and Employment if he will provide the data on New Deal participants which are used to assess the success of the programme in terms of participants' future status in employment, further education or training.

(AQW 288/00)

**The Minister of Higher and Further Education, Training and Employment (Dr Farren):** Information on post New Deal activity of participants is recorded by the Training and Employment Agency. However, due to a number of data management and data quality issues which came to light following the introduction of a new computer system earlier this year it is not possible to provide the detailed analysis you have requested.

Work is progressing to resolve these issues as a matter of urgency and, as soon as they are resolved, I will provide you with the data you have requested.

The future status of New Deal participants is the key measure of the success of the New Deal Programme. However, as many of the participants on New Deal are the very long term unemployed or individuals with severe barriers to employment all New Deal activities contain a substantial element of training aimed at improving the employability of participants.

Consequently my Department is undertaking a major programme of surveys to evaluate the impact of New Deal on improving the employability of participants through improving 'soft' skills (such as interview techniques) as well as 'hard' skills such as obtaining modules of NVQs and the use of information technology. Copies of the results of a survey of those who left the New Deal for 18-24 Year Olds and of Qualitative Research with Key New Deal Players are available in the Assembly Library. The results of other evaluations of New Deal, which are currently underway, will also be placed in the public domain as soon as they are available.

### Job Vacancies

**Mr Beggs** asked the Minister of Higher and Further Education, Training and Employment if he will confirm the exclusion, since May 1999, of Northern Ireland job vacancy statistics from United Kingdom national statistics; and if he will make a statement. (AQW 341/00)

**Dr Farren:** Figures for Vacancies notified to the Training & Employment Agency are normally released via the monthly Labour Market Statistics Bulletin, published by the Department of Enterprise, Trade and Investment. The most recent published figures appeared in the April edition of the Bulletin (comprising March 1999 figures).

In May 1999 the Vacancy statistics were seriously affected by problems initially associated with the introduction of a major new computer system within the T&EA. A decision was therefore taken to temporarily suspend publication of the statistics until the source of the problem could be identified and the reliability of vacancy information restored. Thorough checking of computer programs revealed a number of software 'bugs' mainly responsible for the initial problems with the statistics. These have been resolved. However, in the process of investigating the source of these problems a number of procedural difficulties also came to light. In the interests of the longer-term stability of the Vacancy Series, it is important to deal with all these issues prior to reinstatement of publication. During the period strenuous efforts have been made to identify necessary measures for longer-term improvement of the Vacancy

System. This process is now well progressed and the Agency anticipates in the near future final resolution of the problems which caused the original suspension.

It is my intention to advise the Assembly when the problems are finally resolved and when Northern Ireland vacancy statistics will reappear in UK national statistics.

## REGIONAL DEVELOPMENT

### Childhood Cancer (Electromagnetic Fields)

**Mr O'Connor** asked the Minister for Regional Development if he has read the United Kingdom Childhood Study published in the Lancet as "Exposure to Power Frequency Magnetic Fields and the risk of childhood cancer" and if he will make a statement.

(AQW 282/00)

**The Minister for Regional Development (Mr Campbell):** I have not read the article referred to, which I understand was published last December in the Lancet.

I am, however, advised that the article concerns a study into exposure to electromagnetic fields associated with the distribution and use of electricity, and that it provides no evidence that such exposure increases risks for childhood cancer.

This is not a matter for which my Department has any responsibility.

### Department: Draft Equality Scheme

**Dr O'Hagan** asked the Minister for Regional Development what steps he took to address issues of religious and political discrimination in preparing the Department's draft equality scheme and to list those consulted in preparing this aspect of the draft scheme.

(AQW 295/00)

**Mr Campbell:** The DRD draft equality scheme outlines the Department's proposals to address the statutory duty to promote equality of opportunity between the nine categories set out in Section 75 of the Northern Ireland Act 1998. This includes having due regard to the need to promote equality of opportunity between persons of different religious belief and political opinion.

The draft departmental scheme was issued for comment on 7 April 2000 to over 400 organisations and individuals representative of all nine categories. Further copies were issued to those organisations and individuals



that contacted the Department in response to the public advertisement.

A revised draft scheme was submitted to the Equality Commission on 30 June 2000. Table C of that draft sets out the list of initial consultees and Annex B outlines those organisations from whom responses were received.

The consultees included all 108 MLAs, 16 MPs, 2 MEPs, 12 local political parties and 8 religious organisations.

### **Sewerage (Lower Ormeau Road)**

**Ms McWilliams** asked the Minister for Regional Development if he will ensure that equipment to regulate sewage drainage in the Lower Ormeau Road is regularly maintained by the Water Service.

(AQW 310/00)

**Mr Campbell:** The sewerage infrastructure in South Belfast includes a storm water relief pumping station located at River Terrace, Ormeau Road. Storm water conveyed to the station from the combined sewerage system is pumped into the adjacent Blackstaff River after screening to remove debris such as paper, plastic, etc. Foul sewage is conveyed onward through the main sewer to Belfast Wastewater Treatment Works for treatment.

The River Terrace Pumping Station is designed to operate automatically but is visited daily by Water Service operatives who carry out checks to ensure that all plant and apparatus is functioning correctly. Technical Staff also visit the works, three times each week, to service the plant and carry out any maintenance required. During periods of heavy rainfall additional visits are made to ensure its proper operation.

The station is linked to Water Service's Eastern Division Telemetry system. The system, which is a computer based remote monitoring system, collects signals from each station indicating the status of the plant and its alarms, and transmits these to a 24 hour manned emergency centre. This enables staff at the emergency centre to respond promptly in the event of an alarm being raised at the station

### **Traffic-Calming Measures**

**Mr Beggs** asked the Minister for Regional Development if he will detail the criteria used to determine the need for traffic calming measures.

(AQW 342/00)

**Mr Campbell:** In determining the need for traffic calming measures, my Department's Roads Service takes into account a number of factors, including:

- the intended purpose of the road;
- the history of personal injury road accidents that have occurred there;

- whether any accidents involved injuries to the young or elderly;
- the volume and speed of traffic; and
- the road environment, i.e. the proximity to schools, playgrounds, shops, public buildings, hospitals, health centres, homes etc.

**Mr Beggs** asked the Minister for Regional Development if it is his policy to prioritise traffic calming schemes scheduled for introduction and if he will make a statement.

(AQW 393/00)

**Mr Campbell:** I can confirm that my Department's Roads Service operates a scoring system to prioritise traffic calming schemes. Proposed schemes are prioritised because the demand for traffic calming measures exceeds the resources that are available for this type of work.

Sites or areas that have been identified for possible traffic calming are awarded scores for each of the factors that are taken into account in determining the need for such schemes. These factors were listed in my answer of 20 October 2000 to your previous written Assembly Question (AQW 342/00) on this topic. The overall score awarded to each site or area determines its priority in future traffic calming programmes.

Roads Service is currently reviewing its method of prioritising traffic calming schemes.

### **Railways Task Force**

**Mr Close** asked the Minister for Regional Development if he will detail how he will implement the findings of the Railways Task Force.

(AQO 164/00)

**Mr Campbell:** The Railways Task Force was charged with advising on options for the future of the rail network in Northern Ireland, with the object of informing and facilitating the decision making process on the future of the railway system. The report of the Task Force provides a sensible framework within which decisions can now be taken about the future of the railways. I am in favour of developing the railways but I recognise that this will require significant resources. I therefore welcome the support of the Regional Development Committee in my bid for resources to consolidate the network. I will also be using the information in the Task Force report as I seek an allocation for railways that will enable the network to be retained and to be developed in the future, in the context of the Regional Transportation Strategy. I trust that I will have the support of all forward thinking Assembly Members in this task.

## Rail Service

**Ms Lewsley** asked the Minister for Regional Development if he will detail his plans for the rail service in Northern Ireland. (AQO 173/00)

**Mr Campbell:** I am in favour of developing the rail service in Northern Ireland. Ideally I would like to see the current network not only retained, but expanded, with modern trains providing a frequent service on upgraded track. I recognise, however, that such a vision requires significant additional resources. The limited enhancement option in the Railways Task Force report would cost an additional £175m over the next 3 years on top of the £66m available in the baselines for those years. It may be that any enhancement of the existing network will have to await consideration within the context of the Regional Transportation Strategy, which is due to be published next year. In the meantime I trust that I will have the support of Assembly Members as I seek a financial allocation that will enable the future of the railways to be safeguarded and consolidated pending decisions on future development.

## Road Gritting

**Mr J Wilson** asked the Minister for Regional Development if he could outline what preparations have been put in place for road gritting during the winter of 2000/2001, and whether the programme will be applied uniformly throughout Northern Ireland. (AQO 149/00)

**Mr Campbell:** Whilst my Department's Roads Service has no statutory obligation to salt roads, it earmarks funds to provide a salting service to help traffic move safely and freely on main through routes in wintry conditions. To this end, Roads Service has in place measures that will cater for the salting of approximately 27% of the country's road network, which carries some 80% of traffic.

I can confirm that the criteria used to determine the roads which are included in the salting schedule are applied consistently throughout Northern Ireland.

## Port of Belfast

**Mr Neeson** asked the Minister for Regional Development if he will detail what action he is taking to extend Trust powers to the Port of Belfast. (AQO 153/00)

**Mr Campbell:** The Port of Belfast already enjoys trust port status. A decision on the future of the Port is due to be made before the end of November. If it is decided that it should remain in the public sector, I would intend to bring forward suitable legislative proposals aimed at extending the powers of Belfast Harbour and the other trust ports simultaneously. Work

is already proceeding on this and I hope to be in a position to present our proposals to the Regional Development Committee, in outline, in the near future.

## 'Shaping Our Future'

**Mr McCarthy** asked the Minister for Regional Development when the "Shaping Our Future" document will be published. (AQO 168/00)

**Mr Campbell:** On 18 September, and in reply to an earlier question raised by the Member for North Down, Mr Alan McFarland, (AQO 6/00) I explained that I hoped to complete the political process for approval of the final Regional Development Strategy before the Christmas Recess in order to achieve publication early in 2001. I can confirm it remains my intention to adhere to this timetable.

## Planning Policy

**Mr Paisley Jnr** asked the Minister for Regional Development if he will consider a review of Planning Policy Statement 5 (PPS5). (AQO 144/00)

**Mr Campbell:** The existing retail planning policy has been in operation since June 1996. During this period there have been a high number of major retail planning applications in Northern Ireland, in what is a rapidly changing situation. The Department's Regional Development Strategy is nearing completion and subject to agreement within the Assembly the next stage will be to implement the strategy. In view of this my Department has already included within its programme for this financial year, the preparation of regional planning policy statements on retailing, transport and housing in settlements.

I can confirm the intention to shortly commence the preparation of the regional planning policy statement (RPPS) on retailing and town centres.

## Airports

**Mr Ford** asked the Minister for Regional Development to explain what he intends to do to assist Northern Ireland airports to attract international air routes. (AQO 146/00)

**Mr Campbell:** Air services is a reserved matter which is the responsibility of the Department of Environment, Transport and the Regions. Consequently, my Department does not have a specific statutory responsibility in this field. However, I stand ready to support local airport authorities in their efforts to attract additional international air traffic.

## Asbestos

**Mr M Murphy** asked the Minister for Regional Development if he will confirm that a proportion of the infrastructure currently being used by the Water Service contains asbestos. (AQO 143/00)

**Mr Campbell:** There are approximately 15,000 miles of public watermain in the Province. Approximately 10 per cent of those watermain are made of asbestos cement.

## SOCIAL DEVELOPMENT

### Department: Draft Equality Scheme

**Dr O'Hagan** asked the Minister for Social Development what steps he took to address issues of religious and political discrimination in preparing the Department's draft equality scheme and to list those consulted in preparing this aspect of the draft scheme. (AQW 315/00)

#### The Minister for Social Development (Mr Morrow):

The purpose of the Equality Scheme is to show how the Department proposes to fulfil the duties imposed by Section 75 of the Northern Ireland Act 1998, in having due regard to the need to promote equality of opportunity between people of different religious belief and political opinion. There are 7 other categories to which the equality of opportunity obligation also applies.

There is no hierarchy of categories and all nine are to be treated similarly. Therefore, no specific steps were taken to address issues of religious and political discrimination over and above the other categories.

My Department issued its draft Equality Scheme to around 300 groups and individuals. In addition, an advertisement was placed in the local press advising the public that the consultation was under way and that copies of the scheme could be obtained from a given source. The scheme was also placed on the Internet.

Those consulted by my Department were as follows:

Active Community Unit, Home Office  
Advice Services Alliance  
Age Concern  
Archbishop of Armagh and Primate of All Ireland  
Armagh Travellers Support Group  
Association of Chief Officers of Voluntary Organisations  
Association of Independent Advice Centres  
Baha'i Office for Northern Ireland  
Barnardos  
Barnardos Tuar Ceatha Project  
Belfast Butterfly Club  
Belfast Hebrew Congregation  
Belfast Partnership Boards

Belfast Traveller Education and Development Group  
The Blind Centre NI  
British Deaf Association  
Bryson House  
Business in the Community  
Carafriend  
Carers National Association NI  
Centre for Voluntary Action Studies, University of Ulster  
"Challenge"  
Chartered Institute of Housing  
Child Care Northern Ireland  
Child Poverty Action Group  
Children's Law Centre  
Chinese Welfare Association  
Chrysalis Women's Centre  
Coiste na n-iarchimi  
Clerk to the Committee of the Centre  
Coalition on Sexual Orientation  
Committee on the Administration of Justice  
Community Development and Child Health  
The Community Relations Council  
Community Relations Training/Learning Consortium  
Confederation of British Industry  
Co-operation Ireland  
Council for the Homeless (Northern Ireland)  
Counteract  
Craigavon Standing Conference of Women's Organisations  
Cruse Bereavement Care (NI)  
Departmental Solicitor's Office  
Derry Well Woman  
Disability Action  
District Councils  
Down's Syndrome Association  
East Belfast Community Development Agency  
Education and Library Boards  
Employers' Forum on Disability  
Equality Commission  
Equality Forum NI  
The Equality Unit  
Falls Community Council  
Falls Women's Centre  
Family Planning Association NI  
Fermanagh Women's Network  
First Division Association  
Foyle Friend  
Foyle Women's Information Network  
Foyle Women's Network  
Gay and Lesbian Youth NI  
General Consumer Council  
Gingerbread  
The Guide Dogs for the Blind Association  
Health and Social Services Boards  
Help the Aged  
Housing Rights Service  
Indian Community Centre  
Industrial Development Board  
Institute of Charity Fundraising Managers

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Irish Congress of Trade Unions	Northern Ireland Women's Aid Federation
International Fund for Ireland	Northern Ireland Women's European Platform
Laganside Corporation	North West Community Network
The Law Centre (NI)	North West Forum of People with Disabilities (Derry)
The Law Society	North West Forum of People with Disabilities (Enniskillen)
LEDU	NSPCC
Lesbian Line	NUS/USI Northern Ireland Student Centre
Library, Parliament Buildings	OFREG
The Local Government Staff Commission for NI	Omagh Women's Area Network
Members of the Northern Ireland Assembly	Parents Advice Centre
Mencap (Royal Society for Mentally Handicapped Children and Adults)	Parents and Professional and Autism
Methodist Church in Ireland	POBAL
Mid-Ulster Women's Network	Post Office Counters Ltd
Multi-Cultural Resource Centre	Presbyterian Church in Ireland
National Association of Pension Funds	Putting Children First
Newry and Mourne Senior Citizen's Consortium	Queer Space
Newry and Mourne Women	The Rainbow Project
Newtownabbey Senior Citizen's Forum	Relate
NIACRO	Rent Officer for Northern Ireland
NIC/ICTU	Royal National Institute for the Blind
Northern Ireland African Cultural Centre	Royal National Institute for the Deaf
Northern Ireland Anti-Poverty Network	Royal Ulster Constabulary
Northern Ireland Association of Citizens' Advice Bureaux	Rural Community Network
Northern Ireland Association for Mental Health	Rural Development Council
Northern Ireland Council on Disability	Save the Children
Northern Ireland Council for Ethnic Equality	Sense NI
Northern Ireland Council for Ethnic Minorities	Shelter (Northern Ireland)
Northern Ireland Council for Voluntary Action	Sikh Cultural Centre
Northern Ireland Federation of Housing Associations	Simon Community (Northern Ireland)
Northern Ireland Gay Rights Association	Sperrin Lakeland Senior Citizens' Consortium
Northern Ireland Government Departments	Staff Commission for Education and Library Boards
Northern Ireland Housing Council	Traveller Movement Northern Ireland
Northern Ireland Housing Executive	Ulster Architectural Heritage Society
Northern Ireland Human Rights Commission	Ulster-Scots Heritage Council
Northern Ireland Islamic Centre	ULTACH
Northern Ireland MPs and MEPs	UNISON
Northern Ireland Partnership Board	The Most Reverend Bishop Walsh
Northern Ireland Political Parties	West Belfast Economic Forum
Northern Ireland Public Service Alliance	The Women's Centre
Northern Ireland Spokespersons in House of Lords and House of Commons	Women's Forum
Northern Ireland Statistics and Research Agency	Women's Information Group
Northern Ireland Tenants Action Project	Women's Resource and Development Agency
Northern Ireland Volunteer Development Agency	Women's Support Network
Northern Ireland Voluntary Trust	Women Together for Peace
	Youth Council for NI

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# NORTHERN IRELAND ASSEMBLY

Friday 27 October 2000

## Written Answers to Questions

### AGRICULTURE AND RURAL DEVELOPMENT

#### Sheep (Silent Valley)

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if she will confirm that officials from her Department reported that consultation had taken place with the Department for Regional Development at the meeting of the Department of Agriculture and Rural Development Committee, on 29 September 2000, in relation to the movement of sheep from the Silent Valley area. (AQW 345/00)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** The meeting to which you refer actually took place on 8 September. At that meeting, my officials reported that the Department was consulted about the initial ban on sheep grazing in the Silent Valley, which was introduced on 2 March 2000.

When my officials proceeded to refer to the decision by the Minister for Regional Development to extend the grazing ban to 2003, they were interrupted by a member of the Committee, who asked whether my Department had been consulted beforehand. My officials explained that no opportunity for consultation was provided by the Department for Regional Development.

#### Animals: Vermin Damage

**Mr Shannon** asked the Minister of Agriculture and Rural Development if she will outline what action she plans to take to quantify the numbers of animals killed and injured by vermin in Northern Ireland. (AQW 370/00)

**Ms Rodgers:** There are no plans to quantify the number of animals killed and injured by vermin in Northern Ireland.

### Fisheries Industry: Funding

**Mr McGrady** asked the Minister of Agriculture and Rural Development when she will announce details of Financial Instrument for Fisheries Guidance (FIFG) funding for the fishing industry. (AQW 372/00)

**Ms Rodgers:** I hope to be in a position to announce details of the FIFG funding to the fishing industry in either December 2000 or January 2001. This will be part of the wider Transitional Objective 1 package of measures and as the timing for this is not yet finalised I regret that I cannot be more specific.

#### Agriculture Profits (Retailer and Producer)

**Mr McGrady** asked the Minister of Agriculture and Rural Development if she will detail what action has been taken to rectify the absence of transparency in the scale of profits between the retailer and the producer in the agriculture industry. (AQW 373/00)

**Ms Rodgers:** While I am concerned about allegations that the major multiple retailers are making excess profits at the expense of producers I am aware that the Competition Commission and the Assembly's Agriculture and Rural Development Committee have not found evidence to support them. Therefore a simple redistribution of profit, even if that could be brought about, would not solve the problem. My main focus to date has been to ensure that the major multiples increase the volume of their supplies from Northern Ireland sources. Officials in my Department and other Government agencies liaise closely with the retailers and have been working with suppliers to assist them to meet the demands of the retailers. I believe that through the development of an integrated food chain and enabling efficient local suppliers to demonstrate that they offer their customers quality, good value, safe and wholesome food on a consistent basis is the best means of ensuring a better return for all including producers.

#### Hill Livestock Payments

**Mr Wells** asked the Minister of Agriculture and Rural Development if she will make an announcement on Hill Livestock Payments for the period 2001 to 2004 to sheep farmers whose sheep graze the Inner Mourne. (AQW 411/00)

**Ms Rodgers:** In 2001 all payments under the new Less Favoured Areas (LFA) Compensatory Allowances Scheme will be based on eligible forage land declared on 2000 IACS returns. The situation is, however, slightly different for farmers affected by the grazing ban placed on the Silent Valley area of the Mourne by the Water Service. Those farmers who responded to my Department's letter explaining that exceptionally they could make use of force majeure provisions have been

credited with the use of the land for the 2000 IACS. These farmers will therefore be able to receive 2001 LFA support payments, including the area thus credited.

Applications for LFA Compensatory Allowance for 2002 will be based on the 2001 IACS declarations of forage land (and so on each year thereafter). In these forward years only land which is available under IACS rules may be declared and hence not that covered by the recently extended ban on grazing. Thus the farmers concerned will be able to receive LFA support payments only on the eligible land they have.

While there is no more that can be done for these farmers under scheme rules, my Department is currently assessing the implications of the ban and the scope for other action to ease their difficulties.

### **Agrifood Sector: Vision Group**

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if she will give a commitment that, before the final Vision Group report is published, full consultation with all interested parties, including the Assembly Agriculture Committee, the Ulster Farmers' Union and Northern Ireland Agricultural Producers' Association, will have taken place. (AQW 418/00)

**Ms Rodgers:** The Steering Group charged with developing a Vision for the Future of the Northern Ireland Agri-food sector was set up to produce a report for the Minister. The Group is free to consult with others as necessary, and has, indeed, consulted widely. Further, the Assembly Agriculture Committee can ask to meet with the Group at any time and has already done so. However, the Group is charged with advising me and I am anxious that its report should reflect its views. Therefore, full consultation will not take place prior to publication. Once the report is published, however, I will consult extensively on it with all interested parties.

### **Agriculture: Research and Development**

**Mr Kane** asked the Minister of Agriculture and Rural Development if she will outline her priorities for Research and Development in Agriculture.

(AQW 419/00)

**Ms Rodgers:** The Department has published its Research and Development Strategy covering the period 1996/97 to 1998/99. This is available in the Assembly Library. The Department has determined that this published strategy will remain operative until the outcome of the Department's "Vision for the Future of the Agri-Food Industry Group" is known, when a revised strategy for R&D may evolve.

### **Training: Agriculture Funds**

**Mr Paisley Jnr** asked the Minister of Agriculture and Rural Development if she will outline why funds for agriculture are being targeted at re-skilling and computer training and if she will make a statement.

(AQW 429/00)

#### **Ms Rodgers:**

1. Re-skilling and computer training are two elements within a comprehensive measure being proposed by my Department for funding under PEACE II. The measure was drawn up in response to representations from MLAs, the farming unions and others for action to help farm families to improve their incomes. The Department has consulted the two farming unions, which are supportive.
2. The measure is designed to provide farming families with opportunities to secure additional income via the three main methods open to them:
  - Achieve higher levels of performance in the farm business – both traditional and diversified enterprise;
  - Create new income generating enterprise;
  - Secure alternative off-farm employment.
3. Computer training is one of the elements primarily aimed at improving the performance of farm businesses. The Northern Ireland agri-food industry lags behind many of its competitors in exploiting the potential of Information and Communications Technology. Few farmers presently use computers for business purposes. As well as training it is intended that the measure should support the installation of suitable computers in farm businesses and their subsequent use for business management, supply chain linkages and personal development.
4. The re-skilling element will be open to farmers, their spouses and other family members who are totally or partially dependent on the farm for income. It will provide counselling, sign-posting to training opportunities, financial support towards the costs of training which are not covered from other sources, mentoring through the training process and assistance to secure employment.

### **Agrimonetary Compensation**

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development if she will detail (a) what assessment she has made in relation to agri-monetary compensation (b) if she has been in contact with her counterparts in Great Britain on this issue and (c) the amount of unclaimed compensation by the United Kingdom. (AQW 458/00)

**Ms Rodgers:** Agri-monetary compensation - both 'transitional' (for the introduction of the euro on 1 January 1999) and 'definitive' (for the effects of currency appreciation since 1 January 1999) - can be paid in certain circumstances to offset the adverse impact on farm incomes of exchange rate movements between national currencies and the euro. Both types of compensation have been triggered in the United Kingdom under the rules laid down in the Council Regulations establishing the agri-monetary arrangements. As a consequence, compensation totalling £13.7 million has been, or will be, paid in Northern Ireland in 2000 and a further £2.8 million will be paid next year. Therefore, commitments have been made to pay £16.5 million of the £28.5 million potentially available at present.

I meet regularly with my ministerial colleagues in Great Britain and the issue of agri-monetary compensation is usually on the agenda. At the most recent meeting of Agriculture Ministers on 17 October, I asked Nick Brown to press the case with the Treasury for payment of agri-monetary compensation to the arable sector for this year. This would be worth around £0.7 million in Northern Ireland. However, I am not hopeful that Mr Brown will take this forward, due to the budgetary implications for his department. This compensation, of course, must be paid throughout the Member State, rather than just in one part.

The amount of unclaimed compensation currently available for 2000 in the UK is £91.6 million, all in respect of the arable sector; as I have just indicated, the Northern Ireland share of this is approximately £0.7 million. There is also the potential for further, optional, compensation to be paid in 2001 and 2002, although the amounts could be reduced or cancelled altogether if sterling were to weaken in the future. This compensation for the UK as a whole is presently estimated at £96.3 million for 2001 and £33.3 million for 2002. The corresponding Northern Ireland shares would be £8.5 million and £2.8 million respectively. There is no provision for agri-monetary compensation to be triggered for currency appreciations occurring after 31 December 2001.

## CULTURE, ARTS AND LEISURE

### Irish Language

**Mr Adams** asked the Minister of Culture, Arts and Leisure if he will outline the steps he intends to take, and the associated implementation timetable, to enact the specification of the Irish Language under Part III of the Council of Europe Charter for Regional or Minority Languages. (AQW 397/00)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** In accordance with the Northern Ireland Act 1998 responsibility for signing the Charter rests with the United Kingdom. The First Minister and Deputy First Minister of the NI Assembly have written on behalf of the Executive Committee to the Foreign Secretary notifying him of those provisions relating to devolved matters which may be included in the instrument of ratification in respect of Irish.

The Northern Ireland Office has responsibility for taking forward work to ensure that the UK is in a position to ratify the Charter in relation to non-devolved matters. The Secretary of State will advise the Foreign and Commonwealth Office on the provisions relating to these.

I understand that the Foreign and Commonwealth Office is currently seeking to finalise the terms of the instrument of ratification with a view to lodging it with the Council of Europe Secretariat in the very near future.

My Department will chair a standing Interdepartmental Charter Group to co-ordinate an action plan for implementing the Charter. We would aim to publish this six months after ratification takes place.

## EDUCATION

### Pupil Exclusions

**Ms Ramsey** asked the Minister of Education if he will detail the number of children suspended from school by each education and library board area for the current school year to date. (AQW 355/00)

**The Minister of Education (Mr M McGuinness):** Under current legislation pupils are excluded from school because they have been expelled or have been suspended. The position for the period 1 September 2000 to 13 October 2000, as notified by Education and Library Boards, is as follows:

Number of Pupils	BELB	NEELB	SEELB	SELB	WELB
Expelled	0	0	0	0	0
Suspended	150	170	98	90	131

When a pupil has been expelled, education and library boards may make arrangements for home tuition while application is made for admission to another school or other provision is put in place. Depending on the circumstances of the expulsion, the age of the pupil and the wishes of the parents and pupil, a placement can be made in a Pupil Referral Unit or on an alternative education programme. Alternative education programmes have recently been surveyed by the Education and Training Inspectorate and the report giving full details will be

published at the end of November. I will arrange for a copy of this report to be placed in the Assembly Library.

**Ms Ramsey** asked the Minister of Education if he will detail the number of children excluded from school by each education and library board area for this current school year. (AQW 356/00)

**Mr M McGuinness:** Under current legislation pupils are excluded from school because they have been expelled or have been suspended. The position for the period 1 September 2000 to 13 October 2000, as notified by Education and Library Boards, is as follows:

Number of Pupils	BELB	NEELB	SEELB	SELB	WELB
Expelled	0	0	0	0	0
Suspended	150	170	98	90	131

When a pupil has been expelled, education and library boards may make arrangements for home tuition while application is made for admission to another school or other provision is put in place. Depending on the circumstances of the expulsion, the age of the pupil and the wishes of the parents and pupil, a placement can be made in a Pupil Referral Unit or on an alternative education programme. Alternative education programmes have recently been surveyed by the Education and Training Inspectorate and the report giving full details will be published at the end of November. I will arrange for a copy of this report to be placed in the Assembly Library.

**Ms Ramsey** asked the Minister of Education if he will detail what facilities are provided for children excluded from school by each education and library board area. (AQW 363/00)

**Mr M McGuinness:** Under current legislation pupils are excluded from school because they have been expelled or have been suspended. The position for the period 1 September 2000 to 13 October 2000, as notified by Education and Library Boards, is as follows :

Number of Pupils	BELB	NEELB	SEELB	SELB	WELB
Expelled	0	0	0	0	0
Suspended	150	170	98	90	131

When a pupil has been expelled, education and library boards may make arrangements for home tuition while application is made for admission to another school or other provision is put in place. Depending on the circumstances of the expulsion, the age of the pupil and the wishes of the parents and pupil, a placement can be made in a Pupil Referral Unit or on an alternative education programme. Alternative education programmes have recently been surveyed by the Education and Training Inspectorate and the report giving full details will be published at the end of November. I will

arrange for a copy of this report to be placed in the Assembly Library.

## Temporary Classrooms

**Mrs I Robinson** asked the Minister of Education if he will detail the number of schools in each of the Controlled and Maintained Sectors that have had temporary mobile classrooms for 10 years or more and what steps are being taken to replace them with permanent buildings. (AQW 399/00)

**Mr M McGuinness:** Information in the form requested is not readily available and could only be compiled at disproportionate cost. It is estimated that there are about 2,600 temporary classrooms in controlled and maintained schools. My Department is committed to improving accommodation across the schools estate and, whilst it is governed by the resources available, the replacement of temporary classrooms has a high priority within its capital programme.

## Class Sizes

**Mrs I Robinson** asked the Minister of Education if he will detail (a) the average class size in primary schools; (b) the pupil to teacher ratio; (c) how this compares with similar figures for Great Britain; and (d) what policy he is pursuing in relation to class sizes. (AQW 412/00)

**Mr M McGuinness:** The information requested is as follows:

- the average class size in primary schools in 1999/2000 was 23.8;
- the pupil:teacher ratio in primary schools in 1999/2000 was 20.2; and
- the equivalent figures for Great Britain are:

	England	Wales	Scotland
Average class size	27.3	25.4	24.9
Pupil:Teacher ratio	23.3	22.3	19.4

- the policy to limit class sizes to a maximum of 30 pupils other than in specified circumstances, applies to all classes in Key Stage 1 ie P1 to P4 in primary schools.

## Academy Primary School (Saintfield)

**Mr Taylor** asked the Minister of Education if, pursuant to his reply (AQW 333/00) on 18/10/2000, he will detail the enrolment figures at Saintfield Primary School for each of the last five years. (AQW 459/00)



**Mr M McGuinness:** The enrolment figures at Academy Primary School, Saintfield over the past 5 years are:

1995/96	315
1996/97	329
1997/98	325
1998/99	336
1999/2000	328

### Pre-School Facilities

**Mr Leslie** asked the Minister of Education if he will make a statement on the funding of community centre based pre-school facilities. (AQO 204/00)

**Mr M McGuinness:** Through the Pre-School Education Expansion Programme, the Department of Education has been able for the first time to fund pre-school education places in existing voluntary and private settings - which include community facilities - as well as establishing new statutory nursery provision. The Programme is being taken forward through a partnership approach, with the overall objective of the additional places being shared equally between the statutory and the voluntary or private sectors.

### Special Needs

**Mrs E Bell** asked the Minister of Education if he will set out his policy on mainstreaming children with special educational needs; and if he will make a statement. (AQO 186/00)

**Mr M McGuinness:** My policy is that wherever possible children with special educational needs should be educated in mainstream schools. I also acknowledge that some parents prefer their children to attend special schools and that some children's special educational needs are so severe that their needs could not easily be met outside special schools. This policy is contained in Article 7 of the 1996 Education Order, and I have no plans to change it.

### Co-education

**Mr O'Neill** asked the Minister of Education if he will confirm that he is supportive of co-education and the amalgamation of schools to achieve this aim. (AQO 211/00)

**Mr M McGuinness:** Schools are essentially social entities and there is ample evidence that a co-educational environment has a significantly beneficial effect and improves the range of experiences available to both boys and girls. However, when examining specific proposals to amalgamate single sex schools I must also take into account other factors such as the level of support in the area for co-educational provision and the accommodation arrangements for the new school.

### Deprivation in Schools

**Mr Ford** asked the Minister of Education if he will outline the measures he uses to indicate deprivation in schools. (AQO 201/00)

**Mr M McGuinness:** The measure which my Department uses to indicate deprivation in schools is the number of pupils who have an entitlement to free school meals. This indicator is pupil-specific and highly correlated with low educational achievement.

### St Genevieve's PPP Scheme: Consultancy Fees

**Ms Lewsley** asked the Minister of Education if he will detail the amount paid in respect of consultancy fees prior to the announcement of St Genevieve's Public Private Partnership (PPP) scheme. (AQO 191/00)

**Mr M McGuinness:** £623,963 was paid in respect of consultancy fees for the St. Genevieve's Public Private Partnership Scheme.

### School Leavers: Formal Qualification

**Mr Beggs** asked the Minister of Education what action he is taking to reduce the large number of pupils who are leaving secondary school without a formal qualification. (AQO 190/00)

**Mr M McGuinness:** The latest available figures show that 2.7% of school leavers have no formal qualifications. It is my objective that all young people should achieve their full potential irrespective of their background and circumstances and that no young person should leave school without qualifications. Work being taken forward under the School Improvement Programme and a range of other initiatives is seeking to achieve this.

### Integrated Irish-Medium Schools

**Mr Kennedy** asked the Minister of Education if he will outline the procedures used in assessing applications for (a) new Integrated Schools and (b) Irish language medium schools; and if he will make a statement. (AQO 196/00)

**Mr M McGuinness:** The criteria for assessing grant-aid applications include intake and enrolment viability, religious balance (in the case of integrated school proposals), availability of alternative provision, impact on other schools and the condition of the school premises. On the issue of viability criteria I have recently announced that I intend to consult on proposals for changes to the current arrangements and I will decide on the criteria to be used in future in the light of the outcome of that consultation.

### Corporal Punishment (Schools)

**Mr Poots** asked the Minister of Education if he has any plans to introduce corporal punishment as a means of punishment in schools. (AQO 205/00)

**Mr M McGuinness:** Corporal punishment is banned by law in all grant-aided schools. Corporal punishment, subject to certain restrictions, is still permitted by law in schools which are not grant-aided. Legislation to ban corporal punishment in all schools will be introduced at the next available opportunity.

### Residential Growth Areas

**Mr Bradley** asked the Minister of Education if he will take cognisance of the areas identified by the Planning Service as future residential growth areas and if he will introduce a strategy to provide adequate accommodation to meet the requirements of pre-school and primary school pupils in these areas. (AQO 195/00)

**Mr M McGuinness:** My Department already works closely with the Planning Service and the Northern Ireland Housing Executive to ensure that the future accommodation needs of primary pupils are met as far as is practical. The demands arising from residential growth areas are considered along with enrolment trends and the current level of accommodation provision to ensure that pupils' requirements are adequately met in a cost-effective and efficient manner. Similar principles are applied to the pre-school sector where the 5 Pre-School Advisory Groups allocate places to the statutory, voluntary and private sectors.

### Curriculum Review

**Dr Birnie** asked the Minister of Education if he will outline the next stages of the consultation process in the review of the Northern Ireland Curriculum.

(AQO 214/00)

**Mr M McGuinness:** Phase 2 of the Review has just started, and the first stage of this will consist of drawing together the feedback received during the Phase 1 consultation, into a consultation report which will be sent to schools later in the Autumn Term. In light of the views expressed during that consultation, the Phase 1 proposals will be refined, to produce revised draft Programmes of Study at each Key Stage. The Northern Ireland Council for the Curriculum, Examinations and Assessment (CCEA) will be setting up working groups, made up mainly of practising teachers, to assist with this work.

### Loughries Primary School (Newtownards)

**Mr Benson** asked the Minister of Education if he will indicate when the temporary classrooms that have

been re-sited at Loughries Primary School, Newtownards will be replaced by permanent school buildings; and if he will make a statement. (AQO 193/00)

**Mr M McGuinness:** Responsibility for the accommodation needs of Loughries Primary School lies with the South-Eastern Education and Library Board. The Board, under its minor works programme, is planning to provide a 3-classroom permanent extension for the school. The scheme is currently at tender stage.

### Pre-School Education

**Mr Carrick** asked the Minister of Education if he will detail the measures he proposes to introduce in line with Section 75 of the Northern Ireland Act 1998 to bring equality of opportunity for all to the pre-school nursery enrolment and if he will make a statement.

(AQO 178/00)

**Mr M McGuinness:** I am satisfied that the effect of the Pre-School Education Expansion Programme itself is to provide an equalising of opportunity for pre-school education and that it is a positive measure in the context of the Equality legislation, which means that no additional measures require to be taken.

### Capital Building Programme

**Mr J Wilson** asked the Minister of Education if he will detail the number of projects that form part of the 2001/02 Capital Building Programme and confirm the level of funding he intends to allocate to the Programme.

(AQO 189/00)

**Mr M McGuinness:** Next year's capital programme and the level of funding to be devoted to it has still to be determined.

### Local Management of Schools

**Mr Armstrong** asked the Minister of Education if he will make a statement on the Review of the Local Management of Schools funding formulae.

(AQO 200/00)

**Mr M McGuinness:** It is my intention to issue a consultation document inviting views on proposals for an equitable common funding formula for all schools before the end of this year.

## ENTERPRISE, TRADE AND INVESTMENT

### Bankruptcy

**Mrs I Robinson** asked the Minister of Enterprise, Trade and Investment if he will detail the number of businesses that have been declared bankrupt in each of the last three years; and if he will make a statement.

(AQW 390/00)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** Bankruptcy Orders are made by the High Court against individuals (including business proprietors) in their own names, not against businesses as such. On this basis the number of individuals who were engaged in business and who have been declared bankrupt in each of the last three financial years is as follows:

1 April 1997 to 31 March 1998	361
1 April 1998 to 31 March 1999	359
1 April 1999 to 31 March 2000	329

### Businesses: Regulations

**Mrs I Robinson** asked the Minister of Enterprise, Trade and Investment if he will detail (a) how many new regulations were introduced for businesses each year for the last three years and (b) what steps have been taken to reduce paper work for small businesses.

(AQW 391/00)

**Sir Reg Empey:** In the last three years the number of new regulations introduced for businesses in Northern Ireland is as follows:

	Legislation which resulted in costs to business.	Legislation which was costs neutral or provided savings to business.
1998	60	45
1999	37	7
2000	52	21

In 1998 NI Departments carried out a review of forms which issued to business. Of the 123 forms reviewed, 29 were redesigned and 1 was abolished. In 1999 the remaining 320 forms which issued to business were reviewed, 8 were redesigned and 52 were abolished.

### Organophosphate Sheep Dips

**Mr Bradley** asked the Minister of Enterprise, Trade and Investment, in view of the pending return of organophosphate sheep dips, what proposals he has to issue health warning notices and what level of advice he

will introduce to make sheep farmers aware of the dangers associated with the use of organophosphates.

(AQW 446/00)

**Sir Reg Empey:** The Veterinary Products Committee (VPC), an independent expert committee with responsibility for advising the Government on matters relating to the safety, quality and efficacy of veterinary medicines, has recommended the re-introduction of sheep dips containing organophosphates (OPs) to the market.

This recommendation for the re-introduction of OP dips is conditional upon marketing authorisation holders implementing a number of measures which aim to minimise the risk of operator exposure to organophosphates and in particular to the concentrate.

Product labels will be required to emphasise the added risks to health which arise if there is exposure to the concentrate and safety warnings on containers will be required to be clearer and more prominent. Concentrate containers are required to be fitted with a vented dispensing tap, to reduce the risk of splashing. In addition, authorised merchants are required, at the time of sale of sheep dip, to provide purchasers with a laminated sheet describing safe handling methods and two pairs of gloves of the recommended standard.

Two marketing authorisation holders have addressed the outstanding issues to the satisfaction of the VPC and have, in the meantime, been permitted to re-launch their products.

At the start of the dipping season it is intended to remind farmers of the need to adopt safe working practices when using sheep dip and to advise them of the risks to health which may ensue if exposure occurs. It is proposed that this advice will be issued jointly by the Health and Safety Executive for Northern Ireland and the Department of Health, Social Services and Public Safety.

### Department: Concordat with DTI

**Mr J Wilson** asked the Minister of Enterprise, Trade and Investment when he expects to publish the bilateral Concordat between his Department and the Department of Trade and Industry.

(AQW 467/00)

**Sir Reg Empey:** The Secretary of State for Trade and Industry and I have today agreed the text of the Concordat between the Department of Enterprise, Trade and Investment and the Department of Trade and Industry. Copies of the Concordat have been placed in the Assembly Library.

### Health and Safety (Site Work)

**Mr Leslie** asked the Minister of Enterprise, Trade and Investment if he will detail the number of

prosecutions which have been brought against developers contravening the Health and Safety regulations for site work in each of the last three years. (AQW 469/00)

**Sir Reg Empey:** The number of prosecutions initiated for breach of health and safety at work legislation on construction sites during the last three calendar years was as follows:

1997	2 prosecutions involving 7 separate charges
1998	7 prosecutions involving 15 separate charges
1999	5 prosecutions involving 9 separate charges.

## THE ENVIRONMENT

### Heather

**Mr J Wilson** asked the Minister of the Environment if it is his intention to reinstate the pre-1985 measures for the controlled burning of heather on moors during the month of August. (AQW 394/00)

**The Minister of the Environment (Mr Foster):** The Game Law Amendment Act (Northern Ireland) 1951 section 7E made it unlawful to burn or destroy heather on uncultivated land between 15 March and 15 July. The purpose was to protect nesting game birds.

This period was amended by the Wildlife (Northern Ireland) Order 1985 to between 15 April and 31 August. This change improved the protection afforded to other species of moorland bird with a longer breeding season.

I have no proposals for changing these arrangements.

### Department: Special Advisers

**Mr Ford** asked the Minister of the Environment if he will provide a list of those appointed as Special Advisers within his Department, detailing in each case (a) the date appointment was offered, (b) the date employment commenced, (c) the gender of the appointee, (d) whether or not the appointee is disabled, (e) whether or not the appointment was as a result of open competition, and (f) whether the appointee hold membership of any political party on the date appointment was offered.

(AQW 443/00)

**Mr Foster:** There have been no appointments to the post of Special Adviser within DOE.

## FINANCE AND PERSONNEL

### Government Departments: Absenteeism

**Mr Close** asked the Minister of Finance and Personnel if he will provide details of the level of absenteeism in each Government Department and if he will make a statement. (AQW 358/00)

**The Minister of Finance and Personnel (Mr Durkan):** The information sought is only readily available for non-industrial civil servants. The table below reflects the percentage rate of absence for non-industrial civil servants in terms of available working days lost for the calendar year 1999. To take account of the reorganisation of Departments the figures represent the absence records according to the Northern Ireland Department in which the staff were employed at the end of the 1999/2000 financial year (31 March 2000). Comparable statistics for industrial civil servants are not held centrally and could only be obtained at disproportionate cost.

Department	% of Available Working Days Lost
Social Development	8.4
Higher and Further Education, Training and Employment	7.3
Environment	6.6
Agriculture and Rural Development	6.1
Health and Social Services and Public Safety	6.1
Enterprise, Trade and Investment	5.9
Culture, Arts and Leisure	5.8
Education	5.7
Finance and Personnel	5.2
Regional Development	5.1
Office of the First Minister and Deputy First Minister	5.1

The Northern Ireland Civil Service acknowledges that the current level of absence is a matter of concern. Departments are continually striving to reduce these levels. To this end absenteeism is monitored regularly both at the corporate and departmental level. A number of initiatives have been undertaken aimed at ensuring that the NICS not only complies with best practice in this area but also that it continues to devise practical steps to reduce the level of absenteeism. In addition, my officials will be bringing forward proposals based on this work for targets for a reduction across the service over an agreed timescale.



## Barnett Formula

**Mrs I Robinson** asked the Minister of Finance and Personnel what assessment he has made in relation to the Barnett Formula and if he will make a statement.

(AQW 384/00)

**Mr Durkan:** Strict application of the Barnett Formula will result in convergence in per capita spending between Northern Ireland and England. Clearly this makes it progressively more difficult to sustain some local spending programmes that traditionally have had a higher per capita spend than comparable programmes in England.

However, there have been some positive changes to the application of the Barnett Formula in SR2000 in response to representations that the First Minister, Deputy First Minister and I made to Treasury Ministers, and I will continue to press for expenditure allocations which reflect the higher levels of need within Northern Ireland.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Cardiac Surgery

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will detail the number of people from Northern Ireland who have been referred to hospitals in Scotland for heart operations in the past year.

(AQW 368/00)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** In the financial year 1999/2000, a total of 26 people from here were referred to hospitals in Scotland for cardiac surgery. All of these referrals were from the Western Health and Social Services Board.

Sa bhliain airgeadais 1999/2000, seoladh 26 duine ón áit seo go dtí otharlanna in Albain le haghaidh máinliachta corónaí. Tháinig siad uilig ó Bhord Sláinte agus Seirbhísí Sóisialta an Iarthair.

### Carers Strategy

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety if she will make it her policy to introduce a Carers Strategy for Northern Ireland that will offer financial, physical and emotional assistance for those who provide care on a voluntary basis in the home environment.

(AQW 374/00)

**Ms de Brún:** Yes. I have asked officials to develop proposals for a strategy for carers here. Carers and their representatives will be directly involved in preparing the

strategy and there will be full consultation with all interested parties.

Beidh sé mar pholasaí agam. D'iarr mé ar fheidhmeannaigh moltaí a fhorbairt do straitéis anseo do chúramóirí. Beidh baint dhíreach ag cúramóirí le hullmhú na straitéise agus rachfar i gcomhairle le gach páirtí leasmhar.

## Tobacco Advertising

**Mr Ford** asked the Minister of Health, Social Services and Public Safety what plans she has to review legislation in respect of tobacco advertising.

(AQW 375/00)

**Ms de Brún:** I remain committed to banning tobacco advertising here and am considering how best to introduce such a ban in the light of the recent European Court of Justice ruling annulling the EC Directive banning tobacco advertising, promotion and sponsorship.

Fanaim tiomanta cosc a chur ar fhógraíocht tobac anseo agus tá mé ag machnamh ar an dóigh is fearr lena léitheid de chosc a thabhairt isteach; go háirithe i ndiaidh an rialaithe ón Chúirt Eorpach Cirt a chealaigh an Treoir CE a chuir cosc ar fhógraíocht, cur chun cinn agus urraíocht tobac.

## Muckamore Abbey Hospital

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety if she will detail the number of visits by the Social Services Inspectorate to Muckamore Abbey Hospital in each of the last five years.

(AQW 386/00)

**Ms de Brún:** The Social Services Inspectorate has not made any visits to Muckamore Abbey Hospital in the last five years, as visiting hospitals is not a regular part of the Inspectorate's remit.

The Mental Health Commission has a statutory remit to visit hospitals and details of their visits are published in the Commission's Annual Report. The Commission has visited Muckamore Abbey Hospital on six occasions in the past five years. In addition, the Hospital Advisory Service Review Group visited the hospital in January 2000.

Níor thug Cigireacht na Seirbhísí Sóisialta cuairt ar Otharlann Mhainistir Mhaigh Chomair le cúig bliana anuas, mar ní gnáthchuid de shainchúram na Cigireachta í cuairteanna a thabhairt ar otharlanna.

Tá sainchúram reachtúil ar an Choimisiún Meabhairshláinte cuairt a thabhairt ar otharlanna agus foilsítear sonraí a gcuairteanna i dTuairisc Bhliantúil an Choimisiúin. Thug an Coimisiún cuairt ar Otharlann Mhainistir Mhaigh Chomair sé huaire le cúig bliana anuas. Lena chois, thug Grúpa Athbhreithnithe Sheirbhís

Chomhairleach Otharlainne cuairt ar an otharlann i mí Eanáir 2000.

### GP Consultations

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will provide statistics on waiting times for consultations with General Practitioners and to give her assessment of how these compare with similar statistics for Great Britain.

(AQW 392/00)

**Ms de Brún:** The information requested is not available.

A voluntary scheme was introduced in October 1999 whereby GPs who meet certain criteria qualify for an additional allowance. The first criterion is that all patients, where it is clinically appropriate, are able to obtain a consultation within 24 hours. At present about 78% of GP practices are meeting this voluntary standard.

The recently published NHS Plan in England contains a proposal to give all patients, by the year 2004, a right of access to a primary care professional within 24 hours and to a GP within 48 hours. My officials are considering the implications of these recommendations for our health service and any proposals for change in GPs' arrangements will be subject to consultation with all interested parties.

Níl fáil ar an eolas a iarradh.

Tugadh isteach scéim dheonach i nDeireadh Fómhair 1999 faoina gcáilíonn liachleachtóirí, a chomhlíonann critéir áirithe, le haghaidh liúntas breise. Is é an chéad chritéar go bhfaigheann gach othar, nuair is cuí go clínicíúil é, cruinniú comhairleach dochtúra faoi cheann 24 uair. Faoi láthair tá thart faoi 78% de sheomraí comhairle liachleachtóirí ag comhlíonadh an chaighdeáin dheonaigh seo.

Sa Phlean NHS a foilsíodh i Sasana le deireannas tá moladh an ceart a thabhairt do gach othar, faoin bhliain 2004, teacht a bheith aige/aici ar ghairmí cúraim phríomhúil faoi cheann 24 uair agus ar liachleachtóir faoi cheann 48 uair. Tá mo chuid feidhmeannach ag déanamh machnaimh ar impleachtaí na moltaí dár seirbhís sláinte agus rachaidh moltaí ar bith maidir le hathrú i socruithe liachleachtóirí faoi chomhairle na bpáirtithe leasmhara uilig.

### Health Services (Rural Areas)

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will outline her plans to improve access to health services in rural areas; and if she will make a statement.

(AQW 398/00)

**Ms de Brún:** I recognise that all people, including those in rural areas, need to have easy access to health and social services, and such matters are taken into

account in the plans of Health and Social Services Boards and Trusts. The particular needs of people living in rural areas are being reflected in a number of reviews of services, which are currently being undertaken. I am at present considering the recommendations of the strategic review of the Ambulance Service. The capitation formula for distributing resources to Health and Social Services Boards will reflect the differential cost of providing health and social services in rural areas. The independent review of hospital services, which I commissioned recently, will include consideration of the important aspect of local accessibility. As far as primary care is concerned, there are a number of incentive schemes already in place to encourage practitioners to provide services in rural areas.

Aithníom gur gá don phobal uile, lena n-áirítear na daoine sin a chónaíonn i gceantair thuaithe, fáil fhurasta a bheith acu ar sheirbhísí sláinte agus sóisialta agus cuirtear ábhair den chineál seo san áireamh i bpleananna na mBord agus na n-Iontaobhas Sláinte agus Seirbhísí Sóisialta. Léirítear riachtanais ar leith na ndaoine a chónaíonn i gceantair tuaithe i roinnt athbhreithnithe ar sheirbhísí, atá á ndéanamh i láthair na huaire. Faoi láthair, tá mé ag déanamh machnaimh ar mholtaí an athbhreithnithe straitéisigh ar an tSeirbhís Otharcharr. Léireoidh an fhoirmle chaipitíochta do dháileadh acmhainní ar Bhoird Sláinte agus Seirbhísí Sóisialta an costas difreálach ar sholáthar seirbhísí sláinte agus sóisialta i gceantair thuaithe. San athbhreithniú neamhspleách ar sheirbhísí otharlainne, a choimisiúnaigh mé ar na mallaibh, beidh machnamh ar ghné thábhachtach na rochtana furasta áitiúla. Ó thaobh cúram príomhúil de, tá scéimeanna dreasachta i bhfeidhm cheana féin le liachleachtóirí a spreagadh chun seirbhísí a sholáthar i gceantair thuaithe.

### Cardiac Services

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will detail (a) how much the review of Cardiac Services has cost so far and (b) what the estimated final cost will be. (AQW 400/00)

**Ms de Brún:** Work on the review of Cardiac Surgery has begun only recently and the costs incurred so far are negligible. It is estimated that the final cost will be around £18,000, plus the costs of staff time, which cannot be predicted at this stage.

Níltear ach i ndiaidh tosú ar athbhreithniú Mháinliacht Chairdiach agus tá na costais an-íseal go dtí seo. Meastar go mbeidh thart faoi £18,000 air faoi dheireadh, costais am na foirne san áireamh, rud nach féidir a réamhaithris faoi láthair.

## Hospitals: Bed Blocking

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will outline the steps she has taken to reduce the delayed discharge of patients (bed-blocking) from hospitals. (AQW 401/00)

**Ms de Brún:** In July I provided an additional allocation of £11 million to the HPSS budget for community care. I will make a further announcement on my Department's 2001/02 spending plans, including money for community care services, in the near future. These allocations are designed to enable Boards to provide more timely and increased numbers of care packages for elderly and other vulnerable people in the community, thereby freeing hospital beds for other patients.

Comprehensive plans have been drawn up by Boards and Trusts in anticipation of the pressures during the winter months. These include greater use of intermediate care schemes to reduce the need for inappropriate hospital admissions and ensure that people who do not need to be in hospital can be discharged.

My Department has also introduced monthly monitoring of delayed discharges and I shall be stepping this up to weekly monitoring over the winter months.

Ar an I Iúil, sholáthair mé £11 milliún breise do bhuiséad an SSPS do chúram pobail. Déanfaidh mé fógart eile ar phleananna caiteachais mo Roinne i 2001/02, an t-airgead do sheirbhísí cúraim phobail san áireamh, ar ball. Ceapadh na leithrannta seo le cuidiú leis na Boird níos mó pacáistí cúraim tráthúla a sholáthar do sheandaoine agus do dhaoine leochaileacha eile sa chomhphobal, tríd sin scaoiltear leapacha otharlainne saor d'othair eile.

Dhréachtaigh na Boird agus na hIontaobhais pleananna cuimsitheacha in oirchill na mbrúnna le linn míonna an gheimhridh. Orthu seo tá úsáid bhreise a bhaint as scéimeanna cúraim idirmheánaigh leis an ghá do iontrálacha míchuí a laghdú agus le cinntiú go ligtear amach daoine nach gá dóibh bheith san otharlann.

Thug mo Roinn isteach monatóireacht mhíosúil ar scaoilte moillte, agus beidh mé a mhéadú seo go monatóireacht sheachtainiúil i rith míonna an gheimhridh.

## Cardiac Surgery

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will detail the number of people from the Republic of Ireland who have received heart operations in Northern Ireland in the last twelve months. (AQW 403/00)

**Ms de Brún:** In the financial year 1999/2000, 3 patients from the south of Ireland were treated in cardiac surgery here.

Sa bhliain airgeadais 1999/2000, tugadh cóireáil máinliacht chairdiach do thrí hothar ó dheisceart Éireann anseo.

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will detail the number of people from the Republic of Ireland who are on the waiting list for heart operations in Northern Ireland. (AQW 404/00)

**Ms de Brún:** One person from the south of Ireland is currently waiting for cardiac surgery here.

Tá duine amháin ó dheisceart na hÉireann ag fanacht san am i láthair ar mháinliacht chairdiach.

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will detail the total cost of performing heart operations and providing aftercare in Northern Ireland for people from the Republic of Ireland over the past twelve months. (AQW 405/00)

**Ms de Brún:** In the financial year 1999/2000, three patients from the south of Ireland were treated in cardiac surgery here. All were treated as private patients and therefore the cost to the HPSS of performing heart operations and providing aftercare for people from the south of Ireland was zero.

Sa bhliain airgeadais 1999/2000, tugadh cóireáil máinliacht chairdiach do thrí hothar ó dheisceart na hÉireann anseo. Fuair an t-iomlán acu cóireáil phríobháideach, mar sin de, ní raibh costas ar bith ar an SSSP as obráidí cairdiacha a dhéanamh nó soláthar iarchúraim do dhaoine ó dheisceart na hÉireann.

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will detail which health body is responsible for the provision of aftercare for patients from the Republic of Ireland who have heart operations in Northern Ireland. (AQW 406/00)

**Ms de Brún:** There are two circumstances in which patients from the South of Ireland might have cardiac surgery here. One would be where a Health Board from the South contracts with the Royal Group of Hospitals (RGH) Trust for a number of cardiac operations and, in that case, the relevant Health Board would have sole responsibility for the provision of aftercare. The other circumstance would be where a patient from the South of Ireland enters into a private arrangement for cardiac surgery in the RGH Trust. In the latter case, arrangements for the provision of aftercare would be the responsibility of the patient.

Tá dhá thoisc ann inar féidir le hothair ó Dheisceart na hÉireann máinliacht chairdiach a fháil anseo. I dtoisc amháin déanann Bord Sláinte ón Deisceart conradh leis an Ghrúpa Ríoga Otharlann (GRO) do roinnt obráidí cairdiacha; sa chás sin an Bord Sláinte amháin a bheadh freagrach as soláthar iarchúraim. Sa toisc eile, déanann

othar ó Dheisceart na hÉireann socrú príobháideach do mháinliacht chairdiach san Iontaobhas GRO. Sa chás dheireanach, an t-othar a bheadh freagrach as socrúithe sholáthar iarchúraim.

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety if she will detail which health body is responsible for the provision of aftercare for patients from Northern Ireland who have heart operations in Scotland. (AQW 407/00)

**Ms de Brún:** Where a Health and Social Services Board contracts for cardiac surgery for one of its residents with a hospital in Scotland, that Board is also responsible for making appropriate aftercare provision for the patient, usually in its own area.

Nuair a dhéanann Bord Sláinte agus Seirbhísí Sóisialta conradh le haghaidh máinliachta cairdí do chónaitheoir dá chuid le hotharlann in Albain, tá an Bord sin freagrach fosta as soláthar iarchúraim chuí don othar, ina limistéar féin de ghnáth.

### Ulster Hospital Trust

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will detail how many hospital beds were available (a) in the Ulster Hospital Trust 1997-1999 and (b) in the rest of Northern Ireland during the same period. (AQW 413/00)

**Ms de Brún:** This information is given in the table below.

AVERAGE AVAILABLE BEDS 1997 – 1999

	1997	1998	1999
Ulster Community & Hospitals HSS Trust	675.1	618.4	621.8
All other Trusts	8,423.0	8,237.8	8,033.8
Total	9,098.1	8,856.2	8,655.6

Léirítear an t-eolas seo sa tábla thíos.

MEÁNMHÉID NA LEAPACHA AR FÁIL 1997 – 1999

	1997	1998	1999
Iontaobhas SSS Otharlann agus Phobal Uladh	675.1	618.4	621.8
Iontaobhais uilig Eile	8,423.0	8,237.8	8,033.8
Iomlán	9,098.1	8,856.2	8,655.6

### Administrative Staff

**Rev Robert Coulter** asked the Minister of Health, Social Services and Public Safety if she will detail the number of administrative staff employed at (a) her Department, (b) each of the Health and Social Services Boards, and (c) each of the Health Trusts. (AQO 203/00)

**Ms de Brún:** My Department currently employs 642 administrative staff.

At the 31st March 2000 the Eastern Health and Social Services Board had 128 administrative and clerical staff, the Northern Board had 119, the Southern Board 123 and the Western Board 188.

The total number of administrative and clerical staff employed in the 19 Health and Social Services Trusts at 31st March 2000, was 8,853. Rather than read out the figure for each Trust individually, I will provide the Member with the information in writing. Administration and clerical staff carry out a wide range of duties, many of which are related directly to patient care e.g. ward clerks, medical record staff, and receptionists in GP surgeries. The amounts spent by Boards and Trusts on management and core administration are tightly controlled by my Department and compare favourably with management and administration costs in England, Scotland and Wales.

Fostaíonn mo Roinnse foireann riaracháin 642 duine.

Ar an 31 Márta 2000 bhí 128 de fhoireann riaracháin agus chléireachais ag Bord Sláinte agus Seirbhísí Sóisialta an Oirthir; bhí 119 ag Bord an Tuaiscirt, 123 ag Bord an Deiscirt agus 188 ag Bord an Iarthair.

Ba é 8,853 líon iomlán na foirne riaracháin agus chléireachais a bhí fostaíthe ag na hIontaobhais Sláinte agus Seirbhísí Sóisialta ar an 31 Márta 2000. In ionad an figiúr do gach Iontaobhas ar leith a léamh amach, seolfaidh mé an t-eolas chuig an Teachta i scríbhinn. Comhlíonann an fhoireann riaracháin agus cléireachais réimse leathan dualgas a bhfuil baint dhíreach ag cuid mhór acu le cúram othar, mar shampla, cléirigh barda, foireann thaifead liachta agus fáilteoirí i seomraí freastail liachleachtóirí. Coinníonn mo Roinn súil ghéar ar na suimeanna a chaitheann Boird agus Iontaobhais ar bhainistíocht agus ar riarachán láir agus ní bhfaighfear locht orthu i gcomparáid le costais bhainistíochta agus riaracháin i Sasana, in Albain agus sa Bhreatain Bheag.

### Beta Interferon

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety if she will make a statement on the availability of the drug Beta Interferon to those suffering from Multiple Sclerosis. (AQO 183/00)

**Ms de Brún:** Beta interferon is currently available to people with multiple sclerosis who have been assessed by a consultant neurologist as likely to benefit from the treatment.

I am aware that the review of beta interferon recently conducted by the National Institute for Clinical Excellence (NICE) has given rise to considerable concern about the future availability of the drug. I have already met with representatives of the Multiple Sclerosis Society to hear at first hand of their concerns



and I will shortly be meeting with health professionals to take their views.

Any recommendations made by NICE will apply only to England and Wales and I will wish to consider the recommendations in terms of their application here. I am conscious that the current uncertainty is giving rise to a great deal of anxiety among MS sufferers and I hope to be in a position to clarify the matter as soon as possible after the NICE recommendations are finalised. Unfortunately, at this point I have no information as to when the final guidance from NICE is likely to be produced.

Tá Béite-Inteirfearón ar fáil faoi láthair d'othair a bhfuil scléaróis iolrach orthu más rud é go measann néareolaí comhairleach ina leith gur dócha go mbainfeadh siad tairbhe as mar chóireáil.

Tá a fhios agam go bhfuil inní mhór ar dhaoine faoi sholáthar an druga sa todhchaí i ndiaidh an athbheithnithe ar bhéite-inteirfearón a rinne an Institiúid Náisiúnta um Fheabhas Cliniciúil (INFC) le gairid. Bhuail mé cheana le hionadaithe ón Chumann Scléaróise Iolraí lena gcuid inní a chluinstin go pearsanta agus ar ball beag buailfidh mé le daoine gairmiúla sa réimse sláinte lena a dtuairimí a fhail.

Beidh feidhm ag aon mholtaí a rinne an INFC i Sasana agus sa Bhreatain Bheag amháin agus beidh mise ag iarraidh na moltaí a bhreithniú maidir lena gcur i bhfeidhm anseo. Tuigim go bhfuil an éiginnteacht atá ann ag cur a lán buairimh ar dhaoine a bhfuil scléaróis iolrach orthu agus tá súil agam go mbeidh sé ar mo chumas an cheist a shoiléiriú a luaithe is féidir i ndiaidh don IFNC a moltaí a chríochnú. Ar an drochuair níl eolas ar bith agam ag an phointe seo faoi cá huair is dóiche a chuirfear treoir ón INFC ar fáil.

### Long-Term Residential Care

**Mr McFarland** asked the Minister of Health, Social Services and Public Safety what plans she has for long-term residential care for the elderly and if she will make a statement. (AQO 210/00)

**Ms de Brún:** I have asked officials to examine all the proposals contained in the British Labour Government's statement of 27 July on long-term care and to bring forward a range of options that I may consider. I will make a statement when this work is completed.

Tá mé i ndiaidh a iarraidh ar fheidhmeannaigh scrúdú a dhéanamh ar na moltaí a rinneadh i ráiteas Rialtas Lucht Oibre na Breataine ar an 27 Iúil faoi chúram fadtéarmach agus réimse roghanna a chur faoi mo bhráid a d'fhéadfainn a bhreithniú. Déanfaidh mé ráiteas nuair a bheas an obair seo curtha i gcrích.

### Discussions with Minister for Social Development

**Mr Close** asked the Minister of Health, Social Services and Public Safety if she will detail any discussions she has had with the Minister for Social Development regarding Public Health issues.

(AQO 187/00)

**Ms de Brún:** I have had no direct discussions with the Minister for Social Development regarding Public Health issues although, following an invitation extended by me through the Ministerial Group on Public Health, my officials have done so.

Ní raibh plé díreach ar bith ann idir mé féin agus an tAire Forbartha Sóisialta faoi cheisteanna a bhaineann le Sláinte Phoiblí, ach san am céanna bhí plé díreach ag mo chuid feidhmeannach leis i ndiaidh dom cuireadh a thabhairt dó tríd an Ghrúpa Aireachta ar Shláinte Phoiblí.

### Surgery Waiting List

**Mr S Wilson** asked the Minister of Health, Social Services and Public Safety if she will detail the change in the total waiting list for surgical operations on a monthly basis from November 1999 until September 2000. (AQO 215/00)

**Ms de Brún:** Information on people waiting for inpatient treatment is collected on the basis of speciality rather than whether they are waiting for a surgical operation. I will provide the Member with figures for the numbers of patients waiting for inpatient admission to the surgical specialities. These figures are currently published on a quarterly basis.

Bailítear eolas ar dhaoine atá ag feitheamh le cóireáil mar othair chónaitheacha ar bhonn speisialtóireachtaí, ní ar an bhonn go bhfuil siad ag feitheamh le hobráid. Cuirfidh me figiúirí ar fáil don Chomhalta maidir le líon na n-othar atá ag feitheamh le hiontráil mar othair chónaitheacha chuig na speisialtóireachtaí máinliachta. Foilsítear na figiúirí seo ar bhonn ráithe faoi láthair.

### Special Schools: Nursing Staff

**Mrs E Bell** asked the Minister of Health, Social Services and Public Safety if she will review the provision of non teaching nursing staff in Special Schools. (AQO 182/00)

**Ms de Brún:** Provision of nursing staff in special schools was reviewed earlier this year by a joint Health and Social Services/Education and Library Board review group. The review group concluded that in most circumstances trained carers should be able to carry out the majority of ongoing personal and health care needs. The carers would be trained, supported and mentored by

community learning disability nurses, community paediatric nurses and school health nurses.

Ní ba luaite i mbliana rinne grúpa athbheithnithe comhpháirteach de chuid na seirbhísí sláinte, na seirbhísí sóisialta agus na mBord Oideachais agus Leabharlann athbheithniú ar sholáthar altraí i scoileanna speisialta. Is é a shocraigh an grúpa athbheithnithe gur cheart go mbeadh cúramóirí oile ábalta freastal, i mbunús na gcásanna, ar an chuid is mó de riachtanais leanúnacha sláinte agus pearsanta na ndaltaí. Bheadh oiliúint, tacaíocht agus comhairle á dtabhairt do chúramóirí ag altraí míchumais foghlama, ag altraí pédiatraiceacha pobail agus ag altraí sláinte scoileanna.

### Ambulances

**Mr Gallagher** asked the Minister of Health, Social Services and Public Safety if she will detail the total number of ambulances currently based in the Western Health Board Area and what percentage this is of the Northern Ireland fleet. (AQO 181/00)

**Ms de Brún:** There are 27 Accident & Emergency ambulances based in the Western Division. This represents 20% of the Ambulance Service's Accident & Emergency fleet.

Tá 27 n-otharcharr Thaismí agus Éigeandálaí bunaithe sa Rannán Iartharach. Is é seo 20% de fhlít Taismí agus Éigeandálaí na Seirbhíse Otharcharranna.

### Nursing Staff

**Mr Poots** asked the Minister of Health, Social Services and Public Safety what steps have been taken to encourage nursing staff to remain within the Health Service. (AQO 206/00)

**Ms de Brún:** Nurses play a vital role in providing care. This was recognised in the pay awards from April this year, when higher than inflation awards were made to Nurses in general, and substantial awards were made for experienced Nurses at C and E Grades. I also recently announced the creation of eight new Nurse Consultant posts. These posts will provide career development opportunities for nurses while maintaining their day to day contact with patients.

In addition, my Department is presently involved with the Health Departments in England, Scotland and Wales in the development of a new pay scheme, which will offer all HPSS staff a more attractive career with the potential for better progression, greater use of skills, improved status and higher earnings for those who contribute most to the service.

Tá ról barrthábhachtach ag altraí agus iad ag soláthar cúraim. Aithníodh seo san ardú pá a tugadh dóibh ó mhí Aibreáin i mbliana nuair a tugadh ardú d'altraí i gcoitinne

a bhí níos airde na an ráta boilscthe agus nuair a tugadh ardú suntasach d'altraí Ghráid C agus E a raibh taithí acu. D'fhógair mé fosta ar na mallaibh gur cruthaíodh ocht bpost nua d'Altraí Comhairleacha. Tabharfaidh na poist seo deiseanna d'altraí cur lena ngairmréim ach teagmháil a bheith acu le hothair i rith an ama.

Ina theannta sin, tá mo Roinnse faoi láthair, i gcomhar leis na Ranna Sláinte i Sasana, in Albain agus sa Bhreatain Bheag, ag plé forbairt córais nua pá a fhágfaidh go mbeidh gairmréim níos tarraingtí ag gach ball foirne na SSSSP agus beidh faill acu siúd a thugann an oiread is mó don tseirbhís dul chun cinn a dhéanamh, úsáid níos fearr a bhaint as a gcuid scileanna, ardú stádaí a fháil agus tuilleadh pá a ghnóthú.

### NHS Circulars

**Mr J Wilson** asked the Minister of Health, Social Services and Public Safety if she will ensure that all National Health Service circulars are properly disseminated. (AQO 198/00)

**Ms de Brún:** Since health and social services are devolved matters, it is not appropriate to disseminate NHS circulars which apply to England, Wales and Scotland. Where appropriate, guidance concerned with the subject matter of NHS circulars, but which reflects the policies and procedures of my Department, is issued to all relevant HPSS bodies, and to other interested organisations where appropriate.

Ós rud é gur ábhair chineachta na seirbhísí sláinte agus na seirbhísí sóisialta, ní cuí a bheith ag scaipeadh imlitreacha na SNS a bhaineann le Sasana, leis an Bhreatain Bheag agus le hAlbain. Nuair is cuí, eisítear eolas treorach a bhaineann le hábhair imlitreacha na SNS, ach a léiríonn nós imeachta agus polasaithe mo Roinne agus eisítear iad chuig gach comhlacht SSSSP lena mbaineann siad agus chuig eagraíochtaí leasmhara eile nuair is cuí.

### Free Prescriptions (Students)

**Mr Carrick** asked the Minister of Health, Social Services and Public Safety if she will outline her policy regarding the eligibility for free prescriptions of students who participate in the students loan scheme and if she will make a statement. (AQO 179/00)

**Ms de Brún:** Students who participate in the students loan scheme are assessed in exactly the same way as any other person who applies for help with prescription costs under the health service low income scheme.

Déantar measúnú ar mhic léinn atá páirteach sa scéim iasachta do mhic léinn ar an dóigh cheannann chéanna a ndéantar measúnú ar dhuine ar bith eile a iarrann

cúnamh i leith costas oideas faoi scéim na seirbhíse sláinte dóibh siúd atá ar bheagán ioncaim.

## REGIONAL DEVELOPMENT

### Drainage

**Mrs I Robinson** asked the Minister for Regional Development if he will outline his plans to improve drainage systems to reduce the risk of flooding and if he will make a statement. (AQW 402/00)

**The Minister for Regional Development (Mr Campbell):** The risk of flooding is related to the intensity and duration of the rainfall and the capacity and condition of the drainage systems. The sewerage network consists of some 10,200 km of sewers and has suffered chronic under investment in the past. Water Service is progressing a programme of some 105 area drainage studies to determine the improvements required to the sewerage network to reduce the risk of flooding and to meet environmental objectives. This programme of studies is planned for completion in 2003 and it is estimated that it will identify a capital investment requirement for improvement schemes in excess of £300 million.

The largest of the schemes is the £100 million upgrade of the Belfast sewer system which is programmed to commence in 2003 and which will take 6 years to complete. Planning is also underway to improve the sewerage network in East Belfast with a £2.6 million scheme due to commence in 2002 with completion in 2004. The entire programme of improvements is unlikely to be completed within this decade given current funding levels.

In addition to the major schemes, a number of interim measures, aimed at reducing the risk of flooding in vulnerable areas, are under active consideration or are currently being implemented. These include the £170,000 scheme designed to help alleviate the problem of flooding in the Lower Ravenhill Road area of Belfast which is due to be completed within this financial year.

### Water Quality

**Mrs I Robinson** asked the Minister for Regional Development if he will detail the improvements made to the quality of water in Northern Ireland in the past five years. (AQW 415/00)

**Mr Campbell:** Water supplied for domestic purposes is required to meet the standards laid down in the Water Quality Regulations (NI) 1994. Water is regularly monitored and tested for quality, and the table below summarises the results for the past five years.

## COMPLIANCE WITH REGULATORY STANDARDS

Location \ Year	1994/5	1996	1997	1998	1999
Water Leaving Treatment Works	99.50%	99.69%	99.70%	99.78%	99.86%
Water in Service Reservoirs	99.30%	99.36%	99.45%	99.60%	99.71%
Water at Customers' Taps	98.40%	98.19%	98.12%	97.96%	98.10%
<b>Overall Water Quality</b>	<b>98.90%</b>	<b>98.89%</b>	<b>98.89%</b>	<b>98.86%</b>	<b>98.95%</b>

The results in the table show that drinking water quality is of a high standard but further investment is required to fully comply with the Regulations. Water Service has identified a need to invest some £800 million on new treatment works and refurbishment of existing works, and on improvements to the water distribution network over the next ten years.

## ASSEMBLY COMMISSION

### Statutory Committees

**Rev Dr Ian Paisley** asked the Assembly Commission to confirm the number of meetings of each of the statutory committees and give a breakdown of those that took place in public session and the number in closed session; and to detail the total number of hours each committee has been in session. (AQW 58/00)

**Dr O'Hagan (Assembly Commission) [supplementary answer]:** I am writing to advise you that my written reply, on 29 September, to your question to the Assembly Commission about Statutory Committee meetings contained incorrect information about meetings of the Regional Development Committee. My reply reported that that Committee had a total of 21 meetings of which 19 were "closed", 2 were "closed/public" and the duration of the meetings had been 35 hours. The correct information on meetings of the Regional Development Committee is shown in the attachment to this letter.

The inclusion of incorrect information resulted from an administrative error in the Committee Office and I apologise for this. The Business Office will be advised that incorrect information was provided in my written reply and the correct information will be published in the Official Report in due course.

Committee	Total Number of Meetings	Public Meetings	Closed Meetings	Closed/ Public Meetings	Duration of Meetings (hrs)
Agriculture & Rural Development	16	4	8	4	67
Culture, Arts & Leisure	15		9	6	43
Education	16		15	1	24

Enterprise, Trade & Investment	23		12	11	60
Environment	13		6	7	30
Finance & Personnel	19		7	12	53
Higher & Further Education, Training & Employment	19	7	3	9	50
Health, Social Services & Public Safety	15		8	7	49
Social Development	16		9	7	31
Regional Development	15		9	6	35

### Assembly Publicity

**Mrs I Robinson** asked the Assembly Commission to detail how much has been spent by the Assembly on publicity. (AQW 376/00)

**Mr Wells (Assembly Commission):** I am responding on behalf of the Assembly Commission.

To date the Assembly Commission has spent £159,862 on publicity which covered the development of the Assembly's website (£25,000), recruitment advertising (£133,862) and a general advertisement promoting the Assembly's address and central telephone number (£1,000).

### Mount Charles

**Ms Lewsley** asked the Assembly Commission how much of the produce sold by Mount Charles in Parliament Buildings is sourced from Northern Ireland suppliers. (AQW 380/00)

**Mr Wells:** I am responding to you on behalf of the Assembly Commission.

All of the produce sold by Mount Charles in Parliament Buildings is sourced from Northern Ireland suppliers.

**Ms Lewsley** asked the Assembly Commission what percentage of the produce sold by Mount Charles in Parliament Buildings is produced in Northern Ireland. (AQW 381/00)

**Mr Wells:** I am responding to you on behalf of the Assembly Commission.

It is estimated that 65% of the produce sold by Mount Charles in Parliament Buildings is produced in Northern Ireland.

### No-Confidence Motion (Cost)

**Mr Bradley** asked the Assembly Commission to provide the estimated cost of tabling, debating and recording the 9 October proposal of no confidence in the First Minister. (AQW 382/00)

**Mr Wells:** I am responding to you on behalf of the Assembly Commission.

The estimated staff, printing and recording costs of supporting a half day of an Assembly plenary is £3,023. There were no additional costs incurred in tabling, debating and recording the 9 October motion of no confidence in the First Minister which represented one half of the plenary time on that particular day.





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