



Northern Ireland  
Assembly

# OFFICIAL REPORT

(Hansard)

## Volume 17

(17 June 2002 to 8 September 2002)

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# **Volume 17**

17 June 2002 to 8 September 2002



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## ASSEMBLY MEMBERS

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

Adams, Gerry (SF) (West Belfast)	Kelly, Gerry (SF) (North Belfast)
Adamson, Dr Ian (UUP) (East Belfast)	Kelly, John (SF) (Mid Ulster)
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Courtney, Mrs Annie (SDLP) (Foyle)	Mallon, Séamus (SDLP) (Newry and Armagh)
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de Brún, Ms Bairbre (SF) (West Belfast)	Murphy, Conor (SF) (Newry and Armagh)
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( <i>Resigned 31 August 2002</i> )	Nelis, Mrs Mary (SF) (Foyle)
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Kane, Gardiner (DUP) (North Antrim)	Wilson, Cedric (NIUP) (Strangford)
	Wilson, Jim (UUP) (South Antrim)
	Wilson, Sammy (DUP) (East Belfast)

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## THE EXECUTIVE COMMITTEE OF THE ASSEMBLY

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<i>Deputy First Minister</i>	Mark Durkan
<i>Minister of Agriculture and Rural Development</i>	Ms Bríd Rodgers
<i>Minister of Culture, Arts and Leisure</i>	Michael McGimpsey
<i>Minister of Education</i>	Martin McGuinness
<i>Minister of Enterprise, Trade and Investment</i>	Sir Reg Empey
<i>Minister of the Environment</i>	Dermot Nesbitt
<i>Minister of Finance and Personnel</i>	Dr Seán Farren
<i>Minister of Health, Social Services and Public Safety</i>	Ms Bairbre de Brún
<i>Minister for Employment and Learning</i>	Ms Carmel Hanna
<i>Minister for Regional Development</i>	Peter Robinson
<i>Minister for Social Development</i>	Nigel Dodds

## JUNIOR MINISTERS OF THE ASSEMBLY

<i>Office of the First Minister and the Deputy First Minister</i>	Denis Haughey James Leslie
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<i>Deputy Speakers</i>	Donovan McClelland Ms Jane Morrice Jim Wilson
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<i>Head of Security</i>	Gerald Colan-O’Leary
<i>Head of Information</i>	Mairead Mageean

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# NORTHERN IRELAND ASSEMBLY

Monday 17 June 2002

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

*Members observed two minutes' silence.*

## PROCEDURAL MATTER

**Dr Hendron:** On a point of order, Mr Speaker. I would appreciate your clarification and help on a matter of procedure. The Minister of Health, Social Services and Public Safety, Ms de Brún, presented the document 'Developing Better Services', about modernising the hospital service, on Wednesday 12 June at a press conference in the Odyssey Arena. I would have thought that it should have been presented to the Assembly first — at least by way of a statement — rather than outside. There is no precedent for that.

It was a discourtesy that the Minister did not come to the Committee for Health, Social Services and Public Safety beforehand and give it information about the document. The Department's permanent secretary most certainly did on Tuesday and Wednesday, the day of the presentation. I am not aware of any case in which such an important ministerial document — in reply to the Hayes Report, and concerning all the people of Northern Ireland — has not been presented to the Assembly.

**Mr Speaker:** I have written to the Minister this morning saying that it would be a proper courtesy to the House for a matter of that kind to come forward in the normal way, as a statement. It remains for the Minister to respond. I was disappointed that on a matter of such importance the normal procedure was not followed.

The Member is aware that there are other ways in which he, as Chairperson of the Committee for Health, Social Services and Public Safety, or another Member, may bring the matter to the Floor of the House.

**Dr Hendron:** Thank you, Mr Speaker.

# MARRIAGE BILL

## First Stage

**The Minister of Finance and Personnel (Dr Farren):** I beg leave to lay before the Assembly a Bill [NIA 18/01] to make provision in connection with the formalities for marriage and the solemnisation and registration of marriages; and for connected purposes.

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

**Mr Speaker:** The Bill will be put on the list of future pending business until a date for its Second Stage is determined.

# POLLUTION PREVENTION AND CONTROL BILL

## First Stage

**The Minister of the Environment (Mr Nesbitt):** I beg leave to lay before the Assembly a Bill [NIA 19/01] to make provision for implementing Council Directive 96/61/EC and for otherwise preventing and controlling pollution; to amend the transitional provisions in relation to waste management licences in article 47 of the Waste and Contaminated Land (Northern Ireland) Order 1997; to make provision about certain expiring disposal licences; and for connected purposes.

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

**Mr Speaker:** The Bill will be put on the list of future pending business until a date for its Second Stage has been determined.

## BUDGET (NO.2) BILL

### Second Stage

**The Minister of Finance and Personnel (Dr Farren):** I beg to move

That the Second Stage of the Budget (No. 2) Bill (NIA 16/01) be agreed.

In moving the motion, I shall briefly draw attention to a few points. The debate follows the Bill's First Stage on Tuesday 11 June and the Supply resolution for the 2002-03 Main Estimates, which was also considered and approved last week. The Bill can be given accelerated passage because the Committee for Finance and Personnel has confirmed that, in line with Standing Order 40, it is satisfied that there has been appropriate consultation on the public expenditure proposals contained in the Bill. That condition has been met, and the confirmation was given in a letter dated 11 June from the Chairperson of the Committee for Finance and Personnel to the Speaker.

I welcome the Committee's assistance in the matter and, indeed, the work that it undertakes and the contribution that it makes on all matters concerning public expenditure and related procedural issues. The purpose of the Bill is to give legislative effect to the resource Estimates approved through the Supply resolution passed on Monday 10 June. In introducing that Supply resolution, I provided considerable detail about the figure work contained in the Estimates booklet. Therefore, I do not intend to delay today's debate with unnecessary repetition of that detail. Members have received copies of the detailed Main Estimates booklet. Copies of the Budget (No. 2) Bill and the Explanatory and Financial Memorandum should also be available.

For the benefit of Members, however, I wish to summarise briefly the main features of the Bill in accordance with the nature of the Second Stage debate envisaged under Standing Order 30. The principle of the Bill is to authorise the use of resources totalling £5,710,516,000 by Departments and the issue of £4,962,077,000 from the Northern Ireland Consolidated Fund in respect of the Main Estimates for 2002-03.

I remind Members that the spending plans reflected in the Budget (No.2) Bill were approved and endorsed by the Assembly when the Budget for 2002-03 was approved last December. Today's proceedings are an important step in putting in place our expenditure framework for the year 2002-03.

The Assembly has important responsibilities in this area, and I was most interested to hear the views of Members in last week's useful debate. The nature of these debates means that they are wide-ranging; that is important, because financial provision is fundamental to

every one of our public services, and I welcome the interest that Members take in those matters.

We are now becoming more familiar with the various stages of the budgetary processes. In that context, the Assembly has made considerable progress. In addition to coming to terms with many complex issues and processes, it has had to cope with making the transition from cash to resource accounting. The Assembly has important responsibilities for public expenditure, authorisation and control, and it has demonstrated considerable interest and diligence in addressing those responsibilities.

**Mr O'Neill:** I thank the Department of Finance and Personnel's officials for their work in bringing the Bill to Second Stage. As I have already said in the House, the Bill is an indication of how successful the Assembly has been in organising and administering its finances. As we approach the end of the Bill's process, will the Minister look ahead to the reinvestment and reform initiative, which was initially introduced by his predecessor, Mark Durkan, and worked on more recently by the First Minister and the Deputy First Minister? Will he consider whether some money can be spent on roads in my constituency of South Down? Some hope and opportunity must be offered to provide improvements to its woeful road infrastructure. There is not one inch of dual carriageway in the constituency. Moreover, no major road schemes have ever been undertaken there, and no significant money has been spent on roads. Accessibility to the area is neglected and must be improved for the constituency's growing tourist trade and its other services and needs.

**Dr Farren:** That was a briefer debate than I had anticipated, notwithstanding the fact that Members have addressed the issues on several occasions. I thank Mr O'Neill for his contribution. The Department of Finance and Personnel is embarking on its preparation of the 2002 Budget. The Executive's position report, which was recently presented to the Assembly, is available. It is hoped that Members will take the opportunity to put forward their views at pre-consultation stage. Those views are influential in shaping the draft Budget, which the Department will introduce for consideration in September.

Mr O'Neill has invited me to stray outside the limits of the particularities that surround the Budget (No.2 ) Bill, but the Executive, officials in the Office of the First Minister and the Deputy First Minister and officials in the Department of Finance and Personnel are working on the first set of proposals that they want to see adopted and implemented with respect to the resources available through the reinvestment and reform initiative. I note the points that Mr O'Neill made about his constituency, and I am sure that many of those concerns could be reflected by other Members. The reinvestment and reform initiative is intended to provide the Assembly with a greatly enhanced range of resources from which to draw from in order to make good the deficit in investment in infrastructure.

I am not in a position to make any commitments on the Member's concerns about roads in South Down: that is a matter for the Minister for Regional Development, who will undoubtedly bring forward suggestions with respect to how the resources available to us under the reinvestment and reform initiative can be allocated to meet needs such as those that the Member has identified.

12.15 pm

The roads in South Down are part of the range of considerations that are in the Minister for Regional Development's mind. The reinvestment and reform package will enable us to address many other aspects of our infrastructure that are suffering from the deficit that we are all well aware of. I thank Mr O'Neill for raising the point, and I thank him for his complimentary remarks. I seek the House's support for the Second Stage of the Budget (No.2) Bill.

**Mr Speaker:** As this is a Budget Bill, it requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

That the Second Stage of the Budget (No. 2) Bill (NIA 16/01) be agreed.

## **LOCAL GOVERNMENT (GENERAL GRANT) ORDER (NORTHERN IRELAND) 2002**

**The Minister of the Environment (Mr Nesbitt):** I beg to move

That the Local Government (General Grant) Order (Northern Ireland) 2002 (SR 182/2002) be affirmed.

This Statutory Rule is needed to specify, or list, the district councils that are taken into account to determine a rate that is used in the current formula for distribution of the resources element of the general grant. Members will be familiar with the financial support that the Department of the Environment provides for district councils in the form of the general grant.

There are two elements of grant: the derating element to compensate district councils for loss of rate income due to the statutory derating of certain properties; and the resources element to provide additional finance to those district councils whose total rateable value per head of population falls below a standard determined by the Department. The amount of grant available in the current financial year is £27.9 million for the derating element and £19.5 million for the resources element. That is a total of £47.4 million.

The funds are distributed to councils in accordance with a statutory formula, which is detailed in the Local Government &c. (Northern Ireland) Order 1972. The primary legislation requires, as part of the methodology of the distribution of the resources element, that the Department set a standard rate each year. Any council that falls below that level is entitled to a share of the grant, but those councils above the standard do not qualify. To determine the rate, data for selected district councils relating to gross penny rate products and population are applied. The formula is extremely complicated.

The legislation also requires that the councils taken into account in the calculation of the standard rate be specified in an Order subject to affirmative resolution. Article 2 of the Order lists the 14 councils for which data were used to determine the standard rate for distribution of this year's provision of £19.5 million. The approval of the Order is a necessary part of the methodology for distribution of the resources element of the general grant for 2002-03. I commend it to the Assembly.

**The Chairperson of the Committee for the Environment (Rev Dr William McCrea):** I support the motion. This is a very important Statutory Rule that is needed each year to specify those councils that will be used in calculating standard penny rate product, which is an essential component of the formula used to distribute the resources element of the general grant.



The Minister is aware of the Committee for the Environment's ongoing scrutiny of the Local Government (Miscellaneous Provisions) Bill, which aims to put a new methodology in place for the distribution of the resources element in the general grant payable to district councils. The Committee is in discussion with the Department on clauses that relate to the general grant, and several amendments are being considered.

The Committee is concerned about the projected reduction of the general grant from £20 million to £13·3 million for 2003-04. I have already drawn that issue to the attention of Members, and I assure the Minister that my Committee will not allow this injustice to occur — and I use the word “injustice” deliberately, but that is a debate for another occasion. Although this Statutory Rule will play a part in future calculations of the grant, the Committee has no objection to it's being made. I support the motion.

**Mr O'Neill:** I do not have much to say, but I am concerned about an issue that the Chairperson of the Committee for the Environment has already referred to; that is the disquiet that councils feel about the general grant and its operation. There is a genuine feeling of injustice. It is an archaic way to provide support for councils. Perhaps after the Committee and the Department have considered the issue, the result may be a fairer and more efficient method that will cause people fewer concerns and dispel any sense of injustice.

Even before devolution I was worried about the general grant. It has been eroded gradually to such an extent that some councils, including small councils such as Down District Council, have had an enormous budgetary battle to stay solvent and keep within the bounds of reasonable financial control. Can the Minister tell us how the community sector worked within the administration of the general grant allocation? Consideration was to have been given to how communities were divided, how they were made up, and what overall effect that had. However, he may not be in a position to give us that information.

**Mr Nesbitt:** Unlike Dr Farren, I am pleasantly surprised that there have been so few comments.

I thank the Chairperson of the Committee for the Environment for his support for the motion and the necessity of the resources element. I wish to put on record that since I have become Minister of the Environment, Dr McCrea and I, although we come from different positions, have worked in a professional way; I commend the Chairperson for that. He referred to the new methodology that the Committee and the Department of the Environment are discussing. I repeat what I said on that topic: if the Committee or others have concerns, I seek constructive criticism from them — namely, that when they disagree with certain elements they genuinely put forward other views on how those issues can be dealt with.

Dr McCrea also mentioned that the resources element of the general grant has possibly gone down from £20 million to £13·3 million; that also concerns me. There is a problem with minima and with how the Department bids in the next round. I am conscious of how the Department has bid for resources and of how that bid may pan out. However, as the Chairman has rightly said, that is a debate for the future. I commend him for his words of support.

Mr O'Neill referred to the injustice of the general grant and the disquiet that it has caused — perhaps echoing Dr McCrea's fears that the general grant seems to have been reduced. Those concerns are raised when I meet with councillors.

Mr O'Neill referred to the archaic method. I draw his attention to the new method that Dr McCrea referred to, which will be introduced in 2003. It will focus more on wealth and population indicators with adjustments that reflect the needs of the community, needs that are based on unemployment, tourism, and so on. I trust that the new method for dealing with the grant — when it is finally agreed upon — will empathise more with the community and will reflect its needs better than did the previous formula. I do not consider the new method to be archaic. I am not sure whether Mr O'Neill wished me to explain the complicated method that is proposed today. It is more mechanical in relation to statistics, standard rates and average rates.

I hope that I have covered that aspect. Mr O'Neill asked me how communities were dealt with in the workings of the grant. The difficulty was that communities, as such, were not dealt with. The grant was worked out by dividing the rate poundage by the population of Northern Ireland to get the average rate. The rate for each district council was examined. If a district council's rate was below average, it was entitled to more money. If Members saw the number of councils that were below average, they would see that the amount of money needed this year — based on the Northern Ireland average — is £23 million. The Department has only £19·5 million.

Therefore, the Department must undertake a mathematical process to reach a figure that allows it to allocate the £19·5 million among 14 councils, which will be listed. However, that £19·5 million will only be shared among some of the 14. That complication in the calculation means that it may be viewed as archaic, in a sense. A new method is being devised and will be introduced. I believe that I have covered the points raised by the two Members.

*Question put and agreed to.*

*Resolved:*

That the Local Government (General Grant) Order (Northern Ireland) 2002 (SR 182/2002) be affirmed.

## ASSEMBLY: BUSINESS

12.30 pm

**Mr Speaker:** I draw to the attention of the House — lest anyone has not been observing the announciators — that a private-notice question to the Minister of Education has been tabled and will be taken immediately before Question Time.

The next item of business is a motion on the involvement of children in armed conflict. However, I do not see the proposer of the motion, Mr McGrady, in his place.

**Mr Tierney:** On a point of order, Mr Speaker. As Members can see in the indicative timings, the motion was scheduled to be debated at 1.20 pm. As a member of the Business Committee, I understand that the indicative timings are just that. Mr McGrady has had a personal problem this morning. However, he is on his way to the Assembly. I should be grateful if the House would debate Dr McCrea's motion first to allow Mr McGrady time to arrive.

**Mr Speaker:** I am sure that the Member's Colleague will be grateful that he asked the question. However, he must know that what he suggests is not possible.

If a Member is not available to move a motion, for whatever reason, it must fall. There may very well be reasons that the House would entirely understand. Nevertheless, I am held by our procedures, and the motion must, I regret to say, fall.

## CARE OF SPECIAL SCHOOL LEAVERS

**Rev Dr William McCrea:** I beg to move

That this Assembly recognises the lack of suitable facilities for young, disabled persons leaving special education and calls upon the Minister of Health, Social Services and Public Safety to make immediate Province-wide provision for the continued care of special school leavers and to alleviate current pressures on day-care facilities.

The motion is very important, and I thank the Business Committee for permitting it to be tabled.

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

Life is full of challenges, but the challenges faced by children with a severe learning or physical disability are often immense. How we provide for the needs, both immediate and long-term, of those children who require additional help, especially as they make the strenuous transition into early adulthood, is a measure against which we should be judged. Surely, they too should have the equal rights and equal opportunity to achieve their full potential.

In schools for those with severe learning disabilities, the transition stage begins at 14 and continues until pupils leave school at 19. For many young people with a severe learning disability, that transition stage is particularly traumatic given the changes that accompany leaving school and the preparations necessary for them. At that age, the options available are either placement in an adult day-care centre, a specialised course at a college of further education, employment or staying at home.

Although the numbers leaving special schools each summer are not large — 74 in 1998; 84 in 1999; 79 in 2000, and 84 in 2001 across all board areas — day-care services have become stretched in some areas. Saturation point has been reached, and no more places are available. Parents in my Mid Ulster constituency have been told that their children must remain at home until the waiting list there can be addressed. Mid Ulster is not alone in that. Parents in South Antrim are facing a similar dilemma.

Surely with the involvement of social services in transition plans from age 14, the shortfall in local day-care places should have been detected much earlier. Appropriate measures should have been taken to avoid what is now a calamity for many parents, who have every right to fear that any benefits and skills that their children accrued at school will be lost unless effective adult services become immediately available. The situation that they face cannot be put on the long finger. Although I want to develop longer-term issues, the motion deals

directly with a situation that is immediate and a dilemma that many parents are facing.

In a memorandum to the House of Commons Select Committee on Northern Ireland Affairs's inquiry and contained in its report 'Public Expenditure in Northern Ireland: Special Needs Education', published on 19 April 1999, Mencap (Northern Ireland Division) stated that

"Transitional plans ... have not always been given the attention they deserve."

In a similar submission, the Northern Ireland charity Sense recognised the need to upgrade the adult services available when children reach school-leaving age at 19. Sense said that when the children leave school

"They will have had 15 excellent years at well resourced schools, with programmes geared to meet their needs ... The transition from school to adult services, where their needs cannot possibly be met, can be traumatic ... these people have special needs which need to be met, no matter what age they are."

More recently, in 'Ignored or Ineligible?', a survey conducted last year by the National Autistic Society, it was reported that the Government policy of inclusion in the education system raises expectations which are shattered in adulthood, as current provision is woefully inadequate:

"The crucial years of transition can mean the difference between an unhappy and dependent existence in adulthood, or a more independent and fulfilled life."

In seeking adequate and appropriate provision for their children, parents are looking not for an adult crèche but for consistent and continuous curricular provision, so that the excellent work already delivered by the professional and dedicated teaching staff at special schools can continue. Is not the mission statement of the Northern Health and Social Services Board "Promoting Health and Securing Care"?

The help and teaching available to these children from birth are second to none. I pay genuine tribute to the professional support staff, social workers, psychologists, occupational therapists and special-needs teachers who have such a positive impact on young lives. How sad it will be, therefore, if all their efforts over the years are washed away because further facilities are unavailable when school-leaving age is reached.

Surely society owes these young people a chance to lead a fulfilling life, during which they can achieve many of the things that we, as able-bodied people, often take for granted. Instead, it appears that some are simply tossed aside — too unimportant to be considered for future advancement when people in mainstream education are actively encouraged to take up opportunities now and throughout their lives.

Pressure on day-care services and post-school placements has been of primary concern to many in the special school sector. This issue should be viewed in the context not only of Mid Ulster, but of the Province as a whole.

I thought it prudent to source opinion from special schools across Northern Ireland before this debate. The similarities in the 21 responses I received were striking. They all reported difficulties with appropriate provision and support. Among the main issues identified were: very late confirmation of placements for young people, with the added stress that that brings to their families; inappropriate placements, or mismatching, where a school feels that placements have matched the provision available rather than a young person's actual needs; an inability to guarantee full-time placements; a lack of more appropriate placements because of demand and the difficulties experienced by health and social services in moving people to alternative placements to release places for school-leavers; a breakdown in further education placements due to a lack of consistent and practical support; and a lack of alternative occupational provision for those unsuited to further education and for whom traditional day-care provision is inappropriate.

The principal of Cranny Special School in Omagh told me that provision in that area is not encouraging and that, unless the situation is quickly resolved, two more students will leave at the end of December 2002 with no proper placements available.

The principal of Sandelford Special School in Coleraine stated that the problems to which I have referred have become more pronounced over the last six or seven years. Many leavers have had to wait at home for a considerable time before, in most circumstances, being offered one or two days' placement a week because the local day-care centres are either full to capacity or understaffed.

Riverside Special School in Antrim noted that if a young person does not get a place at an adult centre, he and his family are often isolated from the rest of the community and that a parent may have to contemplate seriously giving up work and rely solely on state benefits to support the family.

The principal of Jordanstown Special School in Newtownabbey stated that there is a need to ensure that proper provision is made for young people so that they are challenged and stimulated and continue to develop their skills.

The principal of Loughan Special School in Ballymena stated that something must be done about the appalling lack of provision for people over the age of 19 who have learning difficulties. That sentiment was reiterated by Knockevin Special School in Downpatrick, where support was expressed for a review into the funding arrangements for post-school placements for all those with learning difficulties.

At the end of June, many parents will be faced with the need to provide care, occupation, training and entertainment for their son or daughter, twenty-four hours a day, seven days a week. Holiday periods are especially difficult for



children who require additional learning time and support and for those who need a set routine to continue to make good progress over the summer recess. The Assembly must assess the damage that will be done to individuals if, come September, placements cannot be found.

In the areas where increased pressures are most evident, immediate measures must be taken to ensure that this summer's leavers can make the transition to the post-school world seamlessly. Provision for children who leave special schools will continue to be an ever-increasing problem unless it is addressed at the highest level and long-term strategies are deployed.

The parent of a child at Kilronan Special School in Magherafelt wrote to me and said that

"in a society where moral and social values are rapidly deteriorating, please consider just how valuable a part can be played by many of these very special young people. Please don't allow their world to be shut down at a time in life which most consider to be their prime".

I received that letter because of the problems experienced by children who leave Kilronan Special School in Magherafelt at 19 years of age. Many parents are angry and frustrated because no one seems to acknowledge their plight and because, although the children that they love with all their hearts face a very uncertain future, no one seems to understand the pain that they suffer. I pay tribute to the parents of those very special children. However, although we agree that they are special, it is about time society provided for them. As I said earlier, the motion deals with a particular situation: children face a dilemma, and their parents face a nightmare. However, the motion itself is not the answer.

12.45 pm

Able-bodied children are encouraged to fill their potential through continued education. That education could continue until a person is 30 years of age, because people are encouraged to go to university. However, for disabled children, education ends at 19 years of age, and that ought not to be the case. I have spoken to the Minister for Employment and Learning, Ms Carmel Hanna, about this and I headed a delegation that met her. Departments must work together to ensure adequate provision, and the Department of Health, Social Services and Public Safety and the Department for Employment and Learning have vital roles to play. Why should education for these children finish when they reach the age of 19, given that other children are able to continue with theirs?

Adequate provision is vital because when these children reach the age of 19, they are put into adult centres. That is inappropriate but welcome, because there is no other provision. However, those placements are inadequate, and places ought to be provided for disabled people between the ages of 19 and 35. Society is not doing that, and it should. Adult centres are suitable at a later stage in life, but not at 19 years of age.

I ask the Assembly to offer genuine care, and I pay tribute to those who have drawn this matter to my attention. Whether the child is Mary's, Teresa's or Peter's, I say to those about whom I am concerned that the Assembly owes it to them to make this provision. At the end of this month those parents should know that their children will not be cast aside, that their rights will be acknowledged and that a place, albeit inadequate, will be found for them. They may not receive perfect provision, but they will receive good provision. These children are being discriminated against. Every other child is encouraged to continue with his education, but at 19 years of age disabled people are told that their education is over. These parents and children are doubly discriminated against because they are told that there is no provision for them and that the children must be kept at home.

I ask the Assembly to support the motion wholeheartedly. Justice will be done if we ensure that these children receive adequate provision.

**The Chairperson of the Committee for Health, Social Services and Public Safety (Dr Hendron):** I should like to congratulate the Dr McCrea for tabling this important motion. Learning difficulty is more common in Northern Ireland than in Great Britain; indeed, approximately 8,000 people here have a severe learning disability, and approximately 35 children out of 1,000 under the age of 16 are disabled. People with a learning disability have the same right as non-disabled people to lead their lives as independently as possible. A key priority for the Department of Health, Social Services and Public Safety in the Programme for Government is described in the section 'Working for a Healthier People'. That focuses on helping disabled people to achieve the highest possible standards of living and to be integrated fully into society, which is a worthy aim. However, evidence points to wide gaps in the provision of services for the learning disabled, with disparities in expenditure between different areas.

The Committee for Health, Social Services and Public Safety recently met with the Kilronan Parents' Action Group — I know that Dr McCrea is familiar with that group — as well as with the Foyle View Parents' Support Group. The Committee learnt of the chronic lack of support for young people with special needs. Problems connected with a lack of respite care provision, especially in rural communities, were described. Transport to and from special schools and, crucially, a lack of suitable after-school places were also mentioned. Due to the limited options available, parents are often faced with providing 24-hour care for their children. That can mean that they must leave employment, which can lead to stress and severe health problems for the carers.

The Foyle View Parent's Support Group advised the Health Committee that parents in Belfast receive provision of £73 for each child compared to £53 for each child in

Derry. Post-19 education services for people with learning disabilities are chronically underfunded. There is little available by way of training and social-care provision. The three existing adult centres in the Homefirst Trust area are already operating at 30% over capacity, and the trust cannot build more centres without additional funding.

At the age of 19, these vulnerable young people are faced with the complete withdrawal of educational input. That means a lack of mental stimulation and loss of skills, which can lead to isolation, behavioural difficulties and depression. These young people must be able to build relationships with others in their age group and develop their full potential. Many of the children attending special schools are quite skilled and can excel in different areas.

This is a cross-cutting issue for health and education, as Dr McCrea pointed out, and it needs to be addressed urgently. Children with special needs are very limited in their life choices. At 19 their lives should be just beginning, but they face a poor quality future. That is clearly an equality issue. The Human Rights Act 1998 provides an additional focus on the rights and freedoms of individuals guaranteed under the European Convention on Human Rights, which includes the right to education.

Legislation must ensure provision for day care for young adults with disabilities. The Executive must demonstrate a clear commitment to targeting social need by directing resources equitably to ensure that this most vulnerable group is provided with the same opportunities and encouragement to develop as children in mainstream schools.

**Mr J Wilson:** This is a Province-wide problem, but I am acutely aware of difficulties in my constituency of South Antrim, where I have been pursuing the interests of Riverside Special School. The school has a high reputation but cannot send its pupils, on leaving, to the local day centre because it has advised in advance that it will be unable to admit them.

In February I asked the Minister of Health, Social Services and Public Safety if she agreed that all young people leaving special education should be entitled to a full-time place at an adult facility or day centre so that they can continue to avail of the opportunities created for them at a special school. The Minister's reply, like that given to my Alliance Colleague in South Antrim, Mr Ford, contained a high degree of detail about procedures in place between the Departments of Health and Education. Those procedures were so complicated that they might have been specifically designed to fudge the question of who has responsibility for this.

Children who attend special schools have severe learning difficulties, and some have additional complications brought about through sensory or physical impairments. The main goal of the curriculum designed for them is to give them independence in their adult life. In mainstream education each child has his talents,

strengths and weaknesses. So too, have the children who attend special schools, except that these children also have physical and mental needs that vary from child to child. There are different implications for each child, depending on his individual needs and ability.

That can present problems when these young people attain school-leaving age and are forced to leave the secure cocoon provided for them during their formative years. Some are able to pursue further education by attending a further education college, backed up by a work placement. That option is a positive step for those whose disabilities are not too serious. Others are not so fortunate. Sensory and physical impairments restrict their passage into the adult world and an independent life, and the options available to them are severely limited.

Attendance at an adult centre is usually the most appropriate option for them, but places are limited or, as in my constituency, non-existent. At the beginning of June, the local adult centre in Antrim closed to school leavers. The centre is oversubscribed, and the implications for young people and their families are serious, to say the least. Denied a place at an adult centre, they will find themselves plunged into isolation.

Dr McCrea was spot on when he said that some families have no option but to give up work and rely on state benefits. Families' incomes can be reduced suddenly and drastically, affecting all members of the household.

Even if a young person obtains a place at an adult centre, there are problems ahead. The 10 or 12 years spent at a special school will have been carefully planned and tailored to suit an individual's special needs, including interaction with students of similar ages. However, once a person has been allocated a place at an adult centre, there is every possibility that he will stay there for the rest of his life, which could be 50 years. The variety of stimulation provided by such an environment is bound to be very limited.

Anyone leaving special education should be entitled to a full-time place at an adult day centre to continue to pursue the opportunities created for him at school. How can the teachers who educate these young people have any job satisfaction, knowing that the benefit of their efforts will come to an abrupt end when the children leave school? How can we encourage new teachers with a penchant for teaching children with special needs to enter the profession? That is a real problem. How can the families of children with special needs hope to achieve any quality of life, for their children or themselves?

These serious matters must be addressed now. If anyone is in any doubt about that, he should visit Riverside Special School in Antrim — I encourage members of the Committee for Health, Social Services and Public Safety to do so. They will see the young adults there, the special facilities that are provided for them, the special

care that they receive and the expertise of the staff. When they leave, they should ask themselves whether those young adults are ready to leave, without further provision being made for their care. I support the motion.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom tacú leis an méid a dúirt Comhaltaí eile faoin ábhar tábhachtach seo. I commend the Members who have spoken for highlighting the needs of perhaps the most vulnerable section of our community — young people and adults with learning disabilities. I also commend William McCrea for tabling the motion, for drawing attention to this essential area and for collating the views of the principals of schools such as Cranny Special School in Omagh and similar schools in Magherafelt, Antrim and other places.

The case that he made would strike a chord with a mother from the Dromore area of County Tyrone who recently lobbied me on her situation. I can testify to the parental anxiety and trauma, having listened to her account. Parents are struggling to meet the needs of children with learning disabilities, and they dread their sons or daughters turning 19 and having to face the next stage of their lives with minimal or no provision. Often, they learn only at a very late stage whether their child has secured a place at a day centre.

Even when someone is allocated a place at a day centre, the arrangements are often not suitable. Facilities can be overcrowded, young women and older men can be catered for together, and there can be minimal stimulation — the point has been made already that everyone has right to a meaningful and fulfilled education, not least young people with learning disabilities.

As usual, the Irish language is equipped to deal with daoine le Dia — special people with special needs.

*1.00 pm*

Reference was made to their world shutting down at a time when it should be opening up. The right to education is absolute, and it applies to all. There are equality issues here, and part of the problem rests in the lack of long-term planning in the past. We should be looking at long-term planning and a joined-up approach by the various agencies and Departments, not least the Department of Education and the Department of Health, Social Services and Public Safety.

The Minister of Health, Social Services and Public Safety has said that the boards have been given additional money in the recent past to deal with community services such as this. There are certainly issues here for the boards and the trusts. With reference to the Sperrin Lakeland Health Trust, I want to pay tribute to individuals such as Mr Ciaran Downey and Mr Liam McDermott, who do a great job in difficult circumstances to provide this care. They need more money to do the work that they have been charged to do.

Support for carers and parents is crucial. Often parents need respite urgently, and Dr Hendron adequately covered the area of stress on parents and the debilitating effect it has on the carers who are essentially charged with a huge task. They are often stressed out and at the end of their tether, and there is a cry for urgent help and attention. We need to invest in our carers and the parents involved, because they are the key delivery mechanism of the help at the end of the day. More focus and greater resources are required. Mr Jim Wilson spoke well when suggesting areas of work that the Committee for Health, Social Services and Public Safety might wish to undertake. I am sure that that Committee has a heavy workload, but this appears to me to be an ideal subject for a Committee inquiry. Perhaps Dr Hendron and the Committee members would consider that.

We are all challenged to look at the priority that we give to the issue. Should this area of health provision come before the Executive in the future for Executive programme funds and extra funding, the other Ministers would need to give the necessary support. In conclusion, a LeasCheann Comhairle, I agree that society must not leave young people with learning difficulties behind. We should work hard on the matter, and there should be a joined-up and thoughtful approach taken by everyone.

**Mr McCarthy:** I thank Rev Dr William McCrea for bringing this very important subject to the Floor of the House. When I say “very important” I mean very important, because I am speaking as a parent of a daughter with severe learning difficulties, who has gone through exactly what we are talking about today. My family and I know only too well the stresses and strains involved. As we go through life, we must ensure that every effort is made to get the best educational and health provision for people such as my daughter. I must tell the Assembly of my sincere gratitude to all the service providers who up until now — over the past 30 years — have been with Joanne and my gratitude for the enormous educational and health provision that she has received. I hope that that can continue.

Joanne attended Clifton Special Care School in Bangor, and when she reached the age of 19, I recall that our family was really concerned about her leaving that school. We wondered where she was going to go. That was the real concern, and that issue is what we are talking about today. We were almost at our wits’ end, because at that time there was very little available. I am thankful that both Departments came together to find a place in the local adult training centre. Joanne attends there five days a week, and she gets enormous satisfaction from being there. For families and parents, the provision is essential. No stone must be left unturned to ensure that the provision is available to every person in Northern Ireland who needs it.

Other Members have spoken of the need for the Department of Education and the Department of Health,



Social Services and Public Safety to come together to ensure that the provision is open to everyone. Every establishment in Northern Ireland is under extreme pressure, but, if sufficient funding is not available, the Assembly will have failed. I am sure that Members will agree that that is not an option.

I thank Rev William McCrea for tabling the motion, and I thank the Members who have spoken. I just wanted to relay my experience of this very important subject as a parent. It is unbelievable not to know where one's young son or daughter is to go at the age of 19. The Assembly must ensure that the provision is made. I support the motion.

**Ms Lewsley:** I too support the motion, and I thank Rev William McCrea for bringing it to the House. The care of special school leavers is a frequently overlooked topic that is not given the attention it deserves. Disability is often the poor relation of the Health Service, and responsibility for the care of those with learning disabilities is often left to families or carers. That causes hardship for the carers, who could be perceived as the forgotten people. They work long hours, often under severe financial pressure and with little recognition for their valuable contribution to society and to the quality of life of the person with the learning disability.

A wide range of needs is currently not being met, and the situation will continue to deteriorate if something is not done immediately. The main reason for this is inadequate funding. Most trusts are severely underfunded; as a result, they are unable to provide adequate facilities and services that reflect the needs of people with learning difficulties. When I talk about services, I am referring to the whole range of services, including care workers, therapists and all other healthcare professionals working in the field. I have had reports of centres that have the facilities, but no resources for therapists to provide a service to their clients. Money that should be going to disability services has, all too often, been diverted to acute services, with the result that there has been a continual decline in facilities for the disabled.

Many with learning disabilities depend on the services offered by day centres. It is often the only opportunity that they have for therapy, social contact and the security of a structured environment, which they need to promote proper development of their capabilities. Current provision is not sufficient to deal with demand, and that does not bode well for the future as more clients make the transition from the education system to adult support services. As many Members have said, we have seen in the past how many young people stay in the education system until the age of 19 and then move to the Department of Health, Social Services and Public Safety.

Over the years, young people with learning difficulties have proved what they are capable of, and many have now been given the opportunity to move into employment, learning and training. Their needs have changed. Many

Members, including Rev William McCrea, have mentioned the lack of facilities in their constituencies. Two weeks ago I raised the issue of the adult resource centre formerly known as the Wallace day centre. Members' contributions today only prove the need for a focused strategy on the services and facilities that should be offered to young people with learning difficulties across Northern Ireland.

Despite the commitment of their excellent staff, many of these centres are not of an acceptable standard to cater for their clients' needs. Many are overcrowded and, in some cases, because of the demand for services, can be offered only on a part-time basis for a few hours each day or even for just two to three days a week.

Some older adults in my own day centre have been intimidated and told that as they have been there for 10 years, they must now move over and take part-time places to allow new people to join. That puts further pressure on families and carers, many of whom are getting older and finding it difficult to cope. That has a serious effect on the morale of clients and their families, carers and staff.

People with learning difficulties already suffer considerable social disadvantage and, because of their inability to speak out for themselves, they rely on others to speak for them. They deserve a service tailored to their needs, and they should be secure in the knowledge that the service will continue if that is their choice.

The facilities and services must be flexible enough to deal with people of different abilities. The staff who work in those centres must be given adequate resources and support to deliver those services. The right to choose is vital, and there should be choices available, both for those with learning disabilities and for their carers. It is important that there be facilitation to enable them to take control of their lives and to achieve a level of independence commensurate with their conditions.

There is also the social aspect. Every individual is a part of our community and, as such, has the right to the opportunity to develop a social network within that community.

Accommodation in many day centres is under severe pressure, and we are heading towards a crisis situation. More young adults are leaving special schools and need the services of a day centre, and older clients are being moved out to make room for them. What is happening to the older clients, and where is their equality of treatment? Are their needs not just as important? The only solution is to ensure that adequate funding is ring-fenced for learning disability services, and facilities should be brought up to date to reflect the needs of the twenty-first century.

I call on the Minister of Health, Social Services and Public Safety to bring together a working group with the Department of Education and the Department for Employment and Learning to create a strategy for people

with learning difficulties, so that there is a clear and simple transition process for many of those young people and their families, carers and staff to give them the quality of life which is a basic human right.

**Mr Foster:** I commend Dr McCrea for tabling the motion. We are talking about the less well off in so far as social and vocational interests are concerned.

The debate has been well rehearsed, and I commend Members for taking part. As a former social worker, I am aware of the great difficulty that arises when the learning disabled reach the age of 19. After that age, there is no place to go. That is sad for the individual and difficult for the carer. Respite is no longer available; stress occurs; the burden of care is further increased; and crisis projects itself tremendously.

However, help may be available. Through some lobbying that I took part in, the Sperrin Lakeland Trust in Enniskillen has provided a new resource at Lackaboy, about a mile outside the town. It has proved very useful, and lots of people have taken advantage of it. Fermanagh College, in conjunction with the trust, has initiated a course of instruction on a two-day-a-week basis, mainly for the younger learning disabled. There is also a scheme initiated by a residential home in the area, known as the Strule/Erne project, based on day-care provision in Enniskillen. Other people can take advantage of such schemes.

Day-care provision is essential to provide self-esteem and to make the learning disabled feel part of life in general. They are enthused by their work, and it is sad that it should be taken away from them at 19 years of age. I found from my experience in social work that carers need a great deal of respite, and it is unfair to add to their burden.

I support the motion and pay tribute to the carers, tutors, social work staff and all those involved in the tremendous work that they do.

In conclusion, I commend Mr Jim Wilson's invitation to the Committee for Health, Social Services and Public Safety to pay a visit to his constituency. The experience will be enlightening. I support the motion.

*1.15 pm*

**Mr Poots:** I thank Rev Dr William McCrea for tabling the motion. The issue is timely and must be discussed. There is little point in the House talking about existing problems unless action is taken to resolve them and to avert further hardship for the learning disabled.

Several Members have said that they have close family members with learning disabilities. My eldest brother has had severe difficulties since shortly after birth. I mention that because it shows that learning disabilities transcend all sections of our society, whether one is Protestant or Catholic, Unionist or Nationalist, rich or poor. No one is omitted. Learning disability can touch

any section of our society. In a recent Adjournment debate on people with learning disabilities, which was initiated by Ms Lewsley, I said that we could judge a society on how well it treats its most vulnerable people. What judgement will be cast on our society on how it treats its most vulnerable, in the form of the learning disabled?

In my constituency, there is the Lisburn adult resource centre, Seymour Hill horticultural centre, the Beeches vocational training unit, the Stepping Stones outreach facility and Lisburn YMCA. Outside my constituency, but in the Lisburn Borough Council area, there is a unit at the Dairy Farm centre at Poleglass. Those centres provide for the area's learning disabled.

Those who work with the learning disabled do their level best to provide a good facility. Unfortunately, it falls short of the real needs of the learning disabled in the area. Lisburn adult resource centre was built for 80 people, but it is being used by 101 people. The centre is not suitable. It has no automatic doors at its entrance for wheelchair users and has no covered area for young people alighting from buses. The site is not integrated, meaning that users of the centre have to go outside to reach another part of the building in all weather conditions, which is totally unsuitable. Too many people with varied behavioural abilities have to use the same room and receive the same service at the same time.

Another problem that must be addressed specifically is that Down Lisburn Trust has adopted a policy of putting the over-45s out of the resource centre to make way for the younger learning disabled. That is totally unfair. There are people in their early 40s who know that pressure will be put on them to leave the centre. Two groups of people will be traumatised. The first group are those who are leaving school to make their way to the centre or to one of the other resources in the area. They will wonder whether a place will be available for them. Their families will want to know what they will do when their children leave school. The second group are those in their early 40s who are worried that they will be put out of the centre to make way for the younger people. Society will not judge that as a good way to treat its most vulnerable people.

There are other opportunities. I know that some people have adopted the Canadian approach of developing a support network of carers and befrienders for the learning disabled who wish to stay at home with their families. I support the people who wish to do that. However, the majority of people do not wish to do that; they want their children to be able to attend the resource centre or another facility where they can mix with other people and have the opportunity to make friends. Those people should be facilitated.

The Department for Employment and Learning must confront its responsibilities. In the past, European funding was reduced, and the Beeches lost the funding that

previously was administered to it through that Department. Fortunately, the Down Lisburn Trust was able to take up the slack for this year and ensure that the Beeches stayed open. However, a significant learning and employment element is involved because many of the young people enter employment after they leave the Beeches. I do not accept that the Department for Employment and Learning does not have any responsibility to bear. Why should the learning disabled be treated any differently from anybody else if the work that they do at a centre will generate the opportunity for them to take up employment later on?

The Department for Employment and Learning has a responsibility from which it must not walk away. I trust that the departmental officials will read this debate, take on board what I have said and take responsibility for providing funding for the Beeches and other places that provide training for the learning disabled.

I pay special regard to the Stepping Stones outreach facility. It is a wonderful facility that gets young people involved in working in the community. That is a tremendous asset to the young people and to the businesses that employ them. It gives the young people an opportunity to work in the community and show what they can do.

The agenda for the learning disabled must be driven forward, and Members must address the issues that are being brought before the House. All the Ministers involved must take their roles seriously. They must properly and adequately address the problems in those areas.

**Mr J Kelly:** Go raibh maith agat, a LeasCheann Comhairle. I congratulate Dr McCrea for tabling what is an important motion. Those Members who have met the parents of children in this invidious position know their pain and hurt, which are due to the lack of understanding from the statutory authorities. Anything that the Assembly can do to further projects that promote integration and social inclusion and redress the age-old prejudice and ignorance about learning disability will be welcomed. Anything that the Assembly can do to highlight the difficulties faced by those young people is welcomed.

I agree with and support the idea of a cohesive, collaborative approach between the Department of Health, Social Services and Public Safety and the Department for Employment and Learning. The care of special school leavers is both a health and an education issue. Primary, secondary and third-level education should be involved in attempting to work out support employment programmes that bridge the serious gap in society that fails to take account of the needs of the people that the motion addresses.

I have a grandnephew who is wheelchair-bound, and I know something about the difficulties that those young people face. They are intelligent young people who are aware of what is going on around them, yet they are

dumped on the scrap heap, or sent to institutions or day-care centres to which they are not suited and where they get in the way. Members could sponsor a disabled person from their constituency and bring him to Parliament Buildings for one day a week for as long as they can. Members can take the lead and begin to integrate disabled people into this part of society and give them an opportunity to sit in our offices to see what Members do or to measure what is going on around them. That is something positive that Members could do as an indication of their concern for these young people.

I congratulate William McCrea for tabling this important motion. We have listened to the other Members who have spoken, and I will not reiterate needlessly what they have said. I support the motion.

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Go raibh maith agat, a LeasCheann Comhairle. Tá mé an-bhuíoch den Oirmhinneach Liam Mac Craith as deis a thabhairt domh soláthar chúram lae do dhaoine óga atá ag fágáil scoileanna speisialta a phlé. Tá a fhios agam go bhfuil an-suim ag mórán Comhaltaí san ábhar seo.

I thank William McCrea for giving us the opportunity to discuss this important issue. I regret that I was unable to be present for the start of the debate, but I was hosting a four-Ministers meeting here this morning with Alan Milburn, Malcolm Chisholm and Jane Hutt. However, officials monitored the details of the debate until my arrival, and I have learned a great deal from that and from what I have heard from Members today.

The transition arrangements for young people leaving special schools are set out in section 5 of the Disabled Persons (Northern Ireland) Act 1989, which requires an education and library board to notify the responsible health and social services trust of the date on which full-time education will cease. The trust is then responsible for arranging an assessment of the young person's needs and the provision of appropriate services. The code of practice for the identification and assessment of special educational needs published by the Department of Education in 1998 provides guidance on how the transitional planning should be arranged.

In the past 12 months, day-care places have been provided for 70 young people who have left special schools, but eight special school leavers have not had their day care needs met. Pressure on day care places is increasing, and waiting lists are beginning to emerge. The four health and social services boards have taken steps to address the pressures on local day care services and they plan to meet anticipated future need.

Young people with learning disabilities have a diverse range of abilities and disabilities that require tailored day-care placement. For those whose level of disability permits, the aim is to provide placements that develop



skills and abilities that prepare young people for the working environment and support them in such environments. For those who are unable to access further education, vocational training schemes or supported employment scheme placements are offered in adult training centres or voluntary sector schemes that provide highly supported places.

Some examples of innovative day care projects have been mentioned during the debate. The Bridge Association in Antrim runs a commercial garden centre that employs young people with learning disabilities. In Coleraine, young people with learning disabilities have the contract for the grounds maintenance at Coleraine Hospital and the Robinson Memorial Hospital. Others are involved in a recycling project.

Mr Poots mentioned Stepping Stones, which is a Lisburn-based project that offers employment for young people in a commercial coffee shop. There is also a commercial baking and retail project called the Cookie Company. In Derry, the Lilliput Theatre Company is the only local theatre company that is made up of people with learning disabilities.

Day care is provided for almost half of the 8,500 people with learning disabilities who are in contact with the health and social services trusts. Day care is not provided on the basis of age but on the basis of need. Young people have access to adult training centre places, horticultural training schemes, voluntary sector projects offering arts and crafts training, further education courses and supported employment.

Regionally, there are 3,820 places providing day care for 4,120 people. Thirty people are not receiving any day care and are waiting for a place.

*1.30 pm*

I will outline the action being taken by individual boards to identify special school leavers in the coming years and to develop day-care services. In the Eastern Board an average of 50 young people a year will leave special schools in each of the next four to five years and will require some form of day support, although not necessarily a place in a statutory facility. Trusts adopt the person-centred approach, which has been mentioned, when discussing options with service users and their carers. Trusts co-operate with other statutory bodies in education, training and employment to develop a range of opportunities for those who can access them. They work with voluntary sector care providers to develop some of the locally based schemes that we have discussed.

In the Northern Board area 154 young people will leave special schools in June 2002. The future planning for young people leaving schools there is also a shared responsibility of health and social services, education and training agencies. This year the board will make additional funding available to stimulate additional

day-care capacity, which will include the development of small local schemes run by voluntary sector organisations. The board does not believe that there is a need for additional day-care facilities for children who have left school, as has been suggested. Facility-based day care is not necessarily considered appropriate for the needs of young people.

The Southern Board has recognised a need for a more diverse range of day opportunities based on a multi-agency approach. In that regard, it identified a need for day-care provision for an additional 20 people a year over the next five years, which includes six to seven young adults leaving special schools each year in each trust area. Several of them will have complex needs that will require day care five days a week. It is recognised that day care, providing activity and skills training, is vital to support people in the community. The board has identified enhanced day care as an area for development against any additional funding available this year. In the longer term, the emphasis on day-care provision will be to procure a diverse range of tailored schemes with several providers to meet the identified local need. Some of that work fits in with some of the points raised by Members.

Expenditure on learning disability services has increased from just under £89 million in 1998-99 to just over £100 million in 2000-01. An additional £191 million has been allocated to the four health and social services boards to develop community services, including those for people with a learning disability, so some of the money that has been allocated to develop community services in general will be available for the development of learning disability day-care services. Members have drawn attention to, and my Department is aware of, the growing demand for statutory day-care places as the number of more dependent young people who cannot access other day activities such as education, training or supported employment increases.

I will set out my priorities for action for 2002-03. Boards and trusts should continue to expand the provision of day care and respite places for people with a learning disability. The question of carers was mentioned in that regard, and my priorities for action in 2002-03 include provision of extra respite care places. Some of the additional funding, which I have allocated to the four health and social services boards to develop community services in 2002-03, will be available for the purpose of expanding the provision of day-care and respite places for people with a learning disability.

I recently launched the report 'A Fair Chance', which records the views expressed by people with learning disabilities about the services they use and how they might better address the equality of opportunity issues that they face. The report has been widely distributed to health and social services and other Departments and their agencies. That will help to inform future service development.

Day care is an essential element in the overall provision of care and support for young people with learning disabilities. However, as has been said today, it must be appropriate to the needs of the individual. In that regard, provision of appropriate day-care activities is a shared responsibility between several Departments and their agencies. That approach will enable those Departments to offer a choice of day-care activities that develop abilities and skills and meet personal aspirations.

Members will welcome the fact that I am meeting Martin McGuinness and Carmel Hanna next month to discuss how our Departments and their agencies can use their expertise collectively to ensure that young people with learning disabilities have the same life opportunities as other young people. Young people with disabilities want to be able to do the same things that non-disabled young people enjoy. That is what social inclusion means. Our responsibility is to ensure that the services we provide help them to achieve that goal. I will work with my Executive Colleagues, the voluntary sector and the rest of the statutory sector to ensure that we remove the barriers to social inclusion and provide the best possible opportunities for people throughout the age range so that people with disabilities and those without disabilities can enjoy and engage in the same range of activities and meet their aspirations in the best way possible.

**Rev Dr William McCrea:** I thank the Members who have participated in the debate for their input and valued support. Comments made in the Chamber today will comfort families who felt that they had exhausted all hope and who are appealing to the Assembly to do something to help them.

I ask Members to consider the motto of Roddensvale Special School in Larne, which concentrates on the three Ps — prepare, praise and progress. The debate has recognised the sterling work of special needs schools in preparing children who have learning disabilities to best meet the challenges that life will undoubtedly throw at them. The debate has also recognised the praise that is readily and freely given to those children not only by their parents and families but also by their teachers and professional staff in the Health Service. That leaves the third element, progress, which is a matter for the Assembly. That is why we are debating how best to make such progress.

I agree wholeheartedly with the Chairperson of the Committee for Health, Social Services and Public Safety who said that there was an equality aspect of the right to education. The Minister said that she agreed with social inclusion and that each child, irrespective of whether he is disabled or able-bodied, should be able to engage in a range of activities and have the opportunity to meet his aspirations. Those are fine and laudable words, but it is important that the Executive help to ensure that money is provided to this most vulnerable group.

Jim Wilson mentioned Riverside Special School. He also spoke about the effects that disability and lack of

provision have on every member of a household. I agree wholeheartedly with his sentiment that options are available to young people with learning disabilities, but that they are limited. He referred to oversubscription of adult day care centres in Antrim, and he also mentioned the need for variety and stimulation. All those points are invaluable in meeting the needs of these children. The garden centre run by the Bridge Association in Antrim is a novel and beneficial project. I am sure that Mr Wilson will join me in commending the association on its excellent work.

Mr Wilson said that this issue affects every Member of the House. That is true. One mother from Magherafelt who mentioned the situation to me is a single parent. If her son does not find a placement, she will have to leave her work, which is necessary to enable her to give the best to her child. She wants and needs to work to give her child every possible help while he is in her care, but she is unfortunately being forced into a situation in which she will have to leave work.

If I could put into words the pain and anxiety that was on that mother's face and on the faces of other parents who have joined me in delegations and deputations to board officers, trust officers and the Minister for Employment and Learning, Members would know that those parents want to give their children the very best. However, they believe that they will not get the best, that they will be discriminated against, because, when the school year finishes at the end of this month, they will sit at home. That is not in the interests of the children.

All the development and effort that has been put in over years in the special schools, which is excellent, A1 provision, will be wasted because many of those children have to take life one day at a time and, therefore, look forward to what is currently provided.

Barry McElduff mentioned a school in his area. A mother's tears and a mother's worry over her child are the same in West Tyrone as they are in Mid Ulster. A mother's care, in Carrickmore, Magherafelt, Larne or Ballymena, transcends all sections of society, as my hon Friend, Mr Poots, said. It is imperative that we give children with special needs the help that is necessary.

Kieran McCarthy highlighted his personal experience. I thank him for sharing with the House the situation that he and his family face with Joanne. I also thank Mr Poots for his personal contribution. No one can really understand except parents who have been there and carried that burden in their hearts. I thank Members for sharing their personal situations. It takes courage. I am sure that many times, like the parents that I am speaking of, they too were at their wits' end, not knowing exactly what the next step would mean.

**Mr J Wilson:** Did the Member hear anything in the Minister's response that gives any hope at all to the



parents who have approached him and me, in Antrim and elsewhere, about the future for their children?

**Rev Dr William McCrea:** I tried to take in some of the figures that the Minister mentioned. The Minister was recently given a 37% rise in financial allocations, 13% of which was for learning disabilities. That does not augur well, because it is inappropriate and unequal.

This issue transcends everyone and all sections of the community. I am endeavouring to ensure that, at the end of this debate, action can be taken that will ensure that anyone with learning disabilities who is not allocated a place will be assured of and given a place. People have a right to demand that. Parents have a right to demand that their children be treated equally with all other children who have learning disabilities.

*1.45 pm*

The very heart of our motion, and our reason for tabling it, is that this is not happening. I do not care how heaven and earth might be moved to provide places, but it is imperative that funding be allocated to ensure them. A meeting with officers of the Northern Health and Social Services Board has ensured that an additional £140,000 has been allocated specifically for investment in day care. I shall watch with interest how that money is used in that board's area. Parents are crying out for places for their children, and that money could provide them.

Mr McCarthy said that Joanne is provided for, and we rejoice in that. However, the burden of the debate is that not everyone with equal need is accommodated. Patricia Lewsley said that responsibility is left to families, and on many occasions that is correct. Those parents have been told that when their child reaches the age of 19 it is over to them — there is no provision. Even the special provision during the summer has been taken from them. The door is closed, and parents are left with their children at home.

It is essential that there is provision for everyone and that families are not left to meet their own needs. There is a problem of resources, but the Assembly must provide those and ring-fence them. A clear, concise strategy must be created which makes definite provision for those children. Mr Poots said that society is judged by how the most vulnerable are treated. How will we be judged? After the debate, we will be judged on how we provide for those people. There are so many things to consider. We tell many of these children that their education is finished at the age of seven or nine. Is any other child told that? Many 19-year-olds have the mental capacity of a seven- or nine-year-old, and sometimes in saying that I am pushing it. People see the body of an adult, but they do not see the child. When all the speeches are made and the verbiage is over, we tell those children that their right to education ceases at the age of seven or nine. We hand them over to their parents and provide nothing for them.

A strategy for proper provision between the ages of 19 and 35 is necessary. Those children have a right to achieve their ultimate potential. However, the parents who asked me to propose the motion do not even reach for that. They want their children to have the right to care in an adult centre. It is not the ultimate in provision, but they have a right to it. I agree wholeheartedly.

I need add no more. We will be judged, as Jim Wilson said, on what we do after the final word has been spoken. I trust that the Assembly will support the motion.

*Question put and agreed to.*

*Resolved:*

That this Assembly recognises the lack of suitable facilities for young, disabled persons leaving special education and calls upon the Minister of Health, Social Services and Public Safety to make immediate Province-wide provision for the continued care of special school leavers and to alleviate current pressures on day-care facilities.

*The sitting was suspended at 1.50 pm and resumed at 2.20 pm*

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

## PRIVATE NOTICE QUESTION

### Attacks on Schools

**Ms McWilliams** asked the Minister of Education whether he will agree to provide resources for extra security for the schools that have been attacked in the recent spate of sectarian violence; and to make a statement.

**The Minister of Education (Mr M McGuinness):** I deplore and condemn the recent spate of attacks on schools and ask those responsible to stop immediately. The attacks serve no purpose and mean that scarce financial resources in the education sector must be diverted from the classroom to meet the cost of repairs.

I have received reports on each of the schools that was attacked, and I pay tribute to the efforts of all those who have worked to ensure that, in so far as possible, the pupils in their care have not suffered and that disruption to the schools' work has been kept to a minimum. I highlight the work of teaching and non-teaching staff, parents, education and library board staff and officers from the Council for Catholic Maintained Schools (CCMS) especially for the way in which they have managed to get the schools functioning again as quickly as possible.

In the past five years, the Department has made an additional £5 million available, specifically to address basic security measures in schools. A further £1 million has been made available this year, and Members will be aware of the additional funding package that was made available earlier this year to deal with the problems in north Belfast. However, the Department's resources are limited, and it has no additional resources for further security measures at the schools that were attacked recently.

The cost of repairs associated with vandalism is usually met from the budget delegated to each school. However, education and library boards have arrangements to consider what assistance, if any, can be given from available resources to controlled and maintained schools in cases in which the costs of vandalism are excessive. Similar arrangements apply between the Department and the voluntary grammar and grant-maintained integrated schools.

I acknowledge the steps that the education and library boards and schools have taken to reduce levels of vandalism, but we must accept that there are limits to what can be done. We cannot completely secure all school premises without their becoming fortresses. I call on all public representatives and members of the community

who are in positions of authority to make it clear that attacks on schools are unacceptable and must stop.

**Ms McWilliams:** I am absolutely astounded that no financial resources are available for those schools. I remind the Minister that the schools were the victims of arson attacks, not vandalism. If the Minister does not provide principals with extra funding for the private security firms that they have employed to cover the July period, they will have to pay out a considerable amount of money from their school budgets. Given that the Minister's plans may provide only a short-term solution, what does he intend to do in the longer term? Will he consider employing detached youth workers and more community workers to build better community relations, especially in south Belfast?

**Mr M McGuinness:** A working group of officials, staff from the education and library boards and the CCMS compiled guidance on school security in 1997 and issued a booklet entitled 'Security and Personal Safety in Schools' to all schools. The Department is making substantial bids for additional resources under both the Executive's reinvestment and reform initiative and the 2002 spending review to meet various pressures across the education service. They include a bid for additional capital funds to enable the Department and the boards to respond to requests from schools for increased security measures.

Members know, and Ms McWilliams is correct to say it, that we have, in the course of the past few years, seen a situation develop in which people in our society think that it is sensible to burn schools and attack chapels, churches and Orange halls. All those attacks are inexcusable and unacceptable, and it is the responsibility of elected representatives and community leaders to be at the forefront of making it clear how unacceptable such attacks are. I hope that people will recognise that the Department's resources are limited.

The Department always intends to put as much money as possible into classrooms and schools to benefit children. We all know that unless that behaviour is ended as a matter of urgency, those bills will mount and will put intolerable pressure not only on the Department of Education but, indeed, on the entire Executive.

**The Chairperson of the Committee for Education (Mr Kennedy):** I speak on behalf of the Committee for Education and Ulster Unionist Party members to condemn unreservedly all sectarian attacks on schools, pupils, parents, property, teachers, principals and staff. There is no place in any decent society for people who carry out such attacks.

The Minister will be aware that attacks have taken place on various schools, not only in Belfast but across Northern Ireland. I draw his attention to the sectarian attacks on Strabane Grammar School, in which the school transport was attacked.

I am concerned that the Minister has hinted that his Department will not make available any additional resources to counter those attacks. On behalf of the Committee — *[Interruption]*.

**Mr Speaker:** Will the Member ask his question, please?

**Mr Kennedy:** Will the Minister raise the matter with the Executive to ensure an early release of funds to assist schools that, through no fault of their own, are at the sharp end of the sectarian conflict?

**Mr M McGuinness:** I agree with Mr Kennedy. He specifically mentioned the situation at Strabane Grammar School. I found that attack deplorable, and I have no hesitation in saying that everyone must do everything in his power to convince those people that it is not sensible to attack schoolchildren, school property or transport, no matter from where the children come. The people responsible need to catch themselves on and recognise that their behaviour is unacceptable.

I replied to Ms McWilliams that, to meet various pressures, my Department is making substantial bids for additional resources under the Executive's reinvestment and reform initiative and the 2002 spending review. That will include a bid for additional capital funds to enable the Department and boards to respond to schools' requests for additional security measures.

Ultimately, we all know that such initiatives could become a bottomless pit. We must address the reason for the attacks, which is why political and community leaders have a responsibility to lead by example. We must show compassion for one another, and we must recognise that we are on the one road together to a new future and that part of that new future is a society in which all children, no matter where they come from, can be educated in peace and with some hope of permanent employment and real prosperity in life.

**Mr Speaker:** The House will resume with questions to the Minister of Education at 2.30 pm.

## Oral Answers to Questions

### EDUCATION

**Mr Speaker:** Question 1, in the name of Ms Ramsey; question 5, in the name of Mr McGrady; question 7, in the name of Iris Robinson; and question 10, in the name of Mr Byrne, have been withdrawn and will receive written answers. Mr John Kelly is not in his place, so we will proceed to question 3.

### Post-Primary Education

3. **Mr Ford** asked the Minister of Education when he plans to report on the findings of the public consultation on post-primary education. (AQO 1604/01)

**The Minister of Education (Mr M McGuinness):** Consultation ends on 28 June, and over the summer my officials will analyse the responses. That will take time, but I expect to be able to publish a report on the outcome of the consultation by the end of September.

**Mr Ford:** Given the nature of the consultation process, that date may be optimistic. How soon will the Minister bring legislation to the House on the basis of the review? The trauma of the 11-plus now affects not only primary 5 children, but those in primary 4 also, and there is little indication that that will change. Can the Minister give a commitment that he will introduce legislation before the Assembly is suspended next year?

**Mr M McGuinness:** This is the largest ever consultation on an education issue; response forms were distributed to over 670,000 households. The distribution took longer than anticipated due to the massive scale of the exercise, but all the forms have now been delivered. The deadline for the receipt of responses is 28 June, which gives people sufficient time. I will not extend that deadline. Already we have received some 100,000 responses, so my officials will have a considerable volume of work over the summer.

The Department is determined to publish the consultation results by the end of September, and I hope that there will be no slippage. The work will be done over the summer, because I am determined to bring my ideas for progress to the Assembly this autumn. However, I need to see the outcome of the consultation. It is a genuine consultation, and people's opinions are crucial. The public has a real opportunity to have a meaningful impact on education.

I hope that work will be completed on time and that we can then deal decisively with an issue that has been outstanding for more than 50 years.

**Mr Speaker:** I wish to clarify that dissolution will take place on 21 March 2003; a suspension would be

another matter. Mr Ford may be aware of something to which I am not party.

**The Chairperson of the Committee for Education (Mr Kennedy):** How does the Minister intend to treat the information given on the household response forms? What weightings will be attached to the representations by the public, community organisations and teachers?

**Mr M McGuinness:** The objective of the response form is to provide information on the review and to enable everyone to comment on the key issues. The outcome will have an impact on the majority of households, and it is appropriate that everyone should be able to express his or her views. The form seeks views on key issues, but provides the opportunity to give more detailed comments. Everyone should recognise this real opportunity. The response has been substantial.

People may have response forms lying at home but perhaps feel that their opinions are not important. I cannot emphasise enough how important it is for people to take this golden opportunity to have an impact on our education system. We will analyse the results and make those available to the public. We will then decide how to progress.

It is too soon to answer Mr Kennedy's questions. At this stage, we must ensure that there is widespread consultation and a good response. I hope that people will recognise the importance of grasping this golden opportunity. We must look at the strength of the arguments that are made and the extent of the support for the various options detailed in the questions. From the Department's perspective, it would be neither practical nor sensible to have formal weightings of opinions.

**Mr Molloy:** Is the Minister aware that several grammar schools have been advising parents not to complete the second stage of the survey and, in particular, not to state that they have any connection with grammar schools? How does he propose to survey those schools?

**Mr M McGuinness:** I am reluctant to enter into a negative debate about any aspect of the work that we have been involved in. This is an incredibly important, valuable, positive and constructive debate. Many education sectors have had their say on these issues. I have been involved in extensive meetings with all education interest groups, and there will be more meetings. All of those meetings were invaluable. We have heard powerful statements from representatives of the Protestant churches, who are opposed to academic selection at the age of 11, and from Catholic bishops, citing their opposition to academic selection.

There is a growing consensus on that, which is at the core of the debate. We must face up to the fact that we have a responsibility — as Minister of Education, I certainly have a responsibility — to meet the challenge of creating a stronger education system. We must enhance the system and deal with the key issue, which is not

institutions, but what will be good for all our children. We must put the best possible education system in place and fit the institutions around the needs of our children, rather than the other way around.

## Resources

4. **Mrs Courtney** asked the Minister of Education to list the methodology under which he is providing state resources to controlled, maintained, integrated and Irish-language schools to provide pre-school places under equality and New TSN requirements; and to make a statement. (AQO 1599/01)

**Mr M McGuinness:** New pre-school places are being provided under the Department of Education's pre-school education expansion programme. The places are planned by pre-school education advisory groups in the education and library boards and are being created in all grant-aided school sectors and in the voluntary and private playgroup sector. The programme is an important element of the inter-departmental childcare strategy and of the Department of Education's strategy for targeting social need.

Admissions priority is given to children from socially disadvantaged circumstances who are most likely to experience difficulty at school and to the oldest four-year-olds. The effect of the expansion programme is to provide an equalising of opportunity in pre-school education. That is a positive measure in the context of the equality legislation.

**Mrs Courtney:** I welcome the Minister's comments, but is he aware of the effect of offering nursery provision in mainstream schooling on the community voluntary sector? The number of places is shrinking, trained carers are losing their jobs and trained teachers are being retrained to care for pre-school children from the age of three and upwards. This contrasts with the rest of Europe, where children do not normally go into mainstream schooling until the age of six. Will the Minister look again at this sector with equality and TSN legislation in mind?

**Mr M McGuinness:** I am aware that some people hold the view that there is an equality issue involved in the different number of places allocated to individual settings in the statutory, voluntary and private sectors under the expansion programme. However, I cannot accept any suggestion of inequality. In the statutory sector the minimum number is 26, while in the private and voluntary sector it is five. In both cases we are talking about thresholds relating to viability, and not minimum entitlements. If playgroups were each to receive 26 funded places as a minimum, very few would receive places, and coverage would be very sparse.

I am fully aware of the concerns of the voluntary and private sector. In planning the expansion programme, the pre-school education advisory groups have adhered to a set of jointly agreed and adopted principles on



displacement. They have aimed to avoid displacement where possible and have actively sought to avoid displacing good quality pre-school provision. It should be borne in mind that the expansion programme is part of a wider childcare strategy that has other elements. Many parents require care for their children outside the two and a half hour period of free pre-school education. In some cases, the establishment of a statutory nursery unit may free up capacity in voluntary or private provision and allow these providers to focus on wrap-around childcare.

**Mr Poots:** Can the Minister identify why there is 90% provision of pre-school nursery places in the Belfast Education and Library Board, yet some rural areas in the South Eastern Education and Library Board, particularly the Lagan Valley district, have only 25% coverage? Why were Fairhill Primary School, Riverdale Primary School and Ballycarrickmaddy Primary School — which is a newly opened school — all refused pre-school places? Also, why does the pre-school education advisory group refuse to put in places when developing new schools?

**Mr M McGuinness:** That was a fairly lengthy and detailed question, which would require a lengthy and detailed response. I do not have any information about the individual schools to hand, but I will certainly undertake to write to the Member.

### Transfer Test

6. **Mr C Murphy** asked the Minister of Education what assessment he can make in relation to this year's transfer test results and the trend of previous years regarding the disproportionately low numbers of disadvantaged children who attain high grades in the test.

(AQO 1593/01)

**Mr M McGuinness:** Analysis of this year's transfer procedure test results show that pupils at schools in the lowest free school meal band were almost three times as likely to achieve grade A as those at schools in the highest free school meal band. This has been the position for the last three years. The disparity is even more pronounced in schools under non-Catholic management, where pupils in schools in the lowest band were almost five times as likely to achieve grade A as those in the highest band. This clearly demonstrates the need for a change to the current system.

**Mr C Murphy:** Those figures are very stark and show the difference in the level of achievement between the different socio-economic bands. Does the Minister agree that an important mission of a publicly funded education system is to enable all children to achieve the best educational attainment, regardless of socio-economic or other circumstances, and certainly regardless of whether people can afford to pay for extra tuition to get them through academic selection tests?

**Mr M McGuinness:** The objective of any post-primary arrangements must be to ensure that all pupils, wherever their gifts lie, are able to progress and fulfil their potential. It is wrong to focus on any single group to the exclusion of others. I am seeking post-primary arrangements that will provide flexible, diverse and high-quality pathways to suit the varied abilities and aptitudes of all children. I firmly believe that every child should be given the opportunity to succeed. I want fairness and better educational opportunities for all children, whether they live on the Falls Road or the Shankill Road, the Bogside or the Waterside, Crossmaglen or Portadown, regardless of their colour, creed, if they are well off or disadvantaged, and whatever their abilities.

**Mr Foster:** Does the Minister agree that disadvantage among children could be largely linked to the amount of money available in school budgets to educate children in particular schools? With that in mind, will he agree that while he, as Minister, does not address the issue of core funding in schools, he is contributing to certain children in certain schools being disadvantaged?

2.45 pm

**Mr M McGuinness:** I do not accept that I am contributing to the disadvantaging of any child. We are discussing post-primary education; it is unacceptable that children from disadvantaged backgrounds constitute only 8% of grammar school enrolments. The objective of any post-primary arrangement must be to ensure that all pupils, wherever their gifts lie, are able to progress and fulfil their potential.

This is probably the most important issue that we have dealt with during the life of the Assembly, which will come to an end early next year. Everyone has contributed to a valuable debate. There is no doubt that in my sphere of influence as Minister of Education, all the people with whom I have come into contact have held deep and genuine views about how we should move forward in education. I respect all those people who have made a powerful contribution to our education system as it stands. I seek to advance and enhance that. I want a stronger education system, and I want to bring about a consensus of opinion so that we can move forward and put in place the best possible education system that will remove for ever any hint of disadvantage for any child. We are building that consensus. Do not lose sight of that.

**Mr Shannon:** There has been much talk about disadvantaged areas such as Portadown and Crossmaglen. What will the Department of Education do to address disadvantage in the entire community, especially in the Unionist community that I represent?

**Mr M McGuinness:** The process that we find ourselves in, of which the Assembly is a part, is a huge challenge for all of us. There is a real opportunity for us to move forward and deal with all the issues that concern everyone.

I was proud and honoured today that the Ballinderry Shamrocks, who won the All-Ireland Gaelic Football Club Championship, were in the Building. Many of those young people come from schools in the mid-Ulster area. It would have been unthinkable that they would ever have been invited here 20, 30, 40 or 50 years ago. This is now an inclusive place. Representatives from many different political parties welcomed the team; nobody protested against them. That was a great experience for them, and it was also a good experience for us.

My political party and myself specifically, as a Sinn Féin Minister of Education, face challenges. It is important that I stretch out the hand of friendship to the Unionist community. I do not want anyone in that community to think that we would contemplate putting in place a system of education that would disadvantage any child. I would regard that as absolute and total failure.

It is important to face up to those challenges. Many Members from other political parties would also recognise that. That is why we are still here. Let us recognise the fact that we are still here and that, four years on, the Assembly is up and running. It is still working, and the vast majority of our people like that. They want it to work and they want us to work together. I am prepared to deal with the long and difficult road. There are people on the opposite Benches who are prepared to do the same because if they were not, they would not be here. Their presence is a powerful statement. Let us move forward sensibly and recognise that we must be inclusive. Let us recognise achievements, as we did when the Ulster rugby team won the European Cup and the Ballinderry Shamrocks came here. Let us congratulate Ireland on its great performance in the World Cup and look forward to great achievements from other neighbours.

### NEELB – Additional Funding

8. **Mr Armstrong** asked the Minister of Education what additional funding is being made available to the North Eastern Education and Library Board (NEELB) to offset the financial pressures being faced by the board.

(AQO 1618/01)

**Mr M McGuinness:** I am aware of the financial pressures that have been identified by the North Eastern Education and Library Board. I have asked my officials to work closely with the board to establish whether further flexibility is possible within its existing budget and to gather detailed information.

While I appreciate the pressures faced by all boards, the budget available to the Department of Education to fund core board services has been fully distributed on the basis of a methodology that reflects relative needs.

There is a compelling case for additional funds for all schools. When my Department has completed its assess-

ment of the NEELB position, I will decide the best way to take the matter forward.

**Mr Armstrong:** I urge the Minister to consider the crisis in the North Eastern Education and Library Board, as shown by the situation at Knockloughrim Primary School. Reduced funding means that staff levels may be reduced from five teachers to three next year, while pupil numbers are increasing.

Can the Minister tell me how his policy in regard to the NEELB is achieving anything other than increased class sizes, while decreasing the standard of education for children? If the Minister is serious in trying to achieve the optimum pupil/teacher ratio throughout Northern Ireland, it is time to do something about it. His party does not have —

**Mr Speaker:** Order. I think that the Member has put his supplementary question.

**Mr M McGuinness:** The budget available to fund core board services has been fully distributed on the basis of a methodology that reflects relative needs across the education and library boards. That is to ensure an equitable distribution of the available resources. It would be incompatible with the agreed methodology to single out the NEELB for additional resources. However, my officials are examining the position of the NEELB, and when that is completed we will decide what should be done.

When the urgent and detailed assessment of the NEELB's position has been completed, it will enable me to make a decision on any bids that should be made and in which areas as part of the regular in-year expenditure monitoring and bidding processes. There is a compelling need for additional funds for all schools in the longer term, as reflected in the Department of Education's bids presented in the Executive's position report, published last week.

**Mr Neeson:** Does the Minister accept that salaries for teachers in the NEELB area are high in comparison with those in other education board areas in Northern Ireland? Will he respond to press reports that extra funding will be made available to the NEELB and to other boards? Finally, will he consider reviewing the formula that has been established for the funding of the various boards?

**Mr M McGuinness:** The age of teachers in the NEELB area is contributing to some of its difficulties. My Department distributes funding for schools across school sectors and between the five boards using methodologies that are designed to assess relative needs. The assessment of relative needs exercise (ARNE) has been used successfully for the last 19 years, with periodic refinements to take account of changing circumstances.

As a result of the proposed introduction of the common funding formula for schools, the Department is undertaking a fundamental review of the methodology used to

assess the relative needs of the five boards, to be completed in advance of the 2003-04 financial year.

It is important that ongoing discussions between officials and the NEELB continue. Speculation in the media can be unhelpful, as it has been on other occasions.

**Mr McNamee:** Go raibh maith agat, a Cheann Comhairle. The Minister has already answered some of my questions. Will he be making bids to the Executive for further additional resources for the North Eastern Education and Library Board and the other boards that are facing similar financial pressures, especially those areas that have had reductions in transport for primary schools in rural areas?

**Mr M McGuinness:** When the urgent and detailed assessment of the NEELB position has been completed, it will enable me to make a decision on any bids that should be made, and in which areas, as part of the regular in-year expenditure monitoring and bidding processes. In the longer term, as I have said, there is a compelling need for additional funds for all schools, and that is reflected in my Department's bids presented in the Executive position report published last week.

### Academic Selection

9. **Mr McHugh** asked the Minister of Education what assessment he has made of the argument that the end of academic selection will create a system of selection by postcode. (AQO 1597/01)

**Mr M McGuinness:** The Burns Report made a range of recommendations about the future arrangements for post-primary education, including an end to academic selection and new arrangements for the admission of pupils to post-primary schools. I am aware of concerns about selection by postcode. Those do not arise from the proposal to end academic selection, but from the proposal of the review body to use proximity as the final admissions criterion where schools are oversubscribed. The review body has made its recommendations, and I have invited views on them and suggestions for modifications and alternative arrangements.

This is open and genuine consultation, and I want to stress that aspects of the proposals can be amended in the light of responses to the consultation. Yet again, I appeal to the whole community to fill in their household response forms. This is a great opportunity to have an impact on our future education system. In the interests of our children, I appeal to everyone to send in their form. It takes only a few minutes to complete.

**Mr McHugh:** Go raibh maith agat, a Cheann Comhairle. I agree with the Minister on the importance of filling in the response forms. The issue has proved to be one of the most important in the post-review consultation period. How will the Minister reconcile giving priority to parental choice with the possibility

that that might prolong the situation in which schools are either undersubscribed or oversubscribed?

**Mr M McGuinness:** As I have said, the recommendations in the Burns Report, including proposed new admissions arrangements, are presently out for consultation. I recognise the potential difficulties in relation to oversubscribed and undersubscribed schools. However, it would not be appropriate for me to take a view on a detail of the proposed admissions arrangements, because I want to listen to what others have to say during the debate and the consultation process. I hope that those who have concerns about any of the Burns recommendations will take the opportunity to put forward any alternatives or modifications that they may have.

**Mr Bradley:** Will the Minister assure the House, and, more importantly, those with rural postcodes, that he will undertake to rural proof all proposals for post-primary education before they are introduced?

**Mr M McGuinness:** In the course of the consultation we provided household response forms to 670,000 homes throughout the country. An additional leaflet allows respondents to suggest modifications or alternatives. However, we must recognise the importance of education in rural communities, and I am conscious of that. We will move forward sensitively, because we must recognise that many people have participated in the debate, and admissions criteria to schools are one of the issues that have been highlighted. It is important that people in rural areas draw attention to the point that the Member has made when filling in their household response forms.

Apart from that, we are conscious of the need to ensure that we deal with everyone fairly and that no one is disadvantaged as we move forward. We are looking for the best outcomes for all children. We want to ensure that all children have access to appropriate education. If there are particular difficulties in relation to rural areas, the Department has a responsibility to face up to the challenges that they pose.

**Mr Hussey:** Thank you, Mr Speaker. I see that you are watching the clock. I endorse Mr Bradley's question. However, mine is of a different nature; it concerns consultation by postcode.

Is the Minister aware that forms have not yet been delivered in some areas? My household has not yet received one.

**Mr Speaker:** I must ask the Minister to reply in writing because time for questions to the Minister of Education is up.

3.00 pm

### HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

**Mr Speaker:** Question 1, standing in the name of Ms Ramsey, question 12, standing in the name of Mr O'Connor, and question 18, standing in the name of Mr



Attwood, have been withdrawn and will receive written answers.

### Breast Cancer

2. **Ms McWilliams** asked the Minister of Health, Social Services and Public Safety how many women between the ages of 40 and 50 have been diagnosed with breast cancer in each of the past five years.

(AQO 1579/01)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Is é líon na mban idir 40 agus 50 bliain d'aois a diagnóisíodh le hailse chíce sna cúig bliana dheireannacha a bhfuil sonraí ar fáil dóibh mar seo a leanas: 1994, 117; 1995, 127; 1996, 139; 1997, 149; agus 150 i 1998.

The number of women between the ages of 40 and 50 who have been diagnosed with breast cancer in the past five years for which data are available is: 1994, 117; 1995, 127; 1996, 139; 1997, 149; and 1998, 150.

**Ms McWilliams:** Does the Minister agree that the diagnosis of 150 women in 1998, the last year of recorded figures, highlights the seriousness of this? I am concerned that women between 40 and 50 years are not invited for screening. The report from the Northern Ireland Cancer Registry states that there was a 14% increase in the crude number of breast cancers detected between 1993 and 1996. Does the Minister agree that that speaks of the benefit of mammography? Does she also agree that it is vital to introduce breast screening for women aged between 40 and 50 in Northern Ireland?

**Ms de Brún:** I believe that the issue is serious and that mammography is important. It is the only test available for breast screening, and it is vital that such a test is available where necessary. At present, the breast-screening programme invites women between the ages of 40 and 64 for screening every three years. However, the research evidence does not support the introduction of breast screening for women under 50. That is the view of the screening committee that advises Health Ministers here and in England, Scotland and Wales.

**The Chairperson of the Health, Social Services and Public Safety Committee (Dr Hendron):** Considering the importance of identifying the number of women between 40 and 50 who have breast cancer, will the Minister reconfirm the extreme importance of the work of the Northern Ireland Cancer Registry on the island of Ireland, north and south? Will she commend the work of Dr Anna Gavin in that regard?

**Ms de Brún:** I join the Member in stressing the importance of that work for everyone and in paying tribute to all involved.

**Mr McCarthy:** I am a fierce opponent of age discrimination. Will the Minister assure the House that any

woman over the age of 64 will, if she requests, be diagnosed and given the appropriate treatment?

**Ms de Brún:** The screening committee that advises the Health Ministers recommends that the breast-screening programme be extended to women aged between 65 and 70. Such an extension would increase the workload by an estimated 40%, and it would require additional resources — financial and staffing. I hope to be able to allocate some funding for that purpose in the coming year.

### New Hospital: Rural West

3. **Mr McMenamin** asked the Minister of Health, Social Services and Public Safety whether Dr Tony Hindle's further research will be made available to interested parties before her Department finalises its consultation proposals; and to make a statement.

(AQO 1588/01)

### New Hospital: Rural West

5. **Mr Gibson** asked the Minister of Health, Social Services and Public Safety for her response to the findings of the York Health Economics Consortium on the siting of a new hospital to serve the rural west; and to make a statement.

(AQO 1591/01)

**Ms de Brún:** Le do cheadsa, a Cheann Comhairle, freagróidh mé ceisteanna 3 agus 5 le chéile mar go mbaineann an dá cheann acu le hobair taighde ar shuíomh ospidéal ghéarmhíochaine nua i limistéar Fhear Manach/Thír Eoghain. Cuireadh san áireamh cinneadh Chuibhreannas Eacnamaíocht na Sláinte Eabhrac, chomh maith le gach faisnéis dá raibh ar fáil domh, maidir le suíomh ospidéal ghéarmhíochaine nua i limistéar Fhear Manach/Thír Eoghain.

With your permission, Mr Speaker, I shall take questions 3 and 5 together, as they both relate to research work on the siting of the new acute hospital in the Fermanagh/Tyrone area.

My proposals on the way forward for acute hospitals were published for consultation on 12 June 2002. The findings of the York Health Economics Consortium, along with all other information available to me, were considered in relation to the location of a new acute hospital in the Fermanagh/Tyrone area. My Department commissioned Dr Tony Hindle to review the reports 'A Review of the Acute Hospitals Review Group Report: Final Report' by the York Health Economics Consortium and 'A New Acute Hospital for the South West of Northern Ireland: Report to Fermanagh District Council' by Colin Stutt Consulting.

Copies of Dr Hindle's review have been placed in the Assembly Library. It has also been placed on my Department's Internet web site, and my Department will make copies available to interested parties on request.



**Mr McMenamin:** The Minister mentioned the York Report, but did she use any other reports or studies when reaching her decision?

**Ms de Brún:** The proposals that I have put forward are based on all the work that came forward, including the Acute Hospitals Review Group's report and people's views on it. That included the two reports referred to as the York Report and the Stutt Report. My proposals have also included further work which I asked my officials to take forward specifically in relation to the siting of an acute hospital in the Fermanagh/Tyrone area.

**Mr Hussey:** The Minister's reply was unclear to me, so perhaps I am asking her to repeat herself. Is she assuring the House that Dr Tony Hindle's further research fully considered the findings of the York Health Economics Consortium?

**Ms de Brún:** Dr Hindle was commissioned to review the two reports and to bring forward work to the Department on that basis, and he did so.

**Mr Molloy:** Does the Minister accept that Dr Hindle gave a variation of that report to the Omagh Steering Group that gave a different view from that which it gave to the Department? It looks as though whoever pays gets the right answer. Does the Minister also accept that there has been a reduction in the number of acute hospitals west of the Bann? Before Hayes there was the Erne Hospital in Fermanagh, the Tyrone County Hospital, the South Tyrone Hospital, the Mid-Ulster Hospital and Altnagelvin Area Hospital. The number of acute hospitals has been reduced from five to one, with an additional one proposed. What action is being taken to ensure that a proper acute service is available for constituents in Tyrone?

**Ms de Brún:** It is incorrect to say that the review that Dr Hindle carried out was given, in any shape or form, in a modified version to anyone in Omagh or Enniskillen. However, I have now placed the review in the Assembly Library and on my Department's Internet web site so that people can see exactly what was said.

The view that the balance lies in locating the new hospital in or to the north of Enniskillen was based on all the information available, including Dr Hindle's review. The views of all those who brought forward information during the consultation period were taken into account, including reports from groupings from various areas and work that was carried out by my officials on hospitals in the South.

Consultation is taking place, and I am prepared to consider new proposals and additional information that arises from that.

## E-Government

4. **Dr McDonnell** asked the Minister of Health, Social Services and Public Safety to outline (a) any progress

which has been made on introducing e-government methods and programmes within her Department over the last three years and; (b) any plans which are in place for further developments in the next three years.

(AQO 1602/01)

**Ms de Brún:** My Department is committed to the targets for e-government that were agreed by the Executive in July 2001, and a strategy is in place to meet them. Electronic business has been increasing in health and personal social services, and new Internet, web site and video conferencing facilities are in place. Appropriate training is being provided, and the first year of a three-year programme to upgrade the existing infrastructure has been successfully completed. Plans for the next three years include the establishment of a secure Intranet for health and personal social services, a data warehouse project to support the better use of information, the introduction of electronic document and records management and the development of networks with other Departments.

**Dr McDonnell:** The Minister may be aware of the perception that there is at best a reluctance and at worst a resistance in her Department to full implementation of some of the electronic methods of communication and business. What targets are set for the take-up, as distinct from the provision of, electronic services? What steps are in place to monitor the take-up? That concerns me — availability is important, but use is even more so.

**Ms de Brún:** I have not heard, and I do not accept, that there is reluctance on the part of my Department to play its full part in this. It is fully participating in all of the groups that have been set up, and it is committed to the targets that have been set out. The Executive have set a target of 25% of key services, determined by Departments, to be in place by 2002, and 100% of those services are to be in place by 2005. An agreed programme of action is in place to meet those targets. It is monitored by a committee which is chaired by one of my deputy secretaries and meets three to four times a year.

**Mr Armstrong:** We all recognise the need for more public awareness of any e-government initiatives undertaken by the Minister's Department, as a sizeable proportion of the public do not know what online services are on offer. How will she let most people know about this? Will she link it in with the National Health Service?

**Ms de Brún:** Currently my major target is to improve the amount of work that we carry out through e-business. For example, we have achieved targets to provide information electronically to the public and opportunities for feedback via the Department's web site. As Members will know from my previous answer, that pertains to consultation and other documents, which are routinely published online. The public can respond electronically using the feedback facility.

Work to maximise clarity in the provision of information on health and personal social services and to achieve

faster, more accurate collation of information is on target for the first phase of implementation. All departmental circulars to health and personal social services are to be available online, and all health and personal social services returns to the Department are to be facilitated online by 31 March 2005.

One example of how we are maximising the other work and providing faster and better quality briefing is that a project manager has been appointed and a series of system presentations is being arranged, so work is continuing in several areas. As Members will know, we have made progress in introducing similar work in health and social services; they use e-business services in finance and administration, and health and personal social services business with private-sector suppliers involves electronic ordering and payments.

3.15 pm

The Department is carrying out work throughout the system. It has also made considerable bids throughout the period for Executive programme funds. I know from the questions today that Members will support those bids to enable that work to be taken further.

### Pregnancy/Childbirth

6. **Dr Adamson** asked the Minister of Health, Social Services and Public Safety what action she has taken to support vulnerable parents through pregnancy and after childbirth. (AQO 1572/01)

**Ms de Brún:** The wants o unfendit faimlies is daelt wi individeidual-lyke an services ettilt conform til thair speceific wants. Speceific ploys tairgetit at unfendit parents comprehends programs stellin teenagers wi bairn an Sure Start, that gies services an uphauld for yung bairns an faimlies bydin in needfu airts.

The needs of vulnerable families are dealt with on an individual basis, and services are tailored to their specific needs. Specific initiatives targeted at vulnerable parents include programmes that support pregnant teenagers and Sure Start, which provides services and support for young children and families living in areas of need.

**Dr Adamson:** Guid on the Meinister for talkin in Ulster Scotch. Coud A speir at the Meinister o Halth, Social Services an Public Sautie whitlyke guidal hir Depairtment haes setten furth on the medical traetment o ill-thrivven weimen wi bairn?

I congratulate the Minister for talking in Ulster-Scots. What guidelines has her Department issued on the medical treatment of pregnant women who are malnourished?

**Ms de Brún:** A'm gey an thankryfe til the Forgaitherar for his quaisten.

The Department is developing a strategy and action plan to reduce the number of teenage pregnancies and to

minimise the adverse consequences of those births to teenage mothers and their children, which includes the action that the Member has asked about.

Action will include support for mothers who wish to remain in education, the development of initiatives to facilitate flexible training and employment opportunities for young parents and other measures to ensure that teenage parents, and particularly teenage mothers, do not face the level of disadvantage that they do at present. I expect the teenage parent action plan to issue for consultation in the coming weeks.

**Mr Shannon:** To my knowledge, a significant number of pregnant women present themselves to hospital each year with malnutrition. Can the Minister indicate if there has been an upward trend over the past five years?

**Ms de Brún:** I do not have those figures at present. I shall respond to the Member in writing on that.

**Ms McWilliams:** Given that the Minister cites Sure Start as an innovative example of practice with vulnerable parents, can she confirm what will happen to those programmes after 2003, when the funding that is currently available is predicted to run out?

**Ms de Brún:** As with all projects for which there is short-term funding, the Department must consider that issue then. The Member will remember the question that arose in relation to the drugs project, for example, which was limited in action because limited finance was available. However, when that finance ran out, I found money from my budget to take forward 23 projects within my remit. I also contacted other Departments to find out whether they could do the same within their remits.

I cannot therefore guarantee what will happen. However, Sure Start is radical, cross-departmental and will improve services for children and families. I am supportive of it to the point that when, in July 2000, 15 Sure Start projects were approved for funding, I allocated funding of £1.8 million from April 2001 to allow a small number of projects to fill the gaps in some highly disadvantaged areas that had no Sure Start projects.

### Hospitals: Cavan and Sligo

7. **Mr McElduff** asked the Minister of Health, Social Services and Public Safety to detail any contact she has had with Minister Micheál Martin TD and the Department of Health and Children to establish the extent and nature of development proposals for hospitals in Cavan and Sligo; and to make a statement. (AQO 1584/01)

8. **Mr Fee** asked the Minister of Health, Social Services and Public Safety to outline (a) any meetings that took place with Micheál Martin TD, Minister of Health and Children, in respect of the future of acute care, (b) any actions considered in terms of North/South co-operation

and (c) what impact any such discussions has had on the detail of their proposals. (AQO 1613/01)

18. **Mr Attwood** asked the Minister of Health, Social Services and Public Safety how many times she has raised the issue of acute hospital provision with Micheál Martin TD, Minister of Health and Children.

(AQO 1619/01)

19. **Mr P Doherty** asked the Minister of Health, Social Services and Public Safety what cognisance was taken of the York Health Economics Consortium's assertion that Hayes failed to consider the potential of Sligo and Cavan hospitals as a solution to the health care needs of the people of south and west Fermanagh; and to make a statement.

(AQO 1623/01)

**Ms de Brún:** Le do chead, a Cheann Comhairle, freagróidh mé ceisteanna 7,8,18 agus 19 le chéile mar go mbaineann siad uilig le húsáid ospidéal sa Deisceart.

With your permission Mr Speaker, I will take questions 7, 8, 18 and 19 together as they are all concerned with the use of hospitals in the South.

Phléigh mé an t-ábhar seo le Micheál Martin TD, an tAire Sláinte agus Leanaí. Chuir mé cóip chuige fosta den pháipéar comhairliúcháin ar an bhealach chun tosaigh do ghéarsheirbhísí a foilsíodh le deireannas 'Ag Forbairt Seirbhísí Níos Fearr: Ag Nuachóiriú Otharlann agus ag Athchóiriú Struchtúr'. D'aontaíomar go mbuailfimid le chéile ar ball le plé a dhéanamh ar na hábhair seo. Bhí an t-ábhar seo faoi chaibidil ar chruinniú fosta agus bhí comhfhreagras air idir feidhmeannaigh shinsearacha mo Roinne agus na Roinne Sláinte agus Leanaí i mBaile Átha Cliath le fáil amach arbh fhéidir le hotharlanna i gCondae an Chabháin agus i gCondae Shligigh seirbhísí a chur ar fáil do othair ón Tuaisceart.

Rinne mé machnamh cúramach ar chinneadh Chuibhreannas Eacnamaíocht na Sláinte de chuid Ollscoil Eabhrac. Ba léir ó staid reatha pleanála do sheirbhísí ospidéil sa Deisceart go raibh amhras ann cé acu a bheadh na hotharlanna ábhartha sa Deisceart in ann acmhainneacht agus seirbhísí a sholáthar san fhadtréimhse a bheadh inchurtha leis na seirbhísí a sholáthraítear sna naoi n-otharlann ghéarmhíochaine sa Tuaisceart. Cuirfear cibé faisnéis a thiocfas as an chomhairliúchán san áireamh sula nglacfar na cinntí deiridh.

I have spoken with Micheál Martin TD, Minister for Health and Children, and have sent him a copy of the recently published consultation paper on the way forward for acute services, 'Developing Better Services: Modernising Hospitals and Reforming Structures'. We have agreed to meet soon to address the issues involved. The matter has also been the subject of a meeting and correspondence between senior officials in my Department and the Department of Health and Children in Dublin on the potential use of hospitals in Cavan and Sligo to provide services to patients from the North.

I also carefully considered the findings of the York Health Economics Consortium at the University of York. From the current planning stage for hospital services in the South, it was apparent that insufficient certainty exists about whether the relevant hospitals in the South will deliver, over the longer term, the capacity and services equivalent to those provided by the nine proposed acute hospitals in the North. Any information that emerges during the consultation process will be considered before final decisions are reached. On almost every occasion that I have spoken with Micheál Martin, the issues raised have touched on acute hospital provision.

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

The Minister will appreciate that my question is prompted by a desire for a seamless provision of cross-border health and hospital services. It emanates from great community anger at the proposal to withdraw acute services from the Tyrone County Hospital in Omagh, which saved a young man's life at the weekend. A 25-year-old man who arrived at the hospital with a ruptured spleen is alive today because of the Tyrone County Hospital.

Will the Minister clarify precisely whether her proposals have, in part or in total, White Paper or Green Paper status? Is the consultation process real or meaningless? Will it finally begin to examine evidence? I raise those issues because senior officials have been publicly saying that some aspects of the proposals have White Paper status, thereby undermining any real notion of consultation.

**Ms de Brún:** I agree with the Member. I also wish to see seamless provision and to ensure that people can access services as necessary. I reiterate my commitment to all-Ireland and cross-border developments. I shall explore further with my counterpart Micheál Martin how acute services on both sides of the border will contribute to the provision of a world-class health service on this island.

The present consultation is a real consultation. It will allow people to have an input. I am prepared to consider new proposals or additional information that arise from the consultation.

The Member mentioned a White Paper. The proposals on the development of hospital services are the most worked and detailed proposals from which we can move forward at the end of the consultation period. The title of the consultation paper mentions modernising structures. Work on the structures contains some relatively new aspects, which are less detailed. That is not surprising, given the ongoing review of public administration. Those aspects have Green Paper status. The paper makes it clear that some further work and consultation will be needed on structures before deciding on final configurations.

However, the section on the proposals for acute hospital services was the subject of much discussion and



consultation before Executive Colleagues discussed it and before consultation was agreed. It therefore has the stronger status at this stage of firm proposals.

**Mr Fee:** If people need acute hospital care, are vulnerable and in ill health, it is irrelevant on a small island such as Ireland where they go to be cured or for the necessary treatment. I welcome moves to improve the situation in Cavan and Sligo, but the population and demographics of the hinterland around Armagh, Newry, Monaghan, Dundalk and Drogheda lend themselves to much closer co-operation between the health boards and the health authorities. There is an enormous gap in provision on both sides of the border, and there is much work to be done.

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

**Ms de Brún:** I absolutely agree that we must provide the best possible services for our whole population, and the proposals in the document are best suited to do that. I am committed to all-Ireland and cross-border developments. Members will know of the work of Co-operation and Working Together and with the North/South Regional Hospital Services Group, which is a sub-group of the North/South Ministerial Council. We wish to improve services for the local community in cancer research, in pooling health promotion, in purchasing high-technology equipment, in improving the ability of our hospitals and other services and in the out-of-hours service by GPs.

**Mr Foster:** In the recent consultative document, the Minister recognised Fermanagh's isolation by apparently acknowledging the recommendation of the Hayes Report that the new hospital in the south-west be built slightly north of Enniskillen. Does she consider that it is now important to confirm such intent? That would inject confidence into the area.

**Ms de Brún:** I confirm that that is the basis of my proposals. However, the consultation process is real, and I cannot pre-empt it. Decisions must be taken. After consultation, I hope to discuss the matter further with Executive Colleagues and to take final decisions in 2002.

**Mrs Courtney:** Most of my questions have been answered. Nevertheless, will the Minister ensure that in future patients will be hospitalised as close to home as possible, regardless of the side of the border on which the hospital is located?

**Ms de Brún:** People want the hospital services that are best for them. We should ensure that the preferred hospitals in our plans can provide services that are equivalent to those in the nine proposed acute hospitals in the North.

My proposals, which allow for clinical networking and give the basis for our community services, local hospitals and acute services to work together to offer free hospital care, will provide the best possible access to services for those who need them, centralising where

necessary and decentralising where possible. I stress that that approach is the way forward.

**Madam Deputy Speaker:** Order. Time is up.

3.30 pm

## FINANCE AND PERSONNEL

**Madam Deputy Speaker:** Questions 2, 3, 8 and 13, standing in the names of Mr Attwood, Mr Byrne, Mr McGrady and Mr O'Connor, respectively, have been withdrawn and will receive written answers.

## E-Government

1. **Dr McDonnell** asked the Minister of Finance and Personnel to outline (a) any progress which has been made on introducing e-government methods and programmes in his Department over the last three years; and (b) any plans which are in place for further developments in the next three years. (AQO 1603/01)

**The Minister of Finance and Personnel (Dr Farren):** In the last three years, the Department of Finance and Personnel has made good progress in laying the foundations for e-government. It has installed the infrastructure required to run electronic business systems, which includes connecting the former Department of the Environment agencies — the Land Registers of Northern Ireland, the Rate Collection Agency, the Construction Service and the accommodation and construction division — to the Department's network.

The main focus over the last three years, apart from the public service network, has been LandWeb Direct, which is a major project for the Land Registers of Northern Ireland to make the land registration service available through its web site. It will be the first service to be delivered electronically through the Government Gateway in Northern Ireland. Separately, the Department has set up a project to create a one-stop shop for European funding.

In terms of internal corporate applications, that is, the electronic delivery of services to all staff, the main platform project has been the production of an online Northern Ireland Civil Service staff directory. Across the Northern Ireland Civil Service, the Department has developed the public service network that addresses the common need for all Departments to have access to high-speed voice, video and data communications and is a key facility to support the electronic delivery of Government services. It is the primary platform to implement the delivery of joined-up applications and services.

Looking ahead, the Executive have set targets for 25% of all key services to be capable of being delivered electronically by the end of 2002 and 100% by the end of 2005. Therefore, the Department is developing an

e-business strategy, on which work will be finalised shortly. The strategy has identified the enabling and other projects necessary to help meet the targets, and work will start shortly on a detailed implementation plan for the next three years.

**Dr McDonnell:** The Minister may be aware of the perception that there is at best a reluctance and at worst a degree of resistance in Departments to implementing electronic methods of communication and doing business. Although he outlined targets for the availability of electronic services, what targets are there for the take-up and use of these services, and what steps are in place to monitor the progress of their use?

**Dr Farren:** I said that an implementation plan covering the next three years is being prepared. The plan will include a process whereby its implementation will be regularly monitored. As for a perceived reluctance in parts of the Northern Ireland Civil Service to use the electronic means at our disposal to communicate, inform and deliver services, I am not aware of any concerted reluctance.

We must bear in mind that all change has a human dimension, because change, in the use and extension of electronic means of communication for whatever purpose, challenges existing modes of operation. In that sense, we must engage in an educational process as we introduce various aspects of e-government. I am sure that all Members will appreciate that those of us who have begun to use electronic communication at a later stage in our careers have experienced something of the difficulty, and I am sure that that will be appreciated as we introduce those means. There is a willingness to accept, develop and extend its use across the Civil Service.

### Ground Rents Act (Northern Ireland) 2001

4. **Mr Morrow** asked the Minister of Finance and Personnel to detail the commencement date for the Ground Rents Act (Northern Ireland) 2001. (AQO 1590/01)

**Dr Farren:** As Members know, the Ground Rents Act (Northern Ireland) 2001 provides a scheme for redemption of ground rents on residential property, thereby permitting the acquisition of the freehold title. A voluntary scheme will come into effect in the first phase next month. The second phase requires compulsory redemption of the ground rent. That phase will be introduced in late 2003 once the necessary computerisation of Land Registry services is complete.

**Mr Morrow:** I thank the Minister for his detailed response. However, it is disappointing to discover that we do not yet have a commencement date 15 or 16 months after the Bill received Royal Assent.

Will the Minister tell us what costs the implementation of the Act will incur? Will he also assure the House that he will take every step to ensure that the Act will be implemented as quickly as possible? It is causing

concern. Does he accept that there has been an undue delay, bearing in mind that 15 months have elapsed since the Bill received Royal Assent?

**Dr Farren:** I acknowledge that there has been some delay, but the Member will appreciate that introducing the Ground Rents Act (Northern Ireland) 2001 is a complicated process that involves several separate pieces of subordinate legislation. Of those, the most important are amendments to land registration rules that provide the practical working-out of the policy. Work on those rules could start only once the primary legislation was finalised. Additionally, consultation on the draft rules was necessary before they could be brought to the Chamber. The implementation of the compulsory scheme is, therefore, scheduled for the end of 2003.

I recognise that that is not what some Members had hoped for, but it is important that we take time to learn any practical lessons that emerge from the voluntary scheme that is effectively a pilot. It is also important that we ensure that the Land Registers' new computerisation system, LandWeb, is properly implemented and capable of meeting demands. The timetable allows the compulsory scheme to be introduced alongside the introduction of compulsory first registration of existing unregistered residential property. That process has already begun.

In ascertaining how much it will cost to buy out ground rent, I have decided that the multiplier that will be used in calculating compensation payable to the rent owner will be nine times the annual ground rent. That figure was decided on with the expert advice of Valuation and Lands Agency and is an accurate reflection of current market value for the purchase of a ground rent.

### Ouseley Report

5. **Mr McCarthy** asked the Minister of Finance and Personnel to make a statement on the implementation of the Ouseley Report on the review of the Senior Civil Service. (AQO 1570/01)

**Dr Farren:** I refer Mr McCarthy to my statement to the Assembly on 11 June 2002.

**Mr McCarthy:** I expected that short and sweet answer. I tabled my question before last week's release of the report. Will the Minister do everything in his power at Executive level to support the availability of choice for senior civil servants as regards their retirement?

**Dr Farren:** The age of retirement issue, which was included in the terms of reference of the Senior Civil Service Review by my predecessor, Mr Durkan, was decoupled from the general review in order to advance the matter and reach a conclusion on it. The retirement issue affects not only the Senior Civil Service but the entire Northern Ireland Civil Service. We hope this autumn to present proposals on the age of retirement of civil servants.

## Review of Rating Policy

6. **Mr Ford** asked the Minister of Finance and Personnel to make a statement on the review of rating policy. (AQO 1594/01)

11. **Mrs Courtney** asked the Minister of Finance and Personnel to outline the timing for the review of rating policy. (AQO 1609/01)

**Dr Farren:** With permission, I will take questions 6 and 11 together.

I announced the launch of the consultation stage of the review on 27 May 2002. A dedicated web site has since gone online, and three public conferences have been held. Consultation will end in mid-September, after which the responses will be assessed. A report on identified options will be made to the Executive in the autumn, and it is hoped that the legislative process will start in 2003.

**Mr Ford:** The Minister indicated previously a willingness to consider major alternatives to the existing system. However, the review tends to assume that mere amendments to the existing system are sought. How does the Minister propose to give full and due consideration to any fundamental alternatives, such as local income tax in place of the regional rate?

**Dr Farren:** When I made my statement on the review of the rating system I answered this question as fully as possible. Full consideration will be given to all submissions to the review, or any other review for which I am responsible. I assure Mr Ford that I will consider fully any proposal for an alternative to, or modification of, the existing system.

**Mrs Courtney:** Will all options be subject to an equality impact assessment and New TSN guidelines?

**Dr Farren:** All options that are identified after the responses are analysed will be subject to an equality impact assessment in line with section 75 of the Northern Ireland Act 1998, which obliges public bodies to ensure that there is equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation, and so forth. New TSN guidelines will also be followed.

**Mr Shannon:** What timescale is envisaged for the rating review? Many would like the review to be presented to the Assembly before the election.

3.45 pm

**Dr Farren:** The consultation period will extend to the end of September. Responses will be assessed, and I anticipate that legislative proposals could be brought before the Assembly in 2003. However, we must bear in mind the time constraints. Legislation must be considered fully by the House, and if legislation is to be passed, we must ensure that the normal timescale can be observed.

In that regard, we are constrained by the dissolution of the Assembly in March 2003.

**The Deputy Chairperson of the Committee for Finance and Personnel (Mr Beggs):** Is the Minister concerned about the level of public engagement with this issue? Does he agree that the public would be more involved if they were aware of potential figures for an increase or decrease in rates? Will such information be made available before final decisions are made?

**Dr Farren:** The consultation document gives an indication of the possible consequences of adopting certain options. Several public sessions were held. I have not been advised of the attendance at all of those, but the first session was not as well attended as we had hoped. However, the number of hits on the web site has been extraordinarily high in the short time since the review document was released.

**Madam Deputy Speaker:** Mr Berry is not in his place, so we will move to the next question.

## Office Accommodation

9. **Mr Weir** asked the Minister of Finance and Personnel to outline any change in location for Civil Service staff based in Rathgael House in Bangor prior to the completion of the review of office accommodation; and to make a statement. (AQO 1624/01)

**Dr Farren:** The Department of Finance and Personnel's information systems unit will shortly move from Rathgael House to Rosepark House in order to improve its operational efficiency, support its service delivery and relieve acute accommodation pressures at Rathgael House. This should not be construed as pre-empting the outcome of the accommodation review, but simply as an operational matter. My Executive Colleagues were notified about the move on 7 August 2001; it is one of several moves to deal with immediate accommodation pressures.

**Mr Weir:** Will the Minister confirm that the Department of Finance and Personnel has received no complaints about the neutral working environment at Rathgael House? Does he agree with the Committee for Education's submission, which states that no education staff should be moved from Rathgael House at this stage?

**Dr Farren:** I have detailed the changes and moves that are under way, and no others are planned at present. The Northern Ireland Civil Service is fully aware of its obligations with regard to the neutrality of workplaces.

## National Insurance

10. **Mr Close** asked the Minister of Finance and Personnel, pursuant to AQO 1384/01, to provide a breakdown, by Department, of the £30 million cost consequent upon the 1% increase in employers' National Insurance contributions. (AQO 1581/01)

**Dr Farren:** With figures rounded to the nearest £0·5 million, the breakdown of the £30 million pressure for 2003-04 referred to in my previous answer is as follows: the Department of Health, Social Services and Public Safety requires £14 million; the Department of Education requires £8 million; the Department for Social Development requires £2 million; the Department for Regional Development requires £1·5 million; the Department of Agriculture and Rural Development and the Department of Finance and Personnel require £1 million each; the Department of Culture, Arts and Leisure, the Department of Enterprise, Trade and Investment and the Department of the Environment require £0·5 million each; and the Office of the First Minister and the Deputy First Minister and minor departments require £0·5 million in total.

This pressure should be viewed in the context of the additional Barnett consequentials arising from the increase in health spending in England — £2·7 billion in the five years from 2003-04 to 2007-08.

**Mr Close:** At a time when the Executive are allegedly trying to do something about the high administrative costs in Northern Ireland, has the Minister made any representations to the Chancellor of the Exchequer on the effect that this back-door tax will have on jobs and on the Administration in Northern Ireland?

**Dr Farren:** The Member will appreciate that this action falls outside the authority of the Administration. The Member may rest assured that the Chancellor of the Exchequer will be made aware of its effect.

### Comptroller and Auditor General

12. **Mr Dallat** asked the Minister of Finance and Personnel to review the remit of the Comptroller and Auditor General with a view to extending the Audit Office's powers to include the accounts of local government authorities. (AQO 1585/01)

**Dr Farren:** The Department of Finance and Personnel initiated comprehensive consultation on audit and accountability arrangements in the public sector in Northern Ireland in September 2001. This consultation examined the role of the Comptroller and Auditor General and the audit arrangements for local authorities. I am finalising my conclusions on this work and intend to submit legislative proposals to the Assembly in an audit and accountability Bill later this year.

**Mr Dallat:** I thank the Minister for his reply and his willingness to open up an ever-increasing number of public bodies receiving public funding to public scrutiny. In planning the future for local councils, does the Minister agree that consideration should be given to bringing them under the wing of the Northern Ireland Audit Office, which has done so much to open up the accounts of various bodies to public scrutiny?

**Dr Farren:** I certainly do agree that all public expenditure must be open to the closest and most detailed auditing and accountability. The Member will be aware that the Executive are committed to transparency, and I trust that the planned legislation will make a significant contribution to meeting that objective. Local government and its accountability will be subject to detailed consideration in the review of public administration.

**The Chairperson of the Public Accounts Committee (Mr B Bell):** I welcome the Minister's statement and the assurances that he seems to be giving. When the Chancellor of the Exchequer recently announced extra money for health, he said that an auditor would be appointed to inspect the spending of this money. Does the Minister believe that a separate auditor for Northern Ireland is essential?

**Dr Farren:** I take it that the suggestion is for a separate auditor for the Health Service. That matter is under consideration by the Executive.

*Adjourned at 3.55 pm*





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# NORTHERN IRELAND ASSEMBLY

Tuesday 18 June 2002

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

*Members observed two minutes' silence.*

## INSOLVENCY BILL

### Second Stage

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** I beg to move

That the Second Stage of the Insolvency Bill (NIA 14/01) be agreed.

As I said in relation to two earlier Bills, my Department is focused on updating our company and insolvency laws with a series of legislative measures designed to keep the legal framework for business in Northern Ireland at the forefront of best international practice.

The Insolvency Bill is the latest important measure that I am bringing to this session of the Assembly. It will ensure that small companies here can use the same company rescue procedures as their competitors in Great Britain, thus removing any potential disadvantages to local business.

It might be helpful for Members who are unfamiliar with company voluntary arrangements (CVAs) if I explain the current CVA procedures, their main drawbacks and the improvements that will be brought about by the Bill. The CVA procedure is a means for companies in financial difficulty to reach a legally-binding agreement with their creditors in satisfaction of their debts. A proposal will typically involve payment of a reduced sum to each creditor or payment over an extended period. There must be a majority vote of at least 75% in favour at separate meetings of a company's creditors and members for a proposal to be approved. Once it has been approved, it becomes legally binding on everyone entitled to vote at the meetings, provided they were given notice that the vote was taking place.

However, the current procedure has several drawbacks. First, insolvency proceedings can be commenced while the proposals are being put together, thus thwarting the attempts to enter a voluntary arrangement. Secondly, not all creditors may be bound by the agreement. Finally, there has been a low uptake of the CVA procedure locally — about six cases a year.

If more successful rescues are to be achieved, change to the existing legislation is required. Measures that will enable companies to return to a sound financial footing will benefit everyone who could be adversely affected by a company's getting into financial difficulties. Jobs saved, the dangers of cash flow problems for suppliers reduced and communities continuing to benefit from continuing spending power are very positive alternatives to outright closure.

The Bill aims to make company rescues more accessible to small companies here by extending to them the choice of availing of a short moratorium. Such a moratorium would give small companies in financial difficulties a breathing space free from creditor pressure to consult an appropriately qualified expert to see if a successful rescue package could be put together, and, if so, to prepare one for consideration at meetings of the company and its creditors.

The proposed new procedures will be available in addition to the existing CVA procedure that will continue to be used where a moratorium is unnecessary. Under current legislation, a moratorium is provided only for insolvent individuals. The proposed change will mean that small companies will no longer be at a competitive disadvantage.

To sum up, the intention of the Bill is to bring Northern Ireland into line with the system in Great Britain following amendments to the Insolvency Act 1986 made by the Insolvency Act 2000. In so doing, it will introduce the option of a short moratorium for small companies that will give them time, free from the threat of immediate creditor proceedings, to attempt to set up a voluntary arrangement. That is a significant step that provides a remedy against a voluntary arrangement's being thwarted, for example, by a single creditor, to the detriment of the other company creditors, and it is legally binding on all creditors. These improvements will result in an increased uptake of the CVA procedures, and Northern Ireland will benefit as a consequence.

Finally, the provisions of the Insolvency Bill are important advances that have been generally welcomed by insolvency professionals. That reflects the Bill's non-controversial nature, the fact that it is attempting to remedy drawbacks in the system and the fact that it is seen to be helping to create conditions in which otherwise viable businesses can continue to develop and expand.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Insolvency Bill (NIA 14/01) be agreed.

## COMPANY DIRECTORS DISQUALIFICATION BILL

### Second Stage

#### **The Minister of Enterprise, Trade and Investment (Sir Reg Empey): I beg to move**

That the Second Stage of the Company Directors Disqualification Bill (NIA 15/01) be agreed.

My Department is focused on updating our company insolvency laws with a series of legislative measures, and the Company Directors Disqualification Bill is the final measure that I am bringing to this session of the Assembly. It is an important measure that goes towards meeting my Department's commitment to keep the legal framework for business here at the forefront of best international practice. The Bill will ensure that we have up-to-date law to deal with the problem of unfit directors, and it will provide a means of preventing such individuals from acting as directors for a period commensurate with the degree of their unfitness.

It might be helpful if I explain to Members the current position and the improvements that the new Bill will introduce. It is widely known that the status of limited liability affords a special privilege — namely, that directors of a company are not, in the main, liable for that company's debts. Disqualification for unfitness is a means of protecting consumers, and the public generally, from those who would abuse the system of limited liability and also from those who, while not deliberately abusing it, have shown themselves unfit through incompetence.

Under the present system a person can only be disqualified from acting as a director for a limited liability company by means of a court order. That order is normally made by the High Court on the application of my Department in cases where the company has become insolvent and the insolvency practitioner in charge of the insolvency, or the official receiver in the case of compulsory liquidation, has submitted a report alleging unfit conduct.

The Bill seeks to introduce a new method of disqualification. It is disqualification by consent, without the involvement of the court, where there is evidence of unfitness on the part of a director and where that director is not disputing his or her unfitness. In such cases, the Department will be able to accept a statutorily-based undertaking from the director not to act as a director for a specific period. That undertaking will have the same basis in law as if it had been a disqualification order made by the court. Any breach of the undertaking will have the same effect as contravention of a court order: namely, it will be a criminal offence and can lead to personal liability for the debts of a company. Those sanctions would not apply under the current system were a director to offer an undertaking in lieu of the

matter going to a hearing in court. In addition, an undertaking given under the new system will be entered in the register of disqualification orders and undertakings. Any undertaking given under the current system could not have been so entered.

The Bill also provides for details of all orders made and undertakings given in Northern Ireland to be sent to the Secretary of State for Trade and Industry for inclusion in a UK-wide register of disqualification orders and undertakings. That is important in ensuring that details of all disqualification orders and undertakings are disseminated as widely as possible in the interest of protecting the consumer and the public.

As well as the advantages that I have outlined, the new system will have three other significant advantages. First, there will be a saving for the director in legal costs, as there will no longer be an award of the Department's costs against him. Secondly, there will be a saving in court time, as it will no longer be dealing with uncontested cases where the director has indicated his intention to accept that he will be found unfit, or where he is introducing evidence solely in mitigation with the intention of justifying a short period of disqualification. Thirdly, it will result in a speeding-up of processing time in uncontested or mitigation-only cases.

The provisions in the Bill will not, however, mean that a director will be put under pressure to accept disqualification rather than defend his reputation in court. Whether or not he accepts the Department's allegations of unfitness, he may still choose to allow a court to adjudicate on the basis of the evidence. Equally, he may at any time after filing the proceedings in court, seek to make an undertaking. The Department may, in those circumstances, withdraw the proceedings with a consequent saving in costs to the director and in court time.

The intention of the Bill is to bring Northern Ireland into line with the system applying in Great Britain, following amendments to the Company Directors Disqualification Act 1986 made by the Insolvency Act 2000. In so doing, it introduces in particular the option of a voluntary disqualification by a legally enforceable undertaking. That represents a significant step forward, by simplifying the whole procedure; by the provision of undertakings to be entered in a public register to protect consumers and the public; and by saving the director his or her legal costs. Those represent important advances that are also generally welcomed by insolvency practitioners.

That, I believe, reflects the non-controversial nature of the Bill and the fact that it applies a common-sense approach to the practicalities of the disqualification procedure.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Company Directors Disqualification Bill (NIA 15/01) be agreed.

## LOCAL AIR QUALITY MANAGEMENT BILL

### Second Stage

**The Minister of the Environment (Mr Nesbitt):** I beg to move

That the Second Stage of the Local Air Quality Management Bill (NIA 13/01) be agreed.

10.45 am

The purpose of the Bill is to transpose the EC Directive on ambient air quality assessment and management. In addition, the proposed Bill will satisfy the commitments in the Executive's Programme for Government and 'Investing for Health'. It is to be in place by May 2003. The Bill also aims to deliver Northern Ireland's contribution to the targets in the air quality strategy for England, Scotland, Wales and Northern Ireland. That requires the establishment of a statutory scheme affecting the relevant parties.

The Bill, therefore, places a range of statutory requirements on district councils and relevant authorities that will be prescribed by forthcoming Regulations. Those statutory requirements are dictated by the responsibilities in the control of the various agencies and by what is required to satisfy the Directive and deliver compliance with the air quality strategy objectives.

The Bill requires that the Department draw up, on its own or in conjunction with other United Kingdom Administrations, an air quality strategy. It places a duty on district councils to conduct reviews and assessments of local air quality — a process that all 26 district councils are already voluntarily engaged in. The Bill provides for the declaration by district councils of air quality management areas and the establishment of action plans indicating the measures to be taken where there is a risk of air quality standards or objectives being exceeded.

The Bill also requires relevant authorities to provide information and produce proposals to secure necessary improvements in air quality relating to the activities under their control. It will allow the Department of the Environment to provide financial assistance for air quality review assessment or management activities.

Research has shown that poor air quality can exacerbate respiratory and heart conditions. For that reason, the production of the Bill is one of the Executive's 'Investing for Health' targets, and recent research, which included Belfast, indicated that poorer air quality is frequently found in socially deprived areas. The Bill is, therefore, likely to most significantly improve air quality for those who live and work in socially deprived areas.

The Department of the Environment carried out a full public consultation in late 2001; approximately 500 organisations and individuals were consulted. They included the Committee for the Environment, MLAs, departmental statutory bodies, the relevant environmental bodies, district councils and other relevant organisations, including minority groups.

The Department is content that the majority of the issues raised are satisfactorily dealt with by the legislation. Of the remaining issues, four were rejected — they related to the promotion of fuel types, which is not within the remit of the Bill — but the suggestions regarding enhanced public access to information were incorporated. The Bill will bring environmental and health benefits to people in Northern Ireland.

**Mr A Doherty:** I have difficulty in breathing, even when the air is pure. Therefore, I know better than many how important it is to stop poisoning the air, not only so that we can enjoy life but also so that we can go on living. The alarming increase in the number of old people dying from respiratory problems cannot be ignored, and even more frightening is the ever-increasing number of young people suffering from asthma. The millions of tonnes of toxic chemicals that are pumped into the air daily may not be the only cause of this, but it would be criminally irresponsible not to admit that they must be a factor, as well as being the major cause of global warming and climate change.

I approve of and support legislation that is aimed at improving and managing air quality. People have shown that, if left alone, they are not too interested in keeping the air clean, or are too greedy to do so.

The name of the Local Air Quality Management Bill is a bit of a joke, but not much of a laugh. There is no such thing as local air. Our air is everybody's air and everybody's air is our air. Events at Chernobyl and Sellafield have taught us that. We cannot build a peace wall 20 miles high to keep clean air in and dirty air out.

We must ensure that the air that we are responsible for is as clean as we can make it. The Bill makes district councils responsible for the air in their districts, which is OK if with that responsibility come the resources and powers to fulfil their duties effectively. I am worried about that.

Clauses 3, 4 and 5 empower district councils to carry out reviews, to make assessments, to designate areas, to make further assessments, to prepare reports and action plans, to revise their action plans and to send the Department and each relevant authority a copy of their finally determined plans. To what end? Clause 6 will give the Department reserve powers to turn on its head everything a council has done.



Time does not allow me to go into details, but they are set out in subsections (1) to (7). Subsection (7) is the sting in the tail, as it requires the district council to comply with any direction given to it under the legislation. That may seem a necessary safeguard to ensure compliance with international treaties and agreements, to ensure consistency of action and to deal with incompetent councils, if there are any. That is understandable, and it is even acceptable if carried out with some tact or finesse. However, there seems to be nothing in the legislation that allows for councils to appeal a decision or direction. In cross-cutting issues where two or more Departments have a difference of opinion about some requirements of the Bill, the relevant Ministers can put their heads together and reach a gentleman's agreement. I may be wrong, but councils seem to have no facility for arguing or defending their actions if they feel that their action plans are reasonable and workable in their circumstances, but the Department thinks differently. Will the Minister reassure me that I am wrong in that assumption?

**Mr Ford:** I welcome the broad provisions of the Bill, but I would like to pose one or two questions to the Minister on matters that do not appear to have been dealt with in full. First, clause 2(6) appears to suggest that the Department of the Environment will have authority over other Departments. Perhaps the Minister could explain how that authority will be exercised, if the interpretation is that the Department of the Environment will have the right to tell other Departments and authorities what to do.

Clause 5(8) makes an interesting reference to a disagreement between a district council and a relevant authority, yet it does not spell out how that disagreement is defined. Reference is made earlier in clause 5 to the council's contribution towards any action plan and submissions from other relevant authorities, but it does not say that the council has the right to vet the decisions of other authorities. I suspect that other Departments will be reluctant for councils to tell them what to do. However, it talks about registering a disagreement and the matter then being adjudicated by the Department of the Environment.

We might find that the combined activity of private motorists and the Department for Regional Development's Roads Service is a major source of air pollution. Will the council be authorised to tell the Roads Service what to do, in that case? I doubt if that will be acceptable. Will the Department of the Environment then have the power to step in, or will we see some kind of back-room deal between two Ministers? A gentleman's agreement may be satisfactory, but if it is arrived at behind closed doors without the knowledge of the district council responsible for drawing up the action plan, that is not the transparent, open Government that we are supposed to be looking forward to. The Minister and his officials will have to address that in some detail now or at Committee Stage.

I was also fascinated by some of the definitions. In clause 19 I made the amazing discovery that "air" means ambient air, which is perhaps simple enough until a few definitions later we discover that "ambient air" means outdoor air in the troposphere.

That is news to me, since I was not sure that the entire troposphere came under the responsibility of the Northern Ireland Assembly. I presume that it refers to the part of the troposphere that is vertically above the land area of Northern Ireland.

There seems to be a contradiction in the concept of promoting air quality, yet excluding open-air workplaces. We all know the problems that can arise — for example, the nuisance that can be caused to neighbours by quarrying operations. Is the Minister saying that anything that arises from an industrial process such as quarrying does not affect air quality? That issue should be addressed in detail.

Since the House is so engrossed in the Bill, I do not wish to detain it for too long. Schedule 1 refers to consultation. It may be that that section of the Bill has been lifted from the equivalent Westminster legislation, but there is a particular issue in Northern Ireland that does not apply in Great Britain. There may be district councils, or perhaps county councils

"whose district is contiguous to the council's district"

— in the words of schedule 1(2)(b) — but which are under another jurisdiction in the form of the Republic of Ireland.

Without going as far as Chernobyl, as Arthur Doherty did, if we are to do anything about tackling air quality we should at least look at whether there are North/South issues where air quality in the North can affect the Republic and vice versa. I trust that the Minister will be able to reassure us, and I promise him that we will have an interesting Committee Stage on that issue.

**Mr Nesbitt:** Two Members have spoken on the Bill, which is a little more than Sir Reg Empey had on the Bills that he sponsored this morning. It is similar to the number of Members who spoke on a Statutory Rule that I brought to the House yesterday, and it is 100% more than what Dr Farren had yesterday, so we are getting a light load on the Second Stage debates. Perhaps I am filibustering until I get my papers organised.

**Mr Speaker:** The Minister's honesty is commendable.

**Mr Nesbitt:** I hope that it will be noted and underlined that my honesty pervades the Chamber, even when I am outside.

I thank the two Members who commented. My officials will scrutinise Hansard, and if I overlook any aspects in the detail of what was said, they will write to the Members accordingly. Mr Ford said that there would be "an interesting Committee Stage". I look forward to constructive intercourse between the Committee, the Department and myself, as has been the case in the Committee Stages of other Bills.

Mr Arthur Doherty referred to respiratory problems and local air. It is not only local air, it can be wider, which is a point that was made by Mr Ford when he referred to North/South issues and those aspects that we need to address, and district councils' designation of areas for action plans.

Mr Doherty addressed a key point when he asked "To what end?" He said that the Department of the Environment will have the power to do what it wishes. His implication was that the Department would overturn those aspects negatively. I assure Mr Doherty that any direction that would come from the Department would be positive. It would be a direction to do those things that a council would be meant to be doing, if it were not doing them. That is important because we view this aspect of highlighting problems and areas of action plans as important. The environmental health departments of district councils are the key drivers of that aspect of air quality.

11.00 am

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

Mr Ford asked about authority over other Departments, and about that issue being addressed at Committee Stage. A requirement of the proposed legislation is that district councils will submit proposals for action plans, which have been mentioned. Departments are committed to air quality strategies. However, on a practical level, should any Department fail to fulfil its statutory duties, the matter will be resolved bilaterally between Ministers, or by the Executive in their final analysis. If a Department has failed to discharge its duty, the High Court — on the application of a relevant authority — could declare that to be unlawful as an act of omission. Relevant authorities will be prescribed in the forthcoming legislation.

Consultation on the North/South issue needs to be addressed, as Mr Ford indicated. The problem is not so much trans-boundary, but more localised. However, I accept that the strategy in which the Department is involved is a UK-wide strategy. Air quality is not localised. As always, co-operation will be needed to deliver on that strategy. As part of the first stage of the review and reassessment process, councils that are adjacent to the border have considered, neighbouring sources of air pollution across the border. In all cases, that review has shown that those sources have no significant effect on local air quality and, therefore, do not need to be considered much further.

I have covered the points raised by both Members. If any details have not been covered, Department of the Environment officials will scrupulously scrutinise Hansard, and those details will be provided. It is my firm belief that the Bill is necessary in order to transpose EU Directives, to satisfy the Executive's Programme for Government, and to invest in better health and ambience for the environment. However, it will also benefit the

entire Northern Ireland public. Therefore, I commend the Bill to the House.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Local Air Quality Management Bill (NIA 13/01) be agreed.

## BUDGET (NO.2) BILL

### Consideration Stage

**Madam Deputy Speaker:** I advise the House that no amendments to the Bill have been tabled. Therefore, by leave of the Assembly, I propose to group together the six clauses of the Bill, followed by the three schedules, and the long title.

*Clauses 1 to 6 ordered to stand part of the Bill.*

*Schedules 1 to 3 agreed to.*

*Long title agreed to.*

**Madam Deputy Speaker:** That concludes Consideration Stage of the Budget (No. 2) Bill. The Bill stands referred to the Speaker.



## **COMMITTEE FOR SOCIAL DEVELOPMENT: INQUIRY INTO HOUSING IN NORTHERN IRELAND**

### **The Chairperson of the Committee for Social Development (Mr Cobain): I beg to move**

That this Assembly approves the second report of the Committee for Social Development on their inquiry into Housing in Northern Ireland (Homelessness) (3/01/R) and calls on the Executive to consider the report and arrange for the implementation of the Committee's recommendations at the earliest opportunity.

The report deals with the serious and, I regret to say, growing problem of homelessness. The latest figures available for the Committee's inquiry relate to 2000-01, at which time 12,694 households presented as homeless. Within the past week, the Northern Ireland Housing Executive has released figures for 2001-02 that show a 10% increase on last year's figure. That means that more than 14,000 households presented as homeless. That the trend continues upwards rather than downwards should concern everyone in the Assembly. We should also be alarmed at the increasing trend of young people who are presenting as homeless.

Homelessness is a serious social, economic, health and education issue. How can we, as locally elected representatives, stand over policies that patently fail to reverse the increasing trends of homelessness? We are always on the lookout for good news stories, and we can be proud of the many achievements that have come from the establishment and operation of a local Assembly. By the same token, we should be thoroughly ashamed that we are responsible for failing the vulnerable and needy in society.

There is no denying that the homeless fall into that category. I doubt whether anyone is more needy than the person without a home, yet the report shows that levels of homelessness are on the increase. As I have said, more and more young people are homeless. We must ask what we are doing about that. We talk about promoting social inclusion and claim to be targeting social need, but where are the actions behind those fine words and rhetoric?

The Committee is bringing an important issue to the House's attention. Homelessness deserves to be on the political agenda. It is a complex problem that is not simply about bricks and mortar or a place to live; it is about providing support services, and identifying new solutions and models of good practice.

I thank my fellow Committee members for taking their responsibilities seriously while the inquiry was under way. The evidence of those efforts is contained in the report. On behalf of the Committee, I express our gratitude to everyone who submitted written and oral evidence. We are also grateful to staff in the Committee office for their services during the inquiry. Research and Library Service staff also warrant a mention for their

comprehensive and helpful briefing papers. I also acknowledge the staff in Hansard for recording the oral evidence sessions and those responsible for the printing, publication and distribution of the report.

The real praise, however, is for those on the ground. The Northern Ireland Housing Executive, the health boards and trusts, the Probation Board for Northern Ireland, and the specialist organisations in the voluntary and community sector are all doing what they can to tackle homelessness.

I pay credit to them for that, but we must do more, and we must do it better. We must show political will and leadership. We all owe a duty of care to the vulnerable and the needy. We must show commitment, especially to a joined-up approach that is more geared to prevention. However, we must also put in place whatever resources are necessary to tackle the problem, so that we can provide for the homeless and reduce the number of people who find themselves homeless.

We have called for new housing legislation almost since we first set foot in the Chamber after power was devolved more than two years ago, but, as the mandate for the Assembly runs out, the housing Bill has still not been introduced.

We are promised that it will reach the House next week. It is my hope that the Bill will give us the platform and the tools to deal with such issues as homelessness. Although the Committee for Social Development has waited patiently for the legislation, its members have not sat on their hands. The report on the first phase of the inquiry into housing in Northern Ireland was published in November 2001.

The Committee did not stop there. The second phase, which was put together over the last six months, contains 22 recommendations. It reveals that homelessness is on the increase, identifies the absence of a proper preventative strategy and is a damning indictment of our promises to help the vulnerable and the needy. It highlights the need for improvements in the way we do things. Most importantly, it confirms that homelessness is not just about bricks and mortar. It is much more complex than that. Evidence of the critical need to provide a range of support services for the homeless was overwhelming. Being homeless can seriously damage health, and prevention is better than cure. Those are facts. If we are serious about tackling homelessness we must ensure that sufficient resources are available to provide the necessary support services, and that there is a workable strategy to reduce and prevent it. Homelessness will not go away unless and until something is done about it. We must match our fine words with actions and ensure that the money is available to fund those actions.

I am not privy to how the Executive reach their decisions; however, I call on the Minister of Health, Social Services and Public Safety, the Minister of Education and the Minister for Employment and Learning, as those responsible for the health and well-being, and the education and training of our young people, to work with the Minister for Social Development to tackle the problem of homelessness in a more co-ordinated way. They must wake up to the fact that they too have a role to play.

My Colleagues on the Committee will deal with the report in detail and will draw attention to the main areas considered and the recommendations made. I shall, however, be surprised and disappointed if other Members do not speak in this debate. I hope that my Colleagues on the Committee for Health, Social Services and Public Safety, the Committee for Education and the Committee for Employment and Learning will rise to the challenge of ensuring an effective and co-ordinated interdepartmental and interagency approach. I hope that the relevant Ministers will be called to account and asked what commitments they are prepared to make and what actions they are prepared to take in tackling homelessness. All of us have a moral obligation to help those who are disadvantaged. Let us not lose sight of that.

The Committee for Social Development has at least done something by bringing the report to the Assembly's attention. I commend it to all Members, but that is not the end of the process. I hope that the report will return housing to the political agenda, where it belongs. The Committee's work throughout the inquiry places it in an informed position, and that work will stand it in good stead in the scrutiny of the housing Bill and the housing support services Bill.

**Mr O'Neill:** I support the report and thank the Chairperson of the Committee for Social Development for leading the Committee through a very difficult and sometimes overwhelming exercise. The amount of evidence received from various sources was remarkable. The Committee is indebted to those who gave their time and expertise in assisting with the report's compilation.

As the Committee Chairperson said, homelessness is a spiralling problem. All of us have noticed it growing incrementally, year-on-year, at an unacceptable rate.

*11.15 am*

The most recent figures, which the Chairperson announced this morning, show that this year there has been a 10% increase on last year's huge increase of 15%. We must do something definite and dramatic to halt the increase, and much of the Committee's work, which is contained in the recommendations, will help to do that.

Rural homelessness is one of the most difficult problems to deal with. Homelessness is increasing in rural areas, but, perhaps because of ill-placed pride or fear of ridicule, people will not reveal the true levels.

Sensitive, direct policies are needed to deal with such issues. It is a difficult nut to crack, especially in rural areas where there is insufficient temporary accommodation. In urban areas, considerable steps are taken to provide temporary accommodation; that is not the case in rural areas.

Bed-and-breakfast accommodation is plentiful in Newcastle, and, in my experience, it is offered as the last resort for homeless people in rural areas. Homeless people come to my constituency office in Newcastle, and one pathetic case stands out in my memory. A single mother with three young children was living in bed-and-breakfast accommodation. They had breakfast in the morning and were then required to leave the premises and walk the streets of Newcastle until bedtime. That is unacceptable and uncivilised, but it is a solution in areas that cannot provide quality temporary accommodation for homeless people. The problem must be addressed.

Homelessness among young people is more poignant and takes many forms. Homelessness depends on individuals, families and their circumstances, so it cannot be generalised. That is especially true for young people. There are many areas to consider. For example, a Committee debate, which is reflected in recommendation 4, raised concerns about the deteriorating quality of family life and the need for a family to be a caring unit to sustain people in need.

We must protect the family unit. However, that argument has another side. Homelessness among young people is often caused by family break-up and disruption, and abuse in the home. It is a delicate area that has two distinct arguments, which the Committee has addressed in recommendations 3 to 8.

The Committee was unanimous about the need for interagency support for young people leaving care and for young people who are already in care. It is crucial that the Department of Health, Social Services and Public Safety address this matter. The Chairperson has already mentioned that homelessness among young people has many dimensions and that other Departments, including the Department of Education, have roles to play.

I have been a local representative and a councillor for several years, and I am used to hearing about young people who leave care and are allocated Housing Executive flats. The neighbours then start to complain about parties and antisocial behaviour in the flat. That is a big problem. Research shows that young people leaving care have often had no love and support. When they move into a flat, they have no coping skills. To replace the love that they have missed out on, they look for the attention of contemporaries, who can make them feel popular, by inviting them to parties. It is a substitute for something that they have never had. All kinds of antisocial behaviour can stem from such a situation.

Support must be available for those young people when they are in care, when they are preparing to leave care and after they have left care. The Minister of Health, Social Services and Public Safety has introduced the Children (Leaving Care) Bill, which will give a support mechanism that the Committee welcomes. However, more needs to be done to help those young people before they leave care. As an educationist, I know that certain aptitudes such as budgeting, hygiene and relationship skills can be taught. A life skills programme has existed for many years, so all those resources should be used to try to solve the problem.

I support the report as it is published, but I reserve judgement on one matter. I have misgivings about the concept of intentional homelessness which affects young people in particular, and whether young people who present themselves as homeless can be placed on a priority list. There was a pointed issue about the legislative position of the Housing Executive and its ability to deal with that. The Committee agreed to proceed rather than hold up the report, but with the proviso that I reserve judgement on that issue.

The legislative position covers certain matters. To be considered as priority, 16- or 17-year-olds must fit into one of six categories. They must be pregnant; have a dependent child or children; be at risk of sexual or financial exploitation; be vulnerable as a result of a mental or physical disability or for any other special reason; be subject to or at risk of violence; or be homeless as a result of an emergency such as a fire, flood or other disaster.

Those criteria define the Housing Executive's legislative competencies to investigate the circumstances. However, most young people who are homeless do not fall into those categories and are not considered as priority. I am putting a marker down on this — Mr Cobain is smiling at me — and I will return to it when we are consulting on the Bill, when it will be important.

The Homelessness Act 2002 in England is a more modern Act than the Bill we are about to deal with. The housing magazine, the 'Adviser', of May/June 2002 stated that

"Not included in the 2002 Act, but contained in a draft order intended to come into effect when the body of the homeless reform is enacted, is an extension of the categories of priority need in s 189 of the 1996 Act. ... Brought within the scope of this section are applicants who are: 16- and 17-years-old; care leavers aged between 18 and 21; vulnerable as a result of either being looked after, accommodated or fostered by a local authority, having been in the armed forces or in prison; vulnerable as a result of ceasing to occupy accommodation following violence or threats of violence."

That is an example of the more generous provision made in the Homelessness Act 2002 to cope with the problem, and we should follow that example to deal not just with the young homeless, but with every aspect of homelessness.

**Mr M Robinson:** I welcome the fact that homelessness has moved up the agenda and is being debated here today. I acknowledge the many hours worked by the Committee staff and their successful compilation of the many documents and drafts involved in making the report. I also thank the agencies that took the time to make their written and oral submissions on the subject.

In our society, the sad and stark reality is that homelessness affects a sizeable number of people, and there is a higher rate of homelessness here than anywhere else in the UK. Housing Executive statistics for 2000-01 have revealed an increase of 15.5% in households presenting themselves as homeless. That is extremely worrying and confirms that homelessness should, and must, be taken seriously — we cannot simply tolerate it.

Poverty in society, coupled with the gradual erosion and breakdown of the family unit has forced many individuals, especially young people, into a state of dispossession and homelessness. Youth homelessness has increased by 15% in the last four years. Northern Ireland, undoubtedly, has an invisible community of dispossessed and poverty-stricken people who go unnoticed, and the sheer magnitude of the situation is illustrated by the following figures: there were 12,700 homeless households in Northern Ireland last year; families with children represented 41% of that total; 56% were placed temporarily in bed-and-breakfast accommodation; and the average length of stay there was 131 days.

Families and individuals who find themselves homeless are very often caught in a vicious circle of poverty and deprivation, and it becomes increasingly difficult to break out of that cycle. Being homeless is much more than not having a roof over your head. The impact of homelessness is appalling.

It leads to exclusion from society and creates barriers to access. For example, if someone has no job, he cannot get a bank account and, therefore, he cannot get credit. That can lead to exclusion from health services and education. Homeless people are one of the most vulnerable groups in society.

11.30 am

As a Member for South Belfast, many constituents who need help to secure permanent accommodation have contacted my office. I have dealt with homeless families who have had to move into bed-and-breakfast accommodation, often having to move out of the areas that they are familiar with. This has an extremely negative impact and often leads to instability in the families. Bed-and-breakfast accommodation should be a temporary measure, but, as I said, the average stay is 131 days. That is unacceptable and begs the question: how urgently is housing need met?

Legislation on homelessness came into effect in April 1989 in the form of the Housing (Northern Ireland) Order



1988. There is obviously a need for that legislation to be reviewed, and I welcome the Housing Executive's review of its strategy on homelessness. The major strength of the current arrangement is that a statutory duty is placed on the Housing Executive to deal with those who are homeless. The Housing Executive has a fundamental role to play and in its review has consulted widely with other concerned organisations, such as the Simon Community and Shelter, which have been working to address those issues for many years.

One problem that has been identified is that the Housing Executive, the many voluntary agencies and the Department of Health, Social Services and Public Safety have had their own approaches and have worked independently. If the growing problem of homelessness is to be tackled effectively, a collective, inter-agency approach must be adopted. The Housing Executive has said that working alongside other agencies, both statutory and voluntary, is

“crucial to achieving success in planning and developing accommodation advice and support services, with the overall aim of finding flexible efficient solutions to homelessness.”

This universal approach would prevent confusion and needless referrals and stop people getting lost in the system. It would also lead to a sharing of information, with relevant agencies having access to it. That would create a more effective and practical system and reduce needless and endless red tape. It would also enable service providers to seek accommodation best suited to the needs of the individual.

Homelessness requires much more than a 9.00 am-to-5.00 pm, Monday-to-Friday approach, which is why great importance has been placed on the development and co-ordination of a strong and effective out-of-hours service based on an integrated approach.

We must examine the causes of homelessness and introduce measures to reduce the current level, so we must also examine the availability of affordable housing. The Housing Executive must take account of the fact that there will always be some who cannot afford to buy a house and seek to strike a balance between the housing stock that it intends to sell and the building of social housing. In effect, the Housing Executive must ensure that it has properly examined the supply-and-demand chain. Fewer than 2,000 social housing units are being built by housing associations each year, while there is an annual loss of over 4,000 Housing Executive properties, so it is obvious that supply is falling short of demand, and urgent changes must be made to accommodate the demand for social housing. Demand for social housing must never be found wanting.

It is imperative that increased priority be given to dealing with homelessness and adequate funding allocated to bring about the required changes. We must not underestimate the role of voluntary organisations in supporting the most vulnerable in society, two of which, the Simon

Community and Shelter, have worked in the most difficult circumstances for years.

I hope that as a result of today's debate, positive action will be taken on funding to underpin the implementation process and, in the longer term, the programme delivery.

**Mrs E Bell:** I support the report; it is a valuable and timely piece of work. Last year in Parliament Buildings there was a presentation on homelessness by young people who had been in care or who had been homeless. It certainly demonstrated the unacceptable level of young people who have left home for a number of reasons — the break up of their parents' relationship, the loss of a job, the death of a parent, and, of course, intimidation, to name but a few.

Those young people gave a wonderful insight into how a co-ordinated strategy can help young people. At that time, it was estimated that over 2,000 young people under the age of 16 had left home during the previous year, and, as others have said, the number is increasing. That is totally unacceptable — words that will be used more and more in the debate.

Another unacceptable fact is that Northern Ireland is the worst region for homelessness in the UK. People — and some of them are actually in Government — obviously feel that we do not have the same problem as there is in London, Dublin, or elsewhere because we do not see large numbers of street dwellers. In those cities you can actually walk over people in the streets at any time of the day or night. That opinion is definitely not the case: we do have that problem. As another Member said, homeless people are hidden, but they are there. A visit to the Simon Community, Shelter, the Council for the Homeless, the Northern Ireland Housing Executive or the Probation Board for Northern Ireland would soon put people right on that point. I want to take the opportunity to place on record my party's appreciation of the organisations that work with the homeless in Northern Ireland, including my organisation, the Probation Board for Northern Ireland.

It is clearly established under the Universal Declaration of Human Rights that people have the right to a safe, secure, and permanent roof over their heads. That requires a co-ordinated approach by all relevant Departments — Health, Social Services and Public Safety; Employment and Learning; and Education — along with the relevant organisations which work directly with the homeless, such as the Northern Ireland Housing Executive and the other bodies I have mentioned. The report clearly indicates and supports that co-ordinated approach.

A constantly developing strategy is needed to deal effectively and practically with the problems facing people with no fixed abode. I agree with the Committee that homelessness is a serious social and economic issue that must be given the highest priority.

The fact that the number of homeless people is increasing reflects badly on our society, and the Assembly must take that on board. We must all play our part in supporting the eradication of homelessness, and ensuring that proper legislation is passed to define the joined-up approach that can achieve that goal. As the Committee stated, this will give a much higher profile and sharper focus within the political context. I agree with other Members who said that it is not just a question of putting a roof over people's heads, and that is why we need a joined-up approach.

The Northern Ireland Housing Executive, together with the Departments, can be the leader in improving the situation in association with homeless organisations. The Northern Ireland Housing Executive must also be to the forefront in redefining homelessness, and our own Executive would do well to note the Committee's suggestion that the definition of homelessness could be the absence of a safe and accessible place to stay. Mr O'Neill touched on the problem of people being intentionally homeless. I support his comments, having witnessed much of that. A person presenting as homeless should be guaranteed housing promptly. There should be a review of hostel accommodation, including specially designed emergency and/or permanent housing for all — especially the young.

Mr O'Neill related a story about emergency placements in his area, and every Member could give examples of that. Only last week a woman with two young children contacted me. The children are educated in Bangor and the woman works in Bangor, but she was told that they would have to go to Portadown or Newcastle to live. Schools and employment were not taken into account because there is a lack of suitable temporary accommodation in north Down.

Scotland and Westminster have adopted legislation providing for a strategy to deal with homelessness that focuses on prevention. The duty to relocate is enforced in that legislation. I also commend the Irish 'Homelessness — an Integrated Strategy', which has recommended that the employment services appoint a person specifically to consider employment and homelessness in Dublin and to provide an assessment of skills and training needs. Those initiatives could be followed here to reduce our level of homelessness.

I agree that we need to develop a clear and coherent strategy, and the report states that clearly. An action plan that sets clear targets for reducing homelessness is also needed. Joined-up government in all respects is essential. The report highlights the need to recognise that the problem does not just exist at Christmas but needs attention all year round.

My party and I support fully the Committee's call to the Executive to demonstrate political leadership and direction in promoting a joined-up approach. I, therefore,

commend the report and congratulate the Committee members and staff for their excellent and timely inquiry.

**Sir John Gorman:** I wonder whether anyone in the Chamber ever considers how he would behave if he were homeless. Homelessness is almost unimaginable to us, but it is a major factor in people's lives outside the Chamber. We cannot begin to conceive what it must be like to have nowhere safe to live. We can only imagine the effect that it must have on the employment, health and educational prospects of a person or family, not to mention self-esteem. However, we can deal with the effects of homelessness on the welfare of communities and society here as a whole.

Homelessness used to be a Cinderella issue here. As many know, I was head of the Housing Executive for several years. In those days, it was not seen as something worth significant care. Homelessness was a transient condition experienced by few. It did not receive much priority, partly because it was not so great a problem, dwarfed, as it was, by sectarian and terrorist strife and the curse of unemployment. One curse is still with us, while the other is not so prevalent.

We can ignore homelessness no longer, and the Committee for Social Development, under its Chairperson, my Colleague Fred Cobain, has not been ignoring it. The figures are so serious that they demand our attention. I am sure that Members are bored hearing how serious the matter is, but I want to put the figures into a different context. The proportion of those who are homeless in Northern Ireland is double the figure in England and Wales and higher than that in Scotland, so this constituent nation of the United Kingdom has the most serious homelessness problem.

The worst thing is that the figures are rising. That is due partly to social disturbance caused by the problems we have with living together, which I mentioned earlier. However, that is only part of the reason. Homelessness here is rising by 15% a year. Some of the reasons for that are obvious and derive from the basic underlying problems of this society for which there are no simple solutions. If there were, we would not be engaged in the current political process. However, the lack of sufficient affordable social housing is not a problem of the same order. It is not beyond the competence of the Minister, the Department and the Assembly to at least bring Northern Ireland's proportion of households presenting as homeless into line with that in England and Wales.

*11.45 am*

When I took over the Housing Executive after coming back from India, it had 240,000 social housing units, and it is now responsible for 120,000. Fewer than 1,500 — 1,200 is the average — new houses are being built by housing associations each year, while 5,000 houses are being made available under the right to buy. I support



that right, and every Member in the Chamber probably supports it at heart, but those houses are lost to those who require social housing. There is an annual deficit of around 4,000 houses available for social need — and that is quite a large number in this Province.

Mr O'Neill referred to youth homelessness, which has increased by 15% since the Assembly first met. Most of those who present as homeless are accepted as being eligible for housing, despite many of them being from vulnerable backgrounds in some kind of social care. Single young men are especially affected and are most likely to be homeless for a considerable period because they are not eligible for priority housing.

While the Committee, with the exception of Mr O'Neill, is not recommending that priority status be extended automatically to people purely on the grounds of their youth, I would like to see special help for those from a care background, who are statistically more likely to find themselves on the wrong side of the law. Their needs must be assessed in detail before they leave care — whether in an institution, jail or borstal — and I am concerned that that is not happening adequately at present. Growing up in care and moving to homelessness is not the kind of start in life that is conducive to living a worthwhile, lawful existence.

Our report makes sensible, coherent recommendations. It sets out a revised definition of homelessness to include all those who do not have a safe and accessible place to stay. It also recommends a much more interdisciplinary approach to those presenting as homeless. The Housing Executive must have the lead role, of course, but it is important that other inputs be received and taken into account in determining an individual's or family's needs. Care conferences — conferring between the various bodies with responsibility — have a valuable part to play.

The needs of homeless youths require a specific approach that takes into account their particular needs and problems. Those young people who are not eligible for priority status must have an adequate referral system that takes account of their situation and does not leave them outside the door of the Housing Executive office with nowhere to turn. The back streets of London, Dublin or Manchester are no place for them.

Looking after the needs of youths coming out of care is what might be called a preventative strategy. We can learn from best practice in Scotland. We need to set targets. However, there is also an onus on those presenting as homeless. Many of them need training in the life skills that we take for granted if they are not to become recurrently homeless. Basic financial management and the prioritisation of housing costs in a household budget may seem of obvious importance. For some, however, that approach needs to be taught, as Mr O'Neill reminded us; it does not come naturally.

The French foyer system, which has been adopted here on a small scale, provides simple, affordable dwellings, each of which accommodates four or five young homeless people. Those young people are trained in homemaking, and, if they wish, trained in an employment skill. One such scheme operates in Derry and two in Belfast. The Department for Social Development will shortly carry out a study of those schemes to find out whether the system could be extended.

Above all, we need a sustained building programme of affordable social housing. We read eternally of new apartment developments in exclusive locations, many of which, I might add, are white elephants. There are not enough Executive — with a capital "E" — homes. The volume of new-build social housing is critically low, given the rapid increase in our population compared with other regions of the UK. Northern Ireland has the highest population growth in the UK. Unless we tackle the situation with political will married to adequate resources, our homelessness problem will continue to grow. The Committee saw special merit in specialised transitional housing units to deal with disadvantaged groups such as young people and those emerging from care into the community.

Homelessness is no longer a Cinderella subject. The Committee for Social Development, on which I am proud to serve under the chairmanship of my Colleague Fred Cobain, has made homelessness a real issue. The situation is verging on a crisis. I am sorry that the new housing Bill has taken so long to emerge. I look forward to the Assembly's debate on it, with reference to the needs and priorities identified by the Committee. Above all, I hope that the Minister recognises the need to prevent homelessness. Only through a proactive policy will we do any more than alleviate the worst effects of homelessness on the homeless themselves and on the whole community. I support the motion.

**Mr Tierney:** I support the motion. We are privileged to have had the involvement of two Deputy Chairpersons of the Committee for Social Development, each of whom worked on half of the report. I welcome the Minister's presence, and I thank the Committee staff for their help.

Members mentioned their constituencies, Madam Deputy Speaker, so I hope that you will allow me to mention mine. There is an increase in the incidence of homelessness in my constituency, where new houses are being allocated either this week or next week. Homeless people require 180 points to qualify for priority housing. Someone who presents himself as homeless will be given 70 points; however, other priority needs must be demonstrated in order to acquire 180 points.

A young single female parent with two children, one of whom has a health problem, is homeless in my constituency. She suffers from depression. Most GPs will tell

you that many people who have been on the homeless list for a year, as many in my constituency have been, will suffer from depression.

That is why I support the Chairperson of the Committee for Social Development when he says that the effects of homelessness should be the responsibility of the Department of Health, Social Services and Public Safety, the Department of Education and the Department for Employment and Learning. The Health Department has an obvious responsibility because the health of a young mother with two children who has to live in, and move between, bed and breakfasts and hostels will suffer.

Some people say that there is adequate hostel provision in the Derry area — and there is good hostel provision — but the hostels are full, and those people who cannot get into a hostel have to go to bed-and-breakfast accommodation which, as my Colleague Mr O'Neill said, they have to vacate after breakfast. If a young mother with two children is faced with that experience, Members will understand how much she and her children will have suffered at the end of a year or more.

The waiting list for houses is growing because of the lack of new build. In the past the Assembly has debated Housing Executive cutbacks. At one time the Housing Executive's budget was a high priority, but its importance has slipped. That priority should be reintroduced to sort out homelessness. I am glad that the Committee for Social Development has prioritised the issue. I know that the Minister will give homelessness the same priority, because any time that he has spoken to the Committee, or to concerned individuals, he has been positive about the issue.

It is not only the Minister for Social Development who is responsible for the homeless. Other Ministers must become involved to ensure that adequate funding is granted to housing when the subject is discussed by the Executive. Social and affordable housing is required, but it will not be the answer to every problem because, as Mr O'Neill has said, homeless people face many problems. However, if there were enough houses, the homeless waiting list would not increase year in, year out. If things continue as they are and the same funding is provided by the Housing Executive, there is no reason to believe that the numbers on the waiting list will decrease. I hope that the report's recommendations will go some way towards ensuring that proper funding will be given to housing and that a decrease in the waiting list will be visible.

Other issues and Departments are given priority, so serious consideration must be given to the issue of homelessness. The Minister of Health, Social Services and Public Safety and the Chairperson of the Health Committee have spoken about the prevention of homelessness. If the Assembly is serious about prevention, this is where it begins. If a young mother and her two children are

moved from house to house and from hostel to bed and breakfast, what must be the condition of their health?

Homeless people often cannot cope in hostels, and sometimes they are taken in by friends or family members. However, that can lead to overcrowding, which is also difficult to cope with. If a homeless person decides to move out from a friend's or family member's house to try to better themselves, or because of circumstances in that house, they are classed as intentionally homeless. Therefore, the homeless person — and in the case of my example, a mother with two children — is classed as intentionally homeless and is placed at the bottom of the waiting list. If the person is not classed as homeless, he or she may have to wait a couple of years to be housed. Where does that leave the young mother and her two children?

12.00

I make that point because it is an example of the kind of case that comes to my office and to the Housing Executive. The Housing Executive should be the body to recommend who should be regarded as homeless; it has been used to working with the issue. The record shows an increase of 15% in the level of homelessness. However, many people are not put on the homeless list, so the situation is worse than has been stated today.

I congratulate the people who made oral and written submissions. It shows the urgency of the problem of homelessness and the priority that they give to it. It is important that Members do the same. Most Members have sat on councils where they have fought and argued for proper funding. They are now in a position to get that funding and to get the relevant Ministers to join with the Minister for Social Development to push for proper funding. I urge the Minister for Social Development to consider making his case to the Executive. I say that not for political point scoring — the Minister makes an excellent case for homeless people and for housing in general. However, if he were to make that case to the Executive, I am sure that the proper funding would be made available.

When the Committee was preparing the report, it was clear that one of the problems over the past few years has been a decrease in the funding available for housing. If that trend continues, we will never come to terms with homelessness problems. In some cases, it is not being treated as a priority, because we do not see cardboard boxes on the streets like those in London and elsewhere. However, as Sir John Gorman pointed out, the figures show that Northern Ireland has the highest rate of homelessness. We are lucky here that friends and relatives step in, but it is getting to the stage where cardboard boxes may be seen on our streets. If that happened, the matter might be treated with the seriousness it deserves, but by then it would be too late because the amount of money required will be even greater. If we get the money that is needed now, we can prevent the cardboard box scenario and stop young people sleeping

on the streets. That is what we face unless we take this matter seriously and allocate proper funding to housing.

I congratulate the Committee members who participated in the lengthy deliberations. The Committee Clerk made sure that we went through the subject bit by bit to get this right. I hope that the Minister and the Executive will take the recommendations on board so that the proper funding will be made available. Also I hope that the Minister will join us in supporting the recommendations: no doubt he will. I commend the report to the House.

**Mr Shannon:** I support the Committee's recommendations and congratulate it on its work. I want to highlight some of the recommendations and points that have come to my attention.

The recommendations are relevant and helpful, and the need for them has never been more apparent than it is today. I want to highlight some of the facts and figures on homelessness in Northern Ireland. Sometimes statistics can prove what you want them to, but these statistics paint a dark and stark picture of the needs of people in the Province.

The number of people presenting as homeless to the Northern Ireland Housing Executive has increased by 15.5%. That is due to increasing social pressures, street violence, deprivation, and — one of the big issues — the lack of affordable and accessible accommodation.

Single people make up a large proportion of those who present themselves as homeless, and they do not always receive the number of points that will adequately reflect their needs or priority. The current points system should be changed — and the quicker, the better. If people are coming to my advice centre about the issue, then others must be going to advice centres across the Province.

Single homeless people can wait a long time, sometimes months, without any hope of accommodation. Homelessness, or potential homelessness, should receive sufficient points to ensure prompt housing. When people come to my advice centre with, for example, 100 to 130 points and we cannot house them, I ask myself, "What is wrong when people have so many points but cannot get housing?" It is particularly worrying.

Several people in my constituency have been in hostels for 12 months while waiting for housing. It must cost the Housing Executive a small fortune to accommodate people on a short-term basis. It is unacceptable and unbelievable in this age. It is unfair for a young family, whether it is a mother with two children, or a mother and father with two children, to live in such accommodation. Fair points allocation would move them through the system long before 12 months pass, and that issue must be addressed. The Minister has indicated that we will examine the issue soon.

I want to give another example — I like to use examples because they help to clarify the issues. In

many cases hostel accommodation is unavailable in the areas where people live and where their children go to school. Instead, it is available in places that are completely divorced from their area. For example, people looking for hostel accommodation in Newtownards are being told that there is no accommodation available there, or in Bangor, and that they will have to go to Downpatrick or Larne. It is incredible that people whose children go to schools in the Newtownards area have to find hostel accommodation somewhere else.

Another issue that came to my attention is that people have to go to hostel accommodation in parts of the Province where they do not feel safe. Hostel accommodation can become "hostile" accommodation, and it is a problem for some people.

Young people are especially vulnerable. We have all read the briefs from some organisations, which show that there has been a 50% increase in homelessness in young people in the past four years. Unfortunately, the Housing Executive does not always consider young people to be vulnerable because of their age. However, it should; the social needs of young people show that there is real need. The legislation should be extended to include the 16- to 18-year-old bracket solely on age grounds, and many of us would agree with that.

There is a problem about private accommodation, and that problem occurs regularly. I will use examples again — so forgive me, Madam Deputy Speaker. Minimal private accommodation is available in Ards borough, and what is available is at an exorbitant rent. In many cases, the rent for private two-bedroom accommodation can be between £400 and £500 a week. We all know how housing benefit works, but it cannot cover that level of rent, especially for people who are on other benefits or have special financial circumstances.

The Housing Executive can make a discretionary payment. However, shortfalls occur, especially in rent payments for tenants in private accommodation. The housing benefit system and the availability of discretionary payments need to be reviewed to help people with specific needs or financial problems.

The intentionality clause is sometimes difficult to understand. The Housing Executive decided that some of my constituents became homeless intentionally. Circumstances can, and do, change, not always through the fault of the applicant. The system should be more flexible as regards intentionality.

Recommendation 9, which states that the Housing Executive should be the lead organisation, is an appropriate and helpful suggestion that would focus attention. The Executive was responsible for all housing until a short time ago. It makes sense to allow the Housing Executive to take the lead role in implementing an agreed strategy.



Social housing is a major issue, given the number of people who are looking for a house but cannot get one. Recommendation 21 refers to social housing provision and calls for a review of new-build policy. Such a review would be crucial to ensure that appropriate changes take place in my area. Recently, I asked the Minister for Social Development how many people were on the housing waiting list in the Ards Borough Council area. The number has risen dramatically over recent years, mainly because insufficient accommodation is available. In my discussions with the Housing Executive over the past few weeks, officers said that they could not remember there having been such a slow turnover of housing as there has been during the past month to six weeks. Some applicants with a high number of points cannot get a house; that must frustrate them, because accommodation is normally given to people in that points bracket.

Recommendation 21 states that land must be made available for new-build social housing so that accessible and affordable accommodation can be built in Northern Ireland. Housing associations are not slow to pinpoint or try to obtain land. Unfortunately, however, they do not have as many financial resources as developers or private housing associations, so they cannot buy as much land. The legislation must be changed so that new-build social housing can be addressed as a separate category.

I congratulate the Minister, who has worked hard to deal with the housing problem. Mr Tierney said that if the Minister were a Housing Executive official, much more money would be made available for housing. If Mr Tierney and Housing Executive officials already know about the housing need, they too should address the matter. The Minister and the Committee have worked hard, and the report's recommendations will address the problem.

Recommendation 22 refers to the need for housing units, especially in rural areas. It is often forgotten that not all housing is situated in towns or villages; some of it is in the countryside. I have been approached by many constituents who want a house in the countryside, often because they were brought up there and want to return to their roots. It is unfortunate that there is no strategy to provide rural housing; therefore I commend recommendation 22, which addresses the needs of those who want to live in the countryside.

I commend the report; it contains some good points.

12.15 pm

**Ms Gildernew:** Go raibh maith agat, a LeasCheann Comhairle. I join other Members in congratulating the Committee staff for enabling us to carry out the investigation and the thorough way in which they looked for responses to it. The Committee took a wide-ranging look at the entire issue of homelessness and how to eradicate it. The Committee received several submissions, both oral and written. Some responses were very honest, forthright

and straightforward; the Committee needed to hear those in order to make the recommendations in the report.

My Colleagues on the Committee for Social Development, and others, have outlined many of the problems that homelessness creates and many of its causes. There is, as we all know, a strong correlation between homelessness and mental illness. A vicious cycle is also created between alcohol and drug abuse and violence. Support services have been unable to cope with people who have been labelled as unco-operative or who make certain lifestyle choices, creating a cycle between prison, hostels and the streets.

Those presumptions must be challenged. They are a cop-out; a way of rationalising and making excuses for the level of homelessness in the Six Counties. There must be a safety net, a link between social services, medical services and the Housing Executive. Educational support for adults is needed to help people to rebuild shattered lives, regain confidence and earn a living. We must also enable people to acquire the skills to run and keep a home. More health education is needed, as is more awareness in the health agencies of homelessness and its detrimental effect on health.

I welcome pilot schemes and initiatives by the Department of Education to help with peer education. The Department has brought young people into schools to talk to their peers about homelessness, how a person might become homeless and the difficulties of living on the streets, which are often glossed over. Young people can often romanticise the notion of being homeless, but bringing other young people in to talk to students about the harsh reality of homelessness and how it impacts upon them has been a big help. I congratulate the Minister of Education for introducing that initiative and encourage other Ministers to do likewise.

We must also bring services to homeless people, as they often cannot avail of services on a 9-to-5 basis. Services must cater to people's needs. If services are provided but not used, they are often removed. We must ensure that the services that are provided are easily accessible and that homeless people avail of them. A more progressive definition of homelessness must be developed. There is legislation on the horizon from the Minister for Social Development, Nigel Dodds, but Sinn Féin will try to ensure that the best definition is arrived at to make sure that people do not fall through the safety net.

There must be an immediate increase in the number of available hostel beds. That came through strongly in compiling the Committee's report. We must ensure that people are not caught in the traps created by the definition of homelessness. Initiatives such as the one in Strabane have identified a specific need and catered for it accordingly. More funding is needed for that type of hostel accommodation. That kind of imaginative approach

has been lacking, and we must ensure that we think outside the box and come up with new ideas to try to completely eradicate homelessness.

The issue of catchment areas must also be addressed. Homelessness, by its very nature, means that people drift from one area to another and can end up falling between two stools. Now that we have started to get rid of the loopholes, we must create a watertight safety net to ensure that people cannot fall out of sight and to ensure that people get the services that they need. Let us take as an example the reduction in the number of psychiatric beds in the Twenty-six Counties in the 1980s from 20,000 to 2,000. That reduction, which was mirrored in the Six Counties in the Thatcher era, was staggering and created huge problems.

More psychiatric beds alone are not the answer. We must ensure that those leaving hospital are given appropriate accommodation and, more importantly, support. That does not happen now. People with varied problems are often placed in environments which are not good for them, and they cannot cope. The effects of the ending of transitional housing benefit must also be examined, as must the introduction of the Supporting People programme and its impact on the number of homeless people.

We must deal too with young homeless women. The increase in the number of women with mental illness has been well documented, but the number of women facing domestic violence has increased. They have to flee unsafe relationships, and it was clear to the Committee that hostel facilities specifically for women are inadequate. We need accommodation which is secure and safe from violent partners, and other hostel residents for women and children. Women's Aid does sterling work, but more funding is needed to ensure that such women have a safe haven.

Rural homelessness is often hidden. People feel isolated because there are no facilities at all and end up sleeping on friends' floors. The extent of rural homelessness does not show up in the statistics. The levels of unfitness in rural areas must be investigated. I have previously said here that Fermanagh's level is 17.5%, and tackling that would lower the number of homeless people.

Furthermore, we have young people who leave care and find themselves homeless. There are no support services to help them get on their feet. More imaginative ways of helping such young people to find and keep a home must be considered. Eileen Bell referred to the event earlier this year at which we spoke to several children in care. They asked about the likes of the cost of a television licence, a huge expense to a 17- or 18-year old who is trying to get by on a small amount of money. We often take such things for granted, but children who leave care have more problems maintaining a home.

There must be a holistic approach to eradicating homelessness. It is not for the Department for Social Development and its Committee alone to investigate homelessness and its effects. The Department of Health, Social Services and Public Safety, the Department of Education and the Department of Finance and Personnel must examine the position. Funding must be made available, and I echo John Tierney's call for the Minister to ask the Executive for increased funding to ensure that the number of homeless people is reduced. It is an indictment of the Assembly that the number continues to rise. We must ensure that that trend is reversed and that homelessness is eradicated.

**Mr Davis:** I shall be brief. Although I am not a Member of the Committee for Social Development, I firmly believe that it is right for all Members to support this report. I thank the Committee for Social Development, led by Fred Cobain, and everyone who was involved in the research.

I am shocked by the startling homelessness statistics, which show that there are homeless people throughout Northern Ireland. The death rate for rough sleepers under the age of 30 is 40 times the Northern Ireland average, and their lives are characterised by ill health and disability.

The report highlights an increase in the number of homeless people, which is extremely worrying. That suggests that the present system does not help the situation and is not, therefore, satisfactory. New legislation that will get to the core of the problem is needed. In days gone by, we could have blamed direct rule, but, with the devolved Administration, we no longer have that excuse.

It is also worrying to note that Northern Ireland has a higher proportion of homelessness than other parts of the United Kingdom. From a moral perspective, everyone should acknowledge the problems that the report highlights. The homelessness issue is not simplistic, and, therefore, any proposed measures must be carefully considered. As the Committee Chairperson said, it is not only a matter for the Minister for Social Development, but one that should involve the Minister of Health, Social Services and Public Safety, the Minister of Education and the Minister for Employment and Learning. A co-ordinated, well-organised and proactive campaign is needed. The Council of Europe's study group on homelessness recognised that fact. It stated that

"If shelter is not accompanied by a range of social measures and the rapid return to housing, the situation of homelessness is likely to be recurrent".

Homelessness also affects people's health, with 30% to 50% of homeless people having mental health problems. Therefore, the Mental Health Commission must become involved. However, as Members know, that group is underfunded and overstretched. Homeless people often find it difficult to register with a GP or a dentist. Undoubtedly, that is linked to people's perceptions of the



homeless, thus an educational campaign would be helpful. Therefore, I welcome recommendation 20 of the report.

There must be appropriate legislation to minimise the problem of homelessness. Since the Assembly was established, there have been calls for legislation. However, nothing has come before the House, but, as Members have been told, that may change in the next few weeks. The Minister for Social Development understands the seriousness of the issue, and I welcome any legislation aimed at tackling the root of the problem.

*The sitting was suspended at 12.29 pm.*

*On resuming (Mr Deputy Speaker [Mr J Wilson] in the Chair) —*

2.00 pm

**The Chairperson of the Committee for Health, Social Services and Public Safety (Dr Hendron):** I am sure that Members recall the name of Fred West, the multiple murderer. Many young people, and probably many more about whom we did not know, lost their lives. It is important to point out that those people were young and homeless. West's crimes are significant because they represent the pinnacle of evil. Many thousands of young people may not quite meet the same fate as Fred West's victims, but their suffering and poor health, which they continue to endure, are important.

I congratulate the Committee for Social Development on its excellent report. I also congratulate the Chairperson of that Committee, Mr Fred Cobain, on writing to me as Chairperson of the Committee for Health, Social Services and Public Safety inviting my Committee to participate in the inquiry. My Committee's contribution was relevant.

The Committee for Health, Social Services and Public Safety welcomes the report. It is useful and timely, and it addresses the real needs of a vulnerable section of our community. The sign of a caring society is the extent to which it meets the needs of all sections of the community, including the homeless. Several of the recommendations are particularly relevant to the Health Committee. We are now dealing with the Children (Leaving Care) Bill, which addresses the needs of vulnerable young people who leave care. The Committee has welcomed the action that the Bill proposes to ensure that suitable accommodation is provided for those young people. Departments and agencies must liaise with each other to ensure that accommodation is made available.

The report proposes that there should be a revised definition of homelessness. I would welcome that.

"The absence of a safe and accessible place to stay"

is a good definition that can be recommended.

Recommendation 3 mentions a "case conferencing system". Wearing my GP's hat, and as one who participated in many case conferences about child abuse over the years at which social workers, community nurses and others were present, I welcome that recommendation. Case conferencing is the most effective way to deal with that matter. I strongly welcome the case conferencing system and encourage its establishment.

I do not like the expression "intentionally homeless." Some people are intentionally homeless, but that requires definition. Young people leave their homes for many reasons; perhaps there are problems in the home, or the young person could have their own problems.

I have nothing but praise for the outstanding work that the Housing Executive has done. Its former chief executive, Sir John Gorman, is present in the Chamber and spoke earlier in the debate. If somebody is homeless the Housing Executive does its best, but if a primary-care worker, such as a GP, wants to involve a social worker for assessment purposes, I often find that social services say that the request must come from the Housing Executive. That makes that principle farcical. The people with whom you deal in the Housing Executive are not social workers; that is an important point.

Doctors working for the Eastern Health Board write reports based on a GP's letter or another document that has come before them, even though they may not have seen the person involved. That is important if we consider the idea of the Department of Health, Social Services and Public Safety, the Department for Social Development and other relevant Departments working hand-in-hand.

The Minister of Health wrote to Mr Cobain drawing attention to 'Investing for Health', which acknowledges the negative impact of homelessness on health. "Negative impact" is an understatement. The Minister goes on to say that it is well known that surveys have shown high levels of mental illness among people living in temporary shelters or sleeping rough. They have complex needs. 'Investing for Health' goes on and on about that.

One of the most important parts of the Children (Leaving Care) Bill provides for personal advisers for young people leaving care. I appreciate that homelessness relates to everyone who is homeless, but I will concentrate on young people. Personal advisers, who will be appointed by the relevant trusts, will play a key role in helping young people towards adulthood through education and training, and will help to prevent homelessness.

Recommendation 6 of the report states:

"The Committee also recommends that the individual needs of children leaving care must be carefully examined before making a final determination on priority status."

The report also goes on to state the need to ensure that

"the provisions contained in the Children Leaving Care Bill and any legislative proposals relating to housing and homelessness are compatible and beneficial to these vulnerable young people."

I assure the members of the Committee for Social Development and the Minister that the clauses in the Bill are most relevant to the issue.

A young person may not have parents, for one reason or another, or the parents may not be available. Therefore, it will be important that the Housing Executive and all relevant authorities work through the personal adviser to help the young person towards adulthood.

The Bill also contains provision for a pathway plan for the young person who is being released into the

community. The plan will cover education and training, but it will also help to prevent homelessness. The plan will cover the young person's health up to the age of 21. Members can see that it will be important that the Department of Health, Social Services and Public Safety and the Department for Social Development work closely together in this aspect.

It is vital that the Department of Health, Social Services and Public Safety define what is meant by "suitable accommodation" for young people leaving care. It is also vital that landlords be suitable and care for this vulnerable section of our community. The Committee for Health, Social Services and Public Safety will be scrutinising the actions of the Department of Health, Social Services and Public Safety in the coming months to ensure that guidance to boards and trusts addresses those accommodation needs. That will be the key to preventing homelessness. Many of the young people have low self-esteem.

Clause 6 in the Children (Leaving Care) Bill deals with the transfer of benefits from the Social Security Agency to the Department of Health, Social Services and Public Safety. Many of the bodies that the Committee for Health, Social Services and Public Safety spoke to, including the National Society for the Protection of Cruelty to Children, were anxious that the clause should be withdrawn. However, the Committee, having discussed the matter with departmental officials, understands why it is necessary to transfer benefits — the Department of Health, Social Services and Public Safety will be taking a parental role for those young people. I am not entering into that debate at the moment. The Committee is aware of the issue but has not made up its mind as to whether to accept clause 6, and the Minister is aware of the matter.

The Department for Social Development, the Department of Health, Social Services and Public Safety and other relevant bodies, such as the Health Promotion Agency, need to be involved and need to liaise on the matter. Health boards and trusts have a major role to play in promoting health.

Earlier, John Tierney spoke about the new system for borrowing money that was announced after the visit from the Prime Minister and the Chancellor of the Exchequer. Although it will be a loan, a great deal of money will be made available that should be used to tackle the problem of homelessness.

Although I welcome the entire report by the Committee for Social Development, I am not happy with recommendation 9, which states:

"The Committee recommends that an integrated inter-Departmental and inter-agency approach to homelessness is developed".

I could not disagree with that. However, the recommendation continues by stating that the approach should be

“led and managed by the Northern Ireland Housing Executive and that work on this should begin immediately.”

I am a great supporter of the Northern Ireland Housing Executive. I also support the idea that an interdepartmental group with expertise in that field should be set up. In particular, such a group should include the Department for Social Development and the Department of Health, Social Services and Public Safety. However, I totally disagree with the proposal that that group should be led and managed by the Housing Executive. I have nothing but respect for the Housing Executive, but so many professionals would need to be involved and so much expertise would be required. The Housing Executive would need to employ many professionals in the fields of health, social development and other areas, so I do not see it as the leader of such a group.

As a public representative, I have been dealing with the Housing Executive for more years than I care to count. I am glad that the Minister is present when I say that I would prefer the people with expertise to be brought together in an interdepartmental group that could work side by side with the Housing Executive. Some might argue that it does not matter who leads whom, but the Housing Executive, which is not a departmental body, should not lead the group. I agree with the spirit, but not the substance, of recommendation 9.

**Dr Birnie:** I commend the Committee for Social Development, of which I am not a member. However, what I have seen of the report suggests that it is a solid production, and everyone involved should be commended.

This is a critical subject, and the report, like other sources, such as the Council for the Homeless Northern Ireland, communicates well the seriousness of the problem. As Members have pointed out, the number of homeless people has increased by about one quarter. The incidence of homelessness in Northern Ireland, despite traditional perceptions, is higher than in any other part of the United Kingdom. The true position may be worse than the official statistics indicate because the nature of the problem means that some cases of homelessness are concealed.

I agree with paragraph 1.6, which praises the efforts of the full range of concerned bodies and agencies, including, on the statutory side, the Housing Executive, the health and social services boards, trusts and agencies, and, on the voluntary and community side, a variety of charities and church organisations. I also agree with paragraph 1.6 that, given the seriousness of the problem, there should be a redoubling of efforts by the various players in that field.

Homelessness is one of the worst, if not the worst, form of social exclusion. In part, that is because it can be the root cause of other types of poverty and social exclusion, such as illness, unemployment, or the inability to progress with education.

2.15 pm

I strongly agree with recommendation 18, which refers to the need for a preventative strategy. It is better for all concerned, and more cost effective in the long run, if we prevent persons from becoming homeless in the first place. Throughout the recommendations there is a correct emphasis on this strategy's being interdepartmental. Indeed, in the speeches so far we have heard evidence of that. This is not just a matter for the Committee for Social Development, as we heard from the Chairperson of the Committee for Health, Social Services and Public Safety.

I also agree with recommendation 19, which is about building up the life skills of individuals who, sadly, are homeless. This will enable homeless people to make the transition to a settled form of independent life, which can be difficult, and provide a general improvement in their level of training, education, and qualifications. That touches on another interdepartmental aspect, as it brings the Department of Education and the Department for Employment and Learning into play.

Regarding the training and educational aspect of dealing with homelessness, I agree with my Colleague Sir John Gorman and commend the work of the Simon Community on the foyer initiative. There is one foyer in south Belfast and three in other locations across the Province. The south Belfast foyer is home to 42 persons in the 17- to 25-year-old age group. The interesting feature of the foyer arrangement is the combination of sheltered housing with a hands-on, on-site, personalised approach to training, which appears to ease the transition of people into the labour market. They can eventually stand on their own feet, hold down a job and, in turn, pay for accommodation and keep themselves, which is the ideal that we should be striving for. The foyer initiative is very successful in putting and keeping people in permanent, stable employment.

Another possibility, which is not included in the report's recommendations, is quite radical and also interdepartmental. It relates to the provision of an adequate degree of additional social housing. Sir John touched on this and on the reduction in the number of buildings available. To turn that around, we should consider introducing some sort of preference into the planning process in favour of property developers who agree to set aside some of the land, and, by implication, some of the housing, in new developments for housing-association type dwellings.

I strongly support the motion and commend this report.

**Mr S Wilson:** At this stage of the debate most of the recommendations in the report have probably been touched on by most Members, and, therefore, I want to concentrate on only a couple of points.

First, the Committee for Social Development approached this subject in a balanced way. There are people who would love to make an industry out of the unfortunate circumstances that homeless people find themselves in. When looking at homelessness, we must ensure that we look at it in a way that is sympathetic to those who, through no fault of their own, find themselves in the worst of all situations of not having a home, with all that is attached to that. Other Members have already spoken about the fact that losing or not having a home is not the sum total of disadvantage — it is the start of disadvantage because so many other things flow from it. Therefore, the Assembly must address genuine homelessness in Northern Ireland.

Much has been said about the number of homeless people. However, we must reinforce the distinction between those who are homeless and those who present themselves as such. The number of people who present themselves as homeless has increased a good deal; so has the number of those who are judged to be genuinely homeless. The situation is not unique to Northern Ireland; it applies across the United Kingdom.

A primary cause of homelessness must be considered: almost 2,000 people who present themselves as homeless do so because of acts of intimidation. The graph contained in the report shows that since the so-called end of the terrorist war, the number of people who have presented themselves as homeless has surged by almost 15%. Much of that increase is due to intimidation.

Members of Sinn Féin have spoken today about the plight of the homeless. This morning I spoke to a group of people who represent one street in Belfast. Half of the residents of that street now live with relatives, in hotels or in boarded-up houses. They want out because of intimidation organised by Sinn Féin. It is one thing for Members to complain about homelessness; it is another when their associates are actively involved each night in putting people — including families with young children and people in their 80s — out on the streets.

Two Sunday nights ago, I sat in the Salvation Army hall at the end of the Newtownards Road; it was full of people who had been put out of their houses. Six of those people were in their 80s. At 3.00 am they were waiting to find somewhere to put their heads for the night, because for the third night running their homes had come under a constant barrage. They finally had to leave, for their own safety, when petrol bombs and blast bombs were thrown at their homes and shooting started.

We have a duty to deal with the problems of the homeless. However, we must also ensure that we do not ally ourselves with those who are responsible, and that we are not ourselves responsible for such unfortunate circumstances. Mobs are orchestrated by Members who sit here today, including the Deputy Chairperson, who in her winding-up speech will probably condemn homelessness.

I was keen that recommendation 4 be included in the report. There was much pressure on us to include 16- to 18-year-olds in the homelessness legislation. I understand that many young people become homeless due to unfortunate circumstances. Nevertheless, the Assembly has a duty to ensure that it does not introduce social legislation that encourages or makes it easier for families to break up. We heard evidence that many youngsters fall out with their parents. I am sure that all Members have experienced such cases in their constituency advice centres. Youngsters often go through a rough patch with their parents, because of their age, et cetera.

We must not present an easy way of resolving family conflicts by taking on a statutory responsibility to rehouse those youngsters — many of them do not have the skills to live by themselves. Equally, we have an obligation to protect youngsters who are genuinely being put in danger because of circumstances at home. The recommendations get the balance right. Recommendation 4 states that

“whilst the rights of individuals must be respected, this must not be at the expense of contributing to the breakdown of the family as a stable and caring unit.”

I am pleased that that recommendation is in the report. The balance to that recommendation comes when young people present themselves as homeless and there are allegations that they want to leave home because of abuse. Recommendation 5 states that there should be a customised approach for dealing with youngsters, including case conferences in which all of the interests can be discussed so that there is a full picture of the problems facing those young people.

The report is very useful, and it reflects much of what the Housing Executive has already accepted as the way forward for dealing with homelessness. I commend it to the Assembly.

**Mr Deputy Speaker:** I call Mrs Annie Courtney. You have about three minutes, Mrs Courtney.

**Mrs Courtney:** I will be brief and cut out half of what I was going to say.

I welcome the report. As the Chairperson of the Committee for Health, Social Services and Public Safety has said, the report is timely because of our Committee's involvement with the Children (Leaving Care) Bill. Such young people are not only young vulnerable adults; they are leaving care without any training in household or financial management.

Recommendations 5 to 8 are particularly important. Recommendation 5 states:

“The Committee further recommends that the Northern Ireland Housing Executive should establish a specific, customised approach in assessing priority needs and dealing with young people presenting as homeless.”



That is particularly relevant to members of the Committee for Health, Social Services and Public Safety who are considering the Children (Leaving Care) Bill.

Recommendations 11, 13, 16, 17 and 18 are also important. Recommendation 11 states that

“the new strategy and action plan should include proposals for a common ‘Code of Practice’ for the Northern Ireland Housing Executive and those partner organisations dealing with the homeless.”

Recommendation 13 states that the Northern Ireland Housing Executive should pursue high standards of training for those dealing with the homeless. Recommendations 16, 17 and 18 deal with the out-of-hours service and a speedy independent appeals system, and state that the overall goal should be to reduce the number of homeless people.

Members have highlighted recommendation 19 as being particularly significant to young people leaving care who will struggle to cope if they do not have the correct support in home economics and financial management.

The Chairperson of the Committee for Health, Social Services and Public Safety said that clause 6 of the Children (Leaving Care) Bill was causing the Committee concern because it dealt with the exclusion of young people from benefits. We will be having further discussion on that as we have not come to a decision.

Members have already referred to the problems of people living in rural areas. I welcome recommendation 22, which highlights the need for transitional housing units to enable the Department for Social Development to respond positively. I agree with recommendation 23, which states that resources should be transferred to the Department for Social Development.

**The Minister for Social Development (Mr Dodds):** I welcome the Committee’s continuing interest in housing matters. I commend the work that it and many others in the voluntary sector and the Housing Executive are engaged in to ensure that policies meet housing need and provide good housing services.

2.30 pm

That is the thrust of the legislative proposals that form the backdrop to the Committee’s report and tie in with what my Department has demonstrated is an urgent matter that requires urgent action.

Many individuals and organisations have a range of views on how best to deal with homelessness. That is healthy, and I welcome it; I am pleased that they took time and showed their interest by contributing to the consultation exercise. I welcome the fact that, generally, the review’s principle recommendations are in line with our current policy and legislative proposals. Members will appreciate that in the short time available since the report was submitted to the Department, we have not been able to consider it fully and discuss the detail of the

recommendations. That also applies to the comments of Members today, to which I have listened with interest. I shall give proper consideration to the report and the comments of Members in the debate, and I shall make my views known in due course.

In the meantime, I shall say a few words about the report’s main recommendations. Although most of us enjoy a stable and comfortable living environment, that is not the experience of those who are homeless. Several Members have pointed out just how horrendous it is for individuals and families in that situation. The number of households presenting as homeless to the Housing Executive and voluntary sector organisations that deal with the problem is growing. Factors such as relationship breakdown continue to play a major part.

Sammy Wilson said that not everyone who presents as homeless is accepted under the legislation as such — as someone to whom full duty of priority rehousing is owed by the Housing Executive. Mr Wilson also made the point that 2,000 of the cases currently presented as homeless are due to intimidation, and, increasingly, the threat of intimidation is causing people to leave their homes. That is not something that housing providers can address effectively. The deplorable incidents of recent weeks, which continue albeit on a smaller scale, have put a tremendous burden on all the organisations that work to help the homeless, and they do nothing to build communities or help those who are homeless for other reasons. In fact, they do the opposite. They reduce the number of houses available for the others and increase the waiting time to be rehoused.

I am encouraged, however, by the willingness of those involved in the care of homeless people to meet the challenges that face them, as exemplified by their response to this review and to the recent comprehensive review of services to homeless people by the Housing Executive. Improvements will be made as implementation of the reviews’ recommendations begins.

I also hope that the extent of the problem and the profile that it is rightly attracting will translate into the additional resources that the reviews suggest will be required to deal effectively with it. I welcome the comments from various parts of the House that show that Members are willing to support an allocation of extra resources to deal with housing in general and the problems associated with homelessness in particular. I hope that that will translate into action, as opposed to mere rhetoric, when it comes to votes on the Floor of the Assembly.

I do not have time to deal in detail with all 23 recommendations, as they cover a wide range of issues from funding to definitions and the need for multiagency and cross-departmental actions. To agree the definition of what constitutes homelessness is crucial to the success of any strategy to tackle the problem. I welcome the Committee’s recommendations in that regard, and I



hope that the Department will be able to achieve the necessary level of agreement.

The existing homelessness legislation, The Housing (Northern Ireland) Order 1988, defines a homeless person as a person with "no accommodation". That legislation also provides that applicants are homeless if they have accommodation but it is not reasonable for them to continue to occupy it; if they cannot secure entry to it; or if occupation of that accommodation would lead to violence or threats of violence. The existing statutory definition of homelessness may already meet the Committee's requirements. When presenting evidence to the Committee for Social Development, Mr McIntyre, chief executive of the Housing Executive said:

"Legislative provision in Northern Ireland is generous compared to that of Great Britain. Great Britain's legislation is intended to catch up with that of Northern Ireland and to reinstate its own — as it stood before the changes made to it by the Conservative Government."

That evidence should be borne in mind when considering legislative changes.

I am glad that the Committee recognises that the solution to homelessness does not solely lie in the provision of new houses, a point that several Members made. Although that is an important part of the solution, the Department must tackle the source causes of homelessness and, in the process, endeavour where possible to keep families together. Several Members, including Mr Sammy Wilson, mentioned that recommendation, which is contained in volume 1 of the report as recommendation 4. Some Members suggested that there should be automatic acceptance of homeless young people as having priority need. I agree with what the Committee says on that point in recommendation 4.

The breakdown of relationships continues to be one of the main causes of homelessness, and it is hoped that the recommendations put forward by the Committee for increased education, awareness and provision of life skills training, as well as better sharing of information, will help to reduce the problem.

The recommendations are not solely for the Department for Social Development to consider. They will draw into the debate others who are at the forefront of such issues, not only in Government but in the voluntary sector. Many of the recommendations call for the Housing Executive to undertake a range of actions. Many of those actions are being undertaken and others have been put forward as part of the Housing Executive's review of services. Members will be aware that in September 2001, the Housing Executive went out to consultation on developing a new approach to delivering homelessness services. That consultation period ended in December 2001. The main findings and recommendations of the Housing Executive's review have been published and are widely known.

The recommendations provide a foundation on which to build and improve what is happening and is being proposed. The Housing Executive will want to take on board the Committee's suggestions before it completes its implementation plan. That plan will be drawn up after the completion of its own review of services. The Housing Executive delayed the publication of that final implementation plan to allow time to take on board and consider what the Committee for Social Development had to say.

The Housing Executive has set targets to deal with homelessness. That is worthwhile, even if at times the targets are not met to the intended extent. Setting targets helps us to move forward, and by analysing why they are not met we can see where the problems lie. However, the targets must be achievable, and they should not be set simply because they look good — nor should we shy away from them because they may be hard to achieve. In considering the targets to be set, we must ensure that they are meaningful and that we have control over their achievement.

As part of the promoting social inclusion element of new targeting social need, my Department is taking the lead in a review of the difficulties faced by homeless people in getting access to services. The review will be cross-departmental and cross-sectoral. It will build on the review carried out by the Housing Executive and the review carried out by the Committee for Social Development. I will refer the report to a working group which will draw its members from a wide spectrum of interested parties and help to devise strategies for dealing with homelessness.

Experience and best practice elsewhere will be an aspect of the promoting social inclusion priority project on homelessness. As recognised by the last recommendation, the strategies that we devise must be properly funded. I will continue to try to attract the maximum resources that competing bids will allow.

Following the announcement of the reinvestment and reform initiative by the Chancellor during his recent visit to Belfast, I took the opportunity to bid for £10 million for 2003-04 for 150 additional units to accommodate homeless people. That bid, if successful, will materially assist in meeting a Programme for Government target that commits the Department for Social Development to ensure that everyone can get access to decent, affordable housing in the tenure of his choice. We will work with housing associations and enable them to assist the Housing Executive to meet its statutory obligation to deal with homelessness.

The bids are still being considered by the Department of Finance and Personnel, but when the Minister of Finance and Personnel reads the contributions from all sides about the great social problems that flow from this matter, and the priority which is attached to it across the

Floor of the House and throughout Northern Ireland, I hope that the Department for Social Development will receive the additional funding necessary. Housing has an important part to play from New TSN and social inclusion perspectives in creating a stable home environment, better health and better employment opportunities.

Some Members, including Sir John Gorman, referred to providing more permanent homes as part of the solution. Some of the evidence that was given to the Committee said that providing someone with a permanent home is not the whole answer, and the Housing Executive also said that. Examples were given of people who left temporary accommodation for permanent accommodation only to re-present themselves as homeless later on. There are ways in which those issues must be tackled, not least through correct implementation of the Supporting People programme. It will affect single parents, young people, care leavers, people with mental illnesses or physical disabilities and victims of domestic violence. That should not be overlooked.

As I have said — and it is recognised by the Committee — providing a home is not always enough. An appropriate level of support must be given. The Supporting People arrangements will help to sustain and improve the existing support services for homeless people.

A major advantage of the proposed new arrangements is that they will combine the many disparate sources of funding into a single budget, and that will help to create a situation where the needs of the individual will be the most important factor.

2.45 pm

I thank the Committee for taking the time to conduct the inquiry and for providing the recommendations. I also thank the organisations that provided evidence to the Committee to help it formulate its recommendations, and the Members who contributed to the debate. It has been pointed out, quite correctly, that this is not a matter for the Department for Social Development only; other Departments have a crucial role to play in preventing homelessness.

Several Members raised the issue of legislation, which, I hope, will soon be forthcoming. Several Members mentioned the housing Bill during the debate, and we will have an opportunity to discuss that soon during its Second Reading. The new Bill will impact on homelessness by redefining “homelessness” and “intentional homelessness” and will redefine the treatment of persons from abroad and those found guilty of antisocial behaviour. The proposals will not detract from the priority for rehousing that is currently given to homeless applicants who meet the statutory criteria for assistance under homelessness legislation.

Some Members had hoped that the new Bill would come before the House earlier and have mentioned

delays — I share those concerns. As Minister for Social Development, I wish that the Bill had been before the House much earlier. It is not the fault of the Department for Social Development, my officials or myself that that has not been the case. Some Members, who are represented in the Office of the First Minister and the Deputy First Minister, might ask that particular Department some questions on how the process was conducted to get the draft Bill to this stage.

I am particularly concerned about housing and homelessness. That is why, as I have said, the Housing Executive’s review and these recommendations will play an important role in the proposals and in the forthcoming implementation plan. I look forward to Members’ continuing support as we seek the necessary resources to reduce the level of homelessness in Northern Ireland.

**Mr G Kelly:** Go raibh maith agat, a LeasCheann Comhairle. I have been a Member of the Committee for Social Development since its establishment in November 1999. I succeeded Michelle Gildernew as Deputy Chairperson just after the Committee had finished taking oral evidence from individuals and organisations in the second phase of the housing inquiry. I want to take the opportunity to say that the Chairperson, Fred Cobain, and the Deputy Chairperson at that time, Michelle Gildernew, have done a job that is second to none.

On 19 March, the Committee was instrumental in instigating a debate in the Assembly on the implications of introducing a new system for funding housing support costs. That debate is clearly connected to the present one.

I understand from the Minister that we will have an opportunity in the next few weeks to begin our examination of the long awaited housing Bill.

It is right that housing should feature on the political agenda and in the social conscience of the Assembly, but is that enough? Fred Cobain and others pointed out that the Executive should pay more attention to what the Committee says about the need to keep investment in housing at the correct levels. I was heartened and impressed by the candid and honest views expressed by many of the witnesses who gave evidence to the Committee. All of those bodies were closely involved in one way or another with the homeless.

I have listened with a great deal of interest to the contributions to the debate. I do not recall, either in the Committee or on the Floor of the House, anyone suggesting that it is not right to highlight the plight of the homeless and the extent of homelessness. No one disagrees that more should be done to prevent homelessness, and many Members recognise that it is not just a matter of bricks and mortar. However, the Assembly must back those fine words with actions.

The figures speak for themselves. Homelessness is on the increase. The conclusion to be drawn from that is

that policies are flawed, and there is a need for proper resourcing. It is said that homelessness is not a major problem in Northern Ireland because people are not seen sleeping in doorways. In fact, the Lee Hestia Association's study reported that at least 80 people in Belfast sleep outdoors every night. While Belfast is not a cardboard city, the Assembly should be under no illusions. Unless we tackle the problem directly and urgently, it is inevitable that our failure to do so will manifest itself more sharply, and it will not be long before the number of people occupying those doorways increases.

During the course of the inquiry there was a tragic fire at the Morning Star Hostel on the night of 11 February 2002. The Committee expressed its condolences and sent messages of support to those who were most closely involved with the hostel, and who are now constantly reminded of the fire. The services provided by the hostel are crucial to those who rely on it. We must not fail them.

Both Mr O'Neill and Sir John Gorman referred to the intentionality test, with specific reference to young people. They approached the issue from different angles. Perhaps both are right. While Sir John said that the Committee did not accept the granting of automatic priority to young people who present themselves as homeless, I do not think that that is what Mr O'Neill was saying. After a long debate in the Committee, he went off and checked the legislative position, as he said he would. He outlined the six categories. I agree with him that many young people will fall through the net. The Assembly must consider extending the categories of priority need. Studying the Homelessness Act 2002 will help us.

The draft housing Bill states that

"a person shall be treated as becoming homeless intentionally if he enters into an arrangement under which he is required to cease to occupy accommodation which it would be reasonable for him to continue to occupy."

The term "reasonable" needs to be clarified.

Mr Sammy Wilson referred to recommendation 4:

"The Committee recommends that, whilst the rights of individuals must be protected, this must not be at the expense of contributing to the breakdown of the family as a stable and caring unit."

I return to that because there was quite a long debate on it. Perhaps it is not worded in the way that it should be. The paramount priority is the right of the individual. The Committee is sensitive to the family unit. Dr Hendron supported recommendation 3, which refers to case conferencing. However, it is important to protect the individual, particularly in situations in which there is abuse.

I also want to make two political points. The case for funds and resources has a much better chance of being successful if the Minister who puts in the bids argues the

case forcefully in the Executive, which makes the collective decisions. That is not in question. It is obvious.

Sammy Wilson came into the Chamber to make a bit of a rant. He referred to homelessness in east Belfast. Homelessness is not sectarian. If he and the Minister would show leadership and talk to those who are involved, perhaps progress would be made. *[Interruption]*.

**Mr Deputy Speaker:** Order, order.

**Mrs E Bell:** Sorry.

**Mr G Kelly:** I am encouraged that at least as many Members who are not members of the Committee for Social Development contributed to the debate, as those who are. However, it also demonstrates the extent of the problem. Obvious themes emerged today. One was the shared concern about the increase in the number of young homeless people. There were clear calls for a proper and inclusive definition of homelessness, raised by the SDLP and by Mr O'Neill in particular, and picked up by Eileen Bell of the Alliance Party, and others.

Mr O'Neill reserved his position on the issue raised by the Children's Law Centre of 16- and 17-year-olds being given priority status, which I dealt with earlier. I hope that the forthcoming housing Bill will allow us to develop the debate on that matter.

Several Members reflected on the six main causes of homelessness, identified in paragraph 2.4 of the report. There is support across the House for a joined-up, interdepartmental, inter-agency approach, with the Housing Executive taking the lead. The need for a sustained commitment from other Ministers and their Departments is clearly stated in the Committee's report.

Many Members were critical of the inappropriate use of bed-and-breakfast facilities, which do not represent good value for money. There is also a lack of locally accessible temporary accommodation and a need for customised, small, intimate foyer-type units, which many Members from various parties highlighted. Cross-party support exists for greater investment in support services. Many Members have advocated life skills programmes, counselling and advice, with which suggestion the Committee cannot agree more.

There have been calls for a review of the policy of providing social housing, even from the Minister for Social Development's own party. The Committee is sympathetic to Mr Birnie's idea that people who are involved in developing social housing sites should be assisted in giving some sort of guarantee that a certain section of any development would be for social housing.

The message about socially affordable housing and the annual deficit brought about by a minimalist new-build programme, allied to what I accept is a person's right to buy, shows the need for capital investment.



Some of Sir John Gorman's statistics were a stark reminder of the size of the problem that we face.

Around 50% of social housing stock has been sold off, but, despite a young and growing population, it is not being replaced. Mark Robinson said that

"Demand for social housing must never be found wanting."

Homelessness is not a one-day wonder. Members across the Chamber recognise that homelessness requires continuous attention. I am sure that the Housing Executive accepts the need to adjust its working practices so that people leaving institutions — prisons, hospitals or care — can be assessed before they become homeless.

I am glad that there is broad support for the Committee's calls for the introduction of measures to prevent homelessness. John Tierney mentioned the cycle of homelessness and the deficiencies of the points system, as did Jim Shannon. I hope that the Minister acts on those comments.

I welcome Joe Hendron's remarks about pathway plans and personal advisers. I will welcome comments about clause 6 of the Children (Leaving Care) Bill from the Health Committee, once it has finalised its views. Esmond Birnie again hit the nail on the head when he mentioned homelessness as an example of social exclusion. I have already dealt with the principle of mixed housing developments.

I congratulate the Minister on making the £10 million bid for 150 units to accommodate homeless people.

**Mr Deputy Speaker:** I ask the Member to bring his remarks to a close.

**Mr G Kelly:** I will be as brief as possible.

The right to a home is a civil and human right that directly affects every individual in society. It is a fundamental right: not tackling homelessness properly, therefore, is a fundamental failure. We must ensure that the Assembly cannot be accused, especially after the new housing Bill becomes law, of failing in that duty.

*Question put and agreed to.*

*Resolved:*

That this Assembly approves the second report of the Committee for Social Development on their inquiry into Housing in Northern Ireland (Homelessness) (3/01/R) and calls on the Executive to consider the report and arrange for the implementation of the Committee's recommendations at the earliest opportunity.

## TSN CRITERIA

**Mr Beggs:** I beg to move

That this Assembly calls on the Minister of Education to urgently replace "free school meals" as the sole criterion used to allocate TSN funding within the educational sector.

I thank the Business Committee for allowing me to bring to the Assembly my concerns at the current use of free school meals as the sole means of determining a school's entitlement to TSN funding.

3.00 pm

At the outset, I declare an interest. As a parent governor in a small rural primary school, I am directly aware of the financial pressures on our schools, particularly those in the North-Eastern Education and Library Board area, which result from inadequate funding arrangements. More than 100 teachers are being made redundant in the North-Eastern Education and Library Board area, and the inequality in the current TSN funding mechanism has contributed to that situation.

Although I am not a member of the Education Committee, I am concerned by the report compiled by the Northern Ireland Audit Office, 'Indicators of Educational Performance and Provision' (NIA 48/01), which has been examined by the Public Accounts Committee. Through my membership of that Committee, and my role as a primary school governor, I have taken a particular interest in the inequality of school funding in the area I represent and in which I live.

I draw Members' attention to the huge variation in funding per pupil between schools in different education and library board areas. Children in the North-Eastern Education and Library Board area receive the second-lowest funding per pupil in the controlled sector, as recorded in the answer to my question for written answer, AQW 2390/01. What most concerns me about that answer is the degree of variation between various sectors and boards. According to figures for 2000-01, there is a variation of approximately 15% in the funding for primary school pupils in different sectors. How can that be justified? In the secondary school sector the difference is 18%. Such inequality cannot be justified.

I am aware of the development of a new common funding formula; however, the manner of directing the policy of targeting social need itself creates huge variations and inequalities between schools. That is because only one criterion is being used in determining allocations of TSN funding — the entitlement to free school meals.

In the consultation document 'A Common Funding Formula for Grant-Aided Schools', the Department of Education points out that a post-primary school of approximately 700 pupils with a 60% entitlement to free school meals could receive up to £166,000 a year more



in funding for social deprivation than a similar school with a low entitlement to free school meals of, say, 10%. Clearly, that could have a huge impact on a school's ability to address educational needs.

I support the concept of targeting social need. However, I question the appropriateness of using the free school meals criterion as the only measure when targeting TSN funds. I also question the degree of variation and inequality created by the current policy. I understand that approximately 5% of the education budget is top-sliced and distributed on the basis of entitlement to free school meals. That in turn is based on a family's entitlement to either jobseeker's allowance or income support. Is that an appropriate indicator of deprivation in education? Research by the Department of Education and Skills has shown that in England and Wales some 20% of parents do not take up their entitlement. I suspect that the figure may be even higher in Northern Ireland. This criterion is not picking up all the children in need.

Locally, according to the figures for 1997-98, some 26.1% of pupils were entitled to free school meals. However, that figure dropped to 21.9% in 2001-02. Therefore, although the educational budget has increased, the TSN budget is targeted at fewer children, and I suspect that as many as 20% of those who are entitled to support do not claim it. That reluctance to claim creates inequalities and fails to address educational need in many instances.

While researching for the debate, I read evidence heard by the Committee for Education. The principal of Ballynahinch High School said that

"there is a resistance among some rural families, even when eligible to do so. Thus, any use of FSM eligibility as an indicator of need will not benefit the school."

The principal of St Nicholas's Primary School said that

"using only Free School Meals eligibility as an indicator of need is often limiting. It does not address the range of problems of deprivation, and means that some schools with low FSM levels do not get the necessary help".

The principal of Loanends Primary School said that

"children in the school are experiencing failure, and the school has neither the time nor resources to address these issues. There are no funds for a specialist teacher. One explanation for this is that, because the school has no entitlement to Free School Meals-based funding, high levels of educational need are not recognised."

Educational TSN funds could be distributed through, for example, the working families' tax credit. That would widen the distribution of funds and, according to recent figures from the Department for Social Development, lessen inequalities by making an additional 45,000 families eligible.

Will the Department of Education consider using different indicators of deprivation, such as those that are

used by other Departments? The Noble index was introduced as a result of rigorous research and academic work to replace the Robson index. It has produced detailed work to show deprivation in housing, income, employment, health and disability, and educational skills and training. Educational indices are used to measure educational deprivation. However, could other more objective indicators, such as assessment of Key Stage 1 and 2 in primary schools, or absentee levels, be used in the education sector? I would like to hear the views of the Minister of Education and other Members.

In developing additional criteria, we must ensure that schools are neither rewarded for bad results nor penalised for good results. Perverse incentives, such as the removal of resources when improvements are made, would demoralise staff. I support the view of some members of the Education Committee that Key Stage 2 is not a suitable indicator for the allocation of special education funding to primary schools. Given that Key Stage 2 is assessed at the end of primary school, it is an inappropriate means by which to measure need. Therefore, if a judgement were made on the strength of Key Stage 2 performance, bad results may be rewarded, while good results may be penalised.

I await with interest the results of the needs and effectiveness analysis of the education sector. There is concern about the outcome of current TSN policy, and it is to be hoped that there will be detailed analysis of how the money is spent and the outcomes that are achieved. Could the money be better spent in other ways?

During my time as an MLA, I have become aware of the relatively poor take-up of state benefits and grants in my constituency of East Antrim. Many pensioners do not claim the minimum income guarantee to which they are entitled, and recent figures show that take-up for the warm homes scheme is lower than was expected.

That is the case, despite there being socially deprived wards and pockets in my constituency, which was indicated in the Noble indices. Historically, for whatever reason —

**Mr Deputy Speaker:** Order. Will the Member bring his remarks to a close.

**Mr Beggs:** For whatever reason, many people in my area have not embraced a claim culture and have been too proud or independent to claim state benefits. Children have been doubly deprived because their parents have not claimed benefits, and that means that those children have not gained the educational advantages that result from TSN. I ask the Minister to notice that I have not been prescriptive as to what are more appropriate criteria for determining future TSN funding. I shall listen to other Members' comments before I take a view on the amendment.

**Mr Deputy Speaker:** I have received one amendment to the motion, which is published on the Marshalled List.

**Mr Gallagher:** I beg to move the following amendment: In line 1 delete all after "Education" and insert:

"to have his Department, in consultation with the Committee for Education, carry out an in-depth review of the way social deprivation is measured."

The motion deals with free school meals. Those meals have been used for some time as an indicator of social deprivation and, as such, the matter has gained international recognition.

The motion calls for the present system to be scrapped and for it to be replaced with an unspecified system that will direct funding to the most socially disadvantaged children in our community. Any inequalities that exist in the present system are unacceptable. However, the introduction of untried indicators will not improve the circumstances of those who experience social deprivation.

Targeting social need is crucial in education. The link between underachievement and social deprivation is well known and well researched. Schools in socially deprived areas need extra funding to improve literacy and numeracy, and to help children overcome disadvantages that arise from poverty.

As we know, the Department of Education and the boards allocate their funding for social deprivation to schools on the basis of the numbers who receive free school meals. The criterion used to determine who is eligible for free school meals is whether a child's parents are on jobseeker's allowance or income support. Those entitlements have long been recognised as good indicators of social deprivation. Although questions have been asked, no one as yet has been able to devise a better system.

The Committee for Education held an inquiry into the Department of Education's proposals for a new common funding formula for all schools. Some submissions raised the TSN element of the Department's proposed new formula. Teachers in some schools pointed out that not all the children who were eligible for free school meals availed themselves of that entitlement. Staff from those particular schools said that although they provided additional support for socially disadvantaged children, the schools did not benefit from any extra money. Consequently, they faced increased financial pressures.

At least one other submission questioned whether the free school meals entitlement took account of all the children from low-income backgrounds. Those comments suggest that the free school meals indicator could work better than it does.

Therefore, the logical step is to examine how the free school meals indicator can be improved. As I have said, targeting social need is a crucial element in the funding

of our schools, and, indeed, many educationalists believe that the overall level of money for TSN purposes that the Department provides is less than what is required.

3.15 pm

Where resources are scarce, the impact of any changes to the method of funding under TSN guidelines must be given careful consideration. We must work towards a situation in which all children from socially deprived backgrounds benefit under TSN arrangements, and in which schools with the highest levels of social deprivation derive the most benefit.

Much research, discussion and debate are required in order to deliver TSN money to the most deserving children. Under the terms of the motion, that will not happen. The SDLP believes that the issue is central and that the Department of Education and the Education Committee should revisit it for more detailed discussion.

**Mr Deputy Speaker:** I remind Members that the Business Committee allocated one and a half hours for the debate. Many Members wish to participate, and I must ask them to limit their contributions to a maximum of five minutes.

**Mr S Wilson:** The issue of TSN criteria is important, and it affects school budgets in each Member's constituency. Some schools will be grossly advantaged by the application of the free school meals formula, and others will be grossly disadvantaged to the tune of tens of thousands of pounds and, in some cases, to the extent of one or two teachers.

The case against the use of free school meals as a means of targeting social and educational disadvantage is compelling. The use of free school meals as a criterion does not deal with the problem. The Department of Education came to that conclusion in a report where it is stated that

"the evidence does not distinguish between pupils' under-attainment resulting from social disadvantage and under-attainment with its origins in a lesser capacity to learn, irrespective of social and economic background. It is therefore somewhat unclear as to which of these sources of under-attainment is the most important one and where the balance of TSN funding, between social deprivation and educational needs, should lie."

Despite that, the Department states that it wants to use free school meals as the measure and recognises that, even if free school meals were the proper way to fund those who are socially disadvantaged and, therefore, have an educational disadvantage, or people who are educationally disadvantaged, 20% of families do not take up the provision. Those figures come from the Department. It does not deal with the issue, which is to allocate extra money to help youngsters who, because of social disadvantage or an inability to learn, have educational needs.

When the criteria are applied, a totally unfair situation emerges if a pupil happens to attend a Belfast school

and comes from a background where free school meals are an entitlement. Depending on the school, no money might be paid or an additional £525 might be paid. If other boards are taken into consideration, the amount allocated varies from £322 in the North-Eastern Education and Library Board area to £298 in some grant-maintained schools. The money is not evenly distributed, with a variation of almost 100% between pupils.

The Committee received evidence from school principals, who made it clear that this was a very unfair measure. The almost universal experience of principals from rural schools was that pupils from farming backgrounds tend not to take up free school meals because of the stigma attached to them. Another principal who gave evidence said that the spending levels did not appear to coincide with the educational needs of the youngsters in the school. Therefore, she found herself at a disadvantage when it came to providing additional facilities.

Roy Beggs has already mentioned that the take-up of the provision of school meals is not a balanced indicator of social disadvantage. While only 9.2% of pupils in reception classes in controlled schools are entitled to free school meals, 18.9% of pupils in maintained schools are entitled to them. There is not even a balance in provision across education sectors. When the Committee considered this matter, there was criticism from all parties. A member of the Minister of Education's party said:

"On the matter of free school meals, the Robson index, in my view, is a good enough indicator of social deprivation. In Fermanagh, for example, income levels are only 70% of those in places such as England or other areas of the Six Counties. That is a statistic anyone can work on. There are people who will not claim free school meals, even though they are entitled to them."

I will not name the Member who said that, because he may be punished for going against his own Minister. However, that was the view of a Sinn Féin member of the Committee for Education.

Despite what Tommy Gallagher said, there are alternative measures. There are many diagnostic tests that can be done on a one-to-one basis, or collectively, that are not intrusive. There are tests that study people's linguistic and mathematical development and their ability to understand rhyme. All of those are better indicators of educational need than the blunt instrument of the take-up of free school meals.

It is important to consider the alternatives because the system disadvantages rural schools, some education sectors and some boards. There is no evidence in the work of the Department to prove that the way in which funding is targeted gets to the nub of the problem and makes available to schools the resources that are required to deal with educational need. This indicator is a blunt instrument that the Department cannot stand over. The Department's own report states that people do not take up this provision, so how can it be used as a

measure? The system does not distribute equal amounts of money to all pupils or to the various types of schools. Therefore, it is important to consider a different way of dealing with this.

Even the blunt instrument of the Warnock indicator, which says that 10% of youngsters in every school will suffer some educational disadvantage, is a better measure of social disadvantage than free school meals. At least that indicator would ensure uniformity across schools and that schools received the required resources.

I do not think that the Minister will change his mind. Despite the compelling evidence and the fact that the Committee for Education asked him to look for alternatives, he has refused to reconsider because he has another agenda behind his method for distributing funding to schools.

**Mr Deputy Speaker:** It escaped my attention, Mr Wilson, that you have exceeded your allocated time.

**Mr McHugh:** Go raibh maith agat, a LeasCheann Comhairle. I do not support the thrust of the motion. Mr Sammy Wilson would attack Sinn Féin's position, as usual, but Mr Roy Beggs may have some genuine reasons for the points that he made. The thrust of the motion is purely sectarian, so I will not support it.

TSN is important to everyone, and we all want money to be allocated to deprived areas. Quite often, Members — including Sammy Wilson, a member of the Committee, who discussed Belfast schools — use questionable statistics. Jobseeker's allowance entitlement and other measures of deprivation do not always combine to create the best formula. The Noble index takes various factors into account, and most areas do quite well under that formula. The indicator of free school meals entitlement identifies children from low-income families.

The percentage of children who are entitled to free school meals has been used to indicate the level of socio-economic disadvantage in schools. That figure also correlates strongly to low academic attainment and the percentage of young people who leave school with few, or no, formal qualifications. More recent statistics link free school meals entitlement with poor transfer test results. Pupils who are entitled to free school meals have, on average, lower GCSE grades. Average pass rates in leaving examinations are about 50% higher in post-primary schools at which less than 5% of children are entitled to free school meals, compared to those where 20% or more pupils qualify.

Pupils at schools in the lowest free school meals band are more than two and a half times more likely to achieve a grade A in the 11-plus test than those in the highest free school meals band. Moreover, as the population of pupils who are entitled to free school meals rises, so too does the proportion of pupils who do not sit the transfer test.



Mr Beggs suggested that we replace free school meals entitlement with another indicator. The Ulster Unionist Party has argued that point for a long time, in Committees and elsewhere. Its argument is motivated not by a desire to find the best indicator of social need, but by sectarianism and a refusal to accept that the Catholic population experiences greater poverty and social need than Protestant people. One unhappy consequence of the Ulster Unionists' campaign to have free school meals entitlement removed is that they are abandoning — *[Interruption]*.

**Mr Deputy Speaker:** Order. Mr McHugh is entitled to be heard. Will Members cease the hubbub in the Chamber?

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

**Mr McHugh:** I have little enough time; I will not give way.

Belfast primary schools were mentioned. Seventy-seven per cent of pupils at Malvern Primary School are eligible for free school meals; 70% of pupils at Blythefield, Beechfield, Currie, Edenbrooke and Avoniel primary schools qualify. There is a long list of schools with a high percentage of entitlement to free school meals, and most of them are state controlled. The percentage of free school meals entitlement in post-primary schools is high also. Over 60% of pupils at Mount Gilbert Community College and Templemore Controlled Secondary School qualify for free meals. Balmoral High School, Castle High School, Newtownabbey Community High School, Dunmurry High School and Lisnasharragh High School all have a very high percentage of pupils who are entitled to free school meals. Twenty-three out of 80 post-primary schools —

**Mr Deputy Speaker:** I ask the Member to conclude his remarks.

**Mr McHugh:** Under no circumstances do we wish to remove free school meals entitlement as the core criterion. I do not support the motion, or Mr Gallagher's amendment, because both allow Members such as Sammy Wilson to get off the hook.

3.30 pm

**Mrs E Bell:** I will confine my remarks to the motion and the amendment. I will not go into detail as other Members have done; I am sure that people have taken the points on board.

I am a member of two Committees — the Committee for Education and the Committee of the Centre. Both Committees have been investigating the targeting social need procedures from a number of aspects. All of the members of those Committees have agreed that while it is laudable in its intention, targeting social need is not as efficient or effective as it was designed to be. The Robson indices and the new, improved Noble indices, which determine the implementation of targeting social

need, have been seen to be flawed. That means that areas of potential deprivation are ignored if they happen to be within larger, more prestigious areas.

In my local area there is a good example, which I have spoken about before. My constituency, North Down, the so-called "gold coast", includes large estates where underdevelopment and deprivation are the norm. The high incidence of non-take-up of school meals in these areas, as in others, makes nonsense of the idea that free school meals should be the sole criterion for much wider assessment and judgement. Colleagues have made that point more specifically.

Research has proved that there are many parents who do not avail of free school meals for their children, even in the most deprived areas. Therefore, using free school meals as an indicator of deprivation is questionable. To put it in plain language, Members have a simple choice: we either face up to our responsibilities as legislators and do something to get the current system radically reviewed and, if necessary, changed, or we look the other way and ignore the plight of those more needy than ourselves.

An urgent review of the whole school meal procedure is long overdue. If we really want all children to enjoy the best facilities for their education, we must look more carefully at a wider and more reliable range of factors. As the amendment states, I suggest an in-depth review of how the criteria of social deprivation are measured in schools. The Minister would not refuse to consider such an evaluation. Such a review should be undertaken so that we have the best method of ensuring that all pupils, whatever their background, can avail of TSN programmes that will benefit their education.

Pending such a review, the whole process of targeting social need must be dealt with seriously and sensitively. However, it would be dangerous to fully support the motion until we are sure that any replacement — tests or otherwise — would be adequate and efficient enough to replace the current system. I support the amendment.

**Mr Poots:** Mr McHugh suggested that the motion has a sectarian background, which is strange coming from IRA/Sinn Féin. Perhaps he would like to comment on the Belfast Education and Library Board comment that

"in order to deal with the complexity of identifying social disadvantage, alternative and additional indicators to the current Free School Meals indicator should be explored".

He may accuse the DUP and the Ulster Unionist Party of sectarianism, but is he now accusing the employees of the Belfast Education and Library Board of being sectarian? They are involved in education, and they should know when a change must be carried out.

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



Several indicators other than free school meals could be used. The Noble indicators have recently been produced. They are weak in many ways because they do not take into account the black economy that exists in Northern Ireland, which runs into hundreds of millions of pounds. Nevertheless, those indicators have outlined clearly that there is significant educational disadvantage, particularly in Protestant/Unionist communities.

I would not dare to accuse Mr Lombard from the Holy Trinity Primary School of being sectarian, but perhaps IRA/Sinn Féin would. He said:

“Free School Meals eligibility is a good indicator of social need, but there may be other needs in schools with lower levels of deprivation and these are not acknowledged through the formula at present”.

Clearly, there is someone who does not come from a Unionist background or have a Unionist perspective saying that entitlement to free schools meals is not a satisfactory way of dealing with the matter.

It is also noted with regard to the basis of the levels of funding for TSN that

“spending levels and initiatives do not appear to have eroded the existing differentials between these and other pupils.”

Thus it would appear that the differentials that were in place are still in place, despite the spending that has taken place over the past few years. Clearly, the current process is not working. So why is the Department so keen to engage in a process that, according to its own documents and papers, is not working, has not eroded the problem and is not about to erode it with the system now in use?

The Minister does not want to look at other options, because that does not suit him. If he went down that route he would ultimately have to put more money into the controlled sector and provide more for children in Unionist and Protestant areas. He often tells us how concerned he is about children on the Shankill Road, yet when it comes to providing funding for new schools, he will fund the schools in the controlled sector at about half the rate that he funds schools in the maintained sector. When it comes to TSN he will seek to have a mechanism in place that will target specifically schools within his own sector.

**Mr Campbell:** That is because he is a bigot.

**Mr Poots:** Other Members can say that the Minister is a bigot. People will make that judgement based on the work that he has done as a Minister and on the fact that he has not addressed the issue of social need in the controlled sector and has used every mechanism that he can to avoid it.

I support the motion and oppose the amendment. Mr Gallagher, who moved the amendment, did not deal with any of the issues, other than to say that the use of free school meals as the criterion is a good system and

that he did not want to change it. There is clear, tangible evidence that it needs to be changed, and the Minister must take that on board.

**Rev Dr William McCrea:** I agree with my Friend, Mr Sammy Wilson, that this is a very important issue. I do not intend to speak extensively in the debate — I could not do that, as I have only five minutes.

Many schools face this major problem. I want to mention, in particular, the controlled sector in the North-Eastern Education and Library Board. Schools in the area are totally strapped for cash, and significant choices must be made before the simplest work can be carried out. Many teachers are being made redundant, and more will be made redundant soon. That is an important issue. Not only does it affect the schools, but it has a major impact on the education of the children at those schools. It is robbing children of the right to a good education. It is a blunt instrument that is denying children in the North-Eastern Board area the same right as other children across the Province to excellent schooling with the proper number of teachers on board.

My constituency is divided in two with regard to provision. On the one hand there is Cookstown, which is in one education board area, and on the other hand there is Magherafelt, which is in the North-Eastern Education and Library Board area. There is, in the same constituency, a difference between the moneys that are available for schools. The main pressure is on Magherafelt, which is in the North-Eastern Education and Library Board area.

Of course, it seems to be different in the maintained sector. The Minister is seldom in the constituency, although I am sure he receives news of it now and again. However, he knows full well that, as far as that constituency is concerned, although many of the schools in Magherafelt are falling apart, the new schools in the maintained sector are having millions of pounds spent on them. There is a great differential. In the Minister's constituency, a different target for social need in the maintained sector from the one in the controlled sector seems to exist, even in relation to school provision.

I note with interest the remarks of Mr McHugh of the Minister's party, Sinn Féin/IRA. He must have undergone a Saul of Tarsus-like conversion. I am sorry to link Saul with the said Member; when I get home to glory and speak to Saul I shall have to apologise to him. Does the Member think that we have not read the ‘Report on the Proposals for a Common Funding Formula for Grant-Aided Schools in Northern Ireland’? I noticed that there is a difference, and I shall tell the House what it is.

The minutes of evidence for Thursday 4 October show that when the report was being prepared, questions asked and evidence given, Mr McHugh mentioned the Robson index. The interesting aspect is that he was probably not reading from a script then. Today, however,

he was handed a script to ensure that he was brought into line and kept to party policy. I wonder whether he thought that the Robson index, which he commended in the report, was a sectarian proposal, because everything else in the mind of the Member seems to be a sectarian proposal. That is an interesting statement, coming from the most sectarian party in existence in the Western World, never mind in Northern Ireland. However, that party uses it whenever it suits.

There must be equality of funding. The present formula is not adequate and denies the rights of the children in my constituency to a proper education. I support the motion.

**Mr McCartney:** It seems to me that the motion does not suggest the abolition of free school meals as one of the criteria for the targeting of social need and for additional money for the education of those so targeted. It suggests that free school meals should be replaced as the sole criterion. That is important when one looks at that in conjunction with Mr Gallagher's amendment. Mr Gallagher clearly accepted that free school meals was not, and should not be, the sole criterion for deciding whether the additional funding should be made available.

The amendment suggests that free school meals as the sole criterion is not the correct one. If it were the correct one, what need would there be for the substance of his amendment, which is to have the Department of Education, in consultation with the Committee for Education, carry out an in-depth review of the way in which social deprivation is measured?

It seems to me that the free school meals criterion is indeed a blunt instrument. I am sure that it was originally, and more accurately, intended to measure the nutritional situation of the pupils rather than their educational need. One can think of many instances in which a sharp child who was not getting as much nutrition as he required was nevertheless able to cope, and one can think of a child not so intellectually advantaged, but well fed and well looked after, who most definitely was in need of additional educational facilities and help. That is a situation in which this blunt instrument would not apply.

3.45 pm

It is nonsense to suggest that someone, by virtue of his circumstances, who needs additional educational help is entirely congruent with someone who is not getting as much nutrition as he needs according to some standard. This clearly maintains the advantage of those who take maximum advantage of the benefits system. As long as that system is related to paying additional money for education, those who are on benefit and in areas where they have been on benefit and are determined to remain on benefit will get this extra money. Look at the figures which show that Catholic maintained schools account for 18.9% of uptake while controlled schools account for 9.2%. If anything shows the nonsense of

free school meals as the sole criterion for TSN funding it is some of Mr McHugh's figures. He mentioned a number of controlled primary schools, such as Blythe Street, Avoniel and others, that have an uptake of free school meals of over 70%.

One must ask if there is evidence to show that the increased funding those schools receive — and similar schools in the maintained sector too — is of benefit to them. Do they get better results? Do more children from those schools pass the 11-plus or transfer test? The answer is almost certainly no. There is no more damning criticism of the free school meal criterion than that. In areas of west Belfast, on an entirely different basis, 15% of the working population were on a disability benefit, a benefit that is not attributable to social conditions but to one's physical condition, while in north Down only 3% of the working population were on it.

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

**Mr McCartney:** That is evidence that the benefits system and correlated assessment of the system is absolutely wrong and unfair as a means of measuring social need.

**Mr Shannon:** I support the motion. Many parents who live in the lower income bracket grew up receiving free school meals and probably had the school dinner stigma attached to them, and that is where the problem arose. Free school meals are a good way of ensuring that children from lower income families have at least one nutritious meal a day, and I heard someone making that point on the radio this morning. Unfortunately, receipt of free school meals alerts a child's peers to his family's financial situation; perhaps that has not happened so much in the recent past. When I was at school, children who received free school meals became the butt of many a child's prank.

There must be a way of allocating TSN funding to education that does not embarrass children. Schooldays are tough enough for children without their being set out as different from the beginning so that the Department of Education can monitor the need for TSN funding.

Many children who qualify for free school meals do not take them up because of the stigma attached to them. Targeting Social Need in education should not come down to how many free school meals are allocated in each area. Social need in education is an extensive issue and needs a more appropriate measuring tool. In the Strangford constituency there are pockets of affluence surrounded by areas of need. The two cancel each other out, and funding is missed out on, while the children of those two economic groups meet together at school on what should be a level playing field.

Some children can afford to have tutors when they need extra help, but those who are unable to afford such tuition often fail, so social need funding allocations to

education should be more academically based. In 65% of towns across Northern Ireland most people over 16 have no formal educational qualifications. In my constituency of Strangford, the Ballywalter, Comber, Kircubbin, Westwinds and Portaferry areas have a higher than average percentage of adults with no formal qualifications. Areas where most adults have formal qualifications are highly likely to be wealthy ones.

One of the most important indications of social need is overcrowding, and that applies to schools as much as to houses. We have all seen the indexes of overcrowding in towns and villages, but what about schools? Some children in the Strangford constituency have to pass one school to go to another because the catchment area of the first school is so oversubscribed that it cannot take children from the housing development that is only metres from it. The criteria for social need funding for education should take the overcrowding in classrooms into account.

If classrooms are overcrowded, it is only natural that the teaching will be less effective, as teachers dealing with over 30 students do not have time to devote to students who are struggling. Students who leave such schools may not achieve their full potential and may join the 65% of people here who have no formal qualifications — thus adding to social need, as those without qualifications find it harder to get a stable job that will support them and their families. Overcrowding in schools is a valid, highly graphic indicator of where funding should go in education. It directly influences the qualifications that young people have when leaving school.

If we are to live together successfully, understanding and mutual respect are needed. That means eliminating the stigma and pain caused to children whose socio-economic backgrounds are revealed to their peers when they get free school meals. Funding must be allocated under criteria that show needs and areas of greatest need more efficiently and discreetly. Each community is different, so the criteria for funding must be adaptable so that those who get it will benefit from it. We need data that can be used to help children rather than categorise them.

Every child must be given the same educational opportunities. By removing economic barriers, children will be able to gain qualifications that will remove any need for a TSN fund for them and society. However, that dream is a long way off, so we need to remove the stigmas and put money into the heart of the problem that we are trying to address.

**The Minister of Education (Mr M McGuinness):** I thank all Members who contributed to the debate. It is right that we should spend time addressing matters that most closely affect the daily lives of many people. Poverty has, for too long, blighted the lives of individuals and whole communities. The Programme for Government

highlights New TSN as its major way of combating social exclusion and poverty. New TSN means targeting our efforts towards ensuring that programmes and services are delivered in ways that are most helpful to disadvantaged people, and I am totally committed to applying its principles to address social deprivation wherever it is found.

My Department's New TSN action plan concentrates on action that is designed to address the needs of children who are not achieving their full learning potential. As Mr Gallagher said, a substantial body of local and international research shows that there is a clear link between social disadvantage and low educational achievement. Children from socially disadvantaged circumstances tend to achieve less well at school, are less likely to stay on or enter further or higher education and in the future are more likely to be unemployed or work in lowly paid jobs.

The purpose of the TSN element in the local management of schools (LMS) formula is to provide additional resources to help schools address low achievement, underachievement and pastoral care problems arising from the social and economic characteristics of their pupil intake.

Some schools, particularly those with a high intake of pupils from disadvantaged backgrounds, face considerable problems in the daily management and pastoral care of their pupils; however, it is clear that a substantial proportion of TSN costs in schools arise in addressing the needs of children who are performing below the level expected for their age. That can manifest itself in low motivation to learn, behavioural problems, poor attendance and low attainment. Research and experience have shown that those problems can be successfully overcome by school-based strategies such as special needs teaching, numeracy and literacy programmes, attendance and discipline initiatives, and home/school liaison arrangements. However, those measures require staff time and resources.

It is important to bear in mind that the consultation document on the local management of schools common formula proposed that TSN funding should continue to be based on two distinct elements: social deprivation, which is based on free school meals; and special educational need, which is based on measures of educational underachievement. Those who are in greatest need must be identified objectively and targeted fairly, regardless of gender, religion or race.

Given that there is a clear correlation between social deprivation and low educational attainment, we need a robust and objective indicator that will enable us to direct our resources where they are most needed and where they will do most good in raising attainment levels. That will therefore give our most disadvantaged children the chance of a better life. Often, children do not attend a school in the area where they live. Pupils



who live in areas that on a location-based indicator would be regarded as deprived often attend school in an area that is not so deprived, and vice versa. In addition, many pupils who live in one education and library board area cross board boundaries to attend schools that are situated in other board areas. For that reason, location-based indicators such as the Noble indicators, which are advocated by Roy Beggs Jnr and Edwin Poots, would not necessarily ensure that funding would be directed at those most in need.

Local and international research has confirmed that entitlement to free school meals is a robust indicator of social disadvantage among school pupils and is closely correlated with poor educational achievement. In the absence of any better, easily collected, readily updateable pupil indicator of social disadvantage, my Department will continue to use free school meals as a key means of targeting funding at schools with pupils with the greatest need. It is significant that the continued use of free school meals as an indicator of social deprivation was widely supported by schools in the recent consultation 'A Common Funding Formula for Grant-Aided Schools'.

Roy Beggs Jnr, Tommy Gallagher, Sammy Wilson and others said that the uptake of entitlement to free school meals is not as high as it could be. My Department is keen to ensure that resources are directed towards the pupils in genuine need. The uptake of entitlement to free school meals will be researched in the family resources survey, which commenced in April of this year in conjunction with the Department for Social Development. The results will not be known until April 2003. Arrangements for determining entitlement to free school meals have traditionally mirrored those applicable in England, where consideration is being given to extending entitlement to include low-wage families in receipt of working families' tax credit. If implemented, this will extend the coverage of the indicator.

Roy Beggs Jnr, Sammy Wilson and Eileen Bell spoke of the use of additional indicators for TSN. As I have said, research has found that entitlement to free school meals is a robust indicator of social disadvantage among school pupils and is closely correlated with poor educational achievement. The indicator or indicators used for social deprivation must be robust, objective and capable of being updated regularly as circumstances change. That narrows the field considerably; however, I am prepared to give careful consideration to the use of alternative indicators should they become available.

During today's debate, as is typical in many of the debates that involve DUP Members, we hear the old chestnut of discrimination against the Unionist and Protestant communities.

I refute absolutely any allegations of discrimination, either with regard to that issue or to the allocation of

funds through the schools capital building programme — *[Interruption]*.

4.00 pm

**Mr Deputy Speaker:** Order.

**Mr M McGuinness:** Members who resort to that sort of sectarian rant, which is what it effectively amounts to — *[Interruption]*.

**Mr Deputy Speaker:** Order.

**Mr M McGuinness:** Members such as Robert McCartney, who claims to be something of an intellectual as well as being a barrister, and who claims, like some Members in the DUP wing, to be well versed in the law — *[Interruption]*.

**Mr Deputy Speaker:** Order.

**Mr M McGuinness:** If those Members believe that there is discrimination, they are free to go to the Equality Commission or to the courts to seek redress. Why do they not do that? They do not do that because they know that they will not win.

These are important issues that affect all our children. Roy Beggs raised the issue of the proposals for the allocation of TSN funds within the local management of schools common funding formula. It is proposed to include educational indicators alongside entitlement to free school meals in allocating TSN funding, and to increase the proportion of TSN funding on educational need relative to social deprivation. That proposal is designed to take account of the extra support required by pupils who perform below the expected level for their age, regardless of their social background. The share of total funding allocated to TSN will also be increased from 5% to 5.5%. That will provide a further £4 million to help schools to provide additional educational support to underperforming pupils, while maintaining existing levels of support to schools with substantial numbers of disadvantaged pupils.

Roy Beggs and William McCrea raised the issue of the situation in the Northern-Eastern Education and Library Board area. As I have already stated, free school meals entitlement has been recognised for some time as the best available, and most robust, indicator of social deprivation in the education sector. Although I appreciate that the number of such pupils who attend North-Eastern Education and Library Board-funded schools is relatively low and has shown a relatively higher rate of decline recently compared with that of other board areas, the corollary is that North-Eastern Education and Library Board schools will, in general, face lower incidences of the problems, and the associated costs of addressing them, which stem from socially deprived pupils.

William McCrea also raised the plight of controlled schools in the North-Eastern Education and Library Board area in relation to redundancies. Department of



Education officials are working closely with the North-Eastern Education and Library Board to gather detailed information on its financial situation. Once that information is received, and the Department has completed its assessment, consideration will be given as to what steps to take next. The Department is progressing the issue of the financial pressures that face the North-Eastern Education and Library Board, and other education and library boards, with the utmost urgency.

Sammy Wilson and Edwin Poots raised the issue of differentials in the levels of funding across boards. That will be addressed in due course in the common funding formula proposals. Sammy Wilson and Eileen Bell raised the issue of the stigma of claiming free school meals. I am as anxious as anybody else to ensure that resources are directed towards those pupils who have genuine need. The issue of the uptake of the entitlement to free school meals will, as I said, be researched in the family resources survey that started in April 2002 in conjunction with Department for Social Development. The results of that survey will not be known until April 2003.

From my perspective, it is important to point out that the existing methodologies for distribution of funding across school sectors and among the five education and library boards includes the skewing of 5% of available resources based on the relative incidence of pupils who are entitled to free school meals. My Department initiated a review of the assessment of relative needs exercise methodologies that are used for the distribution of resources among boards. The review will include consideration of the most appropriate indicators of social need.

I hope that what I have said will provide a measure of reassurance about my commitment to ensure that the problems of educational underachievement continue to be tackled seriously by ensuring that resources are targeted where they are most needed, irrespective of the community background of the children concerned.

I remain satisfied that entitlement to free schools meals remains the most robust indicator of social deprivation and, therefore, of the likelihood of educational underachievement. However, I am on record as having indicated my willingness to keep the issue under review and to consider using more effective indicators, should they become available. Very soon I shall write to the Committee for Education with the proposals that arise from the local management of schools consultation. I intend to work with the Committee in implementing the common formula.

**Mr Gallagher:** Mr McCartney referred to my admission that there were some shortcomings about the current use of the free school meals criterion. From that, he seemed to imply that I should support the motion and, therefore, that there was no need for an amendment. However, it is not as simple as that. The issue is social deprivation in education. Many Members said that social deprivation

in education has implications for other aspects of life, not least employment opportunities. The purpose of the amendment is to reflect what the SDLP thinks about the issue, which is that we should be careful about how we proceed. We should be cautious and should certainly not be in a rush to introduce untried criteria, which is what the motion calls for.

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

**Mr Gallagher:** I will not give way during my winding-up speech.

The motion, according to some Members, is driven by concerns about the funding situation in the North-Eastern Education and Library Board area. I have great sympathy with a situation that affects so many parents, children and schools in that board area. However, it is not sensible to table a motion that states that resources should be taken from socially disadvantaged children in other board areas to address the situation in the North-Eastern Education and Library Board area. When North-Eastern Education and Library Board representatives came to the Committee for Education, they were clear that although the board faced difficulties, they did not want solutions that involved taking money from elsewhere in the education system to address their problems.

Other Members referred to the Noble indicators, stating that they would be a better solution. They would not be a better solution because even though there are some shortcomings in using the free school meals criterion — and we must bear in mind that no system is perfect — the Noble indicators are residence-based. They are based on the circumstances in electoral wards and district council areas.

The world of education transcends the boundaries of electoral wards, and many children go to school in a different council area from the area in which they live. Bearing that in mind, there would be huge problems, inequalities and inconsistencies in any system that was based on the Noble indicators.

It is encouraging that the Minister pointed out that research is ongoing on this issue and that the uptake of free school meals is being researched. Hence, the amendment is the right way to go. Both the Department and the Committee for Education will be involved in that debate until its conclusion in 2003.

**Mr Beggs:** I regret that I cannot support Mr Gallagher's amendment, because it does not deal with the issues that I raised. It focuses only on social deprivation and does not recognise that educational need is inadequately addressed. Unless that need is dealt with, social deprivation will result.

Sammy Wilson highlighted the need to balance social deprivation and educational needs. Although that might not have been the spirit of some Members' contributions, it is the spirit of this motion. Furthermore, Sammy Wilson

highlighted the variation in TSN pupil funding: it is up to £500 in the Belfast Education and Library Board area and up to £300 in other board areas.

I regret that Gerry McHugh and others attempted to play the sectarian card; that was not my motive. Although the North Eastern Education and Library Board has the second-lowest funding per pupil in both the primary school and secondary school sectors, grant-maintained schools in other board areas have the lowest funding. My motives are not sectarian, and I regret that some Members saw them as such. I simply seek equality in the distribution of funding. Nobody has given any justification for the 15% to 18% variation in funding for each pupil. I am sure that everyone agrees that social need should be targeted and that children in socially deprived areas should be helped, but that should not be done at the expense of others. Nobody responded to my question on the degree of funding. I am concerned at the Minister's suggestion that we should increase TSN funding to 5.5%; however, I recognise that his intention was to direct the extra funding to address educational need. Nevertheless, I question the reduction of the budget for all schools.

I must admit that I appreciated the earlier comments of Mr McCartney, who did read my motion and appeared to understand its wording and the purpose of including the word "sole". Others did not understand. Nowhere in the motion was it suggested that we should remove free school meals; in fact, I suggested that the facility should be extended to those who claim the working families' tax credit, thus widening support for the working poor. Many of the working poor do not receive benefits, and we do not wish their children to be disadvantaged.

The Minister expressed his wish to develop the full learning potential of all children and to develop programmes and services to help the most disadvantaged — surely that means the educationally deprived. That is why I stressed that in addition to addressing social deprivation, we must target those in educational need. There must be a balance, and it was in that spirit that I moved the motion.

4.15 pm

The Minister said that there are two factors: free schools meals entitlement and special education indicators. I wish to learn more of that, and I hope that he will do more than make statements about it. I hope that the real needs of those who do not receive funding will be dealt with and that educational needs will be addressed.

I shall not support the amendment.

*Question put, That the amendment be made.*

*The Assembly divided: Ayes 20; Noes : 36*

## AYES

*Alex Attwood, Eileen Bell, P J Bradley, Seamus Close, Annie Courtney, John Dallat, Arthur Doherty, John Fee, David Ford, Tommy Gallagher, Denis Haughey, Joe Hendron, Patricia Lewsley, Kieran McCarthy, Alasdair McDonnell, Eugene McMenamin, Monica McWilliams, Jane Morrice, Eamonn O'Neill, John Tierney.*

## NOES

*Ian Adamson, Billy Armstrong, Roy Beggs, Billy Bell, Paul Berry, Esmond Birnie, Gregory Campbell, Mervyn Carrick, Wilson Clyde, Fred Cobain, Robert Coulter, Ivan Davis, Sam Foster, John Gorman, Tom Hamilton, William Hay, David Hilditch, Derek Hussey, Roger Hutchinson, Gardiner Kane, Danny Kennedy, James Leslie, Robert McCartney, William McCrea, Alan McFarland, Maurice Morrow, Edwin Poots, Iris Robinson, Ken Robinson, Mark Robinson, George Savage, Jim Shannon, Peter Weir, Jim Wells, Jim Wilson, Sammy Wilson.*

*Question accordingly negated.*

*Main Question put.*

*The Assembly divided: Ayes 37; Noes 25*

## AYES

*Ian Adamson, Billy Armstrong, Roy Beggs, Billy Bell, Paul Berry, Esmond Birnie, Gregory Campbell, Mervyn Carrick, Seamus Close, Wilson Clyde, Fred Cobain, Robert Coulter, Ivan Davis, David Ford, Sam Foster, John Gorman, Tom Hamilton, William Hay, David Hilditch, Derek Hussey, Roger Hutchinson, Gardiner Kane, Danny Kennedy, James Leslie, Robert McCartney, William McCrea, Alan McFarland, Maurice Morrow, Edwin Poots, Iris Robinson, Ken Robinson, George Savage, Jim Shannon, Peter Weir, Jim Wells, Jim Wilson, Sammy Wilson.*

## NOES

*Alex Attwood, P J Bradley, Annie Courtney, John Dallat, Arthur Doherty, John Fee, Tommy Gallagher, Michelle Gildernew, Denis Haughey, Joe Hendron, Gerry Kelly, John Kelly, Patricia Lewsley, Alex Maskey, Alasdair McDonnell, Gerry McHugh, Mitchel McLaughlin, Pat McNamee, Francie Molloy, Conor Murphy, Mick Murphy, Dara O'Hagan, Eamonn O'Neill, Sue Ramsey, John Tierney.*

*Main Question accordingly agreed to.*

*Resolved:*

That this Assembly calls on the Minister of Education to urgently replace "free school meals" as the sole criterion used to allocate TSN funding within the educational sector.

## NEUTRAL WORKING ENVIRONMENT

**Mr C Murphy:** Go raibh maith agat, a LeasCheann Comhairle. I beg to move

That this Assembly calls on the Assembly Commission to report to the Assembly by October 2002 on how symbols and emblems in Parliament Buildings will be used in a manner which promotes mutual respect rather than division within the new institutions as outlined in the Rights, Safeguards and Equality of Opportunity section of the Good Friday Agreement.

The motion is not about removing any of the symbols or emblems that adorn this Building and estate, nor is it about replacing one history with another. It is about fulfilling a provision of the Good Friday Agreement, which has been ignored to date.

The motion does not propose any immediate action, or prescribe how this Building or estate should be decorated. It simply proposes that the Assembly Commission, which has responsibility for these matters, examines the current range of symbols and emblems; takes account of the section in the Good Friday Agreement that deals with symbols and emblems in our new institutions and reports back to the Assembly in the autumn on how it proposes to fulfil those obligations.

The provisions in the agreement regarding the new institutions were vital in securing the support of both communities for the establishment of the Assembly and other institutions. Nationalists, in particular, had deep concerns about the re-establishment of a Northern Assembly, given our historical experience under the old Stormont. Therefore, rigorous checks, balances, and guarantees had to be secured to ensure our participation in the Assembly.

The concepts of power sharing, ministerial positions, Chairs and Deputy Chairs, as of right under d'Hondt, and the requirement for cross-community support for key decisions all point to the fact that this is a new and inclusive political dispensation in which the rights of both communities, and others, are protected. All who signed up to the agreement have a duty to protect and promote that inclusiveness.

The Building in which the Assembly is currently located is of significant historical importance, and obviously has significant historical attachment for Unionists. The Stormont estate and Parliament Buildings quite clearly reflect to the world the expressed desire of the creators for a Protestant Parliament for a Protestant people.

Visitors, staff, and Members approach the Building up the Prince of Wales Avenue, past the statue of Edward Carson, who, contrary to the amendment from the DUP, has a rather dubious connection to the parliamentary history of this Building. They enter the Building under the statue of Britannia, and not one but two union flags on designated days, and then face the

statue of Craigavon at the top of the Stairs. The tomb of Craigavon is located at the side of the Building, and there are many other British and Unionist symbols built into the fabric of the Building.

All of this accurately reflects the historical background of this location. As an Irish Republican I have no allegiance to that, but I am not proposing that they be eradicated. I am asking the Assembly Commission to reflect on how the Building and estate can reflect their current position in Irish history, and, in doing so, make this a place in which all people feel a sense of ownership.

I acknowledge the steps already taken by the Speaker and others. The adoption of the flax flower as the symbol of the Assembly was an important first step. The Speaker has been pursuing other steps. The statue unveiled by the First Minister and the Deputy First Minister in the estate, arguably open to cynical misinterpretation, and the planting of 108 trees also highlight the new inclusive nature of our political institutions.

Those developments are very much ad hoc. Four years after we adopted this location, Parliament Buildings and the estate still very much reflect a British and Unionist ethos. The Commission must address this in a structured and proactive way.

The DUP amendment, even more so than my motion, depicts what needs to be done so that our institutions visually reflect the principles that underpin them. Those who are against the agreement, power sharing and the checks and balances that ensure that everyone in the community has a stake in these institutions unsurprisingly want the symbols and emblems of this place to reflect their tradition, and their tradition alone, for all time. They are consistent in their opposition to Nationalists or Republicans having any meaningful share in these institutions, although they are happy to adopt d'Hondt and accept our support on various councils throughout the North when it comes to securing positions.

Anyone who supports the agreement should accept that the dominance of one community over the other has been consigned to the past. Our new political institutions should reflect that reality. I have heard Members from all pro-agreement parties applaud the inclusive nature of our institutions and stress the importance of that in their success to date. We have a duty to reflect that to all who work in and visit this Building and estate by ensuring that there is an equal welcome for all. This does not threaten anyone who supports the agreement, and it does not even threaten anyone who does not support the agreement. I look forward to the support of all Members for the motion. Go raibh maith agat.

**Mr Campbell:** I beg to move the following amendment: In line 1 delete all after "to report to the Assembly" and insert:



“on how any additional symbols and emblems can reflect the parliamentary history of Parliament Buildings and the Stormont Estate.”

There is one relatively unimportant matter that we should deal with at the outset: the timing referred to in the motion is obviously totally unrealistic given the few weeks that remain in this session and the several weeks that precede the commencement of the autumn session of the House. For that reason, our amendment would delete the reference to the date. In the wider scheme of things, that is relatively unimportant.

The amendment tries to deal with the issue by looking past the discriminatory and offensive nature of the Belfast Agreement. We seek to go beyond the agreement, which is endorsed by 98% of the Nationalist community and opposed by over 50% of the Unionist community, and what it seeks to achieve. Anything that was built on or arose out of the Belfast Agreement would be tainted and scarred in the eyes of the Unionist community because of how it was structured to benefit one section of the community — and it certainly was not the Unionist section. We want to look beyond that, and for that reason our amendment would also delete that reference from the motion.

I now turn to what we would like to see in any amended proposition. There are several features in Parliament Buildings and the estate. Many of those symbols, statues and emblems pertain to the founding of Northern Ireland, as do many emblems and statues in Parliaments of other countries, for example, in the Irish Republic, Westminster and other parliamentary grounds throughout the European Union and in the wider world. A building of any historic merit will have statutes and emblems that pertain to the origins of the particular state that the Parliament has been established to govern.

4.45 pm

Northern Ireland is no different. We had those statutes and emblems, and they are still in place today. They do not reflect the Unionist view of life. That is where we see the deliberate mistake in the proposal for change by Sinn Féin/IRA. It wants to misconstrue the origins of Northern Ireland as essentially and exclusively Unionist in outlook. Unfortunately, it became Unionist because those who said that they would have nothing to do with it boycotted it and attempted to undermine it. As I said, the origins of the state were not explicitly and exclusively Unionist.

There are statues in the Dublin Parliament that reflect the origins of that state, and I wait with interest moves in the Irish Republic to put in place new symbols and emblems to reflect the British tradition that existed there before it was forced out and before the 10% became 2%. I have not heard of any. Perhaps they are being made now; perhaps the Dáil is deliberating at great length, as we speak, over what British emblems will be put in place at its entrance. If it is, I wait with interest to hear

what they will be. The truth is that I have not heard of any such moves. That gives some sort of context to the suggestions from Sinn Féin/IRA today.

However, we must look to the future. We have looked at what may be examined in the future in terms of the parliamentary history of this Building and this estate, which were not the exclusive preserve of the Unionist tradition. Many Nationalists frequented this Building: Eddie McAteer was the MP for Mid Londonderry from 1953 to 1969; Paddy Maxwell was the MP for Foyle from 1937 to 1953; Joe Stewart was the MP for East Tyrone from 1929 to 1964, and that was some longevity. There are some accusations about people having long terms of office at the moment, but Mr Stewart managed 35 years, and that was no mean achievement. Then there was Senator James Lennon from 1944 to 1972 and Senator Paddy McGill from 1953 to 1972. Many Nationalists were either MPs in the previous Stormont Parliament or in the Senate.

While I am not suggesting that any or all of them should be included, that shows that we did not have an exclusively Unionist Parliament in Stormont for 50 years. If our amendment is successful, I hope that the Commission will examine what possibilities could emerge to reflect our parliamentary history as it affected the entire community. There could be photographs, a statute or whatever. We are not being prescriptive about what ought to be put in place.

The failure to put in place emblems and symbols like that comes up from time to time, and it is presented as showing some form of antagonism, opposition or bigotry towards the Nationalist community.

I would much prefer an earnest seeking of a replica of the parliamentary history of this Building to be put in its proper place so that due cognisance could be given to its history and culture. I would rather have that than the approach of those who put up symbols only to undermine them. We have seen examples of that in some councils in Northern Ireland. I would much prefer a realistic approach that can give genuine recognition to the parliamentary history of Unionism and of Nationalism in this Building and on the Stormont estate.

**Dr Birnie:** The motion speaks of the aspiration towards mutual respect, and that seems fine; however, we question the motion's intent. I hope that we all favour truly fair employment, equality of opportunity and, indeed, the mutual respect mentioned in the motion. Nevertheless, we must think about what the motion would mean in practice. Is it about building or destroying?

The mover of the amendment, Mr Campbell, rightly drew parallels with the Dáil and its symbolic, if limited, representations. We need not fear for Parliament Buildings if that is the comparison. Perhaps, ultimately, the intention of the motion, although it is not stated, is to draw a



misguided parallel with what happened in Eastern Europe and the former Soviet Union since 1989 and 1991, where statues of Lenin and Stalin and other representatives of the now discredited Communist regime have been toppled. Perhaps it refers to the removal of statues, pictures and other symbolic representations of British colonial rule in countries such as India since 1947.

The motion's attempt to base that intention on the section on rights and safeguards and equality of opportunity in the Belfast Agreement cannot properly speak on the issue of flags, although the proposer referred to flags flying from the top of this Building. That part of the Belfast Agreement spoke only of symbols and emblems. Legally, it excluded the national flag, which remains an excepted matter for the Westminster Parliament under the Flags (Northern Ireland) Order 2000.

There is a case for adding rather than removing or vandalising historical symbols. Indeed, the proposer of the amendment has implied some ways forward. Therefore we shall oppose the motion and support the amendment.

**Mr Roche:** The objective of the motion is to make Stormont into a location for commemorating the activists and activities of IRA/Sinn Féin. That must not be permitted. That is not to deny a proper mutual respect between citizens of the United Kingdom. However, IRA/Sinn Féin wishes to promote by the use of emblems and symbols what no normal human being would ever consider worthy of respect.

To allow IRA/Sinn Féin to celebrate and commemorate the activities of its activists would amount to permitting the celebration and commemoration of mass murder and terrorism that took place for over thirty years. That is a point that I want to illustrate in detail. Whether this motion would ever be acceptable is going to be determined by a clear understanding of what those symbols and emblems would be commemorating.

IRA/Sinn Féin activists were engaged in many incidents that the IRA/Sinn Féin's use of symbols and emblems in this Building would intend to obliterate from the collective memory of the citizens of Northern Ireland. In Belfast on 21 July 1972 the IRA detonated 20 bombs in an hour and killed nine people. Peter Taylor in his book 'Provos' provides an eyewitness account of what happened. It says:

"You could hear people screaming and crying and moaning. The first thing that caught my eye was a torso of a human being lying in the middle of the street. It was recognisable as a torso because the clothes had been blown off and you could actually see parts of the human anatomy."

There was also the Enniskillen bomb on 8 November 1987 that killed 11 people at the cenotaph. Liam Clarke is recognised as a leading expert on IRA terrorism, and in a recent book he states that

"The Fermanagh units .... were given permission to attack a number of Remembrance Day ceremonies .... two were defused, but the third detonated, killing 11 civilians at the cenotaph in Enniskillen."

The suggestion that that sort of activity or those involved in promoting those activities should ever be commemorated in a Parliament would be unthinkable in any normal political system, but the Belfast Agreement did not establish a normal political system. It established a political system that elevated the perpetrators of the murderous activity of IRA/Sinn Féin into the Government of Northern Ireland. That is the judgement of leading experts on IRA/Sinn Féin terrorists.

Mr Deputy Speaker, I notice that you are listening carefully and nodding your head.

**Mr Deputy Speaker:** That does not mean that I am agreeing with you, Mr Roche. I am listening carefully because I feel that at times you are straying from the motion.

**Mr Roche:** No, Mr Deputy Speaker. I take from what you are saying that you are having difficulty following a very simple argument. If Members are ever going to permit the sort of symbols and emblems wanted by the Member who moved the motion, they must be aware of what they would be celebrating and trying to commemorate. That is why I am giving the examples.

The Belfast Agreement has elevated the perpetrators of this murderous activity into the Government of Northern Ireland. That is the judgement of leading experts on IRA/Sinn Féin terrorism. Liam Clarke, for example, in his recent book on the current Minister of Education states that

"Martin McGuinness who was in overall command of both the Army Council and the Northern Command gave permission to the Fermanagh units to attack a number of Remembrance Day ceremonies including Enniskillen."

That is the sort of activist and activity that would be commemorated if the motion were carried in this Building.

In their book on Gerry Adams, David Sharrock and Mark Devenport — two of the most respected political journalists operating in Northern Ireland — state categorically that Gerry Adams was among the planners of Bloody Friday.

I have already given an eyewitness account of what happened on that horrendous day. These are the IRA/Sinn Féin activists who have been elevated and legitimised by the Belfast Agreement. The Belfast Agreement, therefore, carries the logic of what the motion proposes. The only way to effectively oppose the legitimisation of IRA/Sinn Féin terrorism — which is what the motion is really about — is to effectively repudiate the Belfast Agreement that requires that legitimisation. The effective repudiation of the Belfast Agreement is the major task that still confronts authentic Unionism, and our contribution today will be to oppose the motion and refrain from supporting the amendment.

5.00 pm

**Mr McCartney:** I oppose the motion. I have listened carefully to what the previous Member to speak has said, and I endorse most of his sentiments. What are the alleged institutions of this place? It is alleged to be some pale copy of a parliamentary democracy operating upon the usual democratic principles: that it is the right of a majority of people to elect a Government, and if that Government fails to deliver, to discharge them and elect another.

The circumstances in which the institutions of this place came about are the total negation of that fundamental principle. Nevertheless, one must assume that this place would wish to take on some of the attributes of what we term “representative democracy”.

An examination of the history of this place, and such symbols as are claimed to exist, would, I suppose, include the statues of Carson and Craigavon as the two most evident symbols of its history. Both men were distinguished parliamentarians, and both supported the democratic process. When Carson gave up his position as leader of the Ulster Unionist Party he exhorted the party to take from the Roman Catholic fellow citizens all that was best in them, to do justice and fairness to them and to ensure that they participated. I see a sneering Mr Dallat, but, of course, Carson was not a sectarian bigot. Craigavon was also a distinguished parliamentarian.

What is proposed by the motion? It is to put down as a marker the parliamentary activity of Sinn Féin/IRA? I could envisage some distinguished Nationalists such as the late Paddy Devlin being represented in this Building. Paddy was a child of the Falls Road, a former IRA man who was arrested and interned. However, I knew Paddy personally, and as he matured he became a democrat in the purest sense. I would willingly support some memento or mark of respect to the late Paddy Devlin.

However, what would be proposed on behalf of Sinn Féin/IRA? Should we have murals depicting their heroic achievements at Kingsmills, when they separated 10 Protestant non-political workers like goats from the single Roman Catholic sheep and gunned them down?

Should we have a depiction of a bread server being shot in the back as he carries bread into his shop? Should we have an artistic representation of a bomb being planted outside Harrods or the Old Bailey, blowing an innocent consultant anaesthetist to destruction and destroying the lives and mutilating the bodies of many others? Should we have a memento of a schoolteacher being dragged out in front of his pupils and gunned down by a hero of the Sinn Féin/IRA revolution? Would those be, in any way, a proper record or acknowledgement of the parliamentary and democratic process of those who claim to be democrats? Democrats they are not.

They have achieved their position as Ministers and representatives in this place out of the gun barrel and the explosion. When a minority political party that is supported by terrorists fails to achieve through the democratic process, because it cannot impose its will or its policies upon a majority in a democratic process, it resorts to violence. A weak and pathetic British Government, in order to protect what they saw as their first-class citizens on the mainland, was suborned into granting it places in Government. Should those who have been instrumental in the murder of over 2,500 of our citizens be memorialised in this place as supporters of the democratic process or even of a pale replica of that process? I think not.

Some Members say that to make a terrorist feel at home, to make him feel equal, to make his dastardly and horrendous deeds a proper subject of memory and to make him feel good about himself, he should be given a place in something that claims to be a democratic institution. I think not. There is no way that the success of armed and horrendous terrorism should be elevated as a power by those who have pledged themselves to the democratic process.

We forget so easily. We forget that Mark Durkan, now the Deputy First Minister, recognised the basis of Sinn Féin/IRA success when two senior officials at Weston Park said to him “The reason that you do not get your plans implemented and Sinn Féin does is that you have no guns”. That is not from a Unionist; it is from the SDLP Deputy First Minister. Nonetheless, that philosophy of terror, threat, murder, mutilation and destruction is now offered to us as an objective or success that should be engraved in these institutions. If it is the mind of this House, not only of Unionists but of the SDLP, that such memorials be erected in this Building, the SDLP and the Unionists, and anyone else who supports it, will be giving a spurious validity to the success of murderous terrorism. No matter how they may attempt to finesse it or excuse it by nuance or weasel words, they will be partners in crime.

If Members have any democratic resolution, as I believe many of them do, then it is the duty of the SDLP and every other party to oppose the motion.

**Mr McNamee:** I support the motion, which is hardly surprising. I will speak to that motion, although I am not sure which motion some other Members have been speaking to.

Perhaps the word “neutral” is not the best word to describe the purpose and spirit of the motion. I do not believe that anyone is proposing that the historical and cultural artefacts and symbols be removed from the fabric of the Building. I do not believe that Parliament Buildings should become bereft of things that reflect the history of this part of Ireland. Surely, Members do not want to work in a bland, anonymous place that has no

character or cultural quality. Indeed, some of the corridors in the Building are absent of anything except the bare walls, doors, ceiling and floor.

Parliament Buildings is part of the public face of Ireland, and, in particular, it is part of the public face of this part of Ireland. The Building is the public face of the Assembly and should reflect the cultural diversity of the people who work here. Of course, when I refer to people who work here, I include Assembly Members — some of whom work long hours on a daily basis, although sometimes the media would have us believe otherwise.

The greater number of visitors to Ireland take the opportunity to visit the Building as part of their itinerary. Their visit will form part of their impression of this island and of this part of Ireland. It will also form an impression of the people who live here. They should not get the impression from a bland, anonymous building that we are a bland, anonymous people who have no sense of the importance of our political and cultural history. Mr Esmond Birnie said that the motion is about subtraction and destruction. That is not what it is about. It is about creating a balance and promoting mutual respect.

The symbols, emblems and statues in the Building reflect the cultural and political identity of one section of the community — the Unionist community. I work in the Building, and I am, therefore, entitled to a balanced working environment. A balance does not exist that reflects the cultural diversity of the people who live in this region and the people who work in Parliament Buildings. The motion is intended to address that imbalance of symbols and emblems as envisaged in the Good Friday Agreement, which was intended to engender parity of esteem and mutual respect for the identity and ethos of both communities.

The amendment seeks to reduce the motion to the extent that it would call on the Assembly Commission to report on how additional symbols and emblems can reflect the paramilitary history — Freudian slip — parliamentary history of Parliament Buildings and the Stormont Estate, and to have a very narrow focus on its history. The history of this Building, as some Members admitted, has not been inclusive and does not reflect the entire community.

5.15 pm

Of course, I have the right to change my mind. We are told that we wish to misconstrue the origins of the state as being Unionist. The British Government imposed partition against the will of the vast majority of people on this island. Is it any wonder that Nationalists chose to abstain and reject the institutions that flowed from that? Parity of esteem and mutual respect for the identity and ethos of both communities are not reflected in the symbols and emblems of this Building.

The proposers of the amendment are opposed to the Good Friday Agreement and do not want things to change. However, Unionists who supposedly support the Good Friday Agreement — or the Belfast Agreement, if they wish to call it that — should grow up. The Good Friday Agreement was reached four years ago in 1998. It is time that pro-agreement Unionists were out of their nappies and showed their support for the implementation of the Good Friday Agreement by supporting the motion. Go raibh maith agat.

**Mr Foster:** Respect features heavily in this debate. I appeal for respect for this jurisdiction, to quote the motion, “in a manner which promotes mutual respect”. It would be a responsible gesture by Sinn Féin if it showed respect for the emblem of this state by acknowledging it and not continuously trying to get rid of it.

References are often made to a neutral environment, but it is no longer neutral to me, and the majority of the citizens of this state, when the emblem of the state, the Union flag, is taken away, as in Fermanagh District Council. Indeed, it is extremely hostile to everybody when the emblem of their jurisdiction is not respected and flown with dignity.

It is a preposterous situation when the flag or symbol of a jurisdiction can be removed by a majority vote in a council chamber within that jurisdiction. I am questioning the motive behind the motion. It very much seems that anything British is no longer seen as part of our history but is said to be offensive. That is the kind of scene and agenda that Sinn Féin seeks to promote. If it can happen in Fermanagh, it could happen here.

The Enniskillen bomb has been mentioned. I was there on that day and remember it very well. I was lucky that I was not one of the real victims.

Sinn Féin now says that it seeks a neutral environment. Humbug, I say, just verbiage. How disgracefully hypocritical can one become? All of this is so sad. It is really an attempt to take over and undermine by pretentious means. In fact, it is war by another method because the armed struggle failed in its intent, but it scarred many, sadly. The action of Fermanagh District Council is offensive to many people.

I am not one who wants to flaunt a flag, but someone who respects the flag of the jurisdiction one may be visiting or residing in. The motion refers to the rights, safeguards and equality of opportunity section of the Belfast Agreement. Sinn Féin is in Stormont and is very enthusiastic about the workings of the Assembly. It has two Ministers with Executive portfolios, who, acting on behalf of Her Majesty, introduce Bills for approval, with the realisation that a Bill accepted by the Assembly must have Her Majesty's Royal Assent before it becomes an Act.

It is also agreed that, under the terms of the agreement, David Trimble is basically a Unionist prime minister



in the Province of Northern Ireland and that Mark Durkan is deputy prime minister. All the signatories to the agreement have accepted that. If any party continues to rail at such an arrangement, then it is failing to fulfil the requirements of the agreement, the full implementation of which it regularly calls for. None can cherry-pick.

It is time to realise what section 1 of the Northern Ireland Act 1998 states. The words are

“It is hereby declared that Northern Ireland in its entirety remains part of the United Kingdom and shall not cease to be so without the consent of a majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1.”

I am not aware of any poll having been held to change that or show that the majority of people think otherwise. The continued railing in the Chamber about our status contributes to the regrettable street violence turned to by our divided society.

The Republican movement continually contends that the agreement should be fully implemented, so why can Republicans not fully conform to its terms? It comes back to respect. The agreement that was recognised and accepted contained the wording to which I referred. Moreover, it must be realised that we are part of the United Kingdom of Great Britain and Northern Ireland, not by any privilege, but by right. The geography of the British Isles, with British-Irish, British-English, British-Welsh and British-Scots, makes us all on these islands members of one family. “Parity of esteem” means parity of esteem in, but not of, the system. One sovereignty is evident — that of Her Majesty Queen Elizabeth II. There is no joint sovereignty, as some people seek. Stop trying to change in midstream that which was accepted on Good Friday 1998.

In referring to the situation, I wish not to taunt or to jibe but to spell out the facts of the situation now obtaining. There is a need for honesty in these days of continued strife in parts of our community. Should such violence continue, it will be upon the shoulders of those who fail to uphold the agreement to which they adamantly adhere when expounding their theories.

The Ulster Unionist Party has fully implemented its part of the agreement. We seek peace and prosperity for all in the Province. I come from a working-class background and am aware of the difficulties of trying to live. Sinn Féin constantly perpetuates strife and division and creates physical, mental and emotional deprivation. It is also contrary to the aims of the agreement.

Actions speak louder than words. If equality as a citizen is the demand, Sinn Féin and others must, as citizens, demonstrate their responsibilities to this state. Now is not the time to destroy or disrupt but to work together for the benefit of the state, and mutual respect will evolve.

**Mr Attwood:** I refer first to Gregory Campbell’s amendment. Although we will not support it, I acknow-

ledge that his intention does not seem to be to do to this Building what others do to the streets of Belfast and beyond. Areas are staked out by one paramilitary group or another in a territorial war against the interests of the citizens and communities of those areas. At least this Building is not going to be reduced to what we have around the North, with flags and bunting and with kerbstones decked out in the colours of one or other side.

His speech was, nonetheless, curious. He said that he wanted real and genuine recognition of Unionism and Nationalism in this Building and invoked the memory of various people who did or did not abstain from the Stormont Parliament. The words in the amendment are

“the parliamentary history of Parliament Buildings and the Stormont Estate.”

If that is the desired principle, should the experience of Nationalism in this Building and in Parliament since partition not be reflected? According to Mr Campbell’s argument, should this Building not record the Nationalist experience under the Special Powers Act of 1922, and such other Nationalist experiences as being excluded from Government, of gerrymandering in council areas throughout the North and of internment as endorsed by the Parliament that once sat here?

If Members wish to seriously reflect the parliamentary history of Parliament Buildings and the Stormont Estate, they must move beyond the personalities who once occupied seats in a former Chamber. They must allow us, in line with their argument, to record the real experience of Nationalism and Unionism in the past 80 years, which was, including for Unionists, inconsistent with good government and good policy.

A second curious element of Gregory Campbell’s speech was that he encouraged the other Parliament on this island, Dáil Éireann, to accept the principle whereby that which was British in the history of Ireland should be greater reflected in the symbols and emblems displayed there. If he is prepared to ask the Dáil to reflect Britishness in its Chamber and Buildings, he must accept that the same principle should apply in this Chamber and in this Building. If he thinks that one Parliament should acknowledge the diversity of the people on the island, as he sees it, he should accept that this Parliament and this Building should also reflect the diversity of the people on this part of the island. I doubt that certain Members will accept that that principle should apply here, even though they encourage its application elsewhere.

As always, Robert McCartney gave Members insight into his personal thinking and political culture. He reads his worst fears into any principle that appears to recognise the parity of esteem of political traditions, especially Nationalism. Those worst fears are that abuses of human rights, visited upon the citizens and communities of Northern Ireland by Republican paramilitaries, will be



memorialised in this place. That approach is central to Robert McCartney's political philosophy. He reads into proposals that might be sensible and reasonable that which is worst and most to fear. On behalf of my party, I advise Robert McCartney, and any Members who read into the motion their worst fears, that that is not the SDLP's intention. Nor is it the desired outcome that it would want to see from the Commission should the motion be passed.

Mr Roche took a similar view to Mr McCartney. He said that with the Belfast Agreement comes the logic of the promotion and elevation of terrorism in the North. I do not agree. The Belfast Agreement ensures that no part of our community, whether Loyalist or Republican, will feel so alienated, frustrated or damaged that it feels justified in reverting to the use of arms to convey a political message or effect political change. The Good Friday Agreement creates the context, basis and framework in which the logic of terrorism is not fulfilled but in which the logic of democracy prevails.

5.30 pm

The motion is about the logic of democracy in a divided society. That logic says that those divided and in conflict must respect one another. That is what the motion is about, not what Mr Roche seems to think.

However, in one way I sympathise with Unionists' points, particularly Mr Foster's. Sinn Féin says in the motion that it wants to promote mutual respect rather than division; it says that that should be done in Parliament Buildings through the use of symbols and emblems. If Sinn Féin accepts that there should be mutual respect rather than division on those issues, let it apply those principles to all symbols and emblems wherever they are in the North. As we know — *[Interruption]*.

**Mr Campbell:** Does that include the South?

**Mr Attwood:** That means anywhere on this island. We know that in Republican symbols and emblems to those whom they call their dead there is little that promotes mutual respect rather than division. How have Republicans promoted mutual respect in the expression of their war memorials, as they put it? Where in flouting the law by erecting illegal memorials have they shown mutual respect rather than division? Where have they, through constructing memorials that elevate those who visited grief and grievance on so many across the political divide over the past 30 years shown mutual respect rather than division? Sinn Féin may feel that its people have lost greatly, but where does it acknowledge in its memorials that it has also inflicted greatly? In failing to acknowledge that, how does that party promote mutual respect rather than division?

For our purposes, the SDLP supports the amendment — *[Interruption]*.

**Mr Dallat:** The motion.

**Mr Attwood:** The SDLP supports the motion. In doing so, the party does not go down the road of Mr Foster's — *[Interruption]*.

**Mr Weir:** Twice the Member said that he supports the amendment and then he said that he supported the motion. Will he clarify his party's stance? That may be helpful to those Members on either side of the motion who will wind up the debate.

**Mr Attwood:** The Member knows the answer to that question, and I am sure that he will say in his response that he knows the answer.

In supporting the motion, I shall outline its real intentions. Some Members have read their worst fears into it; some have promoted it but have done so selectively, as Sinn Féin has demonstrated. In supporting the motion, we are trying to ensure that Government buildings express equality, independence and impartiality. We are trying to design Government buildings that create, and are seen to create, confidence in the administration of Government. They should proclaim parity of esteem and inspire public confidence in equality of treatment. Those are the best intentions behind the motion, and I commend it to the House.

**Mr Weir:** In winding up on the amendment, I should like to deal with a few points that the previous Member raised. I am glad that towards the end of his speech he clarified whether the SDLP would yet again fall in behind Sinn Féin.

The "Most Oppressed People Ever (MOPEs)", as Ruth Dudley Edwards called them, have treated us to another diatribe, but the Member has clearly not dealt with the salient points of the motion. We are told that inclusiveness is the real spirit behind the motion; we are told that Unionists who are concerned that this will be an open door to terrorist memorials in this Building are merely expressing their worst fears.

The concern of Mr McNamee, one of the supporters of the motion, is that the amendment has a narrow focus, yet it would cater for a degree of representation for parliamentarians who were constitutional Unionists, constitutional Nationalists and those who describe themselves as of the third tradition in Northern Ireland, be that Alliance or Labour. So if the amendment includes those people, why has it too narrow a focus? Who is not included? Clearly, the representatives of Republican and Loyalist terrorism are not — and our worst fears have been realised.

Mr Attwood was not 100% clear on our view of Dáil Éireann: we do not care what happens there. It is a different jurisdiction and, frankly, if they want to put a 100-foot-high tricolour on Dáil Éireann, that is a matter for them. We were making the point that the Republic of Ireland does not represent the British tradition.

Phrases appear in the motion which make alarm bells ring. Many groups use the word “justice” in their title, and that raises suspicions about their motives. In the old Eastern bloc, any country that used the word “democratic” in its title was the antithesis of that quality. When Sinn Féin/IRA uses the phrases “equality of opportunity” and “neutral working environment”, that is the last we will see of them.

Is this a question of a “neutral working environment”? I contend not. The Assembly was set up four years ago, yet the representatives of Sinn Féin/IRA, their staff and supporters have had no problem going round and working in this Building. Every Christmas, a large party is thrown here. So oppressive is the regime to Sinn Féin/IRA that it has taken it four years to remember that Parliament Buildings is supposedly not a neutral environment.

But this is not the real purpose of the motion. This is about cultural imperialism and cultural intolerance. When Republicans are in control, they remove symbols of Britishness, to destroy that tradition. We do not need to look as far as the Republic of Ireland to see that cultural imperialism; Sam Foster spoke about what Sinn Féin has delivered in Fermanagh. Someone once described it as a dog marking out its territory. Where it can, it removes symbols of Britishness, and where it is not in the majority, it falls back on the next option, which is to declare that there must be equality between Irish Republicanism and the state that we are in.

I have no desire to live in a society that destroys symbols, including the symbols around this Building. We do not want to create, as Sinn Féin clearly does despite its protestations today, a Northern Ireland Taliban let loose to destroy the historic symbols of this Building. That is what would happen if the motion were passed. This is a clear attempt to score political points. Sinn Féin has tolerated the situation for four years, and suddenly these issues have to be resolved in four months — is it trying to score some early election points?

The amendment, by contrast, is open-ended by time, and due reflection can be given to the best way in which to reflect the parliamentary tradition of the Building properly. Unlike the motion, the amendment does not aim to attack the Britishness of this part of the United Kingdom, though I have grave concerns that some Unionists have signed up to an agreement which is, bit by bit, diminishing that Britishness.

Irrespective of varying interpretations of the Belfast Agreement, the DUP will not sign up to any system that creates a dimmer-switch form of Britishness, whereby bit by bit it becomes darker and colder for the Unionist community in Northern Ireland. We will not support any motion that diminishes and destroys the symbols of Britishness in the Chamber or anywhere else.

We are told constantly by those who moved the motion that they do not wish to destroy any of the existing symbols or emblems in Parliament Buildings, so why did they object to the amendment’s focus on additional symbols? The amendment aims to protect the existing symbols and to show respect to the distinguished parliamentarians who are honoured in this Building. The amendment would not destroy or subtract; it would produce additional symbols.

The amendment would allow symbols that recognise only the parliamentary history of this Building. It therefore makes an appropriate distinction between constitutional politicians, and terrorists and gangsters — Paddy Roche, Bob McCartney, Gregory Campbell and others made that point. Given that it is impossible to be a proper parliamentarian and to be linked to terrorism, and that both sides clearly reject terrorism, I fail to understand why the Northern Ireland Unionist Party cannot support the amendment.

The full tradition of constitutional politicians should be recognised in this Building. The purpose of the amendment is to ensure that we can recognise the many Nationalists who contributed to the parliamentary life of Stormont. Paddy Devlin was mentioned; Gerry Fitt could be mentioned, and Gregory Campbell mentioned others. Some people who consider themselves to be neither Unionist nor Nationalist made a big contribution to the life of the Parliament. We should, for example, consider how to recognise the former representatives of the Northern Ireland Labour Party. Perhaps we could have a symbol to recognise the Alliance Party, which has existed for 30 years. Given recent events, perhaps we could have a portrait of its last leader. It seems, however, that the Alliance Party has moved ahead of the game, having left the Chamber when we began to debate the motion.

We should reflect the history of this Building in a way that recognises the state that we are in, because despite the best efforts of some Members opposite, we are still part of the United Kingdom. We should do that in a way that seeks to add, rather than subtract, and in a way that respects constitutional politicians rather than terrorist gangsters. I urge Members to support the amendment.

**Mr C Murphy:** Go raibh maith agat, a LeasCheann Comhairle. I am not surprised but a little disappointed by the Ulster Unionist response. The motion was an attempt to address the Assembly Commission, the body responsible for the matter. The contributions by some Members on the other Benches reflect poorly on their parties’ representatives on the Assembly Commission. First, their representatives could not be trusted to debate the matter and provide the Unionist perspective, and secondly, they thought that it was a task too far for the Assembly Commission to complete this review within

two months. I have confidence in my party Colleague in the Assembly Commission and believe that it could deal adequately with the matter.

The motion did not prescribe anything. It simply recognised that the Building and the estate are adorned with many symbols of Unionist and British political life, while there is limited, if not non-existent, recognition of the rest of the community in the North. The motion was an attempt to have the Assembly Commission, which is responsible for the Building and the estate, consider the matter, to study what the agreement suggested should be done about it, and to implement a structured approach to deal with it. Peter Weir and Gregory Campbell said that the matter had been raised consistently with the Speaker since the agreement was signed four years ago.

As I acknowledged in my initial presentation, the Speaker has moved to deal with some of these issues. He has made some efforts, but they have mainly done on an ad-hoc basis. We are suggesting that the Assembly Commission, as the corporate body responsible for the Building and the estate, look seriously at this issue. The attitude of people such as Dr Birnie surprises me, as this would be done in a manner consistent with the Good Friday Agreement, which his party supports.

5.45 pm

I will now deal with some of the issues raised. Some were very wide of what the debate was about, but you expect that. Mr Roche went into details of people who were killed, but for every time the anti-agreement Unionists raise details of some unfortunate, innocent individual who was killed, people on this side of the House could raise similar graphic details about people murdered by the UDR, the RUC and the British Army. There are victims and pain on both sides.

Mr Campbell said in his contribution that the symbols reflected the founding of the State, and compared that unfavourably with the founding of the State in the South, and Leinster House. If he took the time to go to Leinster House he would see two portraits inside the main entrance — one on either side of the hall. One is of Cathal Brugha and the other is of Michael Collins. Cathal Brugha violently opposed the setting up of the State in the South, and was killed violently opposing it. Michael Collins was also killed in the setting up of the State in the South. Therefore, that is an example and a precedent of where different political traditions — *[Interruption]*.

**Dr Birnie:** I thank the Member for giving way. That approach to history is very revisionist. The Member has named two individuals who took different interpretations of what the correct Republican response to the 1921 Treaty was. Neither was defending the inclusion of the Twenty-six Counties within the British Empire after 1921.

**Mr C Murphy:** I said that Mr Campbell referred to the fact that the symbols here reflect the setting up of the State, and compared that unfavourably with Leinster House. I am saying that in Leinster House there is a portrait of a person who opposed the setting up of that State opposite a portrait of someone who was instrumental in the setting up of that State.

I am aware that a statue of Queen Victoria was dug up in University College, Cork and replaced there — so efforts have been made. Both Mr Campbell and Mr Weir talked about reflecting the fact that some Nationalists attended Stormont during the 50 years of its existence and misrule. Yet, if you look around the Building, there is not a single testimony to their attendance, position, political ideology, and their desire to see unity in this island reflected here.

Dr Birnie spoke about the intent of the motion, and I repeat that the intent is to have this matter dealt with by the responsible Committee of the House in a way that is consistent with the Good Friday Agreement, which Dr Birnie supports. It is not about toppling statues, as happened in Eastern Europe — though having seen some of those statues, I imagine that perhaps the office of good taste had a responsibility for toppling them. I will correct one point that he made about the flags issue being dealt with by the Flags (Northern Ireland) Order 2000. That Order does not apply to Parliament Buildings; the control of the flying of flags on Parliament Buildings is a matter for the Assembly Commission.

Mr Roche anticipated some proposals that he thought I might make. He realised that I had not made them but was not in a position to change his speech, and went on with the normal rant against the Good Friday Agreement. I repeat that I did not proscribe or prescribe the display here of any symbols; I simply asked that a Committee take responsibility for the issue.

Mr McCartney made a similar contribution, and it was interesting that he referred to democrats such as Carson and Craig. It is unfortunate that the Unionists who took over the Ulster Unionist Party after him did not adhere to the words he quoted from Carson — perhaps we would not be in the mess that we have been in for recent years. It was interesting to hear him talk about them, because both Carson and Craig were quite willing to resort to violence when democracy did not suit them. When he was talking about Craig it struck me that John Kelly, whom they accuse of gunrunning, should be quite at home with the statue of Craigavon on the Stairs, because he was also a gunrunner. So these are the parliamentarians — *[Interruption]*.

**Mr Deputy Speaker:** Order please.

**Mr C Murphy:** Allegedly. As they say on 'Have I Got News for You': allegedly.



**Mr Kennedy:** Your Colleague from Mid Ulster, John Kelly, will be pleased with that ringing endorsement and the admission that he was a gunrunner.

**Mr C Murphy:** I said that John Kelly has also been accused of gunrunning. *[Interruption]*.

**Mr Deputy Speaker:** Order.

**Mr C Murphy:** That illustrates that the parliamentarians whom the Ulster Unionists and the Democratic Unionists hold dear were willing to engage in gunrunning and subversive activities in challenging their own Government of the day. They resorted to violence when democracy did not suit them. It ill behoves them to point these out as examples of people —

**Mr McCartney:** Is there any evidence that they murdered anyone?

**Mr C Murphy:** I am sure that the guns that the same gentlemen imported through Larne were responsible for quite a few murders at the time of the inception of this state.

Sam Foster said that people should be honest. I shall be honest with him: we oppose the existence of this state. Therefore we oppose the imposition of the Union flag. I, as an Irish Republican, am being honest. We have always demonstrated clearly our intention and our desire to see the end of this state and the creation of a new Ireland. There is no surprise in that. Mr Foster was perhaps trying to provoke us by talking about our Ministers as “Ministers of the state” and “seeking Royal Assent”, but he merely proved how much Sinn Féin has moved to accommodate Unionists in implementing the Good Friday Agreement and by taking those steps.

He made an interesting comment that we all should note: he said that David Trimble was a Unionist Prime Minister and that Mark Durkan was a deputy Minister. David Trimble must have held that job description privately because that is how he has acted since he was elected, rather than follow his official job description, which is to act jointly with Mark Durkan as First Minister and Deputy First Minister for all the people of this region.

I agree with some of the points made by Alex Attwood on the amendment. Unionists are happy to commemorate one or two individuals who may have participated in Stormont over the years, but there is absolutely no reflection of their political ideology, their identity or the experience of the Nationalist people as a whole.

The issue of war memorials is difficult. There are sensitive issues, and I urge people to be sensitive in erecting any memorial to anyone who was involved in the conflict or who lost his life in it. We must be sensitive, and I would not be opposed to an attempt to agree proposals on a way forward. Republicans say consistently to me that the SDLP objects to those, yet it would rarely, if ever, object to war memorials being erected to people in the British Army or to windows

being installed in the city hall to the RUC or the UDR, people who have had —

**Mr Attwood:** If the Member examines the record, on every occasion when there was a proposal in the chamber of Belfast city hall to install a window, for example to the Royal Irish Regiment, the British Army or the RUC, the SDLP is on record as opposing it. Does the Member accept that? *[Interruption]*.

**Mr Deputy Speaker:** Order.

**Mr C Murphy:** I accept the Member’s correction. I am not a member of Belfast City Council, but my experience of other councils is not the same. Recently, at Craigavon Borough Council, Mr Attwood’s party supported such a proposal.

It was interesting that Peter Weir, as a member of the Democratic Unionist Party, referred to Dáil Éireann and said that his party does not care what happens there. The Democratic Unionist Party constantly cites the experience of Southern Protestants as being of huge interest, yet it has no interest in how the institutions of the Southern state reflect the totality of life there.

Mr Weir made another interesting remark in saying that when Eastern bloc countries use the title “democratic”, one knows that they are the very antithesis of democracy. Nevertheless, he moved from a party that does not have that word in its title to one that has. The point is well made that those who must state to the world that they are democratic often have some way to go to be so. He also said that — *[Interruption]*.

I can hear some chattering going on, but I shall try to address my remarks —

**Mr Deputy Speaker:** Order. *[Interruption]*.

**Mr C Murphy:** Those who do not wish to hear are those who squeal the loudest.

Peter Weir made some remarks that our proposals — I hasten to add that we did not make any proposals, we are referring the issue to the Assembly Commission — were akin to dogs marking out their territory. It must have been a very expensive dog that marked out this piece of territory. All the money was poured into all the symbols that reflect the British and Unionist ethos.

He raised the issue of the four-year timescale. That has been raised consistently with the Speaker. It is on record as being raised in the Chamber, and it is certainly on record as being raised at meetings of the Assembly Commission. The timescale for the Commission to report back is achievable. It may be a reflection on Jim Wells or Bob Coulter or on the Members who think that that is not enough time for the Commission to get their heads around a piece of business. Members on this side of the Chamber who sit on the Assembly Commission feel that it is well within their capabilities.



The issue is one of embracing a genuinely new beginning to politics on this island. The Building and the estate, for better or worse, embody the hopes of the vast majority of the people of this community in the North for a shared future, free from the conflict of the past. Everyone has a stake in that future and their identity — Unionist, Nationalist, Republican or other — should be welcomed and reflected in our institutions.

The proposal identifies a way that we can discuss and agree that shared future together, through the responsible body in the Assembly. It should be supported, and we should look forward to the Assembly Commission bringing a report to the Chamber in the autumn that we can all debate.

6.00 pm

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

*Main Question, as amended, agreed to.*

*Resolved:*

That this Assembly calls on the Assembly Commission to report to the Assembly on how any additional symbols and emblems can reflect the parliamentary history of Parliament Buildings and the Stormont Estate.

*Adjourned at 6.04 pm.*



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# NORTHERN IRELAND ASSEMBLY

Monday 24 June 2002

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

*Members observed two minutes' silence.*

## PUBLIC PETITION

### Siting of Proposed Sewage Treatment Plant in Donaghadee

**Mr Speaker:** Mrs Eileen Bell has begged leave to present a public petition in accordance with Standing Order 22.

**Mrs E Bell:** I beg leave to present to the Assembly a petition, signed by over 1,888 residents of Donaghadee, opposing the siting of the proposed sewage treatment plant in the carpet factory in Donaghadee.

*Mrs E Bell moved forward and laid the petition on the Table.*

**Mr Speaker:** I will forward the petition to the Minister for Regional Development and a copy to the Chairperson of the Committee for Regional Development.

## PUBLIC PETITION

### Reduction of Funding for Knockloughrim Primary School

**Mr Speaker:** Mr Armstrong has begged leave to present a public petition in accordance with Standing Order 22.

**Mr Armstrong:** I beg leave to present to the Assembly a petition signed by all the 72 parents whose children attend Knockloughrim Primary School in Magherafelt, opposing the reduction of funding to that school. The petition shows the serious impact that this reduction will have on staffing, class sizes and the general quality of education in the area. This has particular significance given the backdrop of a rural area already suffering from high levels of social deprivation.

*Mr Armstrong moved forward and laid the petition on the Table.*

**Mr Speaker:** I will forward the petition to the Minister of Education and a copy to the Chairperson of the Committee for Education.

## SUSPENSION OF STANDING ORDERS

*Resolved (with cross-community support):*

That this Assembly suspends Standing Order 10(2) and Standing Order 10(3) for Monday 24 June 2002 — [*The First Minister (Mr Trimble).*]

## COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE BILL

### First Stage

**The Deputy First Minister (Mr Durkan):** I beg leave to lay before the Assembly a Bill [NIA 20/01] to provide for the appointment and functions of the Commissioner for Children and Young People for Northern Ireland; 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.

## EDUCATION AND LIBRARIES BILL

### First Stage

**The Minister of Education (Mr M McGuinness):** I beg leave to lay before the Assembly a Bill [NIA 21/01] to amend the law relating to education and libraries; 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.

## PROTECTION OF CHILDREN AND VULNERABLE ADULTS BILL

### First Stage

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** I beg leave to lay before the Assembly a Bill [NIA 22/01] to make provision for the protection of children and vulnerable adults.

*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.

## PLANNING (AMENDMENT) BILL

### Second Stage

**The Minister of the Environment (Mr Nesbitt):** I beg to move

That the Second Stage of the Planning (Amendment) Bill (NIA 12/01) be agreed.

I am pleased to present the Bill to the Assembly. It is the first major piece of planning legislation since 1991. Therefore, I wish to make my position clear and to give clear direction on the way forward on these matters.

In March 1999, the Department of the Environment and the pre-devolution Ministers considered what should be done on planning. The Ministers made it clear that they wanted the matter to be left until there was devolution in Northern Ireland. Hence, we are here today.

On devolution, the Planning Service was underfunded, under pressure and underperforming. It was — and still is — the subject of much criticism from the public and from elected representatives. The Planning Service needed more resources, and it also needed a complete overhaul of its policies, processes and powers.

Since becoming Minister, I have viewed that as a matter of utmost importance. I wish to see a speedy and effective planning decision process for those who operate within the law. However, I also wish to see a speedy and effective sanction for those who flout the law. The Department has received resources. Early in 2001 we started to consider the Planning (Amendment) Bill. Since then, the Department has engaged with the Committee for the Environment to discuss the various proposals. The Committee has welcomed, and had already identified, many of the issues that we have taken forward in the Bill. However, it has expressed concern that some issues were not being addressed.

The first such issue was development without planning permission. The Committee expressed concern that there were no provisions in the Bill to make the commencement of development without planning permission unlawful. Since becoming Minister of the Environment and being involved in these issues, I have empathised with the Environment Committee's wish to see that highly undesirable and unwelcome practice addressed.

My Department commissioned research from Queen's University into the extent of the problem in other jurisdictions, and initial findings confirm my view that there is considerable merit in creating a new offence, as proposed by the Committee. That could be done by amending the Bill. However, several important issues and procedural matters must be considered before making such an amendment. I want constructive discussion with the Committee, but some questions need to be addressed. What will the new offences be? What fines and penalties should there be? To try to answer those questions, I sent a policy paper to the Committee earlier today.

If we were to create a new offence, the Executive would have to agree any proposed draft amendment. Above all, we would be creating a new offence in Northern Ireland law, and that would require the approval of the Secretary of State because creating a criminal offence in planning is a reserved matter. I have had preliminary discussions with the Secretary of State about this in principle, and I intend to consult him further if firm proposals come through.

The Committee was concerned that the maximum fine in a Magistrate's Court for breaching planning legislation is an insufficient deterrent to those who flout the law. However, the Bill already provides for a significant increase in the fines that a Magistrate's Court can impose — from the current maximum of £5,000 to a proposed maximum of £20,000 — which is in line with the position in Great Britain. The Bill also includes provisions to enable a case regarding general enforcement notices to be brought to trial before a Crown Court, where there would be no limit on the level of fine that could be imposed. Those significant measures should be welcomed.

However, I empathise with the Committee's concerns and intend to consider further the level of fines that a Magistrate's Court should be able to impose. Again, as a basis for discussion, I sent a detailed policy paper to the Committee on that today, too. After that discussion, I hope we will consider whether an appropriate amendment can be brought forward. As I said, the creation of a new offence must involve the Executive and the Secretary of State.

The Committee also expressed concern, which I must address, that there is no provision in the Bill to introduce third-party appeals. I am less sympathetic to the Committee's concerns on this — it would not be judicious to proceed at this stage. I accept that the Committee, and



many others here, support the introduction of third-party appeals. Many argue that it is a matter of natural justice. A developer or householder who does not get planning approval can appeal — whereas those who object to an approval have no right of appeal. There is, therefore, a matter of natural justice between the two sides.

12.15 pm

Much has been said in favour of third-party appeals. Members have argued that the lack of such a provision breaches the European Convention on Human Rights. That is not so, as has been amply shown by several recent Court of Appeal and House of Lords decisions. I am satisfied, on the basis of legal advice, that our planning processes, together with the availability of judicial review, comply with the European Convention, so there is no legal imperative to introduce third-party appeals.

In addition, the introduction of third-party appeals would represent a fundamental change to the planning process. Research carried out by Queen's University suggests that they would be a new insertion into the legislative framework. That would cause serious difficulties for the planning process, particularly for its operational efficiency, which must be considered. There would probably be increased delays in making decisions; the delays are bad enough now. It would also result in uncertainty for people who wished to invest in Northern Ireland. More recent research by Queen's has shown that several issues need to be considered, and policy objectives must be absolutely clear. There are many different ways in which third-party appeals could be introduced.

Mr Close said that, through the review of public administration, some authority might be devolved to local government. If decision-making powers and planning are to be devolved to local authorities, the Assembly would have to be concerned about the desirability of that when a third-party appeal would allow a decision go to the Planning Appeals Commission. I ask the Assembly to consider that. The potentially adverse implications of introducing third-party appeals must be carefully considered — not just the benefits that have been referred to often.

As with the other two matters that were raised by the Environment Committee, I want to discuss that with it. I have today sent a third paper to the Committee as the basis for further detailed discussion on third-party appeals. Those three papers show my genuine efforts over several weeks.

A motion is to be moved in the Assembly tomorrow to extend the Committee Stage of the Local Government (Miscellaneous Provisions) Bill to 17 October 2002. During that period, I wish to have earnest discussion on those three issues, which the Environment Committee raised as being of particular concern.

No major decision on third-party appeals should be made without exposing the full range of options and

consequences to full and detailed public consultation. Therefore, I propose to publish a detailed consultation paper on that important subject as soon as possible. Third-party appeals cannot, and should not, be dealt with in this Bill. Indeed, to attempt to do so might jeopardise the passage of the Bill in its entirety.

I turn to the wider context in which I have been dealing with the Planning (Amendment) Bill and the wider aspects that must be dealt with. I said that resources were needed. Additional resources have been secured — 103 new staff have been recruited and 50 more are to follow. New powers have been proposed in the Bill. It is one thing to have new powers, but to be truly effective, those powers need resources to deliver on the law. Therefore, I will be targeting further resources for enforcement matters.

We are also bringing forward new area plans, updating and revising policy planning statements, and modernising the planning process. The modernisation proposal was published in February, and a statement will be made later in the year. I emphasise that this is the most comprehensive review of planning processes in Northern Ireland since 1973.

I have made a substantial bid through the Executive programme funds to overhaul the IT systems of the Planning Service and move its IT provision into the best practice of the twenty-first century. If that bid is successful, it will move the Planning Service to the cutting edge of IT and produce a quantum leap in the way in which the service operates. Those elements represent a substantial programme of work to improve the operations and functions of the Planning Service, and they must not be forgotten in the context of the Bill.

There are 32 clauses and two schedules in the Bill. Clauses 1 to 14 propose a substantial strengthening of enforcement powers. For example, clause 1 proposes the introduction of a planning contravention notice. Clause 2 provides for a breach of condition notice. Clause 3 deals with the very important matter of injunctions, where the Department will have direct recourse to the courts to prevent breaches of regulations. That will speed up and strengthen the enforcement process. It is also planned to introduce increased fines for non-compliance with enforcement notices, stop notices and hazardous substances controls. Fines will range from £5,000 to £20,000. If the Bill is enacted, it will, for the first time, allow a Crown Court in Northern Ireland to impose an unlimited fine.

In addition to higher fines for contravention of listed building enforcement notices, there is to be a new provision for custodial sentences for those offences where a listed building is tampered with, by demolition or otherwise, of up to six months in the Magistrate's Court or up to two years in a Crown Court. There will also be new powers of entry for the purposes of investigation

of alleged breaches of planning control. The Bill will also allow enforcement notices to be withdrawn or varied.

Clauses 15 to 23 deal with controls over development. By way of example, there will be controls over the demolition of buildings. There will be new powers to decline to determine planning applications.

Moreover, clause 22 introduces a building preservation notice, a matter that has exercised the minds of those in the Chamber over the past weeks: it is commonly referred to as “spot-listing”. A building can be spot-listed immediately and a full investigation carried out over the subsequent six months to determine if it is worthy of listing. That important provision will allow the Department to move quickly in circumstances where buildings are at risk and provide a breathing space where necessary. It is the very thing that Members were concerned about several weeks ago, and I said then that such a provision would be included in this Bill.

Clause 23 deals with the protection of trees. There are new enforcement powers to provide greater protection for trees that are subject to preservation orders. For example, there will be a new duty to replace such trees. I remind the Assembly that breaches of the requirements will be subject to the same level of fines as previously mentioned — up to £20,000. Should a case reach a higher court, there may be no limit on the amount of the fine. A new provision has been made to enable the Department to protect trees in conservation areas.

Clauses 24 to 32 of the Bill contain miscellaneous provisions. For example, there are measures to give primacy to development plans in the determination of planning applications. There are provisions for new powers for the Planning Appeals Commission to dismiss appeals in certain circumstances, and for the Department to extend its grant-aiding powers in respect of the built environment.

The provisions of the Bill will significantly improve the legislative framework under which the planning system operates. Importantly, the Bill will enhance the Department’s enforcement powers and will enable enforcement action to be taken more quickly and effectively.

**Mr McGrady:** I suppose that I speak for most Members in welcoming the Bill. I thank the Minister for the detailed exposition of his intent and purpose, and his “empathies”, as he called them, in his presentation of the Bill.

I have a sense of déjà vu about the Bill, in that in 1995 the Northern Ireland Affairs Select Committee held an inquiry into planning in Northern Ireland and, some two years later, issued a full report. However, it has taken a further five years for some of the report’s recommendations to see the light of day in this Bill. I am reminded of some of the evidence given to that Committee in the House of Commons.

The Minister referred to aspects of the Bill that are important to the ordinary citizen — if it is possible to identify an ordinary citizen nowadays. Although these are not in order of priority, the first was the matter of demolition. The Minister correctly said that recently there have been some “headbanging” examples of demolitions that should not have taken place. I refer not only to the Heaney residence, but to Oxford House, which I read about in the national press last week. That beautiful building and its surrounding mature trees were destroyed in an afternoon.

The Minister rightly spent some time describing the Department’s enhanced powers to prevent the demolition of those structures and buildings that should be retained and, perhaps, rehabilitated for posterity. He touched on the question of preservation of the surrounding environment — not just trees. I am not sure that he was convinced that the Bill gives him, the Department and the planners the ability to step in with the urgency and immediacy that are required.

I presume that, in order to do so, the Department will have to identify those buildings and environmental assets that will require either a prevention order or a preservation order. That will be an enormous task in itself because, very often, once a deed is done, it cannot be undone. Will the Department therefore conduct a survey of properties that should be preserved and attach an early warning signal to them that would enable enforcing orders and preservation orders to be triggered?

*12.30 pm*

The Minister said that he had empathy with that, but things are easier said than done. All Members have experienced the rapidity with which modern machinery can obliterate our heritage before anyone can keep a tab on it.

That brings me automatically to an anomaly in the planning law, which the Bill will address. It is the issue of the legalisation of actions taken before planning permission is granted — assuming that it is granted. There seems to be no justification for the continuation of that anomaly because there is a statutory requirement for six to eight weeks to elapse between the submission of applications and the granting of permission. Therefore the retrospective legality of taking action before planning permission is not a matter that we should continue.

One of the few measures that the Minister did not have empathy with was third-party appeals. It is an important provision, which is missing from the Bill. It is also missing from the consultative document on modernising planning processes. I do not know whether it is contained in the three documents that the Minister said have been issued to the Committee for the Environment today. I hope that those documents will be issued for wider consultation to enable others, who are not members

of the Committee and who have an interest in such matters, to make their opinions known to the Department and the Minister before the introduction of the next planning Bill.

The Minister has set his mind against provision for third-party appeal — perhaps those words are too strong, but he has quoted liberally from as yet unpublished research by Queen's University on the matter. However, the Northern Ireland Affairs Select Committee conducted an in-depth inquiry, and all the political parties and most of the district councils argued for the need for third-party appeals. Therefore it is a major issue that must be addressed, and it should have been addressed as a matter of considerable urgency by the Department. I cannot lay blame at the door of the Minister, who has been in office for only a few months, but I can blame the process. There was a body of opinion — *[Interruption]*.

**Mr McCartney:** Any reform is bound to make a change in the legislative arrangements for planning. Therefore to suggest that third-party appeals would make some change in the legislative arrangements is no argument at all.

**Mr McGrady:** The hon Member has just referred to a matter that puzzles me, and it is one that I am about to come to. The Minister stated that he had little empathy for two aspects. First, that there is no legal imperative.

I do not understand the phrase “no legal imperative” — that simply means not doing anything about it. However, there is a community imperative to do it. The fact that there is no legal imperative means nothing, given that we are here to make the law. That is why that was a rather odd phrase to use; perhaps the Minister meant something different from what I picked up.

The Minister also said that another reason for not having third-party appeals was the possibility of delays; I did not quite catch his words. Third-party appeals are difficult, and I do not deny the difficulty of accommodating them. Many European countries, and, indeed, our neighbours in the Republic of Ireland, have a third-party appeal process that does not unduly hamper the planning process. Individuals have a significant right to third-party appeals, so there is experience that we can learn from. The Minister can hear from several European countries, including the Republic of Ireland, about the matter. It must be addressed urgently.

The Minister also said that recent cases in the House of Lords and elsewhere show that human rights are not being infringed. I hope that he is right, but I also suggest that with the correct emphasis on human rights, it will not be long before someone challenges him on that. It would be better to deal with a messy legal situation involving human rights, third-party appeals and planning by emphatically pre-empting it in the legislation.

I know that many other Members wish to participate, so I shall quickly touch on two other matters. First, the legislation gives primacy to development plans when determining planning applications. A plan-led system could raise concerns that development plans will take precedence over policy, so it is essential to know in the development plans — which will be the criteria on which applications are adjudicated — that full consultation and the subsequent input of an agreed planning policy have taken place. The policy should be overriding, irrespective of what has been written in a plan, and a fairly in-depth consultation is needed to achieve that.

My second point deals with the problem that most Members, as public representatives, have had when dealing with planning matters, which is the lack of uniformity in applying planning policy. As we travel in our fair countryside we see glaring examples of that, and that brings planning into disrepute. A person who has been refused or denied some aspect of his planning application will immediately say “Ah, but what about?” That phrase is used so frequently. When travelling at the weekend, I noticed startling examples of where planning permission had been granted to undeserving private houses and of where the planning policy of one area should have been the policy of other areas but was not. Legislation is not necessary, but planning officers who deal with applications should be trained in interpretation.

Finally, I am surprised that mobile phone masts are not mentioned in the Bill. The Minister's predecessor promised us that the legislation on this would be brought before the Assembly before the end of May.

We are now nearly at the end of June, and we are heading towards recess at the end of next week. This is one aspect of planning that agitates many in the community, whether they are users or non-users of mobile phones. Representations have been made by many bodies and people over the past few years, culminating in the promise of the Minister's predecessor, Mr Sam Foster, that legislation would be brought to the House before the end of May. It is strange, therefore, that nothing has been mentioned about it in the Bill or anything else that I have read. Will the Minister tell us where that legislation is and what stage it is at? Given that this is one of the most emotive issues facing the community, will that legislation be resurrected, dusted down and brought before us?

In general, I welcome the legislation. Having voiced my criticisms and concerns, I hope the Minister will view them as constructive criticisms and expressions of concern in the public interest. I hope that those who are not on the Environment Committee, and those who are not in the House, will have ample opportunity to address the issues raised, or not raised, in the next planning Bill, which should follow fairly quickly, and in the three consultative documents put to the Environment Committee,



details of which I tried to jot down as the Minister was speaking.

**Mr M Murphy:** Go raibh maith agat, a Cheann Comhairle. I welcome the enforcement powers that address the matter of builders and developers breaching planning control. However, a major concern is that the fines are too light, particularly for large construction companies. I welcome the introduction of penalties for those involved in the demolishing of listed buildings.

As a member of the Environment Committee, I view the new powers enabling the Department to enforce the duty to replace trees that are subject to tree preservation orders (TPOs) as a progressive step. However, tree replacement should be made on a like-for-like basis — the size and species of the tree should be taken into consideration.

The issue of third-party appeals requires more consideration, and the adverse absence needs to be taken into account. The Committee's concerns should be looked at in greater detail and should involve full public consultation. The Committee recognised that the procedure would affect the planning process. However, the procedure already operates in the Republic, and it seems to be working properly. Third parties here have no right of appeal under the present rules. Where planning practice is not to the satisfaction of the local population, it should be clarified for all concerned. District councillors are concerned that their views on third-party appeal issues should be heard and taken on board.

Mr McGrady mentioned mobile phone masts. There is no mention of proper development of planning policies on them, other than that full planning permission is required. That is not good enough. The local population is very concerned about the matter. I ask the Minister to readdress the problem. Go raibh maith agat.

**Mr McCarthy:** On behalf of my Alliance Colleagues, I give a general welcome to the Bill. For too long the planning system has failed to operate for the good of all the people of Northern Ireland. The updating of planning law is long overdue — it should have been one of the first acts of the devolved Government.

My Colleague David Ford has already been involved in detailed discussions in the Committee for the Environment on various aspects of the Bill. He and other Committee members have much work to do to improve the Bill and to ensure that it becomes the best possible Act to set the terms for planning in years to come.

12.45 pm

As this is the Second Stage, I wish to put a few questions to the Minister. I have no doubt that some of them will not be answered to our satisfaction this morning, but I ask him to consider them seriously. The Minister has spoken on the issues about which we have concerns, so perhaps he will take my comments on board.

First, the biggest gap in the Bill is the absence of a third-party appeal system. The Minister and other Members have spoken on that matter. It is simply not acceptable for an individual who is refused planning permission to have a right of appeal, while objectors to the granting of permission have no right of appeal, apart from an expensive and legalistic judicial review. We all know who benefits from that. I do not wish to allow a neighbour with a grudge, but no objective reason for his or her objection, to delay the granting of planning permission in every case. We must achieve a balance, as none exists at present. Surely it is possible to devise a form of words that will allow a right of appeal for objectors who have substantial backing. For example, we could measure support by requiring a significant proportion of a local council to support the objectors or by requiring a certain number of signatures. If third-party appeals are not to be included in the Bill, when does the Minister hope to introduce such an appeal system?

Stronger enforcement powers are necessary. The details of the clauses show how deficient the law is. However, clause 12, as described in the explanatory and financial memorandum, mentions only some marginal financial implications. What on earth is the point of stronger enforcement powers if the Department does not have the resources to make use of them?

The procedures for listed buildings are known to be archaic and cumbersome. We know what has happened recently in Belfast. We need a better system than the Minister standing in the street crying, "Shame!" as the bulldozers do their work. I welcome the proposals for building preservation notices and temporary listings in clause 22. I hope that the Committee will ensure that those powers are as robust as they are in other parts of the United Kingdom and in the Republic of Ireland.

One of the principal concerns that many citizens have on planning issues is the preservation of mature trees. That leads on to the need to protect growing trees and saplings and to the protection of woodland, which includes small copses and units, and the scrub, brush and wild flowers that grow under the trees.

**Mr O'Neill:** Does the Member agree that the legislation does not make it clear what would happen if a site were purchased, sold on, cleared by the second sale and sold on again, and possibly sold on for a fourth time before a development application were made? How does the Department propose to include in the legislation provision for checking up on the land, for deciding penalties for desecration and for imposing those penalties?

**Mr McCarthy:** I thank the Member for drawing that to our attention. We agree with his comments. The Minister listened, and I am sure that he will answer the question appropriately.

Should there not be a presumption that all mature trees on a site for development will be preserved under a



development plan until that development plan has been approved, rather than a presumption that anything that is not individually protected can be destroyed?

We must know more about the penalties and the requirements to plant replacement trees; otherwise there may be large financial benefits for people who cut down trees. That follows on from Mr O'Neill's remarks. Will the Minister tell us whether his proposals will protect undergrowth in woods, which is so important to wildlife?

The Alliance Party supports the Bill in principle and welcomes the Second Stage. I hope to see the Bill strengthened at Consideration Stage.

**Mr Watson:** As a Member of the Committee for the Environment, I apologise for the absence of the Chairperson and Deputy Chairperson, who had previous engagements. I thank the Minister for introducing the Bill. Members of the Committee for the Environment look forward to discussing the clauses of the Bill at Committee Stage, so I will keep my comments relatively short.

The Minister will be aware that the Committee has already had several detailed presentations on the consultation exercise that preceded the Bill and on the draft Bill. There will be a further presentation and discussion on major policy issues this Thursday with departmental officials. This demonstrates the importance with which the Committee views the legislation — and, indeed, all legislation — and its clear determination to come to terms with the detail of some complex legislation. For too long, the outdated and ineffective planning laws in Northern Ireland have failed to reflect the demands of a modern developing society, and this has been coupled with inadequate resources, lack of co-ordination between the various agencies in the former Department of the Environment and a lack of political resolve to address the real issues.

One major problem, given that the Bill is long overdue, is that so much is expected of it. Planning law is not only concerned with what may be built, where and when, and ensuring that what is built conforms to the permission given, but is also about giving vital support to those charged with the conservation and preservation of our built heritage. The forthcoming presentation by departmental officials, which is to be based on recent research at Queen's University, will focus on three important and relevant matters. The first is third-party appeals. For too long, the planning system has been biased — and I do not use that word lightly — in favour of developers, and those most affected are often left feeling helpless once a decision has been given. In previous presentations to the Committee, departmental officials have been anxious to explain the difficulties involved with the introduction of third-party appeals into the current planning system, and consequently their introduction into the Bill. The Committee appreciates fully that there may be difficulties, but

members want to hear solutions. If third-party appeals work elsewhere, why can they not work in Northern Ireland?

Secondly, the Committee will wish to discuss fines with officials. The Bill will increase fines for those developers who commit the most serious breaches of planning law to a maximum of £20,000. From the outset, the Committee has questioned the inadequacy of fines, and it continues to do so. What kind of deterrent is a £20,000 fine to a developer who will make £1 million profit for breaching a planning law? The Department has told the Committee — and this has been reinforced by the Minister's words today — that a new culture will ensure that more lawbreakers are taken to a higher court where unlimited fines, and even imprisonment, can be imposed. I have seen no evidence of that and cannot see how the Bill, as it is worded, will change radically the Department's enforcement policy and practices.

The Committee will examine this aspect of the Bill very closely. It has been told that the new fines are the same as those in England and Wales and cannot be increased without the Secretary of State's approval. Will the Minister tell us why fines are being introduced that will mean little to those making huge profits? Will he also tell us what representations regarding facts and statistics about planning law abuse he has made, or will make, to the Secretary of State?

Finally, departmental officials will discuss with the Committee the introduction of a new offence that will make it illegal to start development before planning permission is given, or even applied for. All too often, developers move to demolish a building or level a site without planning permission. That must be stopped, and the Bill is the opportunity to do something about it.

We have again heard from the Minister on this, but the Secretary of State must be pressed to give his approval. What representations has the Minister made, or will he make, to obtain that approval? Although the Committee believes that the legislation is long overdue and must progress with all speed, its members have already identified some concerns with the Bill. We will have to examine how those concerns have been or will be addressed.

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

When the Minister came before the Committee in March 2002, we discussed a proactive approach to co-operating with him to deal with no less than five Bills coming from his Department. At that time, the Minister agreed to forward policy memoranda on Bills to the Committee as early as possible, and the Committee pledged full co-operation with the Department, subject to being fully satisfied with the terms of the Bills. That is still the Committee's intention. However, I can assure the Minister that the Committee will be both diligent and thorough in its consideration of the details

in the Bill, as he would expect. If necessary, we will come back with amendments at Consideration Stage.

**Ms Morrice:** Members are aware that this is a hugely important issue. Every MLA is aware of the local community's increasing frustration at how the planning process has operated in the past. The Bill is a vital change in updating that process. This is our opportunity to make our mark on something that affects every member of our community. We know that through the stack of letters on our desks.

Mr McCarthy said that the planning procedure to date has failed the local community. We agree; it must be changed, and it needs teeth. We welcome the Minister's attempts to do this, and we were very pleased to hear Mr Watson say on behalf of the Committee for the Environment that it will dedicate itself to scrutinising this and putting pressure on the Minister to ensure that the changes happen.

The most important thing in updating planning legislation is to change the culture of the legislation. Members have touched on that. We are talking about equality of opportunity; as Mr Watson said, planning legislation is in favour of the developers. Last week, I asked the Minister to detail the number of applications from developers that are successful on appeal; the number was extremely high. Nevertheless, the local community has absolutely no right of appeal. Why does the local community not have equal opportunity? This is about third-party appeal.

We do not at all accept that third-party appeal could bring unwanted delay. Development is progress, and progress should not be stopped short. However, if it is to the detriment of the desires of the local community, it is not valuable progress. The important thing is that equal opportunity be given to the developer and the local community in third-party appeal. Research is under way to consider how it may be introduced, but I fail to understand the reluctance I detect to third-party appeal. If it has been introduced elsewhere, why can that not be done here? I am tempted to say that it could even be introduced on a trial basis, but that would not work. We must accept that the local community needs a right to reply and a right to appeal. For example, in dealing with large development projects, environmental impact assessments are carried out. We ask the birds, bees, flowers and trees to see what effect it will have on them, but there is no community impact assessment to ensure that the neighbours and the local community are consulted in these stages of the development process.

That is an essential aspect of planning, and the Minister must take that on board. If the Environment Committee does not attempt to introduce amendments to allow for third-party appeal, we will do it ourselves. I assure the Minister that there will be a great deal of pressure, either from the Committee or from individual

Members, to get provision for third-party appeals added to this legislation.

*1.00 pm*

Some Members have already mentioned demolition. We have all seen the effects of that, whether it is Ardmara in Bangor or Séamus Heaney's house. I have written to the Minister regarding properties in Demesne Road and Bangor Road in Holywood that are also at risk. We do not want to see the Minister on television again saying that it is a shame. There will be egg on his face at some stage if these demolitions keep occurring and nothing is done to change the legislation to prevent it from happening. The issue of demolition should be part of the planning application process so that developers cannot knock down buildings to ensure that planning permission goes through.

I welcome the increase in fines, although it will never be enough. Sometimes fines are drops in the ocean when they are increased by a couple of thousand pounds. I have a suggestion that might be useful. Some of the money raised from fines could go to voluntary environmental and heritage groups, such as Conservation Volunteers Northern Ireland, to bolster their highly valuable work. They alert us to what is going on, and their work should be rewarded in some way.

Spot-listing is one way of stopping demolition in advance. However, when the legislation was brought over here the reference to spot-listing was removed. Why was it taken out, and why can it not be slipped back in again? It should be a guaranteed factor in this legislation that the Minister can draw on to protect buildings.

I will draw my remarks to a close, as other Members want to speak. I turn finally to the principles of planning policy and the need to consult the local community and bring it on board. Play areas in large housing developments should be guaranteed. The Irish legislation guarantees that every hundredth house is converted into a crèche or something similar that recognises the value of children's play. We have estates such as Poleglass and Kilcooley with hundreds of families, and not one slide or one swing between them. That is a disgrace, and it must not happen again. Children's play areas must come high up on the agenda of any planning application for a large housing development.

There are examples of townscape character in the South. When you drive into a village you smile because of the colours and signage. Work has been done to make those villages aesthetically appealing to tourists, and that is important. We should remove the idea of town cramming and unsympathetic development. All that must be part and parcel of the culture of planning. In this devolved institution we have the ability to listen and react to the local community, and that is what it wants.

I put all my confidence in the Committee to ensure that the Minister, who is sympathetically disposed, will take those issues on board.

**Mr McCartney:** The overwhelming majority of complaints to the Northern Ireland Ombudsman have related to planning. I therefore welcome this legislative attempt — belated as it is — to deal with some of the anomalies and ghastly gaps in planning law that have been the source of many of those complaints.

The Assembly is fortunate to have had such a thoughtful, practical and comprehensive contribution by Mr McGrady, who has a sense of reality about what can be done. I will develop some of the matters that he adumbrated.

Regardless of the difficulties, procedural or otherwise, that the introduction of third-party appeals may entail, most people affected by planning decisions have an overwhelming desire for that provision. Planning laws, like every other law, should be enacted for the benefit of those whom they affect; therefore, strong, clear and pressing considerations must be present before such a desire could be ignored in the legislation.

Suggestions have been made as to why third-party appeals should not form part of the legislation. The Minister's mind seems to be set against them, although we are to be treated to a consultation process before a final decision is made. It is surprising that detailed amendments by the Minister, or the suggestion of a consultation process, should take place now. Why were those matters not considered in detail long before the Second Stage? If changes were to be made, one would hope that every aspect would be considered in detail.

I will deal with the arguments against, and the merits of, third-party appeals. It is suggested that third-party appeals would interfere with the principles of existing legislation on such appeals and the planning process generally. Any reform or legislation to make improvements or to introduce benefits is bound to affect existing legislation; therefore, the argument that a necessary and much-sought-after reform should be objected to because it would change a system lacks merit.

The second question is that of delay. I do not suppose that third-party appeals will be made against the vast majority of planning approvals. They will be made in respect of decisions that affect a large section of the community and to which there is popular objection. Ms Morrice made the positive point that we have impact assessments about the birds and the bees, and flora and fauna. In the context of planning, the most important fauna are human.

I have often attended and been professionally involved in planning appeals where planners have produced a set of logical guidelines and principles to support their statement that they can do nothing about a development,

despite the massive objection of the humans who will be most intimately affected by the decision. The present law does not require planning approval for demolition, so a developer can move into a zoned or residential area and demolish an Edwardian or a Victorian building, which may not be listed or of specific architectural or historical merit, but which is part of the fabric, atmosphere and age of the area. The building's demolition leaves a piece of open ground in an area where a developer is bound to get permission for a residential development.

The planners' only control over that is a collection of nebulous guidelines that the proportions of the new building must be roughly similar to those of surrounding developments. Permission for some apartments is then granted to the developer. However — and this is the nub of the matter — the builder builds the development but adds an extra floor comprising an additional six flats costing £250,000 or £300,000 apiece. That has happened in north Down; developers are making a killing. When local people object on the basis that there has been a breach of contract, there is a marked reluctance by the Planning Service to instruct that the building be demolished. There is then much toing and froing, which the builder ignores, and, in 10 cases out of 10 — not nine out of 10 — he is given retrospective permission. At that stage the developer has made a killing, and a coach and four have been driven through the planning laws. The Assembly must think carefully before ignoring third-party appeals or adhering strictly to planning decisions.

Third-party appeals would be relatively few, and it would be easy to legislate that, in order to gain a right to such an appeal, a person must present a *prima facie* case. Under those terms, only where a *prima facie* case is demonstrated would a third-party appeal be allowed. That litmus test would eliminate many of the fears that envious or vindictive neighbours would, willy-nilly, make third-party appeals.

It might also be legislated that costs may be awarded where a third-party appeal is lost and an inspector decides that the case never had merit. Those are not the only methods, but such provisions might remove many of the Minister's fears about third-party appeals.

*1.15 pm*

Some Members who have spoken have heavily canvassed the issue of fines. I endorse the frequent suggestion that the fines are inadequate, even at their present limit. Developers can get £250,000 or £300,000 for an apartment, and if they can get a further four apartments by adding an extra storey, that is very big money. The fines are relatively innocuous in proportion to that and would not deter anyone.

The other point I want to make is about the relationship between developers and planners. Developers are



there every day. In some cases in which I have been involved, there has been such a multiplicity of plans that the average person going to inspect them cannot understand them unless he brings an architect who has half a day to spend on them. Members must be careful about dismissing the introduction of third-party appeals, because there is a suggestion that developers have a big “in”: they are professionals; they know what is required; they have existing relationships with planners; and they often get away with things that an ordinary individual would not.

There is a presumption in the planning culture that if developers are providing employment, putting money into the economy and doing something that has a veneer of public benefit to it, such as additional housing, they should get planning permission. That sort of culture must end.

I endorse what Mr McGrady said about what is not in the Bill. There is nothing in it about masts. Planning should be for people who live in communities. It is not good enough not to pay strict attention to what a significant number of ordinary people feel about the possible dangers of radiation from masts. That should be provided for in the Bill. Am I being cynical in saying that once again this is a question of big business? Vodafone, Orange or whoever puts up the masts have a subliminal clout that the rest of us do not have. While I support the Second Stage of the Bill in principle, there are worrying omissions and failures to address various matters.

**The Chairperson of the Committee for the Environment (Rev Dr William McCrea):** I apologise to the Assembly and the Minister for being unable to be here at the beginning of the debate, but the Minister for Social Development was in my constituency this morning. As I was unable to hear the Minister’s opening comments, I will keep my remarks brief. However, I will read, with great care, what he and other Members said in that part of the debate. It is important for the Committee to consider carefully the views of Members who are not members of the Committee and cannot make their views known there. I will ensure that the Committee receives a copy of the record and that it gives due recognition to what is said.

No one would say that all is well and that we have effective planning laws that reflect the demands of our society. Many matters need to be brought to the attention of the House, and the Planning (Amendment) Bill ought to consider other matters that the Minister and the Department have not taken into consideration. I will confine my remarks to three areas. Ms Morrice and Mr McCartney touched on them, as did others.

I want to make it clear that the Minister cannot duck the question of third-party appeals, nor will the Assembly allow him a way to do that. The Committee for the Environment fundamentally supports the necessity for third-party appeals, and we have been strong in our

representation to the Department, as the previous Minister and the current Minister both know. The issue cannot be put on the long finger. Developers have priority over the community under current planning legislation, and that cannot be permitted to continue.

Mr McCartney said that when developers are mentioned we hear about how they provide employment and invest in the economy — and rightly so. No one in my Committee wants to stop developers doing anything that will benefit the community. However, they are not the only ones putting something into the local economy and providing employment; the people in the community are also putting a lot into it. Let us never forget their value and commitment to their areas. It is vitally important to ensure that the rights of the ordinary citizen in a community are taken into consideration. If an applicant is refused, he has the right to appeal. However, if a community feels that its rights are being trampled over, it has no right of appeal.

I gather that the Minister said that he is not taking forward third-party appeals at this time. Several Members have drawn that to my attention. The rights of individuals can be violated, and they ought to have the right to appeal. This issue, whether pursued by my Committee or by individuals, will not go away. It will be on the agenda, and the Assembly will have the opportunity to give its opinion.

If the Minister had listened to the will of the House in past debates, then he would have introduced the right of appeal in this Bill. Even at this late stage, the Minister should accede to that will. If he does not accept that it is the will of the House, then we should put it to the test in a democratic fashion through a vote. This is a live issue, and it will be dealt with in the Assembly, whether through the Minister’s intervention or through the intervention of others. I hope that that gives some assurance to Members that the matter is being taken seriously.

I want to deal with the level of fines being suggested in the Bill. Those fines are as nothing when measured against the high profits that developers can make by breaching planning law. The answer will come that cases can be taken to the Crown Court, where there is no limit on the fines that can be imposed. If that is so, and if the Department believes that it is a serious issue, then local courts should also have the right to impose fines relevant to the huge profits being made.

What is £20,000 to a developer who is probably making £1 million from his development? It is absolutely nothing. He laughs all the way to the court and out of it, and he laughs at the community, which feels aggrieved by what has been done. Serious consideration must be given to this. The Minister and his officials have told the Committee that the Secretary of State would have to agree to a large increase in fines. If that is so, the Committee requests that the Secretary of State be



approached. Northern Ireland has particular needs, so if fines cannot be increased without the Secretary of State's intervention, he should listen to the will and desire of the House and do something about it.

There must be proper enforcement. I am told that the Minister said that more staff would be employed in the Department's enforcement section, which has an abysmal record. There must be real enforcement, because many people in Northern Ireland think that they can breach planning law and that nothing will be done about it.

Mr McCartney said that there was hesitation in forcing people to demolish buildings. I have not found that to be the case with regard to ordinary people, who seem to be faced with greater threats than those who have financial clout. I want to see building development in the Province, and I want to see planning permissions being granted. However, the Planning Service must be sensitive to particular areas and to older buildings that are being pulled down, with new buildings being erected in their place. New buildings are often out of place and are more of an eyesore than the original good-quality buildings. That has been the scenario in Belfast recently.

The Committee will listen carefully to what the Department has to say. However, the Minister is aware that the Committee has a mind of its own and will challenge the Department. If the Department is not willing to yield on matters on which the Committee has strong feelings, the Committee will not be behind the door in telling the Minister and the Department what it thinks. If it must bring the matter before the House, it will be happy to do so.

**Mr Nesbitt:** I am trying to ensure that when I move the Dispatch Box I do not cowl or demolish my glass.

**Rev Dr William McCrea:** Do you have planning permission to put the glass there?

**Mr Nesbitt:** I have placed my glass where others have placed theirs, so we are in accord with one another. It is good to note that the Chairperson of the Committee for the Environment and the Minister of the Environment are acting in harmony and accord.

**Ms Morrice:** There may be a third-party appeal.

**Mr Nesbitt:** Someone may wish to lodge a third-party appeal on where the glass is situated. However, that is a serious matter with regard to the Planning (Amendment) Bill. Eight or nine Members have spoken, and much concern has been expressed about inadequacies in the planning system in Northern Ireland.

I am mindful of economist John Simpson's words in the business section of the 'Belfast Telegraph' some weeks ago that everyone has something to say about the Planning Service, just as everyone has something to say about the weather — but at least, on some days, the weather is good. That gave food for thought, and I referred

to it at the start of my address. The Planning Service has been under pressure and needs more resources. There are difficulties that must be addressed, and I am not ducking them, as I said in my opening remarks.

I thank Mr McGrady for his comments about the empathy that I have shown. I reiterate, in the presence of the Chairperson of the Committee for the Environment, who was not present earlier, that I empathise with many of the comments that the Committee has made to my officials and to me.

Mr McGrady mentioned the House of Commons Select Committee on Northern Ireland Affairs inquiry into planning in 1995, and that many issues dealt with then are being discussed again. I am conscious of that. It is mentioned in the paper that was sent to the Environment Committee today.

*1.30 pm*

Mr McGrady also mentioned urgency and immediacy. He said that he was unsure about the scope of enhanced provisions to prevent demolition because the Department will have to quickly identify important buildings that might be demolished. He talked about the listing of buildings. He said that it is fine to have a new rule preventing demolition, but that such orders must be enforced, because once a building has been demolished, nothing can undo it.

Contrary to Ms Morrice's belief, spot-listing is contained in the Bill. I am not sure where the Member heard that it had somehow been taken out. It is not out. Spot-listing is clearly provided for in the Bill.

Mr McGrady stressed that it is fine to have the Bill, and fine to have these provisions — as long as one uses them and knows when they must be used. Surveys have been carried out. The first, conducted in 1970, was on a wing and a prayer. It ended up comprising just one photograph of a building because resources were not available.

The problem with listed buildings is threefold. First, we do not know the status of some of those buildings. Secondly, we do not have the resources to deal with them. Thirdly, we do not have the enforcement measures to deal with them. More resources are needed, and we must be clear about those buildings that can or cannot be listed.

I mentioned that point in an article that I wrote in the 'Belfast Telegraph', in which I invited people in Northern Ireland who feel that there is a building that could, or should, be listed to notify the Department. I was responding to and empathising — if I may use that word again — with that paper's editorial, which commented that we must work together as a community to make sure that our built heritage is protected. *[Interruption]*.

My time is limited. I am not being disrespectful to Mr McGrady. *[Interruption]*.

If I have as long as I like, I will give way to Mr McGrady, but I will not give way ad nauseam to all and sundry.

**Mr McGrady:** It has been so long since I spoke that I can hardly remember what it was about.

The Minister said that it will be possible to list buildings to prevent their demolition. Is he conscious that listed buildings are being demolished and virtually no action is being taken?

**Mr Nesbitt:** That may be the case. I cannot comment on specific examples. However, I have stressed that part of the Bill is to ensure greater rigour of enforcement. Penalties will be made very clear. The Department and I are serious in our intentions; not only about built heritage, but also that the planning regime is clear and transparent, and that those who abide by the law will have a speedy decision while those who breach the law will be swiftly penalised. I abide by my opening comments to that effect and will ensure that they are reflected throughout this Bill.

Mr McGrady mentioned third-party appeals. That issue came up quite often. He also hoped that the three documents that have been issued to the Environment Committee would be made available to the Assembly. That is a reasonable request. It has taken some time for officials and myself to deliberate those issues. Indeed, we worked on them over the weekend to ensure that we got to grips with their nuances in preparation for this debate. The papers were sent to the Committee today, and other Members should also have them.

Mr McGrady said that I have set my mind against third-party appeals. I am less sympathetic to, and not completely persuaded by, third-party appeals. However, I want more consultation. He said that all political parties and most district councils want them. I wish that Mr McCartney were here, because he said that there was a desire for third-party appeals, regardless of their difficulties.

This is not an exact analogy, but many people have a desire for speed and cars that can travel at 160 miles an hour. However, the fact that people have a desire for something does not mean that the law permits them to realise that desire.

I am sorry that Mr McCartney is not present. His criterion of desire is not —

**The Chairperson of the Committee for the Environment (Rev Dr William McCrea):** The desire to speed is irrelevant; that is an illegal desire. Mr McCartney referred to the will of elected representatives and the public. The Department must get on with reform, because the desire is not illegal, and it should have the backing of the Department.

**Mr Nesbitt:** I am dealing with the choice of words, which are important to lawyers, and, therefore, to Mr McCartney. He used the term “desire”; I said that desire alone does not justify an action. All aspects must be assessed. However, I said that I wished to discuss the matter further with the Committee and others.

Mr McCartney said that the phrase “no legal imperative” was an odd one. The legal imperative to which I referred was European Convention law, whereby a body outside the jurisdiction of the United Kingdom could dictate how something must be done, as with European Directives, which when passed through certain procedures, automatically become Northern Ireland law. That legal imperative has been tested in the courts, and we have not contravened it.

Mr McCartney said that it was strange that mobile phone masts were not included in the Bill, and he spoke of their dangers. Some Members must have a mental block; that matter was dealt with. Some Members said that we had an obligation to bring forward the matter; it was brought forward. The Planning (General Development) (Amendment) Order (Northern Ireland) 2002 came into force on 21 June 2002, and copies are available in the Library. Full planning permission for mobile phone masts is required. We followed the Stewart principles on precautionary measures, and Policy Planning Statement No.11 made clear our *modus operandi* in respect of telecommunication masts. Why do Members say that we have omitted to deal with mobile phone masts, when the reverse is true?

I thank Mick Murphy, a member of the Committee for the Environment, for his comments on our progressive approach to trees and other matters. There is much good in what has been said, as well as some bad. Trees should be replaced like for like. Another Member mentioned the protection of the undergrowth, the habitat of birds and wildlife, but we can protect only trees. Mr O'Neill, who is not present, asked whether a tree preservation order would continue to apply if the ownership of the land changed. If trees are removed from an area protected by a tree preservation order, the trees must be replaced, and the order still applies. The trees cannot be removed to create space for development.

Mr Mick Murphy and Mr McGrady stated that, given that third-party appeals are provided for in the Republic of Ireland, they should be included in this Bill. I am not against implementing measures because they are law in the Republic of Ireland. In fact, research issued to the Committee for the Environment about practice in the South and in Northern Ireland projects that, contrary to Mr McCartney's belief, there could be between 500 and 700 more cases a year in Northern Ireland, costing £1 million. In the South, cases are subject to an 11-month delay because of third-party appeals.

The research found that, by involving district councils, the North has a more consultative-deliberative planning

process than does the South. We are therefore not comparing like with like, and we must deal carefully with the issue of third-party appeals.

I thank Mr McCarthy for remaining in the Chamber.

**Mr Ford:** Mr McCarthy has manners, unlike some Members.

**Mr Nesbitt:** I did not catch what the leader of the Alliance Party said. However, having made a comment, does he now resile from repeating it? That is most unusual.

**A Member:** It was a complimentary comment.

**Mr Nesbitt:** If it was a compliment, I accept it, but only because a Colleague of mine on my left says so — in case it was not a compliment.

I agree with Mr McCarthy that the Committee has much work to do. We all do. I empathise with many of the Environment Committee's recommendations, and my officials and I want to work with it.

I note the extension to 17 October 2002 that Rev Dr William McCrea seeks for the deliberation of the Bill. I say yes; we have weeks in which to work together to achieve a resolution based on evidence, not emotion.

Mr McCarthy also said that the absence of third-party appeals, and the fact that objectors have no right to appeal, is unacceptable. I concur that there must be balance and that we must avoid vexatious claims from people on neighbouring properties. It is a complicated process, and that is why I wish to issue a consultative document to determine the best way forward. Mr McCarthy stated that listing powers are useless if adequate resources are not available. Again, I agree with him, and for that reason I will target enforcement for resources.

Mr Watson referred to a planning system that is biased in favour of developers. I want a system that is biased in favour of law-keepers, not lawbreakers, regardless of whether they are developers or Mr and Mrs Joe Bloggs in the country. I want the planning system to be efficient and effective for law-keepers; and, for lawbreakers, I want a service that will ensure that penalties are imposed speedily. Therefore if the planning system is biased in favour of developers, I trust that it will not be in the future. It is a simple matter of right and wrong. It is a question of having a law that reflects the Assembly's wishes and of ensuring that they are enforced rigorously.

Mr Watson stated that fines of £20,000 are not a significant or adequate deterrent and that he has seen no evidence that the new measures will work. To determine whether the new measures will work, we must implement them. It is therefore illogical for Mr Watson to claim that there is no evidence that they will work.

1.45 pm

He said in his conclusion that the Committee would be diligent. I concur that the Committee has been diligent, and I have no doubt that it will continue to be so.

Ms Jane Morrice said that Members would themselves propose amendments providing for third-party appeals if others did not. My advice is not to do that. Those points have been covered. She suggests that fines should return to the voluntary sector — that the money raised should be repackaged and passed on to that sector. That request is interesting, and the Minister of Finance and Personnel would also find it interesting.

I have already covered Ms Morrice's point where she alleged that someone had removed the line on spot-listing. I wrote "No, definitely not" in my notes. It was not taken out. I agree with Ms Morrice when she said that cramming in towns, and other such issues, must be dealt with. We do need a new culture; we need change, and we also need to know people's views. However, I was concerned when she said that she would put her trust in the Committee, because I hope that she also has some trust in me and in what I am doing. Working with the Committee, we will deal with the issue.

I have noted carefully what Mr McCartney said. Indeed, I note what all Members say, but Mr McCartney is judicious and correct in his use of words, I trust. He referred to third-party appeals, and he said that it is quite clear that, regardless of the difficulties, there is an overwhelming desire for such third-party appeals. That is a criterion alone. I have already referred to the use of the word "desire" in my answer.

**Ms Morrice:** Third-party appeal is interesting, because the Minister compared our legislation with that in the South, referring to the delays, and so forth. He said that there is more consultation in Northern Ireland than in the South. He cited the role of local government in that consultation process. Is it not true that even if an entire council opposed a development, it could still proceed? What value is the consultation process if it serves no end?

**Mr Nesbitt:** That is the position to a certain extent, but I am the Minister who is accountable for decisions. The council is consulted. De jure, I make all the 24,000 decisions that must be made in the year; de facto, I may make some decisions on significant or contentious issues.

Ms Morrice may recall that I mentioned the review of public administration. On other occasions the House has recommended that we wait for the outcome of the review of public administration, as it did in the case of the Local Government (Best Value) Bill. As a result of the review of public administration, it may be that the authority for deciding on these matters would reside with a district council or its replacement. That could be the elected body to make the decision, and, therefore, a

third party might take that decision out of its hands to a planning appeals commission. That highlights the difficult issues that we must address, assess and assimilate. As I said, we base our decisions on evidence, not emotion.

Mr McCartney also said that I said that third-party appeals would interfere with legislation. He then said that the argument that third-party appeals may interfere with legislation lacks any merit. Let me make it clear — and the record will show, as I repeat it — that when I referred to legislation, I said that the impact of legislation would be in the planning process and the operational efficiency of planning. That is the outcome of changing legislation. Of course we can change legislation, and we have the authority to do that. However, we must weigh the impact and the merit of changing the legislation. I simply point out that changing the legislation will have a significant impact on the planning process and its operational efficiency.

Rather than my argument lacking merit, it has merit. A judgement must be made. The Assembly is about balancing judgements against competing demands. Mr McCartney stated that

“in 10 cases out of 10”

the developer is given retrospective planning permission and thus builds bigger. Mr McCartney also stated that

“The Assembly must be careful in ignoring third-party appeals”.

I do not want to see that happening; the Assembly must ensure that the law is adhered to.

Mr McCartney also spoke about mobile phone masts. I cannot understand his statement that there is nothing in the Bill about masts. We have already dealt with it.

I accept Mr McCrea’s apology for his absence at the start of the debate. When I stand to speak, I check that the august Chairman of the Committee for the Environment is present, as his presence always makes the debate more interesting. I said to myself, “William is not here today”, but I am glad that he appeared later for the final analysis.

Mr McCrea said that I cannot duck the question of third-party appeals — I am not ducking the issue. I have referred to significant matters that must be addressed. I am not putting them on the long finger. Mr McCartney and Mr McCrea also said that developers seem to have priority status. I do not want that to be the case. Mr McCrea also said that the value of the ordinary citizen should not be forgotten. I agree entirely. The matter is a question of right and wrong, and of ensuring that the law is implemented — it has nothing to do with the size of the development; whether it be a small bungalow or a multifaceted development.

Mr McCrea asked whether I should meet the Secretary of State. I have had initial discussions with him. We are progressing the matter positively through the Com-

mittee’s deliberations and through my meetings with my officials. Those meetings will run parallel to discussions with the Secretary of State.

The final three words that I noted down are those of William McCrea. He said that we “need real enforcement” — I agree entirely.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Planning (Amendment) Bill (NIA 12/01) be agreed.

**Mr Deputy Speaker** The Bill now stands referred to the Committee for the Environment.



## HEALTH AND PERSONAL SOCIAL SERVICES BILL

### Consideration Stage

**Mr Deputy Speaker:** Members will have a copy of the Marshalled List of amendments, which details their order for consideration. The amendments have been grouped for debate. There are two groups of amendments, and we shall debate the amendments in each group in turn. The first debate will be on amendments No 1, No 2, No 3, No 4 and No 10, which deal with extending the Bill to include the costs relating to personal care. The second debate will be on amendments No 5, No 6, No 7, No 8 and No 9, which propose to allow the chief executive of the proposed Northern Ireland practice and education council for nursing and midwifery to sit as an ex officio member of the council. Once the initial debate on each group is completed, any subsequent amendments in the group will be moved formally as we go through the Bill, and the question will be put without further debate. The questions on stand part will be taken at appropriate points in the Bill. If that is clear, we shall proceed.

We now come to the first group of amendments for debate. With amendment No 1 it will be convenient to debate amendments No 2, No 3, No 4 and No 10.

#### *Clause 1 (Charges for nursing care)*

**Mr McCarthy:** I beg to move amendment No 1: In page 1, line 10, at end insert

‘( ) where the payments made in respect of him under paragraph (3) include any amount in respect of personal care, the amount of such payments less any amount paid in respect of such personal care;’

*The following amendments stood on the Marshalled List:*

No 2: In page 1, line 20, after “registered.” insert

‘(4B) In paragraph (4) ‘personal care’ means any services listed in Schedule 5A of the 1972 Order.’ — *[Mr McCarthy.]*

No 3: In page 1, line 20, at end insert

“( ) After Schedule 5 of the 1972 Order there shall be inserted —

‘SCHEDULE 5A ...

#### PERSONAL CARE NOT ORDINARILY CHARGED FOR

1. As regards the personal hygiene of the person cared for —
  - (a) shaving;
  - (b) cleaning teeth (whether or not they are artificial) by means of a brush or dental floss and (in the case of artificial teeth) by means of soaking;
  - (c) providing assistance in rinsing the mouth;
  - (d) keeping finger nails and toe nails trimmed;
  - (e) assisting the person with going to the toilet or with using a bedpan or other receptacle;

- (f) where the person is fitted with a catheter or stoma, providing such assistance as is requisite to ensure cleanliness and that the skin is kept in a favourable hygienic condition;
- (g) where the person is incontinent —
  - (i) the consequential making of the person's bed and consequential changing and laundering of the person's bedding and clothing; and
  - (ii) caring for the person's skin to ensure that it is not adversely affected.
2. As regards the person's eating requirements —
  - (a) assisting with the preparation of food;
  - (b) assisting in the fulfilment of special dietary needs.
3. If the person is immobile or substantially immobile, dealing with the problems of that immobility.
4. If the person requires medical treatment, assisting with medication, as for example by —
  - (a) applying creams or lotions;
  - (b) administering eye drops;
  - (c) applying dressings in cases where this can be done without the physical involvement of a registered nurse or of a medical practitioner;
  - (d) assisting with the administration of oxygen as part of a course of therapy.
5. With regard to the person's general well-being —
  - (a) assisting with getting dressed;
  - (b) assisting with surgical appliances, prosthesis and mechanical and manual equipment;
  - (c) assisting with getting up and with going to bed;
  - (d) the provision of devices to help memory and of safety devices;
  - (e) behaviour management and psychological support.”

— *[Mr McCarthy.]*

No 4: In page 2, line 3, after “36(4A)” insert

“or personal care (within the meaning given by Article 36(4B))” — *[Mr McCarthy.]*

No 10: In the long title, after “nursing” insert “and personal”. — *[Mr McCarthy.]*

**Mr McCarthy:** I begin by declaring an interest in the group of amendments as chairperson of the Assembly cross-party group on ageing and older people.

The amendments in my name will extend the Bill's provision to include free personal care as well as free nursing care. I welcome the introduction of free nursing care, but in the absence of free personal care, the Bill would be seriously flawed and would not resolve the issues at stake. My amendments seek to rectify that unsatisfactory situation and to benefit many elderly people.

I ask Members to support my amendments for various reasons. First, they enable us to right a wrong. The amendments would assist in the elimination of age

discrimination throughout Northern Ireland, ensuring that one of the most vulnerable groups in society no longer suffers in that regard. Is there anyone in the Chamber who has not spent his or her political life condemning discrimination in all its forms? If the amendments are not passed today, we will permit the injustice of age discrimination to continue, to our eternal shame.

Secondly, other devolved Administrations are addressing personal care. The Scottish Parliament will be implementing free personal care from 1 July 2002. The National Assembly for Wales expressed an aspiration to make similar provision.

Thirdly, on the 27 February 2001, the Assembly passed the following motion:

“That this Assembly notes the decision of the Scottish Parliament to provide the elderly with free nursing and personal care and calls on the Executive Committee to make similar provision for the elderly in Northern Ireland”.

The Assembly unanimously passed that motion. Would the conscience of anyone who voted for free personal care last February allow him to vote against it today? I hope not. What justification could there be for such action? Members could hardly plead ignorance of the consequences. People are not easily fooled; they would recognise the shameful political opportunism of voting for such a motion, thinking it would get no further, and then opposing the proposed legislation. Now is the time for us all to put our money where our mouths are. The present Bill, which excludes free personal care, is a result of the Executive's selective response to the motion agreed by the Assembly last year. This is not the first time that the Executive have shamefully ignored the will of the Assembly.

The origin of the debate on residential care is the report of the Royal Commission, presented to the Westminster Parliament in March 1999. Is it not disgraceful that those proposals are being only partially addressed now, more than three years later? The dual meaning of the report's title, ‘With Respect to Old Age’, acknowledges that the care system did not respect people who had become too ill to retain their independence.

Many considered the Royal Commission's report as the most accessible and well researched of its kind. The single-volume report is supported by three volumes of research, which I have in front of me. They are so heavy that I cannot lift them to show Members, which demonstrates the volume of work that went into the Royal Commission's research. One of the report's key recommendations was:

“In our judgement it is right for the state to exempt personal care from means testing altogether.”

What is the rationale for that? It is based on the grounds of equity and efficiency. However, it is important to note that neither the Royal Commission nor my amendments

envisage that the state will pay for living and housing costs. Those costs would still be met by people whose assets are above the threshold. Nevertheless, older people incur personal care costs when they can no longer be looked after at home or cannot be sent home after hospital treatment.

The need for personal care is unpredictable and no fault of those who require it. The Royal Commission argued that personal care costs should be met by the state, because they reflect what it called “the true risk and catastrophic nature of needing long-term care.” Paragraphs 6.33 and 6.34 of its report state:

“The justification for our view is based on considerations of both equity and efficiency. Whereas the state through the NHS pays for all the care needs of sufferers from, for example cancer and heart disease, people who suffer from Alzheimer's disease may get little or no help with the cost of comparable care needs. All these conditions are debilitating, but Alzheimer's disease cannot yet be cured by medical intervention. However, a mixture of all types of care, including personal care will be needed. This is directly analogous to the kind of care provided for cancer sufferers. The latter get their care free. The former have to pay.

For this reason, the distinction between the way care is offered for different diseases has no justification. The situation must be put right. The proposal to exempt personal care costs from means-testing would do that.”

2.00 pm

One consultee said that many of his contemporaries had had much NHS money spent on them over the years — on dealing with aneurysms, on heart operations, orthopaedic treatment, and so on — and have not been charged at all. Is it fair that the mentally ill are charged when someone who is physically ill is not, whatever his income?

Prof Robert Stout of Queen's University, himself a member of the Royal Commission, reminded the Health Committee that including free nursing care alone would introduce a new perverse incentive: nursing homes would be subsidised while residential homes, which do not have registered nurses on their staff, would have to charge full costs. There would be an incentive, both for individuals and trusts, to admit patients to nursing homes, even if they did not require that level of care. This is contrary to best practice, which is to provide only the level of care needed by an individual.

The Royal Commission also believes that making personal care free would enhance the dignity and security of old people and go a long way towards making the services provided for long-term care as valued and jealously guarded as those provided by the NHS. The principle of equal care for equal needs would be properly recognised for the first time. If we really meant what we said when we agreed the concept of equality enshrined in section 75 of the Northern Ireland Act 1998, we can do no less than support these amendments.

Remember, too, that today's older generation entered into a contract with the Government and built the NHS in partnership with successive Administrations. They met their responsibilities over the years — paid tax and National Insurance contributions — and, in return, were assured that when they needed it, the NHS would be there. We have often heard it said that they would be looked after from the cradle to the grave, yet they have found, when they are at their most vulnerable, that it is simply not there. Small wonder that older people's organisations and advice lines have encountered such anger and bitterness over this.

These amendments detail what personal care is, and I suspect that many Members may not realise what is excluded from nursing care. These amendments show that drawing a line between the two is artificial and unworkable and will cause further confusion, anxiety and bitterness. We need look no further than England to see what the effect has been there.

In March 2002, Paul Burstow MP, the Liberal Democrat spokesperson for older people, published evidence depicting the Government's free nursing care as a shambles. He revealed that three out of five health authorities in England had evidence that nursing homes were failing to pass on payments in the form of reductions in fees for residents, that one in five people eligible for free nursing care were still waiting for a reduction in their fees and that 5,636 people were banded without having been seen by a nurse. Furthermore, problems in administering the scheme meant that payments of up to £11.9 million were outstanding. I doubt that Members would want us to get into a similar situation in Northern Ireland.

The current method of assessing those in need of care is under review. The Department has issued a report for public consultation. I am sure that the members of the working group have worked hard to produce the assessment tool, but how satisfactory is it? Assessors have indicated that an assessment would take one to one and a half hours. There are 21 domains to be assessed. I can give an example of what some of those entail.

Category 2 measures the

"Ability to adjust emotionally, and awareness of moods and stimuli that elicit emotions. Capability of expressing desire for emotional support."

Category 3 covers

"Knowledge of abilities and constraints and ability to act accordingly in fulfilling personal goals."

Category 21 is described as the

"Care needs of relatives and carers arising from their relationship with the older person or their role as carer. Needs that are important to the maintenance of an established relationship or the transition to a new role."

Allowing an hour and a half for an assessment gives less than four minutes on average for each of the 21

domains. Two hours gives an average of five minutes for each. That does not allow for time to make three final overall assessments or to check the completed 12-page document. Surely this can only be a snapshot. I doubt that anyone here would be happy if an elderly relative had his or her needs assessed in the same way. How many would argue that its use is preferable to the introduction of free personal care that would render it obsolete?

The Committee for Health, Social Services and Public Safety has also been influenced by cost. The Executive have established an interdepartmental group to examine cost. The Health Committee's report states that

"estimates of providing free personal care are likely to be well in excess of £25 million per annum."

That was an approximate estimate by the Right to Care campaign. However, no actual figures or explanation for that statement are given.

There is no evidence that any member of the interdepartmental group gave evidence to the Health Committee. The interdepartmental group has not taken evidence from any other groups, not even from organisations such as Age Concern, Help the Aged and others working with the elderly. Although a report from the Health Committee was due this month, it has not appeared in time for debate on this Bill. That is rather strange and, perhaps, irregular. Other people and organisations have a long list of services that they want to see improved, several of which, they argue, discriminate actively against older people. They accept that delivering these improved services will take time. However, they have made the issue of personal care a priority.

I am tabling these amendments on behalf of the older members of our community. I believe passionately in the justice of this proposal, and it has been an honour for me to speak on their behalf. I commend these amendments, and I hope and ask for Members' support.

**The Chairperson of the Committee for Health, Social Services and Public Safety (Dr Hendron):** Mr McCarthy referred to the report of the Royal Commission on Long Term Care for the Elderly. I am familiar with that report. Our Committee, like others, spoke to many groups. Mr McCarthy mentioned Prof Robert Stout, a professor of geriatric medicine who was also a member of the Royal Commission. Our Committee spoke to him recently, and I have had several discussions with him.

The Committee for Health, Social Services and Public Safety took evidence from a range of organisations on the Health and Personal Social Services Bill. As the Minister will no doubt explain later, clause 1 provides for financial help for nursing care for about 2,000 people resident in nursing homes, and clause 2 establishes a new council to promote and monitor the professional development of nurses and midwives.



I thank everyone who gave evidence to the Committee. The submissions received and the opportunity to question those who appeared before the Committee gave Members a valuable insight into the views and concerns of people affected by the Bill. I have nothing but respect for the opinions of Age Concern, Help the Aged, Prof Stout and all the others concerned.

I thank the members of my Committee who worked hard on this subject. Although I am speaking as Chairperson of the Committee for Health, Social Services and Public Safety, I have been involved in primary care in west Belfast for over 35 years. I have spent a long time with the elderly and have been involved in their treatment and care. I feel as passionate as Mr McCarthy about the issues, and I congratulate him for speaking today. I respect his integrity in those matters. However, I do not support his amendments.

I am concentrating on clause 1. People who gave evidence to the Committee expressed many views on financial assistance for nursing care. They called for self-funding for residents of nursing homes and asked for the approach on personal care taken in Scotland to be adopted here. Mr McCarthy knows that the matter was debated on 27 February 2001, when the Assembly called on the Minister to fully implement the recommendations of the Royal Commission through motions tabled by himself and Mr Dodds.

This Bill has come in advance of the Assembly's and my Committee's being in a position to comment on the outcome of the interdepartmental working group on personal care — Mr McCarthy referred to it — that is to report at the end of the month. If resources were available now, the Committee would want to see free care covering the nursing and personal care needs of residents. Every Member of the Assembly — including those who are not here today — and every member of the Committee would like to see free personal care as well as free nursing care.

The interdepartmental working group has not yet reported to the Executive, and I have not been talking to the group, so I cannot speak with any authority. However, I look forward to its findings. A decision is not due until later this month, and we do not know what position the Executive will take. However, it is estimated that the cost of free personal care will be in excess of £25 million a year. That is in addition to the £9 million annual help with nursing care costs.

I have looked at the amendments proposed by Mr McCarthy. The introduction of free personal care is a commendable aspiration. The Committee and I feel as strongly about it as he does. However, Committee members wrestled long and hard with the problem of separating nursing care from personal care, and how the introduction of personal care could be taken forward. We concluded that this is not the right time to introduce free personal

care. In doing so, we obtained commitments from the Department on how financial assistance for nursing care would be implemented to help avoid the potential problems identified.

If the Committee had recommended free personal care now, the money would have had to be found from the block grant allocation: the Treasury would not have given us extra money. The Department would have had to find a time when the pressure on funding for key health priorities was not preventing many desperately needed projects from being properly funded.

2.15 pm

**Mr Ford:** My experience of primary care extends to only about half the period of Dr Hendron's, and is in social services rather than in general practice. Can he give us any information that the Committee has on the cost of administering the difference between nursing care and personal care? From my limited experience of primary care, the time spent on assessments, and on these nugatory points, is likely to be potentially the same as that spent administering the service if it were provided in full.

**Dr Hendron:** I accept what Mr Ford says, up to a point. The difference between personal care and nursing care is a major debate in itself, and much has been written about it. I assure Mr Ford that the Committee gave detailed consideration to the matter.

Only last week, the Committee heard about the difficult position faced by social workers coping with severe inadequacies in childcare services: Mr Close will appreciate that point. It is due in no small part to the lack of funding available. The absence of money to provide adequate services is causing untold damage to the children and families affected, as well as imposing immense stress on the social workers responsible for their care and protection.

Clause 1 is essentially about equity, and correcting an anomaly faced by some 2,000 self-funding residents of nursing homes. The Minister will, no doubt, refer to that problem. Those people have been put at a distinct disadvantage in comparison with the nursing care that is supplied free as a health service to people in their own homes. Mr McCarthy referred to the fact that people in residential care homes also get free care if it is supplied externally by a trust via the community nursing service.

The Committee decided that the adoption of clause 1 should be seen as a first, necessary step towards meeting basic equity of provision. That will ensure that we will be able to provide benefits similar to those already provided in England and Wales. Although it is limited in its intent, the Committee welcomed the aim of the clause.

At this point I urge a word of caution. The claims of free nursing care being held out in the Bill and the explanatory material provided by the Department must be taken with a pinch of salt. We have been told that £85



a week might be available. If that is the correct amount, it is unlikely to provide for free nursing care, and the public is in danger of being misled. That amount will only help to cover the cost of nursing care. Unless the Minister is able to provide money, the public should be told clearly in the publicity material that the money will help pay for nursing costs but will not meet all of the costs.

It is important to note that the Committee for Health, Social Services and Public Safety will reconsider free personal care and the conclusions of the Royal Commission, a subject that we have considered many times. We will be able to learn from the Executive's examination of personal care, and the experiences in Scotland, and we will be better able to gauge the benefits and costs of introducing free personal care.

Two thousand people are facing inequity in nursing care. Mr McCarthy's integrity and the aspirations of his amendments are beyond question. However, the Minister will explain that if the amendments are passed, they will pose great difficulty for the 2,000 people in nursing homes who are not getting free nursing care. That is a subject that the Committee will return to in detail in the autumn.

**Rev Robert Coulter:** I support clause 1. However, I fully appreciate the position that Mr McCarthy has adopted. I support the aims of the Bill, because we all recognise that the 2,000 residents of nursing homes that the Chairperson mentioned are currently paying the full cost, or part of the cost, of nursing home care. They should not be disadvantaged any longer: they should be treated in the same way as others who are being cared for. If that argument is looked at, then we will be able to fully support the sentiments of the clause.

All Members will want people who have served the community all their lives and who have paid National Insurance, et cetera, to be looked after fully when they need care. As Mr McCarthy said, the Royal Commission on Long Term Care recommended that personal care be provided free of charge on the basis of assessment of need. I have a difficulty with that. It is demeaning for an old person who has given his life in the service of the community to be assessed. They should be taken care of, if for no other reason than to relieve their anxiety and that of their families.

However, now is not the time to be looking for free personal care, especially since the Executive have established an interdepartmental group to examine the costs and implications of introducing free personal care here. The needs of the Health Service also suggest that now is not the proper time to look for free personal care. It would be wrong to siphon funds from services such as cancer treatment, cardiac operations and those that are aimed at reducing the waiting lists. The Assembly must await the report from the interdepartmental group on the funding of the scheme. Members will then find out where

the funds will come from, if there will be extra funding, or if the funding will be taken out of the health budget.

I have a query about free nursing care, as the Chairperson of the Health Committee did. The term "free nursing care" is misleading. Is £85 a week sufficient to meet personal care needs when in other places they are talking about amounts of £100 a week for the same purpose? Anyone who has spoken to the Health Committee or to its members individually thinks that £85 a week will not be sufficient, so it will not be free nursing care.

I appreciate the sentiment of Mr McCarthy's amendments, but this is not the time to be asking for the full costs of personal care to be met. Let us take the first step and begin the process. Let us support the Minister and the Bill, and, when we get the report from the interdepartmental group, take another step on the basis of what it says towards what we all want.

**Mr Deputy Speaker:** Before I call Mrs Courtney, I remind the House that we will break at 2.30 pm for Question Time.

**Mrs Courtney:** I commend the Bill to the Assembly. The Health Committee considered the wishes of those representing approximately 2,000 nursing home residents who pay for most of the cost of their care, and those who need care in their own homes, which involves only a small fee. This Bill will remove the anomaly whereby care is provided in nursing homes at a charge but is almost free in all other settings. It addresses financial assistance towards nursing care, but the Health Committee accepts the Bill as only a partial response to the Royal Commission on Long Term Care report.

The Royal Commission thought that personal care should be provided free from central taxation on the basis of assessment of need. The Scottish model was recommended, but the Committee took the view that that would lead to a reallocation of the block grant that would, as Mr Coulter said, have a detrimental effect on other areas such as transport, education, regional infrastructure and the health budget. The fact that the Executive have established an interdepartmental group to examine the costs and implications of introducing free personal care here, and that the group is to report its findings later this month, is very important to the Committee. In addition to that, the understanding that free personal care could cost in excess of £25 million a year meant that its introduction would be detrimental to current overall care.

The Committee was also advised that there had been widespread consultation on the nursing care assessment tool that had been piloted in seven areas across Northern Ireland and across the four health and social services boards. The pilot scheme also involved the independent sector, and the Committee agreed with the Sperrin Lakeland Health and Social Services Trust that the

nursing care assessment tool should be open, transparent and set against clear criteria.

The Committee also sought assurances that the assessment tool would cover those with Alzheimer's disease or dementia. That was an important consideration because evidence from Arthritis Care and the Alzheimer's Society suggested — and I agree — that it is often difficult, with people who require long-term care, to distinguish between personal care and nursing care, that is, care that has to be given by a registered nurse or carer. The Committee thought it positive that the chief nursing officer was awaiting the consultation and outcome of the assessment of free nursing care before passing final comment.

The appeal process was examined in great detail, and the Committee approved the fact that three weeks was the maximum time for an appeal to be determined. It was also assured that sufficient resources would be available for a smooth transition to the new nursing care arrangements and appeal review system. The Department must also monitor the entire system carefully. The Committee welcomed the establishment of the Northern Ireland Practice and Education Council for Nursing and Midwifery, which will be funded by a transfer in the Budget from the local national board to the new body.

The Bill should have been effective from April 2002, and when it did not come into effect there was grave disquiet in the entire community, including the elderly and those in need of care. The fact that up to £85 will be provided for each individual from October 2002 should go some way to alleviating anguish, but I agree with the Committee Chairperson that if the finance had been forthcoming, the Committee would have given unanimous support to nursing and personal care being provided free. However, in the event that the assurance could not be given, I support the introduction of clause 1 of the Bill, but, like others, I support Mr McCarthy's sentiments.

*(Mr Speaker in the Chair)*

**Mr J Kelly:** Go raibh maith agat, a Cheann Comhairle. I too support clause 1. I agree with the Chairperson and with Rev Robert Coulter. I would like to thank the Committee staff and the groups that submitted written and oral evidence. Mr McCarthy's amendment is visionary, and the Committee supports it. All parties support the need for free nursing care and personal care, but the finance is not available from the Executive for the Minister to introduce it. The Committee is trying to be realistic, as well as sympathetic to Mr McCarthy's amendment.

The working group on personal care has not yet reported to the Executive, and the Committee is waiting for it to come forward with its recommendations. The report of today's debate should be forwarded to that group so that it is aware of the Assembly's feelings. The Committee is aware of concerns, and it is asking for an extension to the Committee Stage of the Bill to listen, to debate and to take on board people's concerns. Although

there was genuine concern that voting against the clause or supporting the amendment would affect over 2,500 people, the Committee thinks that the Bill should proceed. The Committee will continue to lobby the Executive for the money required to introduce personal care.

**Mr Speaker:** We are coming up to Question Time. I propose, therefore, that we suspend the debate on the amendments and resume at 4.00 pm — or earlier, should Question Time finish before 4.00 pm.

*The debate stood suspended.*

2.30 pm

## Oral Answers to Questions

### FIRST MINISTER AND DEPUTY FIRST MINISTER

**Mr Speaker:** I wish to inform Members that question 3, in the name of Mr Alban Maginness, has been withdrawn and will receive a written answer. Mr Dalton is not in his place, so I call Dr Adamson.

#### Executive Meetings in July and August

2. **Dr Adamson** asked the Office of the First Minister and the Deputy First Minister to outline the number of Executive meetings planned for the months of July and August 2002. (AQO 1632/01)

**The First Minister (Mr Trimble):** The next meeting of the Executive is scheduled to take place on 27 June. *[Interruption]*.

It is likely that one meeting will be held in July, and there are no plans to hold Executive meetings during August.

**Mr Speaker:** There was a jolly intervention there, but I call on Dr Adamson to make a more considered contribution than his Colleague did.

**Dr Adamson:** Will the First Minister tell us whether the Executive have discussed the recent disgraceful attack on a Roman Catholic recruit to the PSNI?

**The First Minister :** There was no discussion in the Executive on that. However, I am sure that I speak for most, if not all, Members when I say that we completely abhor that attack and condemn those responsible.

I note that the police believe dissident Republicans to be responsible. It is unfortunate that there are so few representatives of Sinn Féin here at the moment. However, Mr Adams said some time ago that he thought that the Republican movement would treat Roman Catholic recruits to the new Police Service in the same way that it treated the RUC, and that in itself can be regarded as an incitement to attack. With regard to whoever was responsible for the assault which the Member refers to, until that statement is withdrawn or qualified by Mr Adams, he has some moral responsibility for any attack on any Catholic recruit to the Police Service.

**Mr McCarthy:** In view of the Prime Minister's recent efforts to make the business of his Executive meetings public, will the First and Deputy First Ministers follow his lead and organise a press conference after Executive meetings to let people know what they are up to?

**The First Minister:** The Prime Minister held a 75-minute press conference in Downing Street last week. However, he does not do that every week, and it does not happen after Cabinet meetings. In fact, it followed a recent controversy and the Government's realising that it faced a little credibility problem. I am sure that the Deputy First Minister will agree that we are happy, at appropriate occasions and intervals, to have such press conferences. However, the occasional press conferences that we have had after Executive meetings have not excited much attention.

**Mr C Murphy:** Go raibh maith agat, a Cheann Comhairle. Further to the First Minister's previous answer, I was standing beside Gerry Adams when he made those remarks, and he said "in the current context", which is one of peaceful opposition to the RUC.

Given Mr Trimble's seizing on remarks and how they can lead to a deterioration in the situation, has he considered the effect of his description of the Southern state, his remarks about the performance of his Executive Colleagues to his party conference and his one-sided intervention in the sectarian strife in east Belfast and other parts of Belfast? Does he consider any of those remarks helpful to the peace process and to our current difficulties with it?

**The First Minister:** I find the Member's initial comments disingenuous in the extreme. It is clear what Mr Adams said on that occasion. If Mr Adams does not support, and does not wish to be seen supporting, the violent attacks such as that which occurred in Ballymena, he should say so clearly, and the Member could do likewise. It would have been welcome if we had heard him say that he condemned the bomb attack on a Catholic recruit to the Police Service.

Why could he not say that when he was on his feet?

#### Discussions with the Prime Minister

4. **Mr J Wilson** asked the Office of the First Minister and the Deputy First Minister to detail any discussions held with the Prime Minister at the recent British-Irish Council meeting; and to make a statement.

(AQO 1635/01)

**The First Minister:** The Prime Minister, the Deputy First Minister and I participated in various discussions during the British-Irish Council summit meeting, which was held in Jersey on 14 June 2002. The main discussion in the meeting — as distinct from any in the margins — focused on the issue of the knowledge economy. Discussions were also held on the British-Irish Council programme of work and a memorandum on institutional matters that was previously submitted by the Northern Ireland Executive. The communiqué that was issued after the meeting has been placed in the Assembly Library.

The Deputy First Minister and I will make a detailed statement on the meeting to the Assembly next week.

**Mr J Wilson:** Is it not the case that, under British-Irish Council ground rules, a meeting can take place with any number of British-Irish Council members outside formal British-Irish Council sessions? If so, why has more not been done to develop a relationship with the devolved Administrations of Scotland and Wales?

**The First Minister:** I thank the Member for that question, because the first matter that he mentioned — having, or making more use of, the opportunity for bilateral and other multilateral meetings — was discussed at the plenary session in Jersey. There is a limit to the matters that all eight participating Administrations would be interested in. Indeed, during the visit that the Deputy First Minister and I made to Scotland last week to meet Jack McConnell, Jim Wallace and other members of the Scottish Executive that matter came up. We intend to follow it up in a meeting that we hope to have later this year with Rhodri Morgan and his Colleagues in Cardiff.

It has tentatively been agreed with Jack McConnell — and it will, we hope, be confirmed with the Welsh Assembly — that the three devolved Administrations should meet together perhaps twice each year to consider matters of mutual interest, and that that should be done in the British-Irish Council. One issue that we are considering, with a view to progressing it fairly quickly, is whether the three devolved Administrations want to make joint representations to the Convention on the Future of Europe, with regard to the position of regional Administrations. I believe that that could be worthwhile. We found the discussions in Edinburgh last week extremely interesting. I am sure that similar discussions that we may have in Cardiff in the autumn will be likewise.

## Review of Public Administration

5. **Ms Lewsley** asked the Office of the First Minister and the Deputy First Minister to outline the launch date and timescale for the review of public administration.

(AQO 1650/01)

**The Deputy First Minister (Mr Durkan):** The Assembly is to debate the terms of reference for the review today. If they are agreed, the review will commence immediately. The names of the panel of independent experts were announced today, and we held an initial meeting with the panel this morning. The Executive have asked for final timetable recommendations by the end of 2003, with an interim report next spring.

**Ms Lewsley:** I welcome the panel of independent experts, which includes Tom Frawley; Anne O'Keefe, who has worked with local government in the South of Ireland; James B King, who was a civil servant in the Clinton Administration; and others. However, will the

Deputy First Minister say what guidance the terms of reference will offer the review for its interim report?

**The Deputy First Minister:** The interim report will detail progress made on the review by March 2003. It will reflect the research and public consultation carried out under the review, as well as the considerations offered by the independent experts. The terms of reference are not narrowly prescriptive. They set out various characteristics that should underpin the ideal system of public administration. It will be for the review to examine those in detail and to consider which should carry more weight and how the system of public administration should be organised to best reflect those characteristics.

**Mr Beggs:** In a recent comment by the Secretary of State for Wales, he acknowledged that there had only been a reduction from 38 to 36 non-departmental public bodies in Wales since devolution.

Does the Deputy First Minister agree that a much greater potential to reduce the number of administrative bodies exists in Northern Ireland?

**The Deputy First Minister:** In the debate on 25 February, Members identified considerable potential to reduce the number of bodies and to make more sense of our structures. We must be careful about taking an "everything must go" stance. We must be discerning and discriminating on what bodies perform what role, especially on how other bodies can best supplement the work of Departments and, indeed, the Assembly.

The range of interests to be consulted in the review will take all those considerations on board. The independent panel of experts, and other independent people, will be brought on board for specific areas of work. We shall see significant changes and improvements, but I shall not set any target figure at this stage.

## Reinvestment and Reform Initiative: National Development Finance Agency

6. **Mr Gallagher** asked the Office of the First Minister and the Deputy First Minister what co-ordination is likely to take place between the Executive and the national development finance agency in the Republic of Ireland in relation to the reinvestment and reform initiative.

(AQO 1654/01)

**The First Minister:** Clear similarities exist between the approach being adopted in the Republic to drive a significant infrastructure investment programme and the initiative that we have introduced to help to address the infrastructure deficit in Northern Ireland. Both initiatives are at an early stage of development. We expect both bodies to be in contact with each other. It is right to compare notes and to co-operate where appropriate. I am sure that we shall take advantage of the appropriate channels to do that to ensure the best possible outcome.



**Mr Gallagher:** Does the First Minister accept that there has been a traditional lack of investment in border areas in important services such as roads, schools and hospitals? Does he recognise that, if the two Governments work together, this package has the potential to make up for some of that lack of investment in the counties of Fermanagh, Tyrone, Monaghan and Cavan? Will he assure the House that that will be given immediate attention?

**The First Minister:** The entire purpose of the initiative is to address the infrastructure deficit, although one can argue about particular services and particular matters. However, I stress that the question of what projects should be undertaken, whether in Fermanagh or elsewhere, is a ministerial matter. They are policy issues. The strategic investment body will be more concerned with the finance to deliver those projects. It will be for Ministers to consider the priorities and particular projects. Of course, matters that involve cross-border links, such as those that the Member mentioned, will be discussed and pursued at North/South Ministerial Council meetings.

**Sir John Gorman:** I am grateful to the First Minister for giving details of the reinvestment and reform initiative. What progress is the project board making in mapping out the way ahead?

**The First Minister:** I am happy to tell the Member that significant progress has been made. The project board's first meeting, at which members agreed the terms of reference, was held on 11 June 2002. Further meetings will take place tomorrow and on Friday of this week in order to gather information and agree a work programme for the coming months.

The board's primary function will be to advise on the role, remit and status of the strategic investment body in order to prepare the way for legislation, which we hope to introduce later this year. That body will be crucial to carrying out the Executive's plans, so we are glad that all four parties in the Administration are represented in the strategic investment body. In that respect, the DUP has taken a small step towards full involvement in every aspect of the institution.

### **Executive Calendar – September 2002 to March 2003**

7. **Mr Gibson** asked the Office of the First Minister and the Deputy First Minister to outline the Executive's proposed calendar for September 2002 to March 2003.

(AQO 1627/01)

**The Deputy First Minister:** The Executive's primary focus for the period in question will be to develop and agree the Programme for Government and Budget for 2003-04 in the context of the spending review. The position report on developing the Programme for Government and Budget, which we presented on 5 June 2002, sets out a detailed timescale for that work. Until the end of August, we shall be consulting Assembly Committees, the Civic Forum and others on the proposals contained in that report.

The contributions that we receive will help to shape the draft Programme for Government and the draft Budget, which will be brought to the Assembly in September 2002.

2.45 pm

After consultation, we hope to present the final Programme for Government and Budget to the Assembly for endorsement in mid-December.

Furthermore, during the period in question we shall maintain focus on the delivery of actions and targets contained in the Programme for Government for the current financial year. Where legislation is necessary for the actions set out in the Programme, or in departmental public service agreements, it will be taken through the Assembly in the normal way. We shall continue to progress the legislative programme that is building up in the Assembly as well as taking forward the reinvestment and reform initiative and keeping in touch with the review of public administration.

**Mr Gibson:** I thank the Minister for his very long and detailed reply. In view of last week's presentation to the House of Lords, do the First Minister and the Deputy First Minister expect another Blair prop for the Belfast Agreement or have they booked the Long Gallery for a departure meeting? Will they advise us how they intend to proceed with further props to the agreement or are they prepared to join the DUP, the party that has been right all along?

**Mr Speaker:** I am not at all sure that the matter is not in any case sub judice, but it certainly seems to me that it is not really a supplementary question.

**Mr Byrne:** I acknowledge the Minister's earlier answer. Will he outline how much progress will be made in the time mentioned on the needs and effectiveness review?

**The Deputy First Minister:** Comprehensive needs and effectiveness evaluations are being carried out in six key spending areas — health and social care, education, training and vocational education, financial assistance to industry, housing, and culture, arts and leisure. Work on each study will be discussed by the Executive in the weeks to come. The studies are expected to give a better understanding of the needs facing each programme and the effectiveness of the use of resources in each area. The studies will help to inform the work that will take place over the coming months to review and roll forward our Programme for Government and to develop our future Budget proposals.

### **Community Interface Tensions**

8. **Mr Attwood** asked the Office of the First Minister and the Deputy First Minister to make a statement on the management of tensions at community interfaces.

(AQO 1652/01)

**The First Minister:** We condemn the recent violence at several interface areas in Belfast. Everyone must support the police in their efforts to maintain law and order, as well as stepping up our own efforts to deal with the underlying causes of sectarianism.

The Community Relations Council is working in partnership with local people and community workers at several interface areas. The council supports local mobile phone networks, mediation, and community dialogue initiatives. It also works directly with district councils and local political representatives to establish local community forums and networks that identify and address the concerns and needs of both communities. Many of the organisations that are core-funded by the council, for example the Mediation Network and Counteract, the trades union anti-intimidation unit, play a key role in defusing sectarian tension and in opening lines of communication between the communities.

The key to managing tensions at interface areas is dialogue, and we stand ready to support any local initiative aimed at developing and maintaining dialogue.

**Mr Attwood:** I thank the First Minister for his answer, and I concur that it is important to support the Police Service of Northern Ireland where it is pursuing a protection and prosecution policy — the protection of vulnerable communities and the prosecution of those who direct, or are involved in, threatened terror.

I ask the First Minister whether there are any proposals from the Office of the First Minister and the Deputy First Minister that might ease community and interface tensions? In particular, are there any proposals to divert young people away from points of conflict and towards more creative activities during the summer months?

**The First Minister:** I very much appreciate the Member's point, particularly with regard to providing activities for young people during the summer months. The current tensions are not totally divorced from the fact that the nights are brighter for longer and that young people are not at school. Consequently, there is a danger of their being drawn into violent activity.

In conjunction with the work of the North Belfast Community Action Project, we are considering a summer interface programme in north Belfast that would help organisations, from both communities, to provide services and programmes that would include diversionary activities for young people. The programme will cost about £250,000, and we are considering whether such funding will be available. Ideas are being developed through consultation with community groups, and, to avoid duplication, we are liaising with other Departments and agencies about similar schemes. Through the programme, we hope to promote working partnerships both in and across communities. It is to be hoped that the programme will tie in with, and perhaps encourage, other partnership projects at interface areas in north Belfast.

**Mr McClarty:** I apologise to the House for my earlier musical intervention.

Do the increased outbreaks of violence at interface areas make a compelling case for community relations policy to focus on those areas where action is most urgently required?

**The First Minister:** The project that I mentioned in reply to Mr Attwood is an example of the policies to which Mr McClarty referred and is a result of the work that we have encouraged through the North Belfast Community Action Project. Consequently, I am sympathetic to the Member's assertion that we should focus as much as possible on the areas where the need is greatest. That should mean a focusing of community relations policy to improve the situation in areas where conflict is most apparent. That is an aim that we shall bear in mind as we continue with the review of community relations policy.

**Mr Boyd:** Will the First Minister and the Deputy First Minister condemn the sectarian attacks orchestrated by the Provisional IRA on the Orange Order last Friday night in north Belfast, and, in the light of such attacks, will they outline what action they will take against the Provisional IRA?

**The First Minister:** The question of dealing with an attack from any source is a matter for the police, and we shall continue to support the police and to facilitate them where we can. The Administration has facilitated police action on matters such as that which Mr Boyd mentioned by encouraging the provision of CCTV at flashpoint areas. That is an important element of police strategy. I am especially disappointed by weekend events because, until then, we had had several violence-free days in Belfast. Whether what happened was spontaneous or whether it was part of a plan to destabilise the situation, I cannot say. However, we shall do what we can to support the police and to fashion appropriate initiatives to alleviate the problem.

## Sectarian Violence in Belfast

9. **Mr Foster** asked the Office of the First Minister and the Deputy First Minister, pursuant to AQO 1551/01, whether the Executive have discussed the recent sectarian violence in areas of Belfast. (AQO 1637/01)

**The Deputy First Minister:** We condemn the recent violence in areas of Belfast, which has brought fear, suffering and hurt to local communities. The Executive have not discussed the recent sectarian violence, but we stand ready to support any local initiative that is aimed at allowing local communities to resolve their differences peacefully. As in north Belfast, the solution will be found only in dialogue. Together with the Community Relations Council, the Office of the First Minister and the Deputy First Minister has provided support for several groups and projects, which I itemised in answer

to a question two weeks ago. That support is aimed at improving community relations. We must encourage the police to take effective measures to maintain law and order and to provide protection to people who are under threat and attack. Moreover, we must support the police in their efforts. We must increase our efforts to address the underlying causes of sectarianism.

**Mr Foster:** Sectarian violence is a sensitive issue that must be dealt with carefully.

Does the Deputy First Minister share my welcome of the Loyalist Commission's recent statement, which, as well as committing Loyalists to a no-first-strike policy, also calls for measures along interface areas to encourage community contact to be conducted in an open and honest manner, thus demonstrating an effective way to prevent problems arising?

**The Deputy First Minister:** I want to see any positive developments in interface areas that will allow people who face difficulties, threats and attacks to mitigate such threats. Therefore any schemes that can be developed at interface areas to nip difficulties in the bud and to put the lid on situations are welcome, and I encourage such initiatives.

The Loyalist Commission's statement also mentioned reaffirming a no-first-strike policy. I have been talking to many people who did not see any evidence of the Loyalist no-first-strike policy in the first instance, so many will be rightly forgiven for being sceptical about aspects of that statement. Nevertheless, I know that positive efforts went in to securing that statement, and we must judge its value on the consequences, such as evidence of any improvements on the ground.

**Mr O'Connor:** The Deputy First Minister referred to the Loyalist Commission's statement and the work that was done to achieve it. In the light of the police in Larne recently stating that the UDA was behind a concerted attempt to drive Catholics out of the town, does he not agree that for many people in areas such as Larne that statement has a hollow ring?

**The Deputy First Minister:** As my previous remarks suggested, I recognise that many people will have a sceptical and cynical interpretation of the Loyalist Commission's statement. People will judge the significance of that statement on the circumstances as they affect them.

As the Member knows, I was in Larne recently and met people who have been threatened and attacked. Those people articulated graphically the impact of what the Police Service of Northern Ireland recently described as clearly blatant, one-sided sectarian activity that is unprovoked. Therefore there can be no pretence or fudge about the sort of difficulties that Catholics in Larne face. I hope that those who are involved in those attacks will move away from that sort of activity. If the Loyalist

Commission's statement means anything, I hope to see evidence of that in places such as Larne.

I also note some of the asides from other Members about the situation in the Fountain estate. I have categorically condemned and denounced the attacks on people in that area, both in my capacity as MLA and in my other capacities.

**Mr Shannon:** Does the Office of the First Minister and the Deputy First Minister agree that the recent sectarian violence in many areas of Belfast is the result of militant Republicanism stirring tension? For example, five Protestants were shot in Belfast recently. Does the Deputy First Minister agree that that is a breach of the ceasefire? What action will he take? Will he also explain why, after a financial commitment was given for improvements to the infrastructures in other parts of Belfast, there were long delays in the implementation?

**Mr Speaker:** When Ministers are asked questions, those questions should be on areas for which Ministers are responsible; the first part of the Member's question is outside the Minister's responsibility.

**The Deputy First Minister:** Sectarian violence in Belfast rightly raises many emotions. There have been many allegations about who was involved in orchestrating what. I categorically condemn any act of any paramilitary, without having to equivocate about the actions of other paramilitaries. Therefore where violence was used and Protestants shot, I categorically condemn the use of arms by any paramilitary group, be they authorised, unauthorised, or whether its members were involved.

3.00 pm

Equally, I categorically condemn the sustained and orchestrated attempt by Loyalist paramilitaries to put Nationalists under systematic and serialised attack in a number of locations, not least in Short Strand.

**Mr Speaker:** We have come to the end of the time for questions to the Office of the First Minister and the Deputy First Minister. The Ministers should give their responses in writing to any questions that were not taken.

## CULTURE, ARTS AND LEISURE

**Mr Speaker:** Question 3, standing in the name of Mrs Courtney, has been transferred to the Minister of the Environment and will receive a written answer.

### Review of Regional Museums

1. **Mr McGrady** asked the Minister of Culture, Arts and Leisure, pursuant to AQO 1055/01, when the response to the review of regional museums will be published.  
(AQO 1639/01)



**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** My Department has completed the first draft of a response to the review, which is with the Department of the Environment and key stakeholders and will require some discussion before it is published for consultation. I estimate that publication will take place in early autumn.

*(Mr Deputy Speaker [Mr J Wilson] in the Chair)*

**Mr McGrady:** I thank the Minister for his somewhat disappointing reply. I say that because the original review was published in the spring of 2001, and there does not seem to have been any movement since then. The Minister must be aware of the urgency of filling that gap in policy so that the people involved can plan for the financial future of regional and other museums.

I assume that the Department of Culture, Arts and Leisure will take the lead in developing culture and art, including — to use the coined phrase — cultural tourism, which has yet to be properly defined.

**Mr McGimpsey:** I share Mr McGrady's disappointment that it has taken longer than anticipated to deal with the matter. The review is with the Department of the Environment for response. This is a joint exercise between that Department and mine. The Department of the Environment is responsible for heritage. Other major stakeholders are involved, such as heritage lottery funders and Environment and Heritage Service. The matter raises major strategic issues. There are 400 local museum and heritage sites in Northern Ireland. The question is how we proceed strategically and how we advance the sector.

The Department is almost at the end of the review process, and I anticipate that it will be completed in early autumn. We will then have a consultation period of 12 weeks, and an implementation plan will be put in place. It is important that we are

"Supporting, promoting and encouraging the development of a confident, creative and vibrant local museum and heritage sector."

There are a large number of sites, and this is an important issue. We want to get things right, so that we do not have to return to this matter in a few years' time. We must cover all the bases. We want to define cultural tourism and visitor amenities, as those aspects have not been completely and satisfactorily addressed. We are now near the end of the process, and when the implementation plan is in place, I hope that Colleagues will feel that it has been worth the wait.

### Protection of Historic Buildings

2. **Dr Adamson** asked the Minister of Culture, Arts and Leisure what channels exist for liaison between his Department and Environment and Heritage Service to protect our historic buildings. (AQO 1631/01)

**Mr McGimpsey:** The primary responsibility for the protection of historic buildings rests with the Department of the Environment. However, where an area overlaps with my Department's responsibilities, there is a need for joined-up government to ensure coherence and promote synergy. The two Departments communicate with each other on matters of common concern, for example, and most notably, on the European Capital of Culture bid, the local museums and heritage review and inland waterways.

**Dr Adamson:** The Minister will be aware of the threat posed to many historic buildings by speculative developers, particularly in the north of County Down, including east Belfast. What steps might he take to help to protect this built heritage and, specifically, to avert the disastrous proposal to build a block of apartments at the very gates of Stormont itself?

**Mr McGimpsey:** The proposed development at the gates of Stormont is a matter for the Department of the Environment. That Department would not normally consult the Department of Culture, Arts and Leisure on its statutory responsibilities unless we had a particular interest. With regard to north Down and east Belfast, the Department has some influence. For example, in the Titanic Quarter, a great deal of the industrial landscape has been lost, but the major sites, such as the Thompson dry dock and the Harland & Wolff drawing office, have been retained. My Department has an interest in that and would expect to be consulted on development there. The main part of the question should properly be addressed to the Minister of the Environment.

### Omagh: Cultural Centre

4. **Mr Gibson** asked the Minister of Culture, Arts and Leisure what plans he has to encourage Omagh to become an arts and culture centre for the west.

(AQO 1628/01)

**Mr McGimpsey:** The development of Omagh as an arts and cultural centre for the west is primarily a matter for Omagh District Council in conjunction, as appropriate, with neighbouring district councils. However, my Department is working with district councils through the cultural forum to develop local cultural strategies. Furthermore, the Ulster American Folk Park is a fundamental element of the cultural infrastructure in the west, and the development of the arts centre, for which £4 million has been allocated by the Arts Council, will create a new strategic focal point for the region.

**Mr Gibson:** I thank the Minister for the details in his reply. As the proposed new arts centre reaches the stage where it can be described as a contractual project, £1 million is still outstanding. Can the Minister ensure that that money is found? It will make the project successful, viable and sustainable and ensure that Omagh is a proper arts and cultural centre for the west of the Province.



**Mr McGimpsey:** The Department of Culture, Arts and Leisure supports the arts centre fully. The Arts Council set aside £4 million in 1999. That represented 50% of the dedicated arts content of the arts centre. I understand that the council needs a further £6.1 million for the partnership funding and that it is looking to sources such as the Department for Social Development and the Irish Government. The Department of Culture, Arts and Leisure will give as much support as it can, but £4 million for the arts is as much as our resources allow. We are prepared to give whatever other support we can because the arts centre in Omagh is crucial, not least because of the vision for regeneration and the Omagh 2010 strategy.

**Mr Byrne:** I welcome the Minister's support for the Omagh arts project. Will his Department work with the Department for Social Development and Omagh District Council to realise the project as soon as possible?

**Mr McGimpsey:** The Department of Culture, Arts and Leisure is working with all 26 councils, through the cultural forum, to develop local cultural strategies in each area and to ensure that local authorities dovetail with each other and with Departments. We will give all possible support to Omagh District Council as it pursues partnership funding through, for example, the Department for Social Development.

**Mr Hussey:** I welcome the detail of the Minister's original answer. Mr Gibson identified the serious problem of several Departments' involvement in the arts centre project and other proposals by the Strategy 2010 group in Omagh. Quite often, the total can be greater than the individual parts. If the programme were developed as a single scheme, its sum would be greater than the individual parts applied. Could the Department of Culture, Arts and Leisure co-ordinate a cross-cutting bid to the Executive programme fund, which is intended to attract such bids?

**Mr McGimpsey:** The Department for Social Development is already bidding for Executive programme funds for the Omagh riverside regeneration project. That Department is alive to the challenges in Omagh, and it appears to be making progress. We will give that Department and any other potential partner funders all the support that we can.

As regards the arts centre, my Department is prepared to fund 50% of the arts element by providing some £4 million. That money was set aside in 1999, and Omagh District Council has yet to take it up. In that respect, the Department is doing its share.

**Mr Deputy Speaker:** I do not see Ms Armitage in the Chamber.

### **Library Services for Partially Sighted and Blind People**

6. **Mr Armstrong** asked the Minister of Culture, Arts and Leisure to outline his policy on the provision of library services for blind and partially sighted persons.  
(AQO 1640/01)

**Mr McGimpsey:** As set out in my Department's corporate strategy, our aim is to ensure the widest possible access to all culture, arts and leisure activities, including public library services. In recognition of their obligations under section 75 of the Northern Ireland Act 1998 and the Disability Discrimination Act 1995, the education and library boards are committed to ensuring that blind and partially sighted people are afforded the same opportunity of access and quality of facilities and services as other members of the community.

**Mr Armstrong:** What are the Minister's plans to increase libraries' provision of books in a suitable format for the visually impaired? Will he recognise that need in an official mission statement to direct the overall provision of library services?

**Mr McGimpsey:** The library service already makes provision, including magnifiers and a talking books service, for partially sighted and blind people. The electronic libraries for Northern Ireland (ELFNI) project, which is being introduced at all libraries, will ensure the provision of adaptive technology to support the service. It is expected that that will be completed by July 2003, and 13 large libraries have already gone live. In addition, we have 110 specifically trained staff to support partially sighted and blind users, and more training is planned.

The ELFNI project will greatly reinforce current provision. For example, it provides adaptive technology such as large keyboards, tracker balls, touch screen monitors, and speech and magnification software. It also provides Braille readers, embossers and translation software.

3.15 pm

It seems that we are already doing much. We will by no means be complacent; much more can be done. This shows that the library service is facing up to the access rights of those who are blind and partially sighted.

**Mr Dallat:** I thank the Minister for a comprehensive and positive answer. What has been done to ensure that as many blind or partially sighted people as possible are aware of the new enhanced library service? What use has been made of information and communication technology (ICT) to achieve that?

**Mr McGimpsey:** ICT has been used primarily in the electronic libraries for Northern Ireland (ELFNI) project, which aims to put computer technology into every library. That project is under way.

With regard to the dissemination of information, the library service has an information service, and libraries are being developed as information hubs for the future. We are examining how they provide that information. I am unclear what percentage of people would regard themselves as not having this information, but I imagine that it would be reasonably small.

Libraries are not simply static buildings, and there are several mobile libraries in the service. Those mobile libraries take the service to users, and they visit about 670 nursing and residential homes throughout Northern Ireland. The mobile service is in need of serious reinvestment. Only one third of the mobile libraries have wheelchair access, and none have adaptive or new technologies. The Department is bidding to replace approximately two thirds of those mobiles. That would help not only the blind and partially sighted but also other sections of society who have access barriers to static libraries.

**Mr Shannon:** Why has the Department of Culture, Arts and Leisure been instrumental in providing £400,000 of software to libraries that now lies unused, primarily because staff are not being trained to use it? What steps will the Minister take to train staff, and when will the software be available to blind and partially sighted people?

**Mr McGimpsey:** As far I am aware, the information that I have already given to Mr Armstrong answers that question. The ELFNI project aims to put computer technology into every library in Northern Ireland. That will be completed by July 2003. Each of those computer suites will have adaptive technologies. There are already 110 trained staff in the service. Further training is planned, which will roll out until 2003. That is by no means the end of the process; training will continue to be provided.

I am not aware of the £400,000 of software that Mr Shannon mentioned. If the Member would like to write to me about it, I will ask the question and get him the answer. Through the ELFNI project, some £35 million of new technologies and software will be placed in libraries. That is the main focus of libraries and the library service as far as computerisation, new technologies and adaptive technologies are concerned.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. Will the Minister detail the plans that he or the Department have, in the spirit of social inclusion, to consult proactively with blind and partially sighted people to determine their needs in relation to the library service?

**Mr McGimpsey:** The library service does that regularly, and the Department of Culture, Arts and Leisure responds to consultation and questions. A major strategic review of the library service is under way, and that will look at services provided for members of society who suffer disabilities, including those who are partially sighted or blind. That process will do a great deal to address concerns and determine needs, and it will set out how we address those needs.

**Mr Deputy Speaker:** As there are no further questions to the Minister of Culture, Arts and Leisure, the sitting will be suspended until 3.30 pm.

*The sitting was suspended at 3.21 pm.*

*On resuming (Mr Deputy Speaker[Mr J Wilson] in the Chair)*

3.30 pm

## AGRICULTURE AND RURAL DEVELOPMENT

**Mr Deputy Speaker:** Question 9, in the name of Mr Kane, has been withdrawn and will receive a written reply.

### UFU Report

1. **Mrs Courtney** asked the Minister of Agriculture and Rural Development, in the light of the recent Ulster Farmers' Union report 'Stress in Ulster Farmers' highlighting "suicide" as a particular hazard to those farmers working in relative isolation, what plans she has to ensure that this particular problem will be given an added urgency to prevent such tragedies occurring.

(AQO 1644/01)

5. **Mr Armstrong** asked the Minister of Agriculture and Rural Development what steps she is taking to alleviate pressures upon members of the farming industry, particularly in the light of the Ulster Farmers' Union report, 'Stress in Ulster Farmers'.

(AQO 1642/01)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** Mr Deputy Speaker, with your permission I will take questions 1 and 5 together. I am well aware of the problem of stress in rural areas. In response to my concern about that problem, I allocated funds during November 2000 to establish a rural stress fund. Various projects have been implemented with local groups under that fund, including the establishment of the rural support line — a listening and signposting helpline for the farming and rural community — and events and courses to make farm families and those closely associated with them more aware of the problems of stress and how to address them.

Building on that work, the rural support organisation has been established to give a strategic framework of support to future developments. Initial funding is being provided jointly by the Department of Health, Social Services and Public Safety and the Department of Agriculture and Rural Development. The Queen's University report on stress and hopelessness in Northern Ireland adds to the body of information on the well-being of farm families.

The Department of Agriculture and Rural Development recently completed a major social survey of farm families, part of which examines health and safety issues. That survey is due for publication over the summer. I will carefully consider the results from both studies to

better focus resources on areas of greatest need in the rural community.

**Mrs Courtney:** I thank the Minister for her comprehensive response. I was aware of the establishment of the rural stress fund, but will the Minister tell the House how that fund has benefited the rural community?

**Ms Rodgers:** The rural stress fund has provided information, guidance and counselling for farmers and farm families who experience high levels of stress arising from the financial difficulties that farmers encounter. A video, 'Change for the Better' has been produced to show how some farm families are addressing the changes they face. A signposting and help service was provided by Family Farm Development prior to the establishment of the rural support organisation, and local groups have also been funded to carry out projects that aim to address and reduce stress in farming families.

A rural support line was launched on 17 March 2001 in response to the foot-and-mouth disease outbreak. The establishment of a rural stress web site and an information directory during 2001, and a rural stress conference during March 2002, also took place with Armagh and Dungannon Health Action Zone.

**Mr Armstrong:** The Minister is aware of the stress that farmers are under, but apart from the Department's rural stress fund, does she agree that there has been a distinct absence of rural proofing in key Executive decisions, particularly with regard to the centralisation of hospitals, schools and agriculture colleges away from rural areas? Does the Minister agree that this report serves only to highlight the sense of isolation and hopelessness felt in rural communities?

**Ms Rodgers:** The Member's question does not relate to rural stress, and I am surprised that Mr Armstrong is talking about taking colleges away from rural areas. I am not aware of any proposal to do that, though I am aware of a report that makes recommendations.

### Departmental Costs

**Mr J Kelly:** Ceist uimhir a dó.

2. **Mr J Kelly** asked the Minister of Agriculture and Rural Development to outline (a) the cost of running her Department for 2001-02; (b) the costs of administration per farm; and (c) the number of staff employed in her Department. (AQO 1659/01)

**Ms Rodgers:** Ar mhaith leis an Chomhalta go dtabharfaínn freagra air i nGaedhilg? I just wondered whether the Member wanted the answer in Irish. OK, I will answer in English, then.

The central corporate administration cost of the Department in 2001-02 was £27.6 million. In the June 2001 census, 29,818 active farms were recorded for Northern Ireland.

Therefore the central administration cost of £27.6 million equates to an average cost of £926 a farm. The average number of staff employed by the Department in 2001-02 was 3,621. Some 2,966 of those were non-industrial staff, and 655 were industrial staff.

**Mr J Kelly:** A LeasCheann Comhairle, I hope that the Minister does not mind Members using whatever Irish they have to preface their questions.

Recent Agriculture Committee papers stated that the departmental running costs were £116 million, and given that there are about 2,900 farms, that equates to £4,000 a farm. With farm incomes averaging £1,700 a year and declining, how can the Minister justify such high departmental running costs?

**Ms Rodgers:** It was unclear from the question what costs were being sought. I quoted the administration costs of the Department, but the departmental running costs amount to £101.5 million. That figure relates to all the Department's advisory services to the farming community and also veterinary services, which are expensive because of the salary costs of many high-level professional staff. The £27.6 million relates to the administration of the Department. They are costs incurred by the Department for policy development, personnel, the finance office, estate management, co-ordination and so forth.

**Mr Deputy Speaker:** The Minister was clearly having some difficulty in hearing the question — as was I. There was some chit-chat in the Chamber when the question was asked. That has now subsided, and I hope that it remains that way.

**Mr Kane:** Has the Minister considered restricting imports of animals from the mainland to one port in order to improve security, in view of foot-and-mouth disease and reduced staffing costs?

**Ms Rodgers:** We are dealing with the question on departmental running costs.

**Mr Deputy Speaker:** I did not think that the supplementary question was in relation to question 2.

**Mr Savage:** The Minister answered my question in her reply to John Kelly.

### LEADER+ and the Rural Development Programme

3. **Mr M Murphy** asked the Minister of Agriculture and Rural Development to outline (a) the number of jobs created by (i) LEADER+ and (ii) the rural development programme during the last year of funding; and (b) the respective budgets for each of the programmes.

(AQO 1649/01)

**Ms Rodgers:** In their last year of funding, January to December 2001, the LEADER II programme created approximately 145 full-time job equivalents, and the



rural development programme, including LEADER II, created approximately 256 full-time job equivalents. The total budget for the LEADER II programme for 1994 to 1999 was approximately £13 million. The total budget for the rural development programme for 1994 to 1999, including LEADER II, was £46.5 million. Although applications to both programmes closed in December 1999, spend was allowed until December 2001.

**Mr M Murphy:** Does the Minister agree that the creation of 145 and 256 jobs under the rural development programme, with a total budget of £46 million, does not represent value for money? Does she also agree that the money could have been better spent in helping hard-pressed farmers?

**Ms Rodgers:** Although this would represent value for money, the rural development programme also has a socio-economic dimension. It is not simply about pure economics. The cost of the programme includes the important capacity-building work of the Rural Development Council and the rural community network. Although the Northern Ireland Audit Office report on the rural development programme stated that not every aspect of the programme represented good value for money, it recognised its positive impact in creating and safeguarding employment in rural areas.

The report also noted the high level and value of voluntary and community input to local projects, and I place a high value on those aspects of the programmes. It is too simplistic to divide the total programme costs by a number of jobs and conclude that that arbitrary figure represents the cost per job. There is more to rural development than pure economics — it also has an important social aspect.

**Mr Dallat:** I thank the Minister for her answer, and I congratulate her and her Department on their efforts to preserve rural communities and to ensure that real regeneration takes place. Will she go further and explain how the programme is addressing rural disadvantage?

**Ms Rodgers:** I thank Mr Dallat for his remarks. The programme is addressing rural disadvantage by concentrating on building capacity and helping rural communities that require regeneration — particularly looking at deprived areas and sectors, such as young people, the long-term unemployed and farm families, to help them to regenerate themselves economically. My advisory staff throughout the North are working with community groups and all those sectors to ensure that they get access to and build up viable projects. They will ensure that they can get the help available through LEADER II or the rural development programme, so that all possible help is given to rural communities, farming families and other rural dwellers to build a strong rural economy. That will ensure that people will be able to make a livelihood in their own areas and will not be forced to move into towns or away altogether.

## Farmers' Incomes

4. **Mr Gibson** asked the Minister of Agriculture and Rural Development what measures she is implementing to raise farmers' incomes to 1996 levels. (AQO 1629/01)

**Ms Rodgers:** A large part of the rise in income in the years up to 1996 was due to a weakening of sterling and a strengthening of international commodity markets. Currency and market movements in the opposite direction have caused most of the fall since 1996, with the BSE crisis adding to the downturn.

Controlling the ebb and flow of national and international markets and economies is beyond the control of any Government — much less any regional Administration — and to attempt to do so would be pointless. Ultimately, the only factor that we can control is how we respond to such external influences, and it is there that we must direct our efforts and resources. The vision project was initiated with that in mind, and that offers the best chance we have of meeting the challenges and grasping the opportunities that lie ahead. We will underpin our future through ability and raise the prosperity of the agrifood industry and rural economy.

**Mr Gibson:** I thank the Minister for her answer to that question and, particularly, for her answers to questions 1 and 5. I remind the Minister that most farmers in West Tyrone have been struggling financially for some years. The inclement weather over the past six weeks has left many in a state of almost catastrophic peril; therefore is the Minister considering any inclement weather aid package that could assist the farming community at this time of almost desperation?

**Ms Rodgers:** I am aware of the problems being caused by the current unseasonal weather. I raised that with the Secretary of State for Environment, Food and Rural Affairs, Mrs Beckett, at the ministerial meeting in London last week and said that if things get worse, if that is possible, I would like to see weather aid being applied for in Europe.

I have asked for that to be kept under consideration. In the meantime, I have asked my officials to give advice to farmers on how to cope with the severe situation. That has all been published in the papers, and I ask farmers to take that advice and contact local advisers.

3.45 pm

One hopes that because it is early in the season and if the forecast that I listened to carefully this morning is to be believed — the weather is supposed to improve before the weekend — all is not lost. A dry spell would mean that the hay could be saved and the situation would improve. However, I am doing all that I can to give advice to farmers, and, as I have said, I have asked the UK Minister to consider seeking weather aid from Europe if the situation deteriorates too much.



**Mr Bradley:** I hope that that bright note from the Minister on the forecast comes true. As other Members have said, the climate has never been worse in living memory.

Will the Minister say what steps are being taken to ensure that farmers receive their subsidy payments in time? Cash flow remains important to them.

**Ms Rodgers:** The Department has a good track record for making subsidy payments on time. Advance and balance payments for the 2001 scheme year have been completed within the time limit set by the EU. The vast majority issued within the challenging targets published by the Department in October 2001. More than 99% of beef special premium payments and 98% of slaughter premium balances have been completed. The majority of extensification payments and suckler cow premiums will be paid by the end of the month.

The Department will strive to build on the experiences of this year to achieve a high level of performance for 2002. Free details of the timetable for 2002-03 will be published around September 2002. When I talk about 98% or 99%, the Member will appreciate that there are always a few cases in which queries cause payments to be delayed.

**Mr Hamilton:** The Minister will be aware that the average farm income is still only about £7,000 per annum. Will she progress the farmers' early retirement and loan scheme, which was first proposed in the House by my Colleague Mr Savage in December 2000? It is the only means of restructuring the agriculture sector in an ordered way and without any further suffering.

**Ms Rodgers:** I previously said to the House that I have an open mind on early retirement and new entrants. The vision report did not recommend an early retirement scheme, though it did recommend new entrants. I have commissioned research from University College, Dublin, and Queen's University on the effectiveness and feasibility of either of those schemes. I expect to have the results of that research by the end of July, and I will be able to make a decision then.

However, if early retirement is a good way of achieving necessary restructuring in farming, and if that emerges from the research, I will consider it carefully. Of course, I will also have to get the necessary funding. When I have the facts on which to make a decision in the best interests of the industry, I will make it, and I hope that I will have made it when I announce my action plan in the autumn.

### Agrimonetary Compensation

6. **Mr McHugh** asked the Minister of Agriculture and Rural Development what steps she has taken to ensure regional status regarding agrimonetary compensation.  
(AQO 1648/01)

7. **Mr McGrady** asked the Minister of Agriculture and Rural Development what steps she has taken to obtain outstanding agrimonetary compensation for farmers in Northern Ireland.  
(AQO 1638/01)

**Ms Rodgers:** With your permission, Mr Deputy Speaker, I shall take questions 6 and 7 together.

Under EU regulations, decisions on the payment of optional agrimonetary compensation could be taken only at member state level. There was no discretion for regions in member states to make compensation payments unilaterally that were not available throughout the member state. The agrimonetary compensation mechanism expired at the end of December 2001. The recent debate on the availability of agrimonetary compensation to the livestock sector related to the second and third tranches of compensation, which had originally been triggered in earlier years.

In line with my consistent approach on that issue, I, together with my ministerial counterparts in Wales and Scotland, pressed the Secretary of State for Environment, Food and Rural Affairs to seek Treasury agreement to avail ourselves of that compensation. I pointed out the difficulties that the industry continues to face, especially in the dairy sector. Mrs Beckett recognised those difficulties, but refused our request because of other competing demands on the UK public purse. That disappointing decision on the residual elements of agrimonetary compensation also means that the system has come to a complete end.

**Mr McHugh:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for pressing Mrs Beckett on that issue. Has Minister Beckett been pressured on that issue at recent meetings with Ms Rodgers? Given the positive impact that that would have on farming here, is the Minister prepared to renounce UK policy and, indeed, Margaret Beckett's position regarding agrimonetary compensation? How much has the decision cost farmers in the North?

**Ms Rodgers:** It has cost farmers whatever they would have been due in agrimonetary compensation. Of course, that can only be decided on the basis of the currency at any particular time. However, I repeat that, along with the other regional Ministers, I put it to Mrs Beckett that we wanted her to get an agreement from the Treasury to pay the agrimonetary compensation. She refused to do so because of competing demands on the Treasury.

I do not know what the effect would be were I to renounce Mrs Beckett's policy in this House. However, I disagree with her decision. I explained the difficult position in which our farmers find themselves and very much regret that Mrs Beckett did not accede to the request.

**Mr McGrady:** Although the Minister cannot legally renounce Westminster agricultural policies, she is well

able, with the rest of the House, to denounce those policies and their effect on the farming community in Northern Ireland. My figures, which may assist the Minister, suggest that the UK farming community has been denied some £79 million because of Treasury policy.

Will the Minister assure us that she will convey our denunciation of the British Government's attitude towards agrimonetary compensation in view of the virtual death throes that the farming community in Northern Ireland is experiencing? Perhaps she will, through the Northern Ireland Office, make strong representations to the European Commission that we are suffering because of that disadvantage.

The agricultural lobby in Westminster is extremely weak, and Sinn Féin must involve itself in this matter, as we shall have to help ourselves on this occasion.

**Mr Deputy Speaker:** Minister, there is a question in there somewhere.

**Ms Rodgers:** Mr McGrady's question was in there somewhere, and I cannot disagree with anything that he has said. I am particularly disappointed that the UK decided not to pay tranches 2 and 3, approximately £79 million of which would be for the UK, depending on the strength of sterling at the time. I cannot be certain what our portion of that would have been, but I thank Mr McGrady for the information. He has an advantage in that he is a Member of Parliament and has the figures to hand.

I have argued consistently for the payment of agrimonetary compensation. Moreover, I suggested to Mrs Beckett that she ought to persuade the UK Treasury to seek an extension of the agrimonetary compensation beyond 2001. However, such a decision would have had to be taken at EU level, and, with 12 member states already using the euro, I think that the chances of success would have been nil. The UK Government, therefore, decided not to pursue that line.

That said, an early decision by the UK Government to hold a referendum on our membership of the European Monetary Union would make the greatest difference, particularly to the Northern Ireland farmer. Mr McGrady will agree with me, and I know that he would join me on the doorsteps if a campaign were to take place to persuade people that it would be in our best interests, particularly those of our farmers, if we were to join the euro. That would solve many of our problems.

**Mr Douglas:** Several Members touched on the financial difficulties in the agriculture sector. Does the Minister agree that those difficulties result from the failure of the UK Government to pay millions of pounds in agrimonetary compensation during the past three years?

**Ms Rodgers:** I have already answered that question. Yes, many of our problems stem from the strength of sterling and the fact that the agrimonetary compensation, particularly now, is not being paid. It comes down to the failure of the UK Government to join the euro.

## Rural Development Funding

8. **Mr Poots** asked the Minister of Agriculture and Rural Development what steps she has taken to ensure all rural constituencies benefit from rural development funding. (AQO 1646/01)

**Ms Rodgers:** To respond to the widest possible range of opportunity and need in rural areas my Department created a flexible and comprehensive rural development programme. It draws on a broad framework of measures from the Northern Ireland programme for building sustainable prosperity, the Peace II programme, the LEADER+ initiative and INTERREG III.

Although the programme will have a focus on disadvantage, its benefits are open to all rural people throughout Northern Ireland, and all members of the rural community have been encouraged to become involved. When I launched the programme on 13 November 2001, I urged all rural people to bring forward ideas, plans and projects. I also announced the publication of a user-friendly signposting document and a video to guide potential applicants through the programme. The launch was followed by a series of roadshows throughout Northern Ireland, which were attended by my Department's rural area co-ordinators, the Rural Enterprise Division and the Rural Development Council. Moreover, my Department has held various workshops to further publicise the programme.

**Mr Poots:** I declare a relevant interest in this, although not a pecuniary one. I am sure that the Minister is aware that Lisburn Council failed in its bid to achieve LEADER funding and is, therefore, the only area in Northern Ireland that will not benefit from it. How does the Minister propose to assist the 1,000 farm holdings and the rural community in the Lisburn Council area? What assistance has her Department given to Liganside Rural Development, a self-help group set up by the council and the local rural community, in drawing down European funding that other areas will receive?

**Ms Rodgers:** I totally understand the Member's interest in the question, and I thank him for it. Lisburn and Lagan Valley were not excluded. As I stated, the selection of LEADER action groups was by competition, and, unfortunately, the Lisburn application did not score as highly as the other 12, and it could not, therefore, be selected.

However, it does not mean that the Lisburn Borough Council area is excluded from the programme. Apart from the natural resource rural tourism initiative, which is located in specific rural areas to meet the requirements of the EU Commission for the allocation of Peace II funds, all other elements of the rural development programme are open to rural groups and bodies in Northern Ireland —

**Mr Deputy Speaker:** The time for questions to the Minister of Agriculture and Rural Development is up.

4.00 pm

## HEALTH AND PERSONAL SOCIAL SERVICES BILL

### Consideration Stage

#### *Debate resumed*

**Ms McWilliams:** Members are concerned that nursing care and personal care were not dealt with together. The Alliance Party is not represented on the Committee for Health, Social Services and Public Safety. Therefore, it is understandable that Mr McCarthy has tabled amendments to include personal care in the Bill. If he had been a member of the Committee, he might have found the evidence sessions as difficult to follow as I did.

More people who live in residential homes in Northern Ireland need personal care than nursing care. Approximately 2,000 people require nursing care, while many more thousands require personal care. I am committed to the Bill on the understanding that it is the first phase of a development process in nursing care and, eventually, personal care.

During the Committee Stage of the Bill, I was concerned that the Committee received the assessment tool rather late in the day. Organisations such as the Alzheimer's Association asked many questions about what constituted nursing care and how one would make the distinction between nursing care and personal care. Mr McCarthy's amendments suggest that the administration of oxygen or assistance with a catheter should come under the remit of nursing.

All Committee members were concerned that the Committee received the assessment tool so late. I ask Departments to make consultation documents and research findings available to Committees when legislation is first being introduced. Departments, including the Department of Health, Social Services and Public Safety, know that Committees scrutinise the legislation and that it is important for them to have the relevant information so that they can decide whether amendments are necessary. If researchers are commissioned, they should know the deadlines by which reports must be with the Committees.

I remember being critical about the fact that the nursing care issue was not brought to the Assembly last spring. It will probably be autumn before the Bill finally goes through. Anyone working in this field would have known that the finance was withdrawn at that stage. I assumed that because the legislation was not ready, work was ongoing in parallel, in the knowledge that the Bill would come before the Assembly. Therefore, I was critical at Committee meetings, and I will repeat my

criticism here, that although work was commissioned, it was not passed to the Committee. At this late stage, as the Assembly is finalising the legislation, Members still have only the draft assessment tool, not the final assessment tool.

At Further Consideration Stage, I will table a further amendment, because I disagree with the title of the Bill. I have been very critical of that. Indeed, in the Committee, I asked that the Department should stop sending us Bill after Bill with generic titles. Those titles do not suggest for a moment that we are taking action on important matters such as introducing payments for nursing care. Indeed, this Bill is about payments and not free nursing care. It establishes a council, and it would be easy to get that across in a short title. I remain concerned that, at this late stage, we still have such a generic title.

Having said that, I want to talk about clause 1, which deals with free nursing care. I mentioned payments because that care is not free; it involves payments. The title of the Bill should reflect that, and the clause should also say it. Although we have adopted the Welsh system, I am concerned that it is still under review. There has been an enormous outcry from residential-home owners in the independent sector — who I have always said were a great example of the partnership between the public and private sectors — saying that they have insufficient funds to cover their current level of nursing care provision. We all remain concerned that we should not go down the road that was taken in England, with our nursing care fund being swallowed up by the residential homes themselves, ultimately making little difference.

On nursing care, we were pleased that the right of appeal was accepted in this part of the Bill, and that we did not go down the normal "complaints" road associated with health and personal social services. It is good that departmental officials and the Minister have accepted that it is important to have a speedier complaints procedure, and that that will be in the Regulations.

Those were our major concerns, and, although I sympathise with Mr McCarthy's amendments, had he sat on the Committee for Health, Social Services and Public Safety, he would undoubtedly have taken the view of other Committee members that this is phase one and that there will be a phase two. In that case, his amendments may not be needed, and I will scrutinise matters to ensure that they are not needed in the longer term.

**Mrs I Robinson:** I concur with Ms Monica McWilliams. I realise where Mr Kieran McCarthy is coming from in seeking provision for free personal care for our elderly population in clause 1 of the Bill. I am confident that there is not a single party represented in the Assembly today that would not like to have that element included in the clause.

However, it would be unforgivable if we did not proceed to deal with financial assistance for nursing care



provision, as it would mean that up to 2,000 people who pay their nursing care element in full would continue to be disadvantaged. The Committee reluctantly understands that financial restraints on the health budget dictate that the Bill, and clause 1 in particular, does not include provision of personal care for the elderly. That does not for one minute suggest that that particular goal is dead in the water; rather, it means that pragmatism must win the day for the time being.

We must then turn our attention to securing the additional moneys to provide personal care for the elderly. The interdepartmental group that was established to examine the costs involved in, and the implications of, introducing free personal care here will report at the end of the month. I look forward to seeing that report.

We should think back to the unfair anomaly that existed in relation to nursing care provision in Northern Ireland. Members are undoubtedly aware that the cost of nursing care is included in the overall cost of a nursing home placement and may be borne by the residents whose means are such that they fund, or partly fund, their own care. The anomaly comes in relation to nursing care, in that it is supplied free as a health service to a person in their own home, or indeed, to a resident in a residential care home if supplied externally by a trust through the community nursing service.

Under current means-testing, if you need care in a nursing home and have more than £16,000, you have to pay for everything. If the figure is between £10,000 and £16,000, a person has to fork out everything except a miserly £15.45 each week for personal expenses. Only if a person has less than £10,000 will the state cover all expenses.

In so many cases I have found that elderly people who have worked for years and have paid their taxes to ensure a satisfactory standard of life in their later years find their savings disappear and often have to sell their home in order to meet the financial demands of living in a nursing home. Nationally, it is thought that over 40,000 homes are sold every year because of these circumstances. It is amazing that the National Health Service provides free care for everyone except those who deservedly need it most — the elderly, who must pay out of their own pocket.

The Health and Social Care Act 2001 splits care into two parts — nursing care and personal care. In England, residents do not receive funding for personal care but receive up to £35, £70 or £110 a week — three bands — for nursing care, depending on individual circumstances. In Wales, all residents qualify for £90 a week in a single band — similar to nursing care proposals for Northern Ireland — and do not receive assistance for personal care. In Scotland, residents receive up to £65 a week for nursing care and up to £90 a week for personal care, while all personal care for those living at home is free.

At this stage it is important to point out that the use of language in the Bill, such as “free nursing”, is slightly misleading. Elderly people should not think that their nursing care will automatically be paid in full. That might turn out to be the case; we believe that £85 is the amount to be set. At least the Bill provides for a contribution towards their nursing care, and money may still need to be paid by the individual. It is estimated that around 2,000 elderly people in Northern Ireland will benefit from that provision, and it is hoped that they will be treated in a similar manner to those who receive care at home.

I support the aims of the Bill and appreciate the hard work and long hours that the Committee and its staff have devoted to it in order to meet the deadline for the Consideration Stage. The Committee has spent a great deal of time seeking assurances from the Department and others on important issues such as the right of speedy appeal against decisions; the assessment tool to be used on the elderly person and whether it includes or excludes diseases such as Alzheimer’s or dementia; and making all nursing home residents fully aware of their rights under the legislation.

We have had our concerns addressed by the Department, and assurances were given on these important issues. Many will feel that the Bill is only half a step in the right direction. Personal care must be provided free. This at least is movement.

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Go raibh maith agat, a LeasCheann Comhairle. Beidh mé ag cur i gcoinne an leasaithe seo. Rinneadh díospóireacht ar dhá rún ar 27 Feabhra; ba é an tUasal Kieran McCarthy a chuir an chéad cheann síos ar chlár, agus chuir an tUasal Nigel Dodds agus an tUasal Ian Paisley Jnr an dara ceann síos ar chlár. Bhain an dá rún le cúram fadtréimhseach do dhaoine scothaosta. Ritheadh an dá rún.

Tharraing mé aird an Choiste Feidhmiúcháin ar rún an Tionóil ar 3 Bealtaine 2001, agus, i ndiaidh díospóireacht a dhéanamh, d’aontaigh an Coiste Feidhmiúcháin i bprionsabal cúram altranais saor in aisce a thabhairt isteach agus d’iarr an Coiste Feidhmiúcháin orm moltaí sonracha a chur faoina mbráid. D’aontaigh an Coiste Feidhmiúcháin fosta go mbunófaí grúpa idir-rannach le scrúdú a dhéanamh ar na himpleachtaí agus ar na costais a bhainfeadh le cúram pearsanta saor in aisce do chónaitheoirí tí altranais agus tí chónaitheoirí a thabhairt isteach; agus tuairisc ar na torthaí a thabhairt don Choiste Feidhmiúcháin.

Táthar ag súil le tuairisc an ghrúpa idir-rannaigh ag deireadh na míosa seo agus leagfar amach inti na himpleachtaí agus na costais go mion lena mbreithniú ag an Choiste Feidhmiúcháin. Ar an Choiste Feidhmiúcháin a bheidh sé ansin a chinneadh an gcuirfear an maoiniú breise ar fáil i gcomhthéacs tosaíochtaí eile sláinte agus



tosaíochtaí i Ranna eile sula gcinneadh arbh fhéidir cúram pearsanta saor in aisce a thabhairt isteach do chónaitheoirí tí altranaís.

4.15 pm

I oppose the amendments. Two motions relating to long-term care for the elderly, the first in the name of Mr McCarthy and the second in the name of Mr Dodds and Mr Paisley Jnr, were debated in the Assembly on Tuesday 27 February 2001. Both motions were passed. I brought the Assembly's resolution to the attention of the Executive on 3 May 2001, and, following discussion, the Executive agreed in principle to the introduction of free nursing care and asked that I bring forward detailed proposals.

The Executive also agreed that an interdepartmental group should be established to examine the implications and costs of introducing free personal care for residential and nursing home residents and to report its findings to the Executive. The terms of reference agreed for the group were: to research and define the current policy and position with regard to charging for and provision of personal and nursing care in domiciliary and residential settings; to examine the implications — including equality and new TSN implications — and the costs of introducing free personal care; and to draw on the findings of the Scottish Executive's care development group and report them to the Executive.

In the debate last year, I pointed out that any decision to extend free care for the elderly would bring with it major budgetary considerations for the Executive. My Department estimated that to provide free personal care could add at least £25 million to the health and social services boards' annual costs. The report of the interdepartmental group is due at the end of this month, and the implications and costs of free care will be set out in detail in that report for consideration by the Executive. It will then be for the Executive to decide whether, in the light of other priorities in the Department of Health, Social Services and Public Safety and other Departments, the additional funding can be made available, before deciding whether to provide free personal care for residential and nursing home residents.

In the meantime, I recognise that the cost of care is a concern, particularly for those whose care requirements are met in nursing homes. They are the only group of people that is currently required to contribute to the cost of a provision that, for all others, is a health service free of charge at the point of delivery. To remove this inequitable system and to prevent people here from being disadvantaged in comparison to those in England and Wales, I have developed this legislation to introduce free nursing care here.

Nursing care is only one element of the total cost of providing care in nursing homes. People being cared for

in care home settings will still be subject to an assessment of their ability to contribute to the cost of their personal care and accommodation. The proposed legislation will remove the cost of the nursing care element from that means assessment. A decision on the amount paid at individual level has not yet been made. Some Members spoke about suggested costs this morning, but that decision has yet to be taken.

I am aware of the concerns expressed today that the benefits may not be passed on to those receiving care. Some organisations have said that that situation already exists in England. However, the policy is clearly intended to reduce the cost of care for people in nursing homes. Although the total cost of care for those who fund their own care will be a private matter between the home owner and the resident, officials are currently examining the means available to prevent that problem from arising here.

With regard to the flat-rate payment, one of the aims of the working group chaired by the chief nursing officer was to introduce proposals for a system that will be easily understood by the Health Service and the public, and that will add the least bureaucracy to an already complex care assessment process. It is also important that the additional money go directly to reducing the cost of care to the individual, and not to support and administration. Service professionals and several representative organisations favour the flat-rate approach, which is similar to the approaches taken in Wales and Scotland. I took account of those views in deciding to adopt the flat-rate approach. The working group that was commissioned to develop the assessment tool for the implementation of free nursing care was also required to keep the process as simple as possible.

Stage two of the community care review will look at putting a single assessment process in place to cover all aspects of the care process. The assessment tool has been thoroughly piloted by nursing professionals, and the timing of each assessment has been found to be adequate to take account of all the documentary and physical evidence available. The tool is now out for consultation, and further adjustments, as necessary, will be made following that consultation.

I appreciate the concerns raised about people selling their homes to pay for care in nursing homes. From 22 April 2002 I have introduced a disregard of the value of a resident's former home during the first three months of a permanent admission to residential or nursing home care. Also, I increased the capital limits used in the means test for residential care from £11,500 and £18,500, respectively, to £11,750 and £19,000 from 22 April 2002. That has brought more people into care management earlier and enabled them to retain more capital than before.

It was asked if this provision would extend to patients in hospices. Hospices may qualify for registered nursing

home status. Where that is the case, and patients are paying for their care, the nursing care element of the charges will be met by health and personal social services. Where palliative care is provided in a person's own home, the nursing and health care services are provided free, as they are for all other groups of people. Where a hospice is registered, residents may be charged for the care received there, and the nursing care element will be met by health and personal social services from October 2002.

We have instituted mechanisms for people who do not agree with their assessment of nursing care. An individual who does not agree with the assessment of nursing care needs will have the right to seek a review of that assessment, and for the review assessment to be carried out by a different nurse. My Department will require an assessment to be reviewed within one week of the request, and if the individual still does not agree, a panel will be constituted and a further review completed within two weeks. The review process will take no more than three weeks. Statutory direction under article 17(1) of the Health and Personal Social Services (Northern Ireland) Order 1972, which will incorporate the guidance and review process, will be issued to boards and trusts.

In rejecting the amendments, I would like to emphasise that I am not rejecting free personal care. I am simply stating that the Executive have approved the introduction of free nursing care in nursing homes. The Executive have also agreed that an interdepartmental group should be established to examine the implications and costs of introducing free personal care for residential and nursing home residents and to report its findings to the Executive. I must, therefore, reject these amendments at this time, in advance of any future decision by the Executive when the report of the interdepartmental group has been received and studied.

**Mr McCarthy:** I am extremely disappointed by what I have heard during the debate, and certainly by the Minister's reply. The Assembly and the Executive took a decision to make health the number one priority for our people, and we all welcomed that decision at the time.

The resolution on 27 February 2002 was clear and unequivocal — it was not aspirational. It was clear about what it asked the Executive to do, which was to introduce free nursing and personal care. The motions put forward by Nigel Dodds and myself were passed unanimously. We all supported it then. Why are Members speaking in aspirational tones today? What justification is there for adopting such a stance today?

It really surprises me that a Member of the all-party group on ageing and older people such as Rev Robert Coulter cannot support the amendment. He referred to the siphoning of funds. I am disappointed by those words. We will not siphon off funds to provide for the needs of the elderly; we will demand that funds are there as a right

for elderly people. That statement came from a man who wrote to one of his constituents in December 2001:

"I intend to take part again in the Budget debate in support of finance for the treatment of older people."

I also have a copy of a letter from none other than junior Minister James Leslie. He wrote that

"[the Ulster Unionist Party] will continue to support any attempt to further help those of our senior citizens who are in need of care."

That was a response from a junior Minister, who is now not even in the Chamber. This is an opportunity to give further help to those of our senior citizens who are in need of care, and to those who are ill and infirm. They need Members' support today. Support the amendments.

I am also amazed that the Minister of Health, Social Services and Public Safety will not support my amendments, given that they comply with her party's policy. I have another letter, written on 17 November 2001 by Mary Nelis in support of the Right to Care campaign. Unfortunately, she is not in the Chamber. The letter says:

"As you may be aware the Assembly and the Executive have made provision for free nursing care for the elderly from October 2002.

While we welcome this announcement, we also believe that it should have included free personal care."

I am delighted that Mary Nelis said that, but where is she today to defend it? My amendments are also asking for personal care. Sinn Féin now has the chance to back up that commitment. Mary Nelis continues:

"We will continue to work to ensure that the Executive effectively addresses the issue of free personal care."

— now is her chance —

"Sinn Féin's position in relation to this issue is that full and equal access to health and social care services are a right and that any financial barriers to accessing these services should be removed."

By supporting my amendments, Sinn Féin will have honoured that commitment given in Mary Nelis's letter. By voting against the amendments or by abstaining, Sinn Féin will be shown up to all for its waffle and bluster, like others in the Assembly, and going back on its word as evidenced in the Assembly on 27 February 2001.

I would also like to remind Members of a statement made on 27 February 2001 by Mr Dodds:

"Today's debate is, essentially, about principles ... If we were to adopt a different course from that followed by the Scottish Parliament, our senior citizens would have every right to ask why they were being treated differently from their Scottish counterparts. They are entitled to receive the same, not as a handout but as a birthright." — [*Official Report, Bound Volume 9, p318*].

I agree with that.

On the same day the Chairperson of the Committee for Health, Social Services and Public Safety, Dr Hendron, said:

“My Committee hopes that the Minister...will fully implement the findings of the Royal Commission on Long Term Care. If we cannot look after our own folk then we should not be here.” — [Official Report, Bound Volume 9, p318].

Hear, hear to that. He continued:

“With its unique integrated health and social services, Northern Ireland has an ideal opportunity to ensure that nursing and social care should be regarded as a seamless continuum, all free at the point of delivery.” — [Official Report, Bound Volume 9, p318-9].

On that same day, when we were all delighted and supportive, Mr Dodds also said:

“The Scottish Executive, having come under considerable pressure not least from within its own coalition where the Liberal Democrats exerted considerable pressure on the Labour Party, was forced into a position where it had to recognise that simply allowing free nursing care without free personal care would be running away from the recommendations of the Sutherland Report and the obligations that society has to our old people in need of care.” — [Official Report, Bound Volume 9, p317].

I entirely agree with Mr Dodds’s sentiments on that occasion.

4.30 pm

We are not saying that we should set down timetables and deadlines today. However, we are saying to the Minister that she should accept that this is the will of the Assembly. We, on behalf of the people whom we represent, believe that people are entitled to free nursing and personal care if they are elderly and in need of it. We recognise that treating people who have cancer, heart disease or other health problems costs money. Is anyone seriously suggesting that we should look at this in terms of people’s wealth or the cost involved? Mr Dodds went on to say:

“No Member would ever argue that, because cancer treatment was becoming more and more expensive, we ought not to treat people.”

The Human Rights Commission made many recommendations in a recent report and suggested implementing the Royal Commission’s views on enhancing the rights of older people.

I reiterate the points that I made earlier. There is no evidence that any member of the interdepartmental group gave evidence to the Health Committee, and it has not taken evidence from any other groups, especially highly respected organisations such as Age Concern or Help the Aged and other organisations working with the elderly. A report from the Health Committee was due this month, but it has not appeared in time for the debate. That is rather strange. Who are the members of that group; are any MLAs on it; and from whom has it taken evidence?

We are told that we should not act on these amendments because the working group has not reported in time for this debate. That is contrary to open government and consultation, and it is not what a devolved Administration should be doing. People talk about

secret societies — we need to get all the information into the public domain.

Nearly every Member who spoke said that he agreed with the amendments in principle but that the time was not right. Dr Hendron, Rev Robert Coulter, Mr John Kelly, Mrs Iris Robinson and Mrs Courtney all said that. Forgive me if I have left anyone out. When will Members say that the time is right? The Bill deals with introducing free care in a way that makes it perfectly appropriate to pass these amendments today. Members may not have read clause 4 subsection (1) closely. It clearly says that

“Sections 1 and 3 (with the Schedule) come into operation on such day or days as the Department may by order appoint.”

In other words, if we pass these amendments in my name today, we establish the principle of free personal care as well as free nursing care and follow Scotland and Wales. We acknowledge that free personal care cannot be introduced immediately but say that it is very important.

Passing the amendments would show that we care about this and are taking it seriously. It would also show that Members are not content to sit back and accept bland assurances but are taking a clear stance for the principle of free personal care and calling on the Executive to provide the funds as soon as possible. I urge all Members to vote with their consciences and keep up the pressure that will assist the Minister of Health, Social Services and Public Safety to get the resources needed from the Executive to meet the needs of vulnerable and elderly people.

This twenty-first century Assembly has a wonderful opportunity to give our community a lead and to provide for the needs of our elderly people. We must start somewhere, so let us do it now. Sympathy is simply not enough. I plead for — indeed, I beg — Members to support the amendment.

*Question put, That amendment No 1 be made.*

*The Assembly divided:*

*Ayes 5; Noes 53*

*AYES*

*Eileen Bell, Seamus Close, David Ford, Kieran McCarthy, Sean Neeson.*

*NOES*

*Ian Adamson, Fraser Agnew, Billy Armstrong, Roy Beggs, Billy Bell, Esmond Birnie, P J Bradley, Joe Byrne, Fred Cobain, Robert Coulter, Annie Courtney, John Dallat, Ivan Davis, Bairbre de Brún, Boyd Douglas, Mark Durkan, Reg Empey, Sean Farren, John Fee, Tommy Gallagher, John Gorman, Tom Hamilton, Carmel Hanna,*



Joe Hendron, David Hilditch, Derek Hussey, Danny Kennedy, Patricia Lewsley, Alex Maskey, Robert McCartney, David McClarty, William McCrea, Alasdair McDonnell, Barry McElduff, Martin McGuinness, Gerry McHugh, Monica McWilliams, Maurice Morrow, Conor Murphy, Mick Murphy, Dara O'Hagan, Eamonn O'Neill, Ian Paisley Jnr, Edwin Poots, Iris Robinson, Mark Robinson, Peter Robinson, George Savage, John Tierney, Denis Watson, Peter Weir, Jim Wells, Sammy Wilson.

*Question accordingly negated.*

4.45 pm

**Mr Deputy Speaker:** Members should be aware that amendments No 2, No 3, No 4 and No 10 are consequential to, and dependent on, amendment No 1. Therefore, as amendment No 1 was not made, those amendments will not be called.

*Clause 1 ordered to stand part of the Bill.*

**Mr Deputy Speaker:** No amendments have been tabled to clauses 2 to 5. Therefore I propose, by leave of the Assembly, to group these clauses.

*Clauses 2 to 5 ordered to stand part of the Bill.*

### **Schedule**

**Mr Deputy Speaker:** We now come to the second group of amendments for debate. It will be convenient to debate amendment No 5 with amendments No 6, No 7, No 8 and No 9.

**Ms de Brún:** Molaim leasú 5. Tagraíonn leasuithe 5 go dtí 8 do mhíreanna 4, 5(a) agus 6(1) Sceideal an Bhille agus is é is aidhm dóibh pointe dréachtaithe a cheartú. Ní cheadaíonn na focail sa dréacht-Bhille do phríomhfheidhmeannach chomhairle cleachtais agus oideachais TÉ bheith ina chomhalta den Chomhairle. Tá sé i gceist go mbeadh an príomhfheidhmeannach ina chomhalta fheidhmitheach ar an Chomhairle mar atá amhlaidh ar bhoird comhlachtaí eile de chuid na Seirbhíse Sláinte, mar bhoird agus iontaobhais sláinte agus seirbhísí sóisialta. Déanann na leasuithe seo foráil dó sin agus léiríonn siad go mbeidh an Chomhairle comhdhéanta de Chathaoirleach, comhaltaí neamhfheidhmitheacha eile agus an príomhfheidhmeannach.

I beg to move amendment No 5: In page 3, line 21, leave out from “a chairman” to end of line 22 and insert

- “(a) a chairman appointed by the Department in accordance with regulations under paragraph 5;
  - (b) the person for the time being appointed under paragraph 7 to be the chief executive of the Council; and
  - (c) other members appointed by the Department in accordance with regulations under paragraph 5.
- (2) In the following provisions of this Schedule the members appointed under sub-paragraph (1)(a) and (c) are referred to as the non-executive members of the Council.”

*The following amendments stood on the Marshalled List:*

No 6: In page 3, line 25, leave out “chairman and other” and insert “non-executive”. — *[The Minister of Health, Social Services and Public Safety (Ms de Brún).]*

No 7: In page 3, line 28, leave out “chairman and other” and insert “non-executive”. — *[The Minister of Health, Social Services and Public Safety (Ms de Brún).]*

No 8: In page 4, line 2, leave out

“its chairman, to any other member”

and insert

“the non-executive members”. — *[The Minister of Health, Social Services and Public Safety (Ms de Brún).]*

No 9 : In page 4, line 14, leave out

“a member of the staff of the Council and shall be” — *[The Minister of Health, Social Services and Public Safety (Ms de Brún).]*

**Ms de Brún:** Amendments No 5 to No 8 refer to paragraphs 4, 5(a), 5(b) and 6(1) of the schedule to the Bill, and their purpose is to correct a drafting point. The wording in the draft Bill does not provide for the chief executive of the Northern Ireland practice and education council for nursing and midwifery to be a member of that council. It is the intention that the chief executive should be an executive member on the council, as is the case on the boards of other HPSS bodies, such as health and social services boards and trusts. The amendments will provide for that and will clarify that the council will comprise a chairperson, other non-executive members, and a chief executive.

Amendment 9 corrects a drafting point in paragraph 7(1) with regard to a chief executive being stated as a member of staff of the council. That is already implicit from the remaining details within the paragraph.

*(Madam Deputy Speaker [Ms Morrisce] in the Chair)*

**Dr Hendron:** The Committee welcomes the proposed creation of the new council. It will help to ensure consistently high standards and best practice, education and performance in nursing and midwifery in Northern Ireland.

The Committee considered it important to have a local body working in partnership with nurses and midwives to ensure that clinical training and development meet the highest standards in Northern Ireland. Members were satisfied that it would not involve additional costs. Transferring the existing budget for the old national board to the new body will cover the expenditure involved. However, the council should be subject to rigorous audit to ensure that it spends its money wisely. The Committee advocates that the proposals be considered in conjunction with those published for consultation in the document ‘Best Practice — Best Care’.



The new council can be expected to play an important role in working closely with the new local health and social care groups to examine the role of nurses and explore ways in which to develop their specialist skills. Spreading good practice across the nursing profession will ultimately benefit all service users by developing consistently high standards of health care.

The Committee supports clause 2, the schedule and the amendments tabled by the Minister. The Minister has explained that the amendments are needed to bring the Bill into line with standard practice for all health and social services bodies.

**Ms McWilliams:** Amendments 5 to 8, tabled by the Minister and her Department, came to us very recently; therefore, we have not had an opportunity to look at them in detail. My concern is that the schedule, as amended, no longer makes sense. For example, amendment 5 asks us to leave out from “a chairman” at page 3, line 21, and insert

“(a) a chairman appointed by the Department in accordance with regulations under paragraph 5;”

Amendment 6, which deletes part of paragraph 5, means that there will no longer be any reference to a chairman. Whose job will it be to appoint a chairman? Paragraph 5, as amended, will refer only to non-executive members. The Minister has explained that the amendments are required to keep the practice and education council in line with other bodies, and make the chief executive a member of the council.

As the Minister has explained, I can understand why — in line with other bodies — the chief executive will now be a member of the council. However, the amendments leave no provision for a chairperson, or “chairman”, as is referred to in the legislation. Therefore, I want some explanation as to whose job it is to appoint the chairman.

**Ms de Brún:** I thank those Members who participated in the discussion. Indeed, I recently announced new arrangements to improve the quality of service, which are based on ‘Best Practice — Best Care’.

The Northern Ireland practice and education council for nursing and midwifery (NIPEC) will have an important role in contributing to those arrangements by supporting organisations, delivering services and enhancing the quality of nursing and midwifery care provided to service users. For example, it will provide advice and guidance, on a co-ordinated regional basis, on best practice, and by supporting the professional development of nurses and midwives in quality-assuring their education and training.

The amendments to the legislation that will establish NIPEC are required to enable the chief executive to be an executive member of the council. Although that was always the intention, it was identified only at a late stage

that the wording of the draft Bill would not allow that. The required amendments were made available to the Committee as soon as was practicable. Amendment No 5 to paragraph 4 states that the schedule will refer to the chairperson and other members as non-executive members of the council. Paragraph 5 will be amended to refer to non-executive members, which includes the chairperson and others. The Department will, therefore, appoint the chairperson.

*Amendment No 5 agreed to.*

*Amendment No 6 made:* In page 3, line 25, leave out “chairman and other” and insert “non-executive”. — [*Minister of Health, Social Services and Public Safety (Ms de Brún).*]

*Amendment No 7 made:* In page 3, line 28, leave out “chairman and other” and insert “non-executive”. — [*Minister of Health, Social Services and Public Safety (Ms de Brún).*]

*Amendment No 8 made:* In page 4, line 2, leave out “its chairman, to any other member”

and insert

“the non-executive members”. — [*Minister of Health, Social Services and Public Safety (Ms de Brún).*]

*Amendment No 9 made:* In page 4, line 14, leave out

“a member of the staff of the Council and shall be”. — [*Minister of Health, Social Services and Public Safety (Ms de Brún).*]

*Schedule, as amended, agreed to.*

*Long title agreed to.*

**Madam Deputy Speaker:** That concludes the Consideration Stage of the Health and Personal Social Services Bill. The Bill stands referred to the Speaker.

5.00 pm

## REVIEW OF PUBLIC ADMINISTRATION

### RAILWAY SAFETY BILL

#### Further Consideration Stage

**Madam Deputy Speaker:** I remind Members that the Assembly agreed in April to amend Standing Order 35, which now allows debate and votes at Further Consideration Stage only when amendments have been tabled. There will no longer be votes on clauses or schedules stand part at Further Consideration Stage.

No amendments to the Bill have been tabled. The Further Consideration Stage of the Railway Safety Bill is therefore concluded. The Bill stands referred to the Speaker.

### BUDGET (NO.2) BILL

#### Further Consideration Stage

**Madam Deputy Speaker:** No amendments to the Bill have been tabled. The Further Consideration Stage of the Budget (No.2) Bill is therefore concluded. The Bill stands referred to the Speaker.

**The Deputy First Minister (Mr Durkan):** I beg to move

That this Assembly endorses the terms of reference for the Review of Public Administration.

In February, the First Minister and I outlined the challenges presented by this review and initiated a pre-consultation exercise on the draft terms of reference. I will explain the steps that have been taken since February and the changes made to the terms of reference as a result. As well as considering the terms of reference, we should also begin to look ahead to the review itself.

Endorsement of the terms of reference by the Assembly today will signal the start of the review. There is a great desire to move ahead quickly and to start to tackle the many difficult issues that fall within the review's remit. Before doing so, I will explain the steps taken over the past four months.

The extensive debate on 25 February 2002 was a helpful start to the consultation on the terms of reference. Since then, we have also received comments from several Committees. The First Minister and I met the Committee of the Centre on 8 May 2002 in a lengthy and constructive meeting that went into some detail on several of the issues.

What I found most notable in that meeting was the desire to get on with the review itself, rather than to continue to pick over the specific text of the terms of reference. That reinforced the need to move on. The Committee of the Centre will have an important role in overseeing the review. I welcome that and look forward to further engagements.

In addition to considering the views expressed by the Assembly and its Committees, we consulted a range of umbrella organisations. We sought views on the terms of reference from groups which can effectively represent key sectors. Among the groups consulted were those representing local government, the trade unions, business and the community and voluntary sectors. We received a range of comments and suggestions for changes to the terms of reference. A significant number of those have been taken on board and are reflected in the revised text.

In our debate in February, several Members asked whether the review would be sufficiently independent. The Executive want a strong, independent element to this review. We have appointed a panel of experts to fulfil this role, and the calibre and experience of the individuals appointed are testament to our determination to ensure that strong, independent element. The appointment of Tom Frawley, the Northern Ireland Ombudsman,

to chair the panel specifically recognises the need to ensure that the experts have a strong voice.

The panel, which will have a direct line to Ministers, consists of six people with a broad range of skills, experience and backgrounds. They will bring a robust, inquiring, quality input to the review. Working with a team of officials, the panel will be engaged in all its key elements. It will be able to suggest ideas, challenge the way things are done now and quality-assure the results.

I am pleased to say that the panel of experts and the review team had an informal first meeting with the Committee of the Centre this afternoon to make introductions and begin building a relationship. There will be many formal meetings in the future, but this was a helpful start.

It was always the intention to seek the views of independent experts on the draft before seeking the endorsement of the Executive and the Assembly for its terms of reference. The revised draft takes account of suggestions made by the experts. Specifically, they proposed keeping the terms relatively short and putting the commentary on the characteristics and parameters, or questions that might inform the review, into an annex. Their view, which the Executive endorsed, was that too much material in the terms of reference would be unwieldy and potentially confusing when explaining the starting point for the review at public meetings and other forms of consultation that the team will undertake. It is sensible to keep them brief and to the point.

We listened to views from the Assembly, from its Committees, from wider civic society and from the independent experts, and the terms of reference have been significantly amended to reflect that. One change is the preface, which is intended to answer many of the questions posed in February.

We have set the review panel a challenging timetable. We hope that it will produce a report by the end of 2003, and we have asked for an interim report by March 2003. The panel of experts has said that the timetable is challenging, particularly in view of the level of consultation believed to be necessary if the review is to be conducted successfully. The interim report next March will set out the progress made on the consultation exercise and the conduct of the review. It is a stepping stone to developing the key propositions and recommendations for the review. It will not, however, outline a draft report or emerging findings. We must be realistic about what can be achieved.

In only a few areas, we have not accepted the suggested changes. Primarily, they relate to the review's ability to examine the 11 Departments and to calls from a few quarters to draw in the North/South bodies and other institutions of the agreement. The review is not a means by which to renegotiate the agreement by the

back door. It is considering a system of public administration that was established 30 years ago, to decide what changes are needed, not least because of the creation of the Assembly and the devolution of powers to it. We considered carefully whether to review the distribution of functions between the 11 Departments and concluded that that would detract from the main focus of the review. Energy would be channelled into turf wars rather than better services. The remit of Departments is not, of course, set in stone, but that is not the task of the review.

There are no illusions about the difficulty and scale of the task that is to be faced. An undertaking of that nature challenges us to think radically, to examine the problems and to decide better ways to do things. The Executive are determined to lead that exercise, which reflects our determination to take responsibility for the task. To assist in that process, we have established an Executive subcommittee to lead the review. That subcommittee met the panel of experts, and the senior official who is the review's chief operating officer, for the first time this morning. The subcommittee will advise the review team and develop its approach and thinking. The Executive will take the final decisions.

However, the success of the review depends on what the review team can learn from those who experience the services and structures of public administration. To listen to those who receive the services, to those who deliver them and to those who can tell us about good practice further afield is an essential part of the review.

The listening and learning process will highlight the proposals and recommendations to be tested. The review team made it clear to Ministers that the process will be highly consultative. Everyone will have the chance to have their say. We want a system of public administration that meets the needs and expectations of all the people of Northern Ireland. To achieve that, people must contribute their views. Some people feel over-consulted and others doubt whether their views are taken into account.

For such a consultation to succeed, two things must happen: the review team must imaginatively provide people with opportunities to contribute; and those with views must make them known. The review is a major exercise for the Executive, the Assembly and all the citizens of Northern Ireland. I hope that we have shown that we have listened to Members' comments on the terms of reference. We have a sound basis on which to initiate the review.

**The Chairperson of the Committee of the Centre (Mr Poots):** The Committee of the Centre welcomes the publication of the terms of reference and the opportunity for today's debate. It is leading the scrutiny of the review and is keen that the review should begin without any further delay. In undertaking that scrutiny, the Committee will co-ordinate responses from all Com-

mittees, and it will take that role seriously. I assure the Assembly that the Committee's scrutiny will be thorough and robust.

Since the first debate on the terms of reference on 25 February 2002, the Committee has undertaken some preliminary work to identify the main issues that must be considered. As part of that, the Committee heard evidence from three leading academics. It also heard proposals from the First Minister and the Deputy First Minister. Several main points came out of those sessions.

5.15 pm

First, the need for a review is not in doubt. There is widespread agreement that we are over-governed. It was put to the Committee by Prof Knox of the University of Ulster that

"the prevailing argument in Northern Ireland is that we have moved from a position of democratic deficit to a surfeit, with 18 MPs, 108 MLAs, 582 councillors and three MEPs, all for a population of 1.6 million."

That is not to mention the numerous quangos.

The attempt to set out principles — or characteristics, as they are referred to in the revised terms of reference — to inform the process of the review was welcomed, but it was recognised that a difficulty arose in that there was no attempt to rank or prioritise those principles. The principles are laudable, and few could disagree with them. However, they are potentially conflicting, and trade-offs in how they are applied will be necessary. As Prof Knox put it:

"the often conflicting imperatives of efficiency, which point to larger units, often at the pan-Northern Ireland level, could conflict with democratic issues, which might suggest smaller units, conceivably at the town or district level."

The validity of excluding the 11 Departments from the review's remit has been raised with the Committee, and will doubtless be raised again during the debate. There were calls for greater clarity in setting the review's parameters, and while the Committee welcomes the indicative list of bodies that will fall within its remit, the inclusion of the 11 Departments would have made it a more encompassing exercise.

In the first debate, I pointed out that the review must address the need for joined-up government and examine the scope for the electronic delivery of services and for one-stop shops to improve the delivery of services to the public. Prof Skelcher of the University of Birmingham reinforced that point in his evidence to the Committee:

"The impact of e-government and new technology enables us to think in different ways about how we organise public administration systems."

Although the terms of reference make passing references to the need to address opportunities for new technologies, I am concerned that those could be missed. Advances in electronic government have enormous

potential to revolutionise how services are organised and delivered. There are many examples of how services can now be built around and delivered to meet life events, rather than remaining in the silo mentality of the past. It is insufficient to consider how e-government can be used to deliver services after new structures have been agreed. It is not an add-on; it can fundamentally influence how the structures are developed. In Northern Ireland we have a unique opportunity to re-engineer our processes and to exploit that potential. Perhaps the First and the Deputy First Ministers could tell the House whether someone on the panel of experts has significant expertise in e-government, and how that potential will be explored and maximised.

It is recognised that the review must take account of developments and best practice elsewhere. The Committee welcomes that, as it does the appointment of the eminent experts who will bring an international perspective to the review.

I said earlier that the Committee had already heard evidence about developments in other parts of the United Kingdom and the Republic of Ireland. For example, the Committee heard from Prof Skelcher about the international move away from the public management model towards a system that questions how public administration can operate effectively as part of a democratic society. We learnt that there is still a highly centralised approach to public management in England, whereas in Wales and Scotland, as Prof Skelcher put it:

"there is more consensual discussion between different tiers of Government and between politicians in those tiers."

Mr John Stapleton of the University of Limerick gave evidence to the Committee about how the structure of public administration has evolved in the Republic of Ireland. The Committee heard about the dramatic rise and subsequent decline in the number of state-sponsored bodies, para-governmental organisations and quangos, and the reasons for that effect. The Committee also learned of the emergence of a regional administrative dimension in the Irish Republic, but that it did not amount to regional government as it has in the United Kingdom.

The Committee also visited Washington DC and Boston, and while there we had several opportunities to explore some issues relating to the review. The Committee had a meeting with the directors of the National Academy of Public Administration in Washington. That organisation is dedicated to improving the performance of government systems to make them work for everyone. In Boston, we heard about the system of public administration in the state of Massachusetts and had valuable discussions with the director of the Shamie Centre in Boston, a think tank on state and local government issues, and leading academics from Boston College.

In the previous debate on the subject, I mentioned the lack of information on the structure and methodology of



the review. The Committee would welcome the inclusion of the terms of reference in the preamble, because that would give a clearer picture of how the review will be carried out. I also questioned the validity of restricting the examination of Northern Ireland's needs to those that are forecast to exist in five or 10 years' time. The revised terms of reference still give that timescale. Surely a system that results from such a comprehensive and strategic review must be capable of lasting for a generation, while retaining the scope to adapt to change.

I recently attended a seminar in Belfast to discuss the review of public administration. There was unanimous agreement on the need for the review, and for it to be carried out quickly. The need to improve the delivery of services to the public was made clear. People care whether they receive good services efficiently and at the right time.

We must always remember that as public representatives we serve the public. It is our duty to ensure that the administration exists to serve the public, rather than us in the guise of political masters. We need to focus on what is best for the public. The review provides a unique opportunity to do that, and we must ensure that its outcome is a better, more efficient system that saves money on administration and delivers better core services. That needs to be carried out soon.

I wish the review team well and look forward to working with them. The review must be fundamental and must bring about real change; otherwise we will have wasted more public money.

**Dr Birnie:** The review is a welcome part of the process of creating new governance for Northern Ireland, meeting the needs of the new century and delivering the benefits of devolution to all. The last thoroughgoing review of public administration, led by Patrick Macrory, was carried out 30 years ago, so it is high time that a subsequent investigation took place. Today's announcement of the revised terms of reference is an especially welcome indicator of the review's progress, as they will be crucial in shaping it.

The 10 characteristics to govern the review, such as democratic accountability, community responsiveness, and efficiency, seem to be almost comprehensive. Crucial questions can be posed about those characteristics. First, should the characteristics have been ranked? The case could be made for doing that, but it would be best not to do so, because, as Mr Poots said, trade-offs could be made between the characteristics. In addition, democratic accountability might be seen to conflict with effectiveness and efficiency.

Perhaps most notably, this may be the case when considering, for example, if local government units such as district councils should be made smaller, perhaps to create a greater sense of identification with citizens, or

bigger to achieve economies of scale in the delivery of services. It is right for the review body to consider this wide range of objectives or characteristics and then, because the decision, ultimately, is a political one, to deliver the options to the Assembly, which will carry out the difficult task of weighing up such trade-offs between, for example, accountability and cost-effectiveness.

Secondly, the rule that "form follows function" should be observed in the review. For example, evidence should be collected on what powers should be allocated to each layer of administration, such as district councils. Subsequently, a decision can be made rationally on the size of the population areas that district councils should serve.

Thirdly, I am pleased that financial issues are to be considered. It would be crazy if the review of rating, which has been discussed in the House, were to be conducted in isolation from this review of the layers of administration that those rates will be paying for in part.

Fourthly, I am pleased that accountability is given prominence in the document that the First and Deputy First Ministers have put before us today. The Assembly must set a good example, especially as it may be expecting members of non-departmental public bodies, or quangos, and district councillors to make sacrifices as a result of the review. I trust that MLAs who are also councillors will not use their positions here to attempt to skew the outcome of the review towards narrow sectional interests.

**Ms Lewsley:** The aim of this review is to bring about a more effective delivery of services and better government. We must move away from the traditional bureaucracy to a more manageable system of public administration which is more open, accountable and transparent. We have the opportunity to develop a modern, effective system, tailored to deliver public services to the community in a more efficient way. I welcome the announcement by the Office of the First Minister and the Deputy First Minister about the appointment of the panel of experts to support the review. The Deputy First Minister said that members of the Committee of the Centre were able to meet that panel this afternoon. I met the panel and was impressed by the high level of international skills and experience that it is bringing to the group. I wish its members well on the journey that they are about to begin and look forward to the partnerships that they will build.

Delivering high-quality public services as a means of supporting economic and social development is essential. This should go beyond the conviction that every citizen is entitled to a warm home, a good education and quality healthcare. Resources deployed to public services will play a vital role in generating economic stability and success. If they are properly managed, those services will be seen as an investment in the future. The co-ordination and integration of services are important

for promoting accessibility. As matters stand, people already have difficulty establishing which agency is responsible for what service.

Many people have an affinity with councils, which are often perceived as responsive to local needs. It is important that this be preserved. We must consider how accessible, efficient and accountable the delivery of those services will be.

5.30 pm

We must also ensure that equality is built into the system and that we target those most in need to reflect the TSN principles. Many inequalities have been addressed without our tackling the underlying structures that facilitate inequality of access to public services. We must deal with service provision, particularly in rural areas. The new obligations in Government require significant attention to be given to section 75 of the Northern Ireland Act 1998 on equality, duty and human rights and our TSN commitments. If the current structures were proposed now, they would not meet these standards.

Less than 5% of our public budget is spent by elected representatives on district councils, while 65% is spent by those appointed to non-elected bodies. The public often views quangos with suspicion because they are frequently made up of non-elected people who are not totally accountable. People should have a sense of ownership and participation in public administration. The groundswell of opinion is that a system should be built on democratically elected public authorities, which are accountable to, and identified with, local communities. There is a strong argument for redefining, reforming and renaming these public bodies to ensure that there is democratic control, legitimacy and monitoring to create full accountability.

We must consider providing adequate resources and a best value regime to enable each district council to justify its bid for funding. There are also questions about duplication and inefficiencies resulting from inadequate co-ordination and the costs of administration itself. There should be appropriate training for all members, including elected representatives.

The partnership principles, which are the heart of the Good Friday Agreement, must apply at all levels in the public sector. The context that created a need for protection in this House also creates a need for mechanisms to ensure confidence in decision-making at other levels. I would also like to see attention paid to sectoral issues in matters of public administration, such as education, health, quangos, and so on.

In conclusion, to some degree the principles outlined are competing concerns and will have to be balanced against one another carefully to deliver a system that meets each adequately. If we succeed, we will have laid the foundation for better government and enhanced public

confidence. I welcome this review and the breadth of its terms of reference. I support the motion.

**Mr C Murphy:** Go raibh maith agat, a LeasCheann Comhairle. I am on record on a number of occasions, with questions in the House, at the Committee of the Centre and in earlier debates, expressing concern about the overly long delay in starting this, so I welcome our getting round at last to debating the review's terms of reference.

The terms are broadly acceptable. They are vague enough to encompass everything that should be there, and there are some key phrases and words there that will ensure a proper fundamental review of public services. I also welcome the appointment of the panel of experts, although labelling them as that probably burdens them with our expectation of what they might deliver. I welcome their appointment and wish them well in their work, as it is a daunting task.

Integration and cohesion are key to this, and we need an approach that best facilitates the essential inter-connections between public services such as social services, housing, and education. The review must be as wide-ranging and fundamental as possible. Even from reading the terms of reference, it is still not clear how they will dovetail with the review of local government, one of the major parts of the review. Those issues must be teased out.

I do not expect the review of the Civil Service to be addressed in the terms of reference, but it is not fully clear how it is intended to address some of these issues. I hope that as the review goes on, we will be updated on the work that the panel of experts is doing. I look forward to regular statements from the Office of the First Minister and the Deputy First Minister to update us on progress.

The effective delivery of services underpinned by equality, accountability, proportionality and democratisation are rightly central to the terms of reference. That should also be central to the ultimate recommendations that are advanced by the panel. Against the backdrop of relatively poor attempts to promote joined-up government in the past, not necessarily just by the devolved Administration but also during direct rule, there are some key phrases about the essential interconnections between public services and how those can be best facilitated. That will be fundamentally important.

I am pleased that the review will take into consideration the all-Ireland element of government to see what means can be devised to examine how administration works in the South and how we can link up and co-operate with that properly. By taking examples of best practice from the South and also from the east-west connection, the review can consider how things might be streamlined. As someone who lives in the border

area, I know that there are many issues in which we could dovetail quite properly with the South to ensure more effective delivery of services in border areas and right across the island. Those are important factors.

This is probably a point for much later in the debate, but there should be some early consideration of implementing the review's recommendations. We have all been dogged by implementation in another matter that we have been dealing with. There may well be an argument for the consideration of a model with some additional powers to oversee the implementation. Even at this early stage in debating the terms of reference, perhaps some thought could be given to that. As we all know, the devil is in the detail of the implementation of these reviews. The production of the final report and the recommendations may be good, but often when we try to deliver we get bogged down and run into difficulties.

I have voiced my concern in the past that we are up and running, albeit with all the hiccups and slow and unsure starts, but are only now, in 2002, getting round to debating the review's terms of reference. I hope that there will be a much more speedy approach from here on. I note the timetables that have been set for it by the Deputy First Minister, and I hope that we can meet those timetables and get this under way and concluded quickly. I look forward to that happening. Go raibh maith agat.

**Mr McCartney:** We hear much talk of transparency in Government. Language, and the obfuscation that arises from it, is often employed by politicians and public representatives not to make things transparent but to disguise them.

As anyone who has any interest in the governance of Northern Ireland, I welcome a review of administrative practices, which most people would consider to be, in some cases, archaic and in most cases totally and outrageously overpriced. One could forgive administrators charging Rolls-Royce prices if Rolls-Royce services were being delivered. However, when the cost of governance is Rolls-Royce and the product is more like a banger than anything that Rolls and Royce would have produced, then serious questions must be asked.

There is a fundamental distinction between this review and that carried out by Macrory. Macrory was a totally, independent review. It was intended to review not only local government but also the practices at Stormont, which then represented the devolved Government. It is a matter of fundamental regret that this review does not include the Executive, the various Committees and the 11 Departments that are now being utilised to run Northern Ireland.

Edwin Poots said that we moved from a democratic deficit under direct rule to a surfeit of democracy. That statement is utterly fallacious. We have moved from having a democratic deficit to a form of government and

structures that are not democratic at all. They do not meet the fundamental requirement of any democracy, which is that when a Government no longer enjoys the confidence of the people, it may be turned out of office and replaced.

Under the d'Hondt principles, we can have elections until the cows come home, but, broadly speaking, the same parties will be returned in the same numbers. Since the choice of Ministers will lie wholly in the gift of the parties, we will have, by and large, the same Ministers, regardless of how incompetent or negligent they were, and regardless of their failures in the delivery of services.

I hope that the review of administrative services will involve a re-examination of their costs. Services in Northern Ireland fall broadly into three categories: those provided by the Executive and their 11 Departments, those provided by the so-called quangos and those provided by local government agencies.

Prof Colin Knox of Queen's University Belfast, an expert on administrative practices, believed that the expenditure of local government agencies amounted to some £250 million, give or take £10 million. That is about 5% of the costs of government, as opposed to the 65% spent on quangos, as quoted by Ms Lewsley. Prof Knox warned that to concentrate any so-called reforms or review of administration on the 26 local government bodies was a red herring and would obstruct the review of the fundamental aspects.

Everyone accepts that quangos — or many of them — must go and that they should have gone long ago. They represented the veneer or cosmetic surface that several British Governments utilised to give a semblance of democracy to direct rule. They comprised, for the most part, the great and the good: people who were said to have safe hands. Some might say that they had soft minds. They delivered mainly what the Government wanted. They were not elected or accountable, but from time to time a sprinkling of elected representatives was added to the mix to give a semblance of democratic accountability.

Everyone agrees that there must be a great pruning back. However, that disguises the fact that superimposed on top of the layer of undemocratic, unaccountable agencies was a layer that, in some respects, was little better — devolved government. Devolved government presented us with 11 Department instead of six, and a bureaucratic bill of upwards of £1 billion. It also presented us with a form —

**Dr Birnie:** Will the Member give way?

**Mr McCartney:** Yes.

**Dr Birnie:** I thank the Member for giving way. Mr McCartney says that the cost of the 11 Departments is upwards of £1 billion. My understanding is that total departmental running costs are just under £700 million.



Perhaps he will tell me where the figure of £1,000 million comes from.

**Mr McCartney:** The sum required in the spring Estimates was — and I speak off the cuff — about £540 million.

5.45 pm

The accompanying explanatory papers suggested that that represented — again, I speak off the cuff — about 41% to 46%. It is 40-something-or-other per cent. By simple mathematics, which, as an economist, even the Member could carry out, it totalled about £1 billion. In fact, it was rather more than that if those figures were correct. We can go into that at another time; however, that is the source of the figure, whether it pleases the Member or not.

**Dr Birnie:** I do not think that the figures are correct.

**Mr McCartney:** We can look at the debate, look at the figures and, ultimately, at the explanatory material that went with them. We can then get out our abacus, if that is necessary, and do the counting. In any event, it is a very large sum.

That sum is the product of those 11 Departments not being the result of any analysed conclusion as to the number that was required to be efficient and economical in its administrative result. The 11, or rather the 10, Departments were determined upon solely for political reasons. I recall vividly attending a consultation given by the then shadow First Minister and the shadow Deputy First Minister on the number of Departments that there would be. I told them that I would stay for 30 minutes or 30 seconds, depending on the answer to my first question. I asked them whether the number of Departments would be determined on the basis of administrative efficiency and cost or on the basis of political considerations. If it was to be the latter, I told them that I would detain them no longer. Of course, it was the latter.

The result is, that when we talk about joined-up government, we have three Departments that are concerned with planning matters — the Department of the Environment, the Department for Regional Development and the Department of Agriculture and Rural Development. The review of public administration should start with the Assembly — the biggest spender of all — and with the 11 Departments that are supposed to be delivering some of the most important and fundamental services, such as health, education, the environment and housing. We should be looking at those areas.

The review, however, excludes any examination of the administrative practices and the requirements of the 11 Departments. Why? Under the d'Hondt system, the four major parties that provide the 10 Ministers have a vested interest in continuing as before. Under Mr Poots's surfeit of democracy, there is no effective opposition. There is no joined-up government and no

Cabinet responsibility and accountability. There are 10 independent warlordships.

**Mr O'Neill:** On a point of order, Madam Deputy Speaker. Since the Member says that, in his opinion, the Departments are outside the ambit of the review of public administration, is he in order to continue talking about them?

**Mr McCartney:** Nonsense presented with a grave and erudite manner remains nonsense. That is what we have been treated to. I have never heard such illogical gobbledygook since I arrived in this place, and I have heard much. Let us continue — [*Interruption*].

Mr Dallat has something to say.

**Mr Dallat:** Not a word. [*Interruption*].

**Madam Deputy Speaker:** Order.

**Mr McCartney:** If there is to be this much-vaunted and, as is generally acknowledged, necessary review, it should review all the major organs of administration, and the major organ is the Assembly. The Assembly has 108 MLAs for a population of 1.6 million. The Scottish Parliament, with greater powers, has 129 MSPs for a population of slightly more than 5 million, and Wales, with a population of 3 million, has 60 AMs in its National Assembly. Were the National Assembly for Wales to follow Northern Ireland's example it would have almost 200 AMs; were the Scottish Parliament to do so it would have 260 or more MSPs.

However, such a top-heavy body as the Assembly is not the subject of any review. There were originally 10 Statutory Departments, but that was not enough. The Executive had to invent a "Department of the Centre". The Office of the First Minister and the Deputy First Minister became necessary because, with 10 independent Departments all rumbling about, one Department was required that could act in some manner to give the whole edifice some cohesion and to exercise what has proved to be the mildest of supervisory roles.

I think it was Maurice Hayes who not so long ago said that the Assembly had a multiplicity of Departments at its early stage for political reasons, but that the time had come for more mature government. He said that the number of Departments should be reduced and that the number of MLAs should be reduced to about three for each Westminster constituency — 56 or thereabouts. It is amazing that there should be a review of administrative practices for the delivery of services, yet the Assembly — the central body that will be delivering services — is not to be examined.

The Deputy First Minister is conscious that the review will be a matter of public criticism. Therefore he encourages Members to believe that there will be a robust element of independence introduced by the review body's allegedly independent members. However, Members



know that in-house officials and the Executive's sub-committee will drive the review. The Executive will get advice and direction on some issues from the independent persons who, of course, will not attend full-time. However, the officials will have a vested interest in keeping their own administrative empires going, because who has ever heard of a civil servant who was anxious to reduce the number beneath him in the pyramid? That attitude will continue to be driven.

Meanwhile, attention will be diverted to making cutbacks, which are quite proper in the case of quangos. However, cutbacks will be made to the 26 councils and to their role. Therefore Northern Ireland may finish up with nine councils instead of 26, but it will continue to have 108 Members, 11 Departments and the huge burden of administration costs.

Northern Ireland, with a population of 1.6 million, which is roughly equivalent to that of Greater Birmingham, has three MEPs, 18 MPs, 108 MLAs, 26 district councils with approximately 540 councillors, 120 quangos with almost 2,000 members, and a multiplicity of health and education boards. It is evident that public administration requires cruel pruning.

I am far from convinced that when one excludes 50% of the Assembly rose garden, the pruning will not be done properly, because there is an old fable among gardeners that if one wants one's roses to grow well, one should get an enemy to cut them back. There is no question of anyone who is involved in the review being an enemy of the Executive in that sense. Therefore I have the gravest reservations about how far it will succeed.

**Mr Dallat:** Madam Deputy Speaker — *[Interruption]*.

**Madam Deputy Speaker:** Order.

**Mr Dallat:** The reform of local administration is a serious business, and it demands a maturity that goes well beyond politicking as that term is commonly understood. It is not about sound bites but about assessing the best way to deliver services to the people. It is about saving money, but it is also about many other issues.

Many changes have taken place since the last reform in 1973. At that time, local councils were responsible for emptying the bins, burying the dead and precious little else. However, councils have now evolved a plethora of new services that were unheard of 30 years ago. Among those are community services, economic development and tourism, to mention but a few. Most councils have a positive approach to their work, and they have coped well with the vast number of changes that have been imposed on them. However, there are exceptions, and a minority of councils have made Northern Ireland the laughing stock of the world.

As has been said time and time again, councils spend a small proportion of the public purse, and non-elected bodies control the lion's share. Careful thought must be

given as to how those bodies are replaced. That is essential because the new institutions must have members who have not only the qualifications but the expertise and experience necessary to run the services to an acceptable standard if the public is to get proper service and value for money. In a new era in which it is assumed that there will be a reduction in the number of councils — if one is to believe the claims that are circulating — it is critical that the new councils exercise community leadership. They have to be well placed to influence directly the building of a peaceful society that is capable of creating genuine wealth based on justice and reflecting a cohesive, healthy and pluralist society.

None of that is possible without a strategy for social inclusion that can be tested for fairness and shown to be capable of delivering improvements that have real meaning for those who are socially excluded. Above all, the reforms must not turn into a turf war between districts or a propaganda campaign by office bearers, council officials or others who feel the need to protect their self-interests. The reforms must be based on the needs of people and the communities in which they live. Change is never easy, but we have managed to cope with many changes that often have been influenced by our membership of the European Union. Local communities are now better placed to cope with change, and I can see an important role for local strategic partnerships that are up and running and addressing the issues that I have spoken of. In many respects they are more representative of the local community than some of the district councils, which sometimes have serious failings in representation.

The review must not fail. We must balance competing concerns, but we must not be negative. We must look forward to a new era where success will cause due foundations to be laid for better government and enhanced public confidence. At the end of the process I hope that we will have new institutions that will inherit none of the weaknesses of the present bodies but will include all the features of a modern democracy that bases its decisions on the needs of people rather than on a sectarian headcount.

6.00 pm

**The Chairperson of the Committee for the Environment (Rev Dr William McCrea):** I wish to make my remarks in a dual capacity: first, on behalf of the Committee, and secondly, there are some other comments that I wish to make as a Member of the Assembly.

I wish to inform the House of the Committee's views on the terms of reference for the review of public administration and the little we know of the approach, structure, timescale and consultative arrangements for it. My Committee wrote twice to the Ministers concerned about the review, emphasising the need for clarity and

openness and, particularly, for the Committee to be fully consulted at all stages.

As a statutory departmental Committee with the job of scrutinising and developing policy with the Department of the Environment, it is essential that the Committee be fully consulted on all aspects of the review that affect the responsibilities of the Minister of the Environment. As the Minister is responsible for local government — and I declare an interest as a councillor — the Committee must also be fully consulted on the local government aspects of the review. That relates to full consultation on the options for change, draft proposals and recommendations that affect local government. Can the First and Deputy First Ministers assure the Committee that it will be fully consulted on that aspect of the review?

The Committee's letter to the Ministers on 26 April 2002 specifically highlighted the fact that the review could lead to some functions being moved between the Department of the Environment and local government, for example, planning. On that basis, the terms of reference of the review should include a review of the role of Northern Ireland Departments. The response of the Ministers, dated 31 May 2002, acknowledged that

“central government is not immune from this Review”

and

“if the Review recommends significant change to the way Departments exercise their functions, we would then, in that context, consider whether it would be appropriate for us to look again at the distribution of those functions between Departments”.

The Committee welcomed that, and I ask the Ministers to ensure that that important point is not lost when the review is eventually carried out. It would be prudent for other Members to note that, as the principle may prove all-important when we analyse the review's recommendations.

However, we must carry out the review urgently, and it must be clear and open with full, ongoing consultation with the relevant departmental Committees and appropriate timely reports to the House. I trust that the First and Deputy First Ministers can assure the House of that today.

As a Member of the Assembly, I listened with care to the contributions of others, and when one bears in mind the different tiers of Government here, it becomes clear, as Mr Poots said, that we are over-governed. However, given that Sinn Féin/IRA, inextricably linked to a terrorist organisation, is in the Executive, it is equally true to say that that Government is not democratic. I believe with all my heart that there cannot be a proper and appropriate review without a review of the central body. Therefore, what is needed is a review of the major organs of administration — the Departments and the number of Members in the Assembly. The one thing that cheers me is that shortly the electorate — even though

every effort may be made to try to abort its involvement — will give its decision.

Through the election, hope can be given to the people. That option will be brought forward, because through the results of the election a fundamental review of the entire agreement can be achieved, which will include looking at the number of Departments and the number of Members in the Assembly. Many in society are demanding that, because they want, in the fullest and most proper sense, a democratic Government for the people of the Province.

**Mr Shannon:** I agree that there is a need for a review of public administration. As Members have already said, it is important that the matter be examined and the terms of reference considered.

It is no surprise to anyone in the Chamber that public administration needs a major overhaul. That has been the theme of the debate this afternoon. Northern Ireland has been ignored and badly managed by the British Government in the past, when it was ruled directly from Westminster — badly managed in the sense that it has been left as it was when self-rule was taken away from the loyal people of Northern Ireland. Little has changed in relation to that. The neglect of consecutive Westminster Governments has been proven, and it is high time that the regional Assemblies took the unique opportunity afforded to them to set the terms of reference for the review of public administration.

The pre-eminent need in public administration is the need to maintain core traditional values while maintaining cost efficiency. Most of those who enter public service and, I believe, public administration want to serve the people of their country. At least, that should be their motivation. After all, that is why most of us sit in the Chamber today. What Members cannot understand is why there is not enough money in their budgets to help their constituents. Often, they put their own money into their advice centres and offices in order to help the community that they represent.

The restraints on money mean that many issues are not addressed sufficiently, because concentration on efficiency, specific target achievement and management by results adds to the constant pressure to spend money prudently. That is further compounded by the fact that there has been no overhaul of public administration since the creation of the welfare state in the 1940s. The Assembly must be able to reconnect public administrators with their communities by instigating citizens' journeys and other consultative methods that enable the dual goals of traditional values and efficiency.

This is the twenty-first century, with twenty-first century technology. It is time that the Assembly brought Northern Ireland's public administration into the century that we now live and work in. It is important to have a

modern structure. By looking at other scenarios worldwide, the Assembly can learn and apply the best of them to Northern Ireland. One suggestion for improvement is the alteration of political boundaries. The Assembly must keep in mind the history of Northern Ireland and the ongoing tendency to gerrymander constituencies in order to guarantee seats on councils.

There is an inherent flaw in the idea of changing political boundaries. It is too open to manipulation by those desperate to prove their political ideologies and tactical stances. It is also open to unscrupulous businesses taking over local areas in a bid to push through planning or other policies for their own advantage. For example, Prof Skelcher suggested that councils should have seats reserved for businesses and other such interest groups. Those ideas are not acceptable. However, if they are to be considered, then there should be appropriate legislation to safeguard the interests of the Northern Irish public from unscrupulous people who could use that kind of innovative policy to their own advantage and take away the rights of the community that we represent.

A major area of administration that must be immediately reviewed is the Health Service. How many times have we voiced our constituents' concerns and complaints about their treatment by the Health Service? Advice centres are coming down with people who have been failed by the Health Service: the teenager with cancer who must sit on a children's ward surrounded by Teletubbies because there is not enough money for nurses for a separate ward for teenagers; the nurse who, having been attacked by a drunk, needs time off work and is reprimanded for taking a sick day; or the many pensioners who wait for up to eight hours to be seen by a doctor.

That area really needs to be overhauled. The top-heavy administration of the Health Service must be whittled down and the money put back where it matters most: into providing nurses, doctors, machines and drugs to reduce Health Service waiting lists and bring them under control. If there was ever one true indicator of how badly public administration needs to be overhauled, it is the Health Service. The review should start at the very top and filter down throughout it.

The review should go throughout all public administration bodies. By doing that, we will gain efficiency. Moreover, we will gain the service that our constituents ask for when they pay taxes and are owed, and have been owed, for nearly 30 years. I support this review.

**Mr Beggs:** I too welcome the finalisation of the terms of the review of public administration. This is an important development that is long overdue. I wish the panel of experts well as it advises the Office of the First Minister and the Deputy First Minister and the Assembly as we shape the future of public administration.

This is one of the most comprehensive reviews that has ever occurred in Northern Ireland. There have been reviews with wider remits, but this will probably be the second widest review of administration, and that is significant. As has already been said, central Government, in the form of the devolved Administration, will not be immune if strong recommendations come forward. As other Members have said, some recommendations could well affect the Departments.

There is a great danger that discussions will, to a degree, become bogged down if the review tries to encompass the entire Administration. There could have been a concentration on devolved Government, the Departments and the councils alone. It would have been easy not to make the tiers of quangos and other non-departmental bodies the focal point, but we must concentrate on reforming that middle section of government, which has not seen change for 30 years. I am content with the shape of the review.

As a member of the Committee of the Centre, I welcome the mood of the first meeting between the Committee and the panel of independent experts, where I detected a spirit of partnership. If we are to make progress collectively as an Assembly, we must form effective partnerships, taking on board good ideas from wherever they come. I hope that that atmosphere will continue and that there will be an effective working partnership between the group of experts and the Committee of the Centre, and between the Executive and public administration as a whole.

I hope that, as the review progresses, some sensible small-business principles will be applied and bureaucracy avoided. In the future, we must avoid pushing bits of paper up and down between different layers of government. I also hope that we will avoid passing the buck elsewhere and that we will have clear lines of responsibility and accountability. If someone is given responsibility for making decisions, they should accept that responsibility. Sometimes that will not be easy.

6.15 pm

We have mentioned planning, but planning, to a certain extent, may well suit local government at the moment. Planners take many of the difficult decisions, and at present local government can disagree with the planners, no matter what decision is taken. Public representatives may be faced with difficult decisions in the future.

As regards clear lines of responsibility and accountability, our health system is not one that anyone would create if they were starting with a blank sheet of paper. No one would want one Department, four health boards and 19 trusts. In addition, there are community care primary groups. No one would start with that.

An academic who advised the Committee of the Centre said that we should examine the service to be delivered at ground level, and work upwards in determining



the structure required to deliver it. We should not be looking at the baggage we already have, but we should try to devise a practical, workable system and adapt it to function democratically. We must adopt a bottom-up approach and not tinker with the existing system.

As we go forward together, I hope that we can deliver a better service to all our people and, with that, provide a better Health Service, better education and better opportunities for everyone in Northern Ireland.

**The Deputy First Minister:** I thank Members for participating in the debate and for their continuing interest in this important review. Fundamental changes to the administration of public services are now in our grasp. It is to be hoped that the changes will improve the quality of life for many people who need, and rely on, the services. This review is the means to that end.

Some Members are pleased that we are finally discussing the terms of reference. A debate in the Assembly in February examined the draft terms of reference, and there was a pre-consultation process. Therefore, this debate is not a “first” as far as the review is concerned.

I was struck by the general level of interest in the review during the pre-consultation process, and several Members reflected that interest in the debate. Many wanted an earlier launch of the review. Notwithstanding those frustrations, the time was well spent in engaging with a broad cross-section of interested parties and in ensuring a strong basis on which to proceed. Today’s debate seeks the Assembly’s endorsement of the terms of reference so as to allow work to begin immediately.

Public servants have ensured a consistently high quality of service throughout the difficulties of the last 30 years; that must be underscored, and not taken for granted. The need to modernise our public sector is now widely recognised. The sooner that process is started the sooner we will all see the benefits.

We have repeatedly said that the process will be open, transparent and inclusive. On that basis the terms of reference were drafted, revised and amended, and on that basis the review will proceed. Members have had the opportunity to influence the final shape of the terms of reference, and we have been open about the changes that were incorporated.

Members will also be able to influence the conduct, thinking and consideration of the review. We have emphasised the importance of its credibility by incorporating a strong, independent element. The additional step of having the terms of reference quality-assured by the panel of independent experts, once others had had their say, was a key part of that. The terms of reference are robust and provide a strong basis for the review. I hope that Members will give them a seal of approval.

We must make progress quickly. Having consulted on the terms, there will be raised expectations that the review will build up a head of steam. Consultation will be a major feature, and one of the team’s first actions will be to formally notify interested parties that it has started.

We anticipate formal consultation later in the year to encourage widespread public debate. We are encouraged by the level of interest that the public has shown and hope that public interest and involvement will develop as the review examines the substantive issues that must be addressed, some of which Members have referred to today. As it progresses, we will build consensus for the change that is required and make well-informed decisions that will bring benefits to us all.

The Assembly has a key role to play. The review is a project in which the Assembly and Executive can work in partnership for the benefit of everyone. Regardless of the review’s outcome, successful implementation will depend on the support of the Assembly. The Assembly must be involved at every stage, and we have responded to Assembly considerations.

Mr Poots, as Chairperson of the Committee of the Centre, made several points. He is concerned that, although the terms of reference list characteristics that we want in our public administration, they are neither ranked nor weighted. We want to be honest and consistent and to conduct the review in an open and transparent manner by publishing the terms of reference for endorsement by the Assembly and for pre-consultation. If we had included weightings and rankings, people might have thought that the review was not open and transparent and that we were not going to be flexible; then the consultation would not mean much.

The purpose of the characteristics is to give guidance to everyone who contributes to the review, and not just to the review team or the independent panel. People can attach what weight they wish to them. As Mr Poots said, to get the right mix of characteristics, there will be trade-offs. Policy and programme areas have different delivery needs and systems for service management and policy development. Those who criticise the lack of weightings and rankings should specify the weightings and rankings that they would give. It is open to Committees, including the Committee of the Centre, to put forward their views.

Mr Poots also referred to e-government. Our progress on e-government has basic significance for how we configure services and how Departments structure themselves and their systems, not least because we have seen that businesses, as well as the community and voluntary sectors, among others, have altered their organisations to take account of the electronic age. That has led them to become more customer-focused and has changed many of the hand-me-down systems that had developed.



I accept that e-government is relevant here, and it will be implemented. We cannot necessarily identify the e-government hotshot on the panel of experts, but everyone on the panel has been involved in exercises connected with organisational and service change to include information technology.

We will also be able to include other experts from specific areas, be they sectoral or organisational, as we need them. Therefore, the independent input and insight available to us is not merely confined to the panel that we announced today.

Mr Poots and Mr McCartney mentioned the involvement of Government Departments in the review, and Rev Dr William McCrea also touched on that point. Let us be clear that the distribution of functions between Departments, and their policy responsibilities, are not a matter for the review. Departments have come and gone over the past 30 years, and they will come and go over the next few years. There is a means for deciding the functions of Departments. The First Minister and the Deputy First Minister can develop a determination that outlines changes in Departments and in the distribution of functions between Departments and that is subject to a vote in the House.

Departments were changed a couple of years ago, and they will be changed in the future. In the South, Government Departments have changed recently: the same has happened at Westminster. As some Members said, we are talking about producing structures for public administration that could survive for a generation, just as the existing structures that were reviewed in the early 1970s have done. Therefore, in this review we are talking about structures that go beyond the functional responsibilities of Departments.

If we did include the distribution of functions between Departments in the review, then increasingly that interdepartmental swap, or contest, would become the undue focus of the review for the Assembly. Departmental Committees would be lobbying for their particular Departments' remit as they saw it, rather than contributing on the issues Members would raise or the issues that we would be considering.

We would be distracted from such questions as how we deliver services, how we make those services accessible and responsive, and how we ensure that there are no unnecessary intermediary structures, gaps, or duplications in how they are connected and delivered. We would get distracted from the key task of the review if we were to examine the policy functions that Departments should have.

Will the review have significant implications for Departments' work? Yes. It can have a significant impact on their remits if there are implications for the bodies that discharge and deliver Government services for

Departments. Those bodies are, in turn, accountable to the Departments.

I have made the point elsewhere that I would like the review to address matters such as the good experience and good partnership practices that we have developed at several levels, and some Members have mentioned that. It does not merely take into account the more localised partnership arrangements developed under EU programmes, but it also considers the positive partnership models that have developed between people who work in local health and social services, education, housing, and community development. If we change and develop that, there are huge implications for how Government Departments deliver their services or turn to others to provide those services locally.

The Departments are not immune, but we are not analysing their respective functions in the review.

6.30 pm

*(Mr Speaker in the Chair)*

Patricia Lewsley emphasised best value and learning from best practice elsewhere. We want to learn the lessons of others who have engaged in similar reviews. Mr Edwin Poots also touched on that aspect. We will look internationally at how best to organise public administration, and the panel of experts will bring some insight on that.

Equality issues are an integral part of the review; equality and equity of access are key characteristics that are outlined in the terms of reference. The review team, the experts and, I have no doubt, the relevant Assembly Committees, will all be mindful of the equality issues throughout the review process.

In answer to Mr Conor Murphy's question about the review's timetable, it will be carried out in phases. We envisage recommendations emerging at the end of 2003. However, an interim report will be presented in the spring of 2003. Before that, the review team and the experts will engage with a range of specialist and sectoral interests outside the Assembly and also with the full range of internal interests. The Assembly will not be disconnected from the developing work of the review. The Executive will also stay connected with the developing work through their dedicated subcommittee.

Conor Murphy also raised issues about the review dovetailing with other reviews, and other important business that is coming forward. Work on related reviews and other developments will be carried forward by the relevant Departments, and they will obviously have to be drawn together at key decision-making points. The Executive will have a gatekeeping role in relation to many of these decisions and will want to ensure that decisions are taken in a co-ordinated manner.

Just because we can see connections between this review and other issues, we cannot put every issue on the long finger and decide to have one omnibus exercise instead of separate reviews. We know of the timetable difficulties experienced with discrete reviews to date, and also of the difficulties and concerns expressed — even about the delay in this review. It would not be credible to suspend all the reviews and subsume them into one.

We do not want to unnecessarily delay progress on other reviews. Commitments have been made; changes and developments are needed and have previously been mandated in relation to other issues, and we want to advance them. We will do so in a way that benefits from the light shed by the review of public administration. That review will also take account of the emerging changes in discrete policy areas — changes that will have been the subject of wide consultation and a fair degree of consensus. There should, therefore, be no controversy in moving ahead on some of those issues; nor should there be any compromise to the integrity of the review of public administration.

The debate on 25 February 2002 got into an “everything-must-go” vein, and we had some elements of that today, including Bob McCartney’s contribution.

It is easy to make the sweeping argument that, because we have some new arrangements, all quangos and other administrative bodies can go. At first sight, it is a tendency with which many of us would have a great deal of sympathy.

**Mr McCartney:** Will the Minister give way?

**The Deputy First Minister:** No thanks.

**Mr McCartney:** Is the Minister scared to give way?

**The Deputy First Minister:** I am not afraid to give way.

**Mr McCartney:** On a point of order, Mr Speaker. Is it in order for the Minister to misrepresent entirely what another Member said?

**Mr Speaker:** I am sure that no Member would dream of misrepresenting another. I ask the Minister to continue.

**Mr McCartney:** When Hansard is published, it will show what I said.

**The Deputy First Minister:** Hansard will show that Mr McCartney’s speech was in the vein of “everything and everyone but me must go”.

We must recognise that although there are many unnecessary structures and systems that we must cut out, some tiers of administration provide lines of advocacy — our thinking on that matter will develop as the review progresses. To remove them simply to reduce administration would take away the lines of advocacy.

We must be discerning and discriminating in the changes that we make, without losing valuable accessibility and openness to the interests of those who rely on services.

We must ensure that the structures are locality sensitive. Many Members have stressed that local government boundaries are fragile. Such sensitivities relate not only to the existence of council structures, but attach to changing arrangements that have a direct bearing on how services are delivered in an area and on how an area’s needs and initiatives are protected or considered in the delivery of Government services. We must be more thoughtful and less sweeping in our approach to that in order to achieve the necessary changes and eventual outcome.

We should not underestimate the quality of the work done by many administrative bodies. Many have done valiant work in very difficult circumstances. In setting out the case for change and a significant reduction of administrative structures, we must acknowledge the important contribution of many bodies and their staff.

The purpose of the review is to consider whether our arrangements can be improved. We all agree that there must be many ways in which that can be done. We want a form of public administration that delivers high-quality services in a way that meets the needs of the public, represents value for money, and makes sense. People should not have to understand how or why services are configured in a given way, or why certain structures exist. We want to ensure that local government structures are more comprehensible and more sensitive to people’s needs. I use the word “people” not only to describe the population of the region; we must be sufficiently locality sensitive too.

The review should test whether savings can be made while delivering improvements, and we have built that into its terms of reference.

Mr McCrea stressed the importance of the Committee for the Environment, as it has a special interest in local government. The Committee of the Centre will have the main responsibility for overseeing the review, but it will liaise with all the other Committees, from which it will try to co-ordinate input.

Obviously, the panel of experts and the review team will be open to communication from Committees. It was recognised in the earlier debate on the matter that one Committee should clearly take the lead in this, as for the Programme for Government and for the Budget. The other Committees should interact with, and relate to, the Committee of the Centre, and I therefore refer the Rev Dr William McCrea to that Committee for those purposes and points.

Other points were touched on relating to the whole question of the —

**Mr Speaker:** Order. I draw the Deputy First Minister's attention to the fact that he has shown extraordinary stamina and has been on his feet for some 23 minutes.

**The Deputy First Minister:** OK. I gave way during that time. Some Members will say that I did not answer this or that point.

Reference was made to the issue of departmental running costs, and I would give the health warning again. When I was Minister of Finance and Personnel and sought to curb departmental running costs, bringing in across-the-board reductions, many Departments alerted not just myself, as Minister of Finance and Personnel, but also the respective departmental Committees, to the flaws in the departmental running cost regime. They said that what appears as departmental running costs in some Departments actually includes a large degree of direct service expenditure. Therefore, not all of the departmental running costs are purely administrative, bureaucratic expenditure. The Executive are engaged in an exercise to make sure that the departmental running costs regime is more consistent and reflects more accurately the type of expenditure that we are about. That should mean less confusion for Members and the Executive.

I think that has covered most of the key points that have been raised. If I have not answered any specific questions here, I will do so in writing. More importantly, those Members who sit on Committees will have ample opportunity to take their interest in this review further through those channels. I believe that the terms of reference give us a credible basis for the review, and we must now make progress quickly. The review of public administration, along with our work on e-government and the other important reviews that we are undertaking, means that, having changed our form of government in this region a few years ago, we can change the face of government as well in the coming years. We can ensure that we have government that is not only representative but responsive to people's needs. There are other issues about the structure of the Assembly that are not for this review, and not for the Executive, and people can take those up elsewhere, through the channels available to them.

*Question put and agreed to.*

*Resolved:*

That this Assembly endorses the terms of reference for the Review of Public Administration.

## **REPORT OF THE AD HOC COMMITTEE — DISQUALIFICATION LEGISLATION**

**The Chairperson of the Ad Hoc Committee (Dr Birnie):** I beg to move

That this Assembly approves the report of the Ad hoc Committee, which considered the criteria for the disqualification of persons listed under Schedule 1 of the Northern Ireland Assembly Disqualification Act 1975, established by resolution on 13 May 2002, and agrees that it be submitted to the Secretary of State as a report of the Northern Ireland Assembly.

I will begin by providing Members with some background on the Ad Hoc Committee. The Committee was set up following a request from the Secretary of State, Dr John Reid, to review the criteria for the inclusion of those persons and/or groups currently included in schedule 1 of the Northern Ireland Assembly Disqualification Act 1975. The Northern Ireland (Elections) Act 1998 applied the House of Commons Disqualification Act 1975 to the first elections to this Assembly back in 1998.

6.45 pm

The Northern Ireland Act 1998 applies the Northern Ireland Assembly Disqualification Act 1975 (the 1975 Act) to the 2003 and any subsequent elections. The Northern Ireland Assembly Disqualification Act 1975 was last reprinted in July 1982. However, it has subsequently been amended but not reprinted. Therefore, there is currently no easily accessible method for determining the offices that are disqualified from membership of the Assembly.

Section 3 of the 1975 Act provides that if at any time it is resolved by the Assembly that schedule 1 be amended, whether by way of additions, removals or alterations, Her Majesty may by Order in Council amend that schedule. The Secretary of State's consent is required to such an Order in Council under section 36(2) of the Northern Ireland Act 1998.

The Northern Ireland Office Elections Unit provided the Ad Hoc Committee with the criteria currently applied to schedule 1. Members can see the details of those criteria at section 9 of the Committee report. The Committee agreed to review the existing criteria and to submit any amended criteria to the Secretary of State. The Secretary of State will then seek the advice of officials in the Office of the First Minister and the Deputy First Minister and the Northern Ireland Departments in relation to offices that are within the gift of the Northern Ireland Executive. The Secretary of State will then write to seek the Assembly's view on the revised list.

The Committee endorsed the view that no unnecessary obstacles should be placed in the way of persons becoming Members of the Legislative Assembly. Although the general theme of the Ad Hoc Committee was the subject



of disqualification from election and membership, most Committee members expressed the strong view that there is in Northern Ireland a culture that is antipathetic to elected politicians and to politics generally. Therefore, whatever we decide, we should not discourage individuals from reasonable participation in elected politics with an aim or aspiration to holding elected office.

The Northern Ireland Assembly Legal Services and Northern Ireland Assembly Research and Library Services briefed the Committee. Following debate, it agreed draft criteria for those organisations and individuals listed in schedule 1 of the Northern Ireland Assembly Disqualification Act 1975.

I want to move on to the Committee's deliberations and highlight key recommendations. The Committee expressed serious reservations about the quality of the criteria submitted by the Elections Unit of the Northern Ireland Office and about the non-availability of Northern Ireland Office officials to attend the Committee to provide evidence. These factors militated against the Committee and undermined its capacity to carry out effective scrutiny and consequently provide a comprehensive set of revised criteria. The Committee requested that any agreed criteria and revised schedule 1 list be referred formally to the Assembly for consideration in advance of the new legislation.

The first criterion is a conflict of interest, defined as a situation in which someone has competing professional or personal obligations, or personal or financial interests, that would make it difficult to fulfil his or her duties fairly. The Committee considered that those persons appointed by Ministers, or on the advice of Ministers, to the boards of non-departmental public bodies and other "public bodies" as may be listed in schedule 1 should be disqualified from becoming Assembly Members on the basis of conflict of interest, real or perceived.

I move on to the so-called *de minimis* rule. The current criteria states that schedule 1 disqualification usually only comes into play where the post in question pays at least £10,000 a year, adjusted from time to time in line with general inflation. It also appeared that there was incomplete application of the *de minimis* rule.

On balance, the Committee thought that the *de minimis* rule should be dropped, given its current incomplete and confusing application. It also thought that the crucial issue was the level of authority exercised as a chairperson or board member with regard to financial control or strategic influence on Northern Ireland society, economy or politics, rather than the salary paid to a board member per se. The Committee recommended that any new criteria should remove the *de minimis* rule.

To the extent that there is, or should be, a separation of constitutional powers, it was thought inappropriate that members of the judiciary who apply the law should

potentially also be members of a body that makes law. The Committee raised the issue of part-time posts in the judiciary, and the report recommends that the Northern Ireland Office should consider whether it is appropriate to disqualify part-time judges and magistrates and members of industrial tribunals, as laid out in part 1 of schedule 1 of the disqualification list.

The original criteria submitted by the Northern Ireland Office cited geographical location and time commitments as relevant factors in the possible disqualification of a chairperson or board member of a non-departmental public body from becoming an MLA. It was unclear what those criteria meant, in principle and in practice, and the Committee proposes that those criteria be excluded.

The Committee considered the issue of potential MLAs being excluded from taking up their seats by nature of their inclusion in schedule 1. It considered that a reasonable period of time should be allowed after the election for those potential MLAs to resign their current positions and subsequently maintain the position of MLA, having been elected. The Committee wanted to exclude the possibility that some hapless individuals who belonged to one of the bodies listed in schedule 1 could be forced to resign their positions, and perhaps surrender their livelihoods, before they were certain that they had been successful in an election. A reasonable period of time should be given to clarify their successful election before they resign from the posts listed in schedule 1.

The Committee considered that there was a need for wide public consultation on any revised criteria. It would have welcomed more time to give fuller consideration to the review of the criteria, and to have had the opportunity to take evidence from a wider number of interested parties. However, it was not the fault of the Northern Ireland Office that the timetable was telescoped.

The Assembly will welcome the opportunity to consider any new Orders in Council that may be introduced at a later stage.

I thank the Committee members, the Committee Clerk and his staff for their support and deliberation. I urge the Assembly to support the motion.

**Mr Weir:** I support the motion. This is a debate that will not excite Members to the same extent as other debates, and I suspect that the limited number of Members in the Chamber reflects that. Nevertheless, disqualification is an important issue, and it is right that the Government are considering a general review of the criteria.

We must have a system that is clear, transparent and rational. As the Chairperson said, the current list has grown up in a haphazard manner and has been adjusted from time to time. There has been a question mark over the overall level of coherence and relevance of that list.



In determining the criteria to judge disqualification, it is important that the Assembly ensures that it adheres to the highest public standards. It is also important that individual Members, potential individual Members and political parties are able to enter elections with a degree of certainty and clarity. In the run-up to nominations for the Assembly, I am sure that several Members found themselves scrambling around to ensure that potential candidates did not fall foul of one of the disqualifications on the long list of public offices that could potentially debar a Member. Rather than have that panic reaction, it is appropriate that political parties and individuals are able to approach the process with a degree of certainty, knowing which offices clearly disqualify and which do not. It is also important that the entire process is rationalised.

In using those criteria, as the Chairperson said, the Committee was hamstrung by the fact that there seemed to be little co-operation from the NIO, and it seemed that it was deliberating with one hand tied behind its back. It was difficult to judge the rationale of some of the proposals that had been put forward. It is true that only a short time was available, but the NIO was unable to provide anyone to give evidence to the Committee. That made it difficult for the Committee to judge whether the Secretary of State's proposals have got it right.

At least two of the Committee's recommendations reflect concern over the NIO's lack of transparency and rationale. Although we have made provisional recommendations on a range of criteria and principles, it is undoubtedly the case that the views that the Committee advances are a holding exercise — one that is unwilling to give a final verdict on what emerges until that final picture is seen. As such, recommendation 1 asks:

"That the Committee requests that any agreed criteria and revised Schedule 1 list be formally referred to the Assembly, for consideration, in advance of new legislation."

There is a need for the House to revisit the issue at that stage. Similarly, in recommendation 7, that is appropriate, because there appears to have been relatively little public consultation. In moving the process forward, it is important that the NIO engages interested parties and the public. That is also part of the general concern at the lack of transparency on the part of the NIO.

As the Chairperson said, the Committee sees the issue of conflict of interest as the guiding principle. That should be the watchword of public standards. The report states that

"The Committee considered that those people appointed, by Ministers or on the advice of Ministers, to the boards of Non Departmental Public Bodies and other 'public' bodies as may be listed in Schedule 1, should be disqualified from becoming MLAs, on the basis of conflict of interest, real or perceived."

That is the report's central recommendation, and a couple of points must be made on that. First, we are dealing with changing circumstances. When the Dis-

qualification Act 1975 came into force, the situation predated any degree of devolution in the United Kingdom. There is a need to take account of that situation. As such, ministerial appointments by members of the Northern Ireland Executive, for example, were not envisaged at that stage. In particular, because of our unique circumstances, and the unique ramifications of the political process, we find ourselves in a situation that was probably not envisaged in 1975, which is that people can be appointed to public bodies not simply by the Minister, but, perhaps, partially by, or on the advice of, the Minister. The reason for that caveat is that we may wish to create a situation in which people are appointed not only by Ministers of the Crown in Northern Ireland, but are jointly appointed to implementation bodies that arise from the North/South Ministerial Council or, indeed, in the future, are jointly appointed to public bodies by a Northern Ireland Minister and a representative of the European Commission.

All those situations must be covered. It is perverse that a person who is jointly appointed by a Minister from Dublin and a Minister from Belfast is exempt from these regulations, but a person appointed by a Minister in Northern Ireland would be excluded from the Assembly. There must be consistency.

7.00 pm

Members must consider the recommendation concerning conflict of interests. Conflict does not only arise in cases where there is direct conflict of interest of an obvious and real nature. The important issue is the reputation of the Assembly and the perception of public life. It is important, therefore, that one of the guiding principles of conflict of interest should be where there is a perceived conflict of interest.

The *de minimis* rule will have to be revisited. The Committee thought that a situation could arise with a £10,000 threshold. The money element seemed to be a somewhat illogical barrier. The fact that a member of a quango who is earning £11,000 would be disqualified, and a member earning £9,000 would not, seemed to be arbitrary. The Committee was motivated by the fact that several people are on more than one quango. Those people may earn a total of £20,000 in three public bodies, but the income from each individual quango may not bring them above the threshold. Therefore, that issue must be revisited.

In the Assembly, several Members have legal backgrounds: Alban Maginness, David Trimble, Duncan Shipley Dalton, Bob McCartney and myself. I am sure that Members might sympathise with those people who consider that the judicial office criteria could be extended to disqualify anyone connected with the law from being an MLA. However, the Committee took a more sensible route. A line should be drawn so that those who hold judicial office should be excluded. The

Committee took a practical example — and this can happen in the legal profession — where people are appointed on a temporary short-term basis at a low level. They could be deputy magistrates filling in once every few months when a judge is sick. For such cases, the Committee thinks that that would not be a proper application of the judicial exclusion. It is not applied in England. The Committee agreed that this reflected the split of powers.

The Committee thought that not much logic was attached to the geographical location and time commitments. This issue would have been best illuminated by a representative from the Northern Ireland Office explaining the thinking behind it. In the absence of that, the Committee does not see any reason for maintaining it.

With regard to the exclusion of potential MLAs, it is unfair that people who run for office might have to face a difficult decision because they cannot hold one of these posts and be an MLA at the same time. If people resign their post 10 minutes before they are elected, they will be all right, but if they resign 10 minutes after being elected, they will be disqualified. Common sense must be used. The key element must be conflict of interest. If a short but reasonable time is allowed for people to divest themselves of their responsibilities, it does not act — as the Chairperson says — as an unnecessary obstacle. That should guide the Assembly.

I recommend the report. Members should look to the future and revisit this issue, because I am concerned that the Northern Ireland Office has not explained the rationale behind some matters. The Assembly must see the detailed legislation when it is introduced. I urge Members to support the Committee's recommendations.

**Dr Birnie:** I agree with Mr Weir's first comment, and I thank him for his speech of support. This subject, on the face of it, does not seem to have excited a great deal of interest. That is a bit strange because you would have thought that potential disqualification from election and membership would have been of rather intense interest. Perhaps most Members have acquired a layer of high, abstract detachment from such self-interest.

I also agree with Mr Weir's other comments. It would be a great help if all potential MLAs and persons putting their names forward for election could enter with certainty about their eligibility to hold office.

We will await with interest the list of schedule 1 bodies that the Northern Ireland Office will draw up in consultation with the 11 Departments. Close examination of the list may attract a bit more controversy than has occurred this afternoon. I agree with Mr Weir that there are questions about what may be termed "international appointments" to bodies, and they will have to be answered in due course.

The Committee concluded that we should retain and clarify the key point about minimising actual or perceived conflicts of interest, that we should drop the *de minimis* rule and the emphasis on time commitments and geographical commitments. The judicial disqualification should be retained subject to some clarification about part-time judicial positions. I urge the Assembly to support the motion.

*Question put and agreed to.*

*Resolved:*

That this Assembly approves the report of the Ad hoc Committee, which considered the criteria for the disqualification of persons listed under Schedule 1 of the Northern Ireland Assembly Disqualification Act 1975, established by resolution on 13 May 2002, and agrees that it be submitted to the Secretary of State as a report of the Northern Ireland Assembly.

## FIRST REPORT OF THE NORTHERN IRELAND ASSEMBLY COMMISSION

**Mr Fee:** I beg to move

That this Assembly takes receipt of the First Report of the Northern Ireland Assembly Commission (NIA 102/01).

I assume from the attendance in the Chamber this evening that there will be a run on Hansard tomorrow morning. I will be as brief as possible to ensure that our staff can get home at a reasonable hour tonight. I am moving the motion on behalf of the Assembly Commission and on behalf of the Members of the Commission — Rev Robert Coulter, Dr Dara O'Hagan, Mrs Eileen Bell and Mr Jim Wells.

**Mr Speaker:** I have a sense that Members at the back are having some difficulty hearing the Member.

**Mr Fee:** My apologies.

**Mr Speaker:** If there is a problem with the microphones, perhaps the Member could move to a seat beside his Colleague, Rev Robert Coulter. He may be better heard there.

**Mr Fee:** Each of the Assembly Commissioners has had a particular area of responsibility for one of the Directorates. With your permission, Mr Speaker, during the discussion of the annual report each Assembly Commissioner will speak for a couple of moments on the area or Directorate that is within their sphere of interest.

This is the first report of the Assembly Commission. It has been a long time in the making, and it has not been for the want of planning, expertise, much hard work and an enormous amount of effort by the Secretariat staff, by the board of management, by line managers and by many people who have worked for the Assembly over the years prior to, and after, devolution and prior to, and after, suspension. The report accurately reflects some of what has been going on in recent years, and it is also the basis upon which the Assembly has to judge the efforts of the Assembly Commission and Secretariat staff.

I commend the report to the House because, despite the challenges, the problems, the political differences and the changes in personnel and the like over the past four years, if I ever have grandchildren, I will tell them that I was extraordinarily proud to be part of the Assembly Commission. It has been enormously rewarding working with all of the public servants who have worked in this place, and the achievements of the different Directorates in the Assembly are highly commendable and are demonstrable examples of good practice that we already know other legislatures are copying.

I will not rehearse every detail in the report. It is on record and, if the Assembly endorses and accepts it, it will be part of the history of Northern Ireland. However, several general decisions were made that were crucial.

Some of those related to the fact that the Assembly Commission decided that open recruitment and investing in staff, whether they be secondees, contract staff or those selected by open recruitment, was essential. Therefore, we have taken action across all the Directorates to try to ensure that there are proper recruitment procedures, open recruitment, ongoing in-service training, on-the-job training and staff development and so on. That is good for a public body such as the Assembly Commission, and it is something that I commend to Members.

The outcome of what we have been doing is in paragraph 5.5 of the report. It is worth putting on record that we have had more than 3,500 applications for posts in the Secretariat of the Assembly, and more than 211 appointments have been made. Approximately half of those have come from the Northern Ireland Civil Service and the other half have come from other employment backgrounds, including the community, voluntary and private sectors.

We have also published the fair employment statistics that were available when the report was scripted. There were 86 appointments from the Catholic community, 111 appointments from the Protestant community, 14 appointments were not determined, and there were around 118 males and 93 females. I chose to begin with that section because the Assembly is a good example to the rest of Northern Ireland in how it treats people, how it attracts people from every background, how the politicians have worked and how the Assembly Commission has worked. We should not hide our light under a bushel.

We have also done many other things. Members will recall that the Assembly Commission took forward the first three Bills that the Assembly passed. Almost by accident, we acted as the guinea pigs for the legislative process.

From the accounts, Members will see that we have maintained stringent controls on our budget, and that we have gone further and appointed internal audit staff. We are also developing procurement procedures and trying as best as possible to ensure that we, and the Assembly as a whole, are entirely beyond reproach.

We are in the process of trying to design, agree, and negotiate proper terms and conditions with staff. That is an ongoing project that will take us well into the next mandate.

7.15 pm

The Commission has referred to controversial issues in its report, such as symbols, language and so on. Again, it has not been shy about recognising that there is work to be done. That work is in progress, and the Commission will report to the Assembly on those issues.

Other Assembly Commissioners will talk about the specific Directorates that they have worked with, and on

whose behalf they have advocated various services. My joy has been to work with the Director and staff of the Research and Information Directorate. I choose my words carefully. I must say that the support services, information systems and IT services that have been developed over the past four years are extraordinary.

Members will recall that four years ago, when the shadow Assembly was elected, there were around 17 members of staff, almost all of whom were brought from the Forum for Political Dialogue that existed then. To have been able to expand from 17 members of staff across the entire Secretariat into an extraordinarily diverse, highly talented, highly motivated, and well-qualified group of people is a remarkable achievement. To have brought up to speed 108 Members and all of the information and communication systems, computer services, and constituency services, and to have provided security systems that allow those information systems to be controlled, is an extraordinary achievement.

The research division is second to none in Ireland, and it challenges anything being provided by any major legislature in Europe or the United States. I do not have to elaborate on that. Members, their staff, and the Secretariat use it. The quality and impartiality of research is highly impressive. Confidentiality in that division is exemplary.

The Assembly Library was here long before any of us — well, most of us. I have already been told that I am not allowed to name people. However, the Principal Librarian has taken the Assembly Library into the twenty-first century and is providing services to challenge any parliamentary library. That should be recognised, though it is not always recognised by Members. I have been provided with a wealth of information.

I am aware that I should go around the organisation and tell staff what wonderful people they are. I can do nothing other than to say that as an Assembly Commissioner, I am deeply proud to have been involved in the past four years. That is the best that I can say to staff. I wholeheartedly commend the report to the Assembly.

**Mr Wells:** I have great pleasure in supporting the motion. As Members are aware, the Commission appointed its members to shadow Assembly Directorates. I do not know why I was appointed to shadow finance: it seems to be the story of my life. I always seem to get the brief that has the words “finance” or “money” in it.

I had the pleasure of keeping an eye on finance, personnel and recruitment. I must say that it was a relatively easy task. Like Mr Fee, I want to pay tribute to the staff in the section that I was involved with. At times, they had a difficult situation to deal with as a result of suspensions, the move to Annex C, and the loss of important members of staff. Therefore, it is a tribute to those who work in that Directorate that everything has gone so smoothly. Indeed, it is a testimony to the work

done that people, for the most part, did not notice what was going on in finance and personnel. It was never an issue. That is a good sign, because the department that is working effectively gets on with its work, and the only time that it is noticed is when there are problems. Those were few and far between in that particular Directorate. The stop-start situation with the Assembly, which I suppose my party was partially responsible for, placed a burden on the staff, particularly in the finance department.

An initial annual budget of £36 million was suggested. There was no budget at all in 1998-99, although £10 million was spent. In 1999-2000, the budget was established at £36 million. The Assembly was, of course, suspended during that period, so actual expenditure was only £16 million. The following year, a budget of £37 million was established. Again, the Assembly was suspended until 30 May 2000, and only £24 million was spent. In 2001-02, the budget was set at £39 million, and the accounts are being prepared. There finally seems to be some certainty about the amount of money available, which has greatly assisted the Directorate.

The Directorate has also prided itself in being able to meet its targets for the prompt payment of invoices. That issue has been raised in the Assembly — small companies and businesses have often said that one of their major problems in difficult economic conditions is cash flow, so it would be difficult for us, as an Assembly, to lobby on that had we not put our own house in order.

For instance, I am pleased to report that in the year 2001-02, the finance office processed no fewer than 12,225 invoices, of which 95% were paid within the 30-day prompt payment timescale. Indeed, if the invoices that were queried are excluded, the actual level of prompt payment is 99%. It is a remarkable credit to those involved that those invoices were turned round so quickly. Members will also be interested to know that there were no fewer than 2,700 claims from Members for office costs allowances and 1,300 claims for travel expenses. Again, Members will appreciate that those were turned round quickly and effectively.

Some Members have raised matters over the last three or four years when they felt that the finance office had perhaps interpreted the letter of the law to their detriment. We are grateful to the officers in the Finance Directorate because we, as an Assembly, have managed to avoid the pitfalls that the Scottish Parliament so clearly encountered with the payment of expenses. As a result of the diligence of our staff, nothing untoward managed to slip through the net, and we can stand over almost all payments. That did not happen in the Scottish Parliament, and one or two political careers were destroyed as a result. Again, that is a testament to the staff here.

During the period, we not only had the suspensions but the move to Annex C, which caused some disruption to the Directorate and the loss of some important staff.



Although the report pays tribute to the existing staff, whom I have found a pleasure to work with, we have lost people of the calibre of Bill Gallagher and Dennis Millar, who have moved on to higher things. I pay tribute to them. They worked hard during the formative stages of the Assembly, often in difficult circumstances, and we wish them well in their new careers in the Civil Service.

In addition to the loss of important staff, we were dependent on agency and part-time staff. Recruitment difficulties meant that temporary staff had to be brought in. That situation is beginning to sort itself out, and we are moving towards greater permanency among the staff. At times, however, it was difficult to keep track of all the faces going through the finance and personnel office. Again, there was still continuity despite all those problems.

It has been a frenetic four years for the recruitment and personnel section. There have been no fewer than 211 appointments. The Assembly Commission and the Directorate have always prided themselves on their adherence to the equality legislation. All the evidence indicates that personnel and recruitment have hit their targets exactly. Indeed, in response to a question for oral answer, it gave me considerable satisfaction to be able to refute the slightest insinuation that anything but the fairest recruitment policy exists in the Assembly. For instance, of the 211 appointments made, 86, that is 40%, were from the Roman Catholic community, 111, or 53%, were from the Protestant community, and 14 were non-determined. That is a close reflection of the travel-to-work area around Stormont, and it clearly shows that the Commission achieves effectively the equality that it pledged.

Equally, we have hit targets on such issues as disability and, as Members will recognise, there is an even gender balance. Large numbers of females have been recruited to various sections in the Assembly. Some say that the females are taking over, that every time a senior position becomes available it is filled by a lady. It is no bad thing to see females getting into the top echelons of the Assembly. It is good news for the future, and we can say, with our heads held high, that in respect of gender balance in the Assembly we have nothing to be concerned about.

All of the competitions were run fairly and openly, and all appointments were made on the basis of merit. I sat on three interview panels for senior staff in the Assembly, and I can testify that the process is gruelling and rigorously fair. In respect of one of the senior staff appointments, it was a lesson in how to appoint in 770 easy stages. It went on and on for days before we found the right candidate — the best candidate. The competitions are monitored to ensure that any imbalance in relation to gender or religion is addressed and, as the recruitment campaign continues, statistics will be closely monitored

to ensure that the workforce is representative of the whole community.

Three hundred seconded staff were employed at the early stages, and additional contracted and agency staff carried out administrative, messenger and security duties. As the business needs of the Assembly Secretariat have become more standardised, a recruitment campaign has been embarked upon which will result in the appointment of an overall complement of 460 staff through fair and open competition. Members will be aware that many of the staff in the building were appointed as secondees from the Northern Ireland Civil Service. Most of them will be coming to the end of their time with us, and they must make major decisions as to whether they stay on as permanent Assembly staff or return to their parent Departments. That will, inevitably, cause further disruption and difficulties for the Directorate until those challenges have been met and overcome.

Between April 2002 and March 2003, no fewer than 45 competitions are scheduled. Sixteen of those were actioned in May and June. This fluid situation will exist for several years until the Assembly becomes a more permanent fixture. Regardless of what anyone believes about that from a political point of view, the situation will certainly be easier to manage when the full complement of permanent Assembly employees is known. We want to move away from the situation where there are staff who regard themselves as civil servants here on a temporary basis to one where there are those who regard themselves as fully fledged, permanent members of the Assembly staff. The Assembly is a totally different animal to the Civil Service, as those on secondment will testify. However, the quality of staff management in this Building is indicated by the large number of secondees who did not scurry back to their Departments but were anxious to remain as employees of the Assembly. That augurs well for the future.

As far as staff are concerned, there are several major issues ahead. One of those is the review of terms and conditions and pay and grading, which is attracting considerable interest among the staff in this Building. There is much more interest in that document than in the Assembly Commission's report, but I suppose that that is natural.

The other great iceberg ahead is Ormiston House. That will dominate the work of the Commission for many months, even years, ahead.

*7.30 pm*

We require permanent accommodation for many of our administrative staff, and the Commission decided that Ormiston House was the ideal location. There are planning difficulties associated with transforming the building into office accommodation while retaining its architectural quality, and further difficulties must be

ironed out with local residents. Major expenditure is required to bring the building up to standard. The staff charged with implementing that scheme face great challenges, but I have no doubt that they have the talent and ability to deliver the major undertaking.

I pay tribute to Tom Evans, the former Clerk to the Commission. He has moved on to higher things; perhaps the Commission is a finishing school for those who wish to earn larger salaries and take more responsible positions in the Assembly. If that is the case, so be it. It is no bad thing. I have enjoyed immensely my time as a member of the Commission.

That there are more Commission staff than Members in the Chamber suggests that the Commission's report may not be the hottest ticket in town. That is an unfortunate reflection of Members' lack of interest. My party Colleagues — I can say this because they are not here to hear me — think that the Commission's work comprises of a cosy chat with the Speaker about the price of a cup of tea in the basement restaurant and a casual dander around the Building to ensure that all staff are well and happy.

Those who have served on the Commission realise that there is much more to it than meets the eye. Last week, a meeting of the Commission began at 3.00 pm and finished at 7.30 pm, and it met informally several times during the week to discuss important issues. The Commission handles a tremendous amount of work, and Tom Evans and his staff, especially in the early days, had to carry that burden. It is the busiest Committee with the heaviest workload. I do not say that because I am a member, but because I have discussed it with members of other Committees.

Many achievements have been realised, and the lack of interest in the report suggests that Members are satisfied with what the Commission has achieved, as was shown in the satisfaction survey that was conducted eight months ago. If there were major deficiencies in the work of the Commission and its staff, Members would be queuing up to complain and to criticise. The silence speaks volumes about what has been achieved and agreed since the Commission's establishment almost four years ago.

There are many challenges ahead, and we do not know whether the same Commission will be in place after the elections in May 2003. However, the foundation has been laid for good future provision in the Building and for our staff. It is, therefore, to be hoped that the report shows a firm basis for progress and growth. The Commission has sufficient resources — and very few bodies can make that claim — to deliver what is expected for the finance, personnel and recruitment section and for all the Assembly Directorates, which is good news.

I commend the report to the Assembly. I urge Members to read it to discover the full breadth of the

work that has been done. Mistakes have been made, but the Commission has been a useful sounding board for Members' concerns and has been swift to react. The only downside is that, if the Commission dares to accept any more tickets to pop concerts, it may regret it. That is a mistake — *[Interruption]*.

**Mr Speaker:** I was about to draw Mr Wells's attention to the fact that, although few Members have requested to speak, some have done, and there is a time limit on the debate.

**Mr Wells:** Perhaps the Speaker is wise to interrupt me, because I was about to vent my spleen about the press coverage about tickets for a certain pop concert, but I will raise the matter at another opportunity. I commend the report to the House, which I hope will support it.

**Dr O'Hagan:** I support the motion, and I wish to speak about the Clerk Assistant's Directorate. Members will be familiar with the individual offices that comprise the Directorate: the Business Office, the Bill Office and the Committee Office. They form the procedural section of the Secretariat, and their priorities during the period of the report have been to ensure that the Assembly operated effectively and that Colleagues could fulfil their duties as elected Members under the Good Friday Agreement.

Members will be encouraged by the progress highlighted in the Commission's first report for the years 1999 to 2002. I would like to draw attention to some of the key achievements and outline some of the challenges that the Clerk Assistant's Directorate will face in the coming year.

To date, 34 Bills have been introduced, 30 of which were Executive Bills. Members will be aware of the drive to increase the volume of legislation that the Assembly processes and much progress has been made. A Bill-drafting provision is in place for Committee Bills and Private Members' Bills, and I hope that Members and Committees will take full advantage of that provision in future.

Committee office staff have supported over 1,000 meetings and almost 100 visits. Nearly one third of those visits were outside the North and overseas. Staff have also assisted Assembly Committees to produce 71 reports and to consider and report on 25 Bills and almost 300 Statutory Rules.

There has been a high level of activity in the Business Office, and staff there have been busy. The Business Office has supported 125 plenary meetings, processed over 3,000 oral questions and approximately 8,500 written questions. It has supported 83 Business Committee meetings, and 48 meetings of the Committee on Procedures. Of the 125 plenary meetings, four were extraordinary and were convened to discuss urgent matters.

In the coming year, staff in the Directorate face many challenges, not least from the increased pressure of the legislative timetable and the forthcoming Assembly election. At this stage, nobody knows when that will take place. The Directorate is working with the Commission and the rest of the Secretariat to ensure that appropriate staffing and resources are in place to provide quality service. The ever-pressing demands for accommodation bring about unique problems: Mr Wells referred to Ormiston House.

The new Clerk Assistant recently produced a business plan for the coming year that will provide a focus for all staff by setting out clearly defined values, objectives, targets and activities. It will be formally monitored, and corrective action will be taken where necessary.

I am confident that given the quality and determination of staff in the Directorate, they will meet those and many other challenges in the coming year. Members will also be aware of the volume and quality of the work. For example, in the preparation of Committee reports, staff assisted with drawing up the wording for questions and motions. The Directorate is keen to continue to facilitate Members with advice and assistance, not only in those areas, but also in the new procedures for drawing up Committee and Private Members' legislation. Advice is available for the entire procedure, from discussion about the basic idea to the production of the final draft Bill.

I am sure that Members will join with me in thanking staff for all their hard work and in congratulating them for a job well done. We all look forward to building on our current success, and I am pleased to commend the report to the Assembly.

**Mrs E Bell:** I commend the report to the House. We have had four momentous years, and we have dealt with many Members' situations as well as those that arose in the Secretariat, as has already been described. The Commission can be proud of its achievements, and I hope that our achievements and progress will continue.

My area of responsibility in the Commission is Hansard. Known to all Members, it has reported every word spoken — and some shouts — since the establishment of the Assembly.

Hansard performs a vital function in the life of the Assembly. It is, perhaps, the most obvious manifestation of the Assembly's commitment to openness, accessibility, transparency and accountability. Anyone can read Hansard; it is crucial to democracy and will provide a unique and complete history of how and why we make decisions affecting the lives of everyone in Northern Ireland.

During the period covered by the Commission's report, Hansard has continuously met its target by publishing the first eight hours of Assembly debate by 8.30 am the following day. It has reported more than 700 hours of

debate in more than 125 sittings, produced reports for 715 Committee sessions and prepared six bound volumes of reports.

Hansard's most difficult challenge has been to establish itself from scratch. The dedication and experience of the Assembly's first Editor of Debates, Alex Elder, was largely responsible for Hansard's initial success. His professionalism and commitment have been built on by his successor, Simon Burrowes, and have been taken forward by the team of parliamentary reporting staff. When one walks into the Hansard office, it is obvious that the staff are confident and generally happy in their work.

Strong links with other legislatures have been established, including exchange and working trips by staff at all levels to the legislatures in England, Scotland, Wales, the Republic of Ireland and Canada. Those have allowed Hansard to contribute to, and build on, best practice elsewhere. I know that they wish to continue to do that.

The Northern Ireland Assembly's Hansard was instrumental in the formation of the British-Irish Parliamentary Reporting Association, which was established at Stormont last November. Our Editor of Debates is the association's secretary.

Hansard provides the Speaker with simultaneous interpretation from Irish and Ulster Scots during all Assembly sittings. As the Official Report of the Assembly, Hansard is a hugely important source of information for Members and the public. So far this year, more than 100,000 pages have been read online. The Speaker also refers to Hansard to resolve Members' queries and to enable him to arrive at rulings, as necessary.

Hansard efficiently provides daily records of Assembly activities, reflecting attitudes to the significant issues of the day and the changing values and views of society. That record will permit future generations to paint a picture of Assembly life today and to understand how and why we made decisions.

I conclude by thanking my Commission Colleagues, including you, Mr Speaker, the Chairperson for the Commission, for the work that we have accomplished together, which has given me great pleasure and pride. I thank the former Clerk to the Commission, Tom Evans, who ensured its efficient servicing. Thanks also go to Debbie Pritchard, acting Clerk to the Commission, and other staff.

I urge Members to support the report.

**The Chairperson of the Public Accounts Committee (Mr B Bell):** I did not intend to speak in this debate. I came to support the Assembly Commission and its report. Mr Wells brought up the subject of pop concerts, and I thank you, Mr Speaker, for the opportunity to make a remark that I hope will be helpful. I issued a statement on the matter to the media.



When it considered the Comptroller and Auditor General's report on the Northern Ireland Events Company, the Public Accounts Committee expressed its support for the company's aims. However, it was concerned about its spending on hospitality at last year's Eagles' concert.

The Committee asked for information about those attending the concert in order to assess the extent to which the Northern Ireland Events Company had used hospitality to interest potential sponsors. I wish to make it clear to the House that there are no grounds for criticising public representatives who were invited to attend the concert. The guest list shows that those MLAs who were invited had a relevant interest in the event because of their responsibilities in the Committee for Culture, Arts and Leisure and the Assembly Commission. Furthermore, we now know that many of the MLAs listed as having received invitations decided not to attend.

7.45 pm

The Committee agrees with the Comptroller and Auditor General that guests invited to the function could not have been expected to enquire in advance whether the cost of meals and tickets was in line with public expenditure guidelines. It is entirely the responsibility of those who provide hospitality — not those who accept it — to ensure that costs are appropriate. The Public Accounts Committee has decided to demand an explanation from the accounting officer of the Department of Culture, Arts and Leisure. The Committee wishes to establish whether the Department can provide any justification for expenditure on that scale and what lessons can be learned from the matter. I hope that what I have said has been helpful.

**Mr Fee:** On a point of order, Mr Speaker. I need your direction. I couch my words in terms of my congratulations to you on assuming editorial control of the Official Report. Having received some direction recently, and as I was constrained in advocating the motion at the beginning, would it be an abuse of parliamentary procedures if I personally thanked Arthur, Simon, Agnes, Allan, Debbie, Cathy, Tom, Alan, David and the others? I think that you understand the point at which I am driving.

**Mr Speaker:** I do, and the only ruling that I make is that, in case there is any uncertainty in the wider, less-informed world about exactly who those individuals are, I rule that Hansard shall publish their names in full.

*[Mr Fee was referring to Arthur Moir, Simon Burrowes, Agnes Peacocke, Allan Black, Debbie Pritchard, Cathy Foster, Tom Evans, Alan Rogers and David Hoy.]*

**Rev Robert Coulter:** I am the Assembly Commissioner responsible for the work of the Office of the Keeper. One of the first tasks of the Commission after devolution in December 1999 was the preparation and allocation of accommodation in Parliament Buildings. That was no mean task, involving as it did the allocation and reconfiguration

of appropriate office and meeting space to Members, parties, Committees, Ministers and Secretariat staff.

To meet all the needs of a modern legislature, further work was required to convert storage areas into offices and to provide press facilities, which included a conference suite, radio and TV studios, and a press bar. That extensive refurbishment and conversion work was carried out to the required timescales and to an appropriate standard. However, at an early stage in the preparation of accommodation, it became clear that Parliament Buildings would not be able to meet all the Assembly's accommodation needs. For that reason, in September 2001, after detailed consideration of the options, the Commission purchased Ormiston House on a 13-acre site for £9 million. The Commission is applying for planning permission for temporary accommodation for approximately 150 staff. That is a key step towards relieving the pressure on office space in Parliament Buildings, which has become critical and which, if not addressed, could seriously affect the Commission's ability to provide the Assembly with a staff complement necessary for it to function properly.

It is the Commission's intention, after extensive consultation with all interested parties, and subject to a separate planning application, to establish a permanent second location for the Assembly at the Ormiston site. This will involve the refurbishment of Ormiston House and the provision of some additional office accommodation of a scale and design appropriate to the building's grade B listing.

The Commission has been committed to ensuring that Parliament Buildings is available to all sections of the Northern Ireland community and visitors from abroad. Our provision for tours and functions for Members and the visitors whom they sponsor has been one of the success stories of the Commission's stewardship of the Building. Indeed, if one reads the appropriate section in the report, one will see how many folk have visited here — a staggering number. With about 42,000 visitors a year and broad international interest, Parliament Buildings has become one of the top venues for visitors in Northern Ireland. The Events Co-ordination Office continues to provide a service to Members and their guests by planning and managing events and providing professional presentations covering the history, architecture and present use of the Building.

Access for people with disabilities has also been important for the Commission. Several access audits have been carried out in Parliament Buildings, and a range of facilities has been provided, including induction loops and text phones. Staff have been trained to help people with varying degrees of disability, and a key challenge over the next year will be to implement a programme of work aimed at ensuring that Parliament Buildings meets the requirements of the Disability Discrimination Act 1995 in a way that does not compromise



its listed status. I join with the other members of the Commission in commending the staff and thanking them for their dedication and helpfulness during the period of our service.

In winding up, I feel like the bishop who arrived at a church one Sunday morning for a special service only to find that there were six people in the congregation. Tackling the clerk of session and chief officer of the congregation, he asked whether it had not been announced that he would be speaking. The chief officer said “Yes, we forgot to tell them, but the news must have leaked out anyway.” Looking around the empty Benches here tonight, I can sympathise with him.

I thank Mr Billy Bell for his helpful comments. Indeed, I would like to make it clear that on the occasion of the Eagles’ concert on 29 June 2001 the Assembly did not provide anyone with corporate hospitality. An event

management company arranged the corporate hospitality provided. The Assembly caterers, Mount Charles, provided the catering, and a single invoice for all catering costs was sent to Happening Creative Communications on 3 July 2001. The amount charged was consistent with the terms of the Assembly’s catering contract with Mount Charles. This contract is geared to provide a net gain from such functions, and this gain is used to defray other Assembly expenditure, for example, security, heating and lighting. I hope that clarifies that point. Having no further comments to make, I support the motion and commend it to the House.

*Question put and agreed to.*

*Resolved:*

That this Assembly takes receipt of the First Report of the Northern Ireland Assembly Commission (NIA 102/01).

*Adjourned at 7.54 pm*



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# NORTHERN IRELAND ASSEMBLY

Tuesday 25 June 2002

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

*Members observed two minutes' silence.*

## SOCCER STRATEGY

**Mr Speaker:** I have received notice from the Minister of Culture, Arts and Leisure that he wishes to make a statement on creating a soccer strategy for Northern Ireland.

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** With World Cup football euphoria all around us, it is perhaps timely that I bring the subject of football in Northern Ireland to the Assembly for debate. Regrettably, Northern Ireland has not been participating in the World Cup finals in Korea and Japan, but I hope that we shall qualify in future.

Members may recall that last May I introduced the future of football for debate in the Assembly. I had initiated a process of developing a football strategy for Northern Ireland in October 2000. Activities involved in that initiative included establishing an advisory panel, which was chaired by Billy Hamilton; a widespread research exercise, which included public meetings; a conference workshop in February 2001, which involved representatives of key stakeholder groups; and action planning to consider recommendations for the way forward.

Last year's debate allowed me to elaborate on those activities and to provide an interim report on progress by the advisory panel in considering the issues that emerged.

Later, in October 2001, the advisory panel presented me with its final report, which contained more than 150 recommendations for developing the sport. I published the report for consultation, and Members were sent copies. The official closing date for comments was the end of January 2002.

My purpose in bringing this subject to the Assembly is to update Members on the current position; to advise Members on the result of consultation on the advisory panel's report; to give my assessment of what must happen to overcome the problems facing football; and to put the game in Northern Ireland on a sounder footing for the future.

I wish to convey my sincere appreciation to the organisations and individuals, which include some Assembly representatives, that have shown a keen interest throughout the process and have forwarded their views on the recommendations to my Department.

Before I move on to a more detailed discussion of the recommendations, I wish to explain why I have devoted particular attention to football. I have been asked, "Why football?". Northern Ireland seems to have an innate ability to produce great football players such as Danny Blanchflower and, of course, George Best, who received one of the highest accolades in football when he was named European Footballer of the Year in 1968.

We are the smallest country ever to have played in the World Cup finals on three occasions. We reached the quarter-finals in 1958 and 1982, and the first round in 1986. Norman Whiteside, at 17 years of age, was the youngest player ever to have played in the World Cup finals. That is a proud history, and it is an inspiration for the future.

Around 26,000 people play football in Northern Ireland: people of all ages and of all levels of talent. Those are official figures, but they do not take account of recreational play in the local leisure centre or the number of children who knock a ball about in the school playground, the local pitch or on the street. Those numbers must run into many thousands.

We must not forget the managers, referees, coaches, spectators and administrators who support the game in other ways. Figures show that there are 1,700 qualified coaches and 400 officials, including referees. Vast numbers of volunteers and parents give endless time and commitment to the game, week in and week out.

Football has one of the highest levels of participation of any sport in Northern Ireland. Furthermore, it is an interface game that crosses our society's divisions.

However, it is a sport in serious difficulties, especially at senior level. It faces many problems, including sub-standard grounds, low match attendances, unruly crowd behaviour and financial problems.

As the Minister responsible for sport, I considered it my responsibility to do something to resolve the difficulties facing one of our most popular sports, and that is why I initiated a process to study all aspects of the game. However, that has not been to the exclusion of other sports, and I am prepared to continue to consider proposals for the betterment of sport and our society in general.

I shall summarise the main recommendations of the advisory panel's report. The panel felt that the bodies on governance and administration were not as effective as they should be and that they should take steps to change the arrangements, preferably by creating a new governing

body, which would combine the functions of the Irish Football Association (IFA) and the Irish Football League. The Irish League should be reorganised into three divisions and should form the top of a pyramid that provides an open, inclusive and progressive league structure from the grass roots to the top.

Clubs should take steps to improve how they manage their affairs and should place emphasis on developing community-based activities. An agreed, coherent youth development policy should be established to provide a strong foundation for the future.

The governing body's successful football programme for children and adults with learning disabilities should be broadened to include people with physical disabilities and sensory impairment.

The development of girls' and women's football should become a mainstream activity of the governing body, as should the management and co-ordination of refereeing. Each of those areas should have dedicated development officers.

A Northern Ireland players' football association should be established, and supporters should form a football supporters' association.

Building on work to date, the governing body should lead on the development of a strategy to tackle sectarianism and to improve community relations, and steps should be taken to improve media relations.

The Government should introduce new legislation for Northern Ireland to ensure safety at sports grounds and to control spectator behaviour. The legislation should be accompanied by a funding package to improve grounds and safety management. An assessment should be undertaken to map out present playing facilities and to assess future requirements.

A national stadium that provides a neutral and welcoming environment, and that meets international standards for football should be established. Last, but by no means least, the advisory panel emphasised the importance of treating, and taking forward, its recommendations as an integrated package.

We consulted widely on the advisory panel's report. The vast majority of those who commented during the consultation period endorsed the recommendations. Having considered the panel's report and the comments received, I shall give the Assembly my assessment of what needs to happen in football.

The core issue to emerge from the process, and the most sensitive one to resolve, was that relating to the governance and administration of football in Northern Ireland. The responses to the advisory panel's report indicate broad support for the line taken by the panel, especially for the key recommendation for a single, newly constituted governing body that combines the

current functions of the IFA and the Irish Football League. I recognise that both organisations are long established and have served the community well over many years — the IFA since 1880 and the Irish Football League since 1890. They deserve much credit for that.

In more recent times, however, the wider football community has shown an apparent lack of confidence in the present arrangements, as evidenced by research and widespread consultation. We are living in changed times, especially in Northern Ireland, and I support the view that arrangements and practices for managing football must be adapted to meet modern-day needs and standards, and to meet present and future challenges for the game.

Both organisations recognise and accept the need to change. A group of representatives from the two bodies has been working for some months, with the support of a facilitator engaged by my Department, to consider proposals. That is significant, and I warmly welcome the efforts that they have been making.

A widely accepted football administration should be put in place, founded on the principles of equality, fairness, inclusiveness, leadership, accountability and transparency. I attach significant importance to those principles, as does the Assembly. An acceptable administration in charge of the management of the game is key to making progress across all other issues.

I wish to see an organisation that provides effective leadership and clear strategic direction to the game; that is fully acceptable and accountable to all levels of the sport; that is properly and fairly representative of all levels of the sport, with full integration of all levels into policy making and programme activities; that is innovative and imaginative in promoting and delivering the game across all areas of activity such as the disabled, women's and girls' soccer, community relations, supporters and refereeing; that owns and is capable of delivering a plan to put football back where it belongs, as a dynamic and growing sport for everyone; and that is transparent and open to scrutiny, both at governance and day-to-day administrative levels.

The IFA and Irish Football League representatives have been considering proposals for change for around six months. It is imperative that those organisations urgently and comprehensively bring their deliberation on the issue to a conclusion and give a clear commitment to implement changes generally consistent with the advisory panel's recommendations. I have already met their group of representatives, and they are fully aware of my position.

I wish to make it abundantly clear that I consider that the effective management and administration of football is fundamental to making progress on all other fronts. Without a commitment to change, I am unable to envisage how we can move forward on all the other issues. As I mentioned in my summary of the advisory panel's



findings, the panel's view was that all its recommendations must be considered as an integrated package, and I agree with that view.

An area of concern that emerged from consultation on the advisory panel's report was that it was perceived by some to place too much emphasis on senior clubs without sufficiently addressing the needs of junior or intermediate football, or recognising the voluntary contributions devoted by many people week after week.

There is no doubt that acute problems exist at senior club level. I have already mentioned some of them, and Members will be familiar with the issues. Improvements in the senior game will have a positive impact on all other levels, from grass roots to international. It is a poignant reminder that Northern Ireland has not qualified for a World Cup tournament since 1986. It would be nice to think that that could be turned around over the next decade. That is achievable if we provide a pathway up from the grass-roots level for the most talented players.

10.45 am

However, the soccer strategy is not all about providing for the most talented players. It is about providing the best possible opportunity for the community to have access to and to participate in the game at all levels — playing, refereeing, watching, making a voluntary contribution, et cetera. At the outset of the initiative, I made it clear that there would be a collective process to understand and address the problems facing the game. The recommendations produced by the panel address more than senior football, and an important one is that there should be a pyramid system enabling progression from the grass roots to senior football. That has my support, but junior and intermediate clubs should want to aspire to the standards of senior clubs. Is that happening now?

Other recommendations that would have an impact on the non-senior game relate to youth development, women's and girls' football, refereeing, playing facilities and the governance and administration of the game. I expect any long-term development plan for football to address all levels of the game, and I do not envisage any additional resources being for senior football only. They would also have to provide for development outside the senior game, and location must also be taken into account to ensure opportunities for widespread access and participation.

The advisory panel's view is that we should have a national stadium to meet international standards for football and that such a stadium must have a neutral and welcoming environment for everyone. I concur. However, the priority is to get the football structure right to ensure that football's potential as a participation and spectator sport is realised before we engage in such a capital undertaking. Therefore, my first concern is to ensure a sound basis for the sport in Northern Ireland rather than prestigious projects. We need a football ground of inter-

national standard, and that is why the governing body must produce detailed options for meeting that need.

The football authorities must settle the long-term structure of the Irish League without delay. I have already said that I support a pyramid structure with the Irish League at the top. The structure must be clearly defined, with clearly established criteria for promotion and relegation.

Football clubs, especially the senior ones, must manage their affairs more effectively and efficiently, and there should be training to help them. The key to the future of all clubs, regardless of the level that they play at, is community involvement. That should be the priority for clubs. There is much scope for them to bond better with their communities and to establish themselves as active and vibrant hubs of activity through linking up and working with local clubs and teams. Those should include women's and girls' teams; youth clubs; primary, secondary and special schools; disabled groups; ethnic minority groups; community groups; supporters; and participants in other sports. Clubs must be imaginative and proactive in establishing those links — the bigger clubs or consortia could play a leading role in developing community involvement, and I am prepared to look at ways of helping football further down that route.

I endorse the widespread view that youth development in football is a crucial building block for the future of the game. That is why I have already invested initial funding in that. Urgent steps are needed to establish a common youth development policy, based on the advisory panel's recommendations, which has the agreement and commitment of all interested groups, including the Northern Ireland Women's Football Association, the Northern Ireland Boys' Football Association and the Northern Ireland Schools' Football Association, among others. Northern Ireland should have a youth academy, and that should be developed as part of the Sports Institute Northern Ireland (SINI).

Northern Ireland should have similar legislation to the mainland that makes provision for improved safety at major sports grounds and for controlling spectator behaviour. I am willing to introduce proposals for such legislation that would be applicable to football, rugby and Gaelic grounds. New safety legislation would have significant implications for many sports grounds in that improvement work would need to be carried out in order to comply with the new safety requirements. That would require major investment, and an assessment has identified that expenditure in the region of £30 million would be necessary over eight to 10 years. Any funding support to clubs for improved facilities and safety management should be tied into conditions relating to wider measures for improving the game, such as youth development, community development, the development of women's and girls' sides of the sport, et cetera. Clubs would be

expected to make a financial contribution to ground improvements.

Adequate playing facilities are essential, especially for the football grass roots, to meet the needs of the hundreds of teams and players that turn out each week. We need to examine the implications of introducing a pyramid system whereby clubs that aim to progress would have to fulfil certain criteria on standards. The introduction of mini soccer for primary school-age children would have implications for facilities for clubs, district councils and, in particular, schools. Special requirements for women and girls would have to be allowed for. The Sports Council for Northern Ireland should be asked to lead, in consultation with key users and providers, in mapping out existing provision, assessing future needs and examining ways of meeting those needs.

I fully agree with the advisory panel's recommendations on the future development for disability, women's football and refereeing. I fully acknowledge the excellent and positive work carried out by the IFA, but there is scope for the governing body to play a more active and leading role in those areas. The governing body and other providers should be mindful of the need to promote equality of opportunity for all. That includes the need to take account of ethnic minorities, and possibly other groups, in our society. I have already referred to the scope for clubs to engage with ethnic minority groups to establish greater links with their communities.

Sport is a vehicle for building better community relations. Football, as an interface sport, is particularly suitable, and I support the advisory panel's recommendations on this subject.

Local football recognises the need for a positive image for the game. The IFA and the Irish League have taken positive steps towards implementing the panel's recommendations for improving media relations. I especially welcome the Irish League's work on producing a communications code of practice.

Last year, I informed the Assembly that steps were being taken by football players to re-establish the Players' Football Association. However, I understand that the organisation has not materialised in spite of initial enthusiasm. That is disappointing, but perhaps players will revisit the idea at some time in the future when there is an improved football environment overall.

I am not aware of any steps by football supporters to form an umbrella body in Northern Ireland similar to the Football Supporters' Association in England. Again, that is a matter for the supporters themselves to address, but I noted with interest the advisory panel's comments that the Football Supporters' Association has become an effective and respected lobby group that is consulted regularly on a range of issues. Perhaps that is a step further down the line.

Sunday football has proved to be an emotive issue, and it has attracted many letters from members of the public who strongly object to the idea. I fully understand and respect that view. In comparison, the majority of the responses received from those who have a more direct interest in football agreed that the rules should be changed to provide the option to play on a Sunday, and I fully appreciate that also. The key to this is choice. Both views are valid and sincerely held. It is not for me to impose a solution. It must be decided at individual and community levels, and that is a matter for the football organisations.

How should we move forward from here? I have explained the rationale behind my initiative to develop a football strategy. However, it is important to remember that sports governing bodies are, in general, voluntary organisations established to co-ordinate, control and develop all aspects of a particular sport. I recognise and respect that position and, in the case of football, I have striven to work and co-operate with the IFA to encourage change.

I have outlined the bones of the way ahead for football, and we now need to put flesh on those bones in the form of a detailed development plan. In recognition of the role of the governing body, it is primarily a matter for the IFA to take the lead in drawing up a development plan, in close association with the Sports Council and in consultation with other relevant parties.

*(Mr Deputy Speaker [Mr J Wilson] in the Chair)*

It is essential that the long-term development plan include the following: the fundamental principles of equality, fairness, inclusiveness, accountability, leadership and transparency — to which I attach significant importance; clear objectives, actions and targets, and demonstrations of how they are linked to the advisory panel's recommendations; resource requirements linked to a time frame; and a clear case supporting the need for such resources, citing the additional benefits that they would bring for football and for the wider community.

The development plan should demonstrate how assistance for football would help the Government meet their wider aims and objectives. Through the strategy process we have assembled substantial information, recommendations and views to enable work on such a plan to begin. I am prepared to present a paper to the Northern Ireland Executive seeking the necessary resources to support action to restore the game of football to its position as a successful sport that serves both communities.

However, as Colleagues will be aware, there can be no guarantee that additional resources from the public purse will be forthcoming, given the fact that resources are scarce and that there is pressure from other sports and sectors under my responsibility, let alone from other Departments. The case for football must, therefore, be comprehensive and robust. If I am to bid for resources, I

need a development plan to be presented to me urgently. There must be an immediate indication from the IFA that it agrees to move forward on that basis.

From 2000 to 2002, my Department made available £2.5 million, which, together with funding from the National Lottery and the Football Foundation, has enabled the Sports Council to assist a programme of safety improvement works at major sports grounds. By that, I mean football, Gaelic and rugby grounds. Under that scheme, football has benefited to date to the tune of £1.96 million, of which £1.58 million has gone directly towards improvement works at 21 grounds.

Last December, I announced that there would be further funding of £1 million to support the continuation of that programme in 2002-03, and I expect that football will continue to be a major beneficiary. That is the first significant funding made available for safety work at sports grounds in Northern Ireland, and it was possible only as a direct consequence of a devolved Government with a Minister responsible for local sports matters. As commendable and welcome as that has been, considerably more funding is required if we are to bring major sports grounds up to acceptable standards for players and spectators. As I have said, some £30 million would be required, and it is estimated that a significant portion of that would be required for football grounds.

11.00 am

I was also pleased to announce last December that I would make £1.6 million available over three years until 2003-04 to address some of the matters that were identified in the advisory panel's report. That money is being invested in youth development — specifically, in the programme for football development centres. Each of those will deliver three key strands of youth development: mini soccer targeted at primary school children at Key Stage 2; community football for 12- to 16-year-olds that involves innovative community-based activities to broaden interest in the game; and centres of excellence that will provide elite coaching for the most talented players in those age groups. Opportunities at those centres must be open to both boys and girls and to persons with a disability.

Applications from clubs, or from a combination of clubs, for assistance under the programme were invited by public advertisement on 17 and 18 June. Awards will be determined on the basis of the ability of clubs, or a combination of clubs, to meet the necessary criteria. I look forward to seeing the first of these football development centres being established over the next few months. The Department will, of course, monitor their effectiveness and success.

I have already been successful in providing much needed finance to improve football. However, extra funding for safety improvements runs out in March 2003, and that

for the youth development programme runs out in March 2004. Clearly, if all the advisory panel's recommendations are to be accepted and taken forward in their entirety, considerably more investment will be required. By initiating the strategy and by having already brought substantial funding to the table, I believe that I have demonstrated good faith in the game of football and a commitment to helping it out of its difficulties.

Obviously, much more must be done to improve football in Northern Ireland. A huge amount of time and effort has already been devoted to bringing the process to this stage. I am satisfied that the recommendations in the advisory panel's report, taken in their totality, have the support of wider football interests and provide a sound basis for developing the game. The report must now be translated into an agreed development plan for action, and I look to the governing body to produce that, with support from the Sports Council.

If I am to lodge a package of costed proposals with the Executive, which, I emphasise, must be done in 2002, the leadership of football must live up to its responsibilities to the football community and provide a clear, unambiguous commitment to sign up to a package of measures that are consistent with the recommendations in the advisory panel's report. In particular, it must agree to implement changes in the structure of governance and administration of football, and lead in drawing together a long-term plan for the future of football in Northern Ireland. Without such a commitment I have no basis on which to continue to make a special case for football.

**The Chairperson of the Committee for Culture, Arts and Leisure (Mr O'Neill):** I commend the Minister on his full and frank statement on the advisory panel's report on the future of soccer. Like the Minister, the Committee strongly supports the advisory panel's recommendations. It also agrees that they should be developed as a complete package. However, public funding for sport, as for everything else, is limited. There are many calls on scarce resources.

The Minister said that soccer has done exceptionally well compared to other sports in the past few years. Those who are involved in other sports might justifiably ask why the leadership of football has been so slow to respond to the interest shown in its difficulties, why it has apparently failed to acknowledge the effort that has been invested in drawing up the recommendations for its future and why it seems not to have recognised that the public funding that it has received to date begs some response. When the Minister talks about an immediate response, does he mean that a timetable has been set for that response? Has the Minister set a deadline, and if not, why not?



Through you, Mr Deputy Speaker, I apologise to the Minister, as I will be unable to stay for the rest of the comments. I have another appointment.

**Mr McGimpsey:** I am not in the business of setting deadlines. The Assembly, the Executive and I are here to support football and the bodies concerned with developing the game. We want to create a successful and vibrant sport that will enable us to compete at the highest level on the one hand, and, on the other hand, to ensure participation and access at all levels. Football has had support, but much more needs to be done.

The Hamilton Report was published on 30 October 2001. The IFA and the Irish Football League have had almost nine months to respond to it. People are asking why those bodies have not responded by now. Nine months is sufficient time to respond. To mitigate that criticism somewhat, the Department of Culture, Arts and Leisure is facilitating a process between the IFA and the Irish Football League to arrive at an agreed position to allow them to move forward. That process has been ongoing for some months.

I do not impose deadlines, but the process itself, almost by definition, imposes its own. Football is, to an extent, running out of time as regards the Hamilton Report. The footballing bodies would be doing a great disservice to the football family and themselves if they did not respond positively and urgently to that report.

**Mr Davis:** I declare an interest, as I am a member of a football club that has just gained promotion. I congratulate the Minister on his statement and on establishing the advisory panel, which was representative of all football interests. We must recognise the panel's commitment to the soccer strategy.

Several important matters and recommendations were noted in the report. I agree especially with the Minister that there has to be effective management and administration of the game in Northern Ireland. Indeed, those involved in administering football here must make a genuine commitment to change. The nettle must be grasped to stop the sport from continuing to wither.

Any recommendations for the good of the game must be implemented as quickly as possible, as football is under tremendous pressure. Everyone involved in football at all levels in the Province is to be congratulated for his contribution to the sport over many years. However, I am sure that the Minister will agree that something must be done as quickly as possible.

**Mr McGimpsey:** I wholly concur with Mr Davis's remarks. It is nine months since the publication of the Hamilton Report. That should have been adequate time in which to make a definitive response. Work is ongoing in the background between the two governing bodies, the IFA and the Irish Football League. However, there is dissatisfaction in the football family that things have not

moved faster. It seems that football is facing severe challenges.

Northern Ireland last competed at the highest level in 1986, and participation at that level is the manifestation of a healthy game. If we want that high-level standard to be reached, we need to consider the grass roots. Football is the people's game. It must be accessible, and participated in, by the people. Improving standards from the youth level upwards is the way to reach the highest level.

There is much to be done. The Hamilton Report, with its 150 recommendations, is football's voice, not mine. That view of football is the product of 12 months' exhaustive work by the panel. It listened carefully to the views of the football family, and its recommendations and views are the voice of the constituency and must be paramount.

**Mr Hilditch:** I declare an interest. It is unfortunate that we are limited to questions on the Minister's statement and cannot debate it. I welcome broadly the statement and look forward to the implementation of the recommendations, particularly the football development centres, which, it is hoped, will be up and running by August 2002.

Where does the blame for the disappointment lie? At various levels of administration there is a hunger to progress, but there is a blockage in the system. Perhaps the Minister could specify where the blockage occurs.

Is the Minister aware that, at its meeting on Thursday 27 June, the Irish Football League management committee will examine next year's league structures? Has any guidance been given on that, through consultation with that committee, given that leagues of 12 teams and eight teams present problems? The premier league would be lucky to complete the season.

As a result of the advisory panel's report, people became involved to save local clubs, some of which were hundreds of thousands of pounds in debt. Is it likely that a stupid and rash decision by the Irish Football League management committee would cut those clubs adrift and remove their senior status, given that they are perhaps less than halfway through a five-year business plan?

**Mr McGimpsey:** I thank Mr Hilditch for his constant interest and his broad welcome. The implementation plan is not a matter for me but for the IFA, the governing body of football. We seek the IFA's agreement to embrace the recommendations and to produce a plan to demonstrate how those will be implemented.

It is not helpful to apportion blame at this time. The Hamilton Report contained many changes and recommendations. They will take time to assimilate, but a facilitation process is under way.

Mr Hilditch mentioned the football community's disappointment, and I share some of his frustration.



Hamilton recommended a pyramid of three leagues, each with 14 teams. Again, that is a matter for the Irish Football League. It is not for me to impose the number of leagues or the number of teams in them. However, we look to the Irish Football League to reflect the Hamilton recommendations, which were taken as a package.

No guidance was given by my Department, other than the support given to football. That has been achieved by creating a strategy for football in accordance with the Hamilton Report. It is a matter for the Irish Football League; however, bearing in mind that the recommendations resulted from consultation with the football constituency as a whole, it would be a mistake not to consider them seriously.

**Mr Boyd:** I too declare an interest. I am a member of Linfield Football Club and hold a season ticket. I take particular interest in the future of Windsor Park.

The Minister referred to proposals for a national stadium. However, Members have been told that resources are scarce for all Irish League grounds, not just Windsor Park. Would the scarce resources not be better spent on bringing Windsor Park up to international standard and improving other Irish League grounds? Does the Minister, in his reference to neutrality at the stadium, mean that the Union flag would not fly and the national anthem would not be sung at international matches?

11.15 am

**Mr McGimpsey:** I have attempted to make clear my position on having a national stadium at several Question Times, but I will do so again for the benefit of Mr Boyd, who may have missed my answers. Apart from land and running costs, more than £60 million is needed to build a national stadium to international standard. If I had £60 million, I would not spend it on such a prestigious capital project; I would spend it on developing the game. There are tangible examples of such development, which include the allocation of £1.6 million to the youth development programme. Money should be spent on raising the standard of the game. Most people in football aspire to a prestigious national stadium, but such a project is feasible only at a particular time, and now is not that time.

Mr Boyd referred to the scarcity of resources. I compete with other Ministers for scarce resources, so the chance of winning more than £60 million to build a football ground is remote. Moreover, football has more fundamental needs than a prestigious new stadium, though that may come in time. Windsor Park and other football grounds need capital expenditure, as do Gaelic and rugby grounds, for which there are investment plans. The Department's health and safety scheme will continue to benefit those sports.

Mr Boyd questioned my reference to the neutrality of the national stadium. I will not define what is meant by

that; Mr Boyd can do that for himself. A national stadium should be a place where everyone feels comfortable and welcome. Questions have been asked about the neutrality of Windsor Park. The authorities there take that seriously, and I look forward to hearing their proposals.

Windsor Park does not meet international standards, and if we want future international games there, money must be found and practical help given to enable the Irish Football Association to improve the ground to the minimum standard.

**Mr McMenamin:** The report comes at an appropriate time, and I welcome it. I am in favour of community and voluntary involvement, of which the Foyle Cup in the north-west is a good example. It is imperative that areas that have been neglected be high on the agenda. Omagh Town is the only Irish League team west of the Bann. Although my home town has several excellent football teams, it has never had senior representation in either the B division league or the Premier League. I welcome the commitment to community involvement and, especially, the safety legislation. Will the Minister ensure that areas such as Strabane are given top priority?

**Mr McGimpsey:** I thank Mr McMenamin for his broad support. There are ways to deal with areas of neglect. For example, the Executive and the Programme for Government have several overarching principles, especially for targeting social need, rural proofing and so forth, and those should help. I am talking primarily about football. As for the progress of Mr McMenamin's local club, one of the key recommendations was a pyramid league system that would allow teams to progress upwards if their standards and skills matched.

As I have already said, community involvement is the key to that. There is a huge constituency for football; nearly everybody has played football at one time or another, whether recreationally, formally at school or on other teams. Who can forget the night when Northern Ireland beat Spain in 1982? We remember those highlights. There is a strong groundswell of support for football. However, football does not connect at every level of the community, so its future must be based on building those connections. Some clubs are making efforts on that front, but others must work harder. Football clubs collectively, like all of us, must work harder. Community involvement is needed to improve standards at every level of the game.

**Dr Adamson:** I too should like to congratulate the Minister and his advisory panel on the report. Will he elaborate on how it fits with the Sports Council for Northern Ireland's 'Strategy for the Development of Sport in Northern Ireland 1997-2005', written by President Mary McAleese, among others, when she was a professor at the Queen's University of Belfast?

**Mr McGimpsey:** I thank Dr Adamson for his support for the strategy and our progress with it.

The Sports Council is responsible for developing sport in Northern Ireland and is the prime funding body through which the Department of Culture, Arts and Leisure directs its resources. Its policy, business plan and objectives have been agreed, and they fit in well with the objectives of the Department of Culture, Arts and Leisure, the Executive and the Assembly. The Sports Council will be reviewed soon, and that will be informed by developments since that strategy was published. I was unaware that Mary McAleese was involved with the Sports Council in those days; there is no limit to some people's talents.

The Sports Council's budget was cut last year from £2.8 million to £2.3 million. Its budget is decreasing, and so is participation in sport in Northern Ireland. There is a direct relationship between the two. The latest survey by Queen's University demonstrates that those with an active lifestyle cost the Health Service 30% less than inactive people do. Therefore, if we want to save money in the Health Service in the long term we must involve people in an active, healthy lifestyle. The prime body for involving people in those activities is the Sports Council.

**Mr J Kelly:** Go raibh maith agat, a LeasCheann Comhairle. I also welcome broadly the report. I am happy that the Minister mentioned players such as Danny Blanchflower and George Best, but I remind him that today in Magherafelt a plaque is being unveiled to a man who may be among the greats of Irish football: Peter Doherty. He is also worthy of mention, as are Jackie Vernon or Mickey Hamill, for example. Jackie Vernon was probably one of the best centre backs who ever played for Ireland.

If there is to be a soccer strategy, what about strategies for hockey, cricket, rugby and boxing? Will those sectors feel marginalised because of the concentration on soccer?

The first team to beat England on English soil was an all-Ireland soccer team that won 2-1 at Goodison Park in 1948. The English made the excuse that, because the match was not played at Wembley, it did not count. We had to wait until Hungary beat England 6-3 before it counted.

Soccer is an interface sport with an unhappy history. Malcolm Brodie said recently that there was no future for a Northern Ireland soccer team in international football. Will the Minister examine the possibility of creating an all-Ireland soccer team, just as there are all-Ireland rugby, hockey and boxing teams?

Windsor Park was mentioned as a possible venue for a national stadium, but it would not qualify as a neutral or welcome environment. Given that so many sports are played on an all-Ireland basis, might there not be some merit in discussing with Bertie Ahern the idea of a super-bowl rather than a "Bertie Bowl" or even a "McGimpsey Bowl"?

**Ms Ramsey:** You would need to get the begging bowl out.

**Mr McGimpsey:** I referred to Danny Blanchflower and George Best. George is far and away our most famous footballer and is arguably, as Pelé has said, the greatest footballer ever. John Kelly mentioned Peter Doherty and Mickey Hamill, and he reiterated my point that we have a wide range of players, past and present. The Northern Ireland manager, Sammy McIlroy, played for Northern Ireland in the World Cup tournaments in Spain and Mexico. People sometimes forget that the manager of Celtic, Martin O'Neill, was a hugely successful player who has a couple of European Cup medals to his credit. We have a proud football heritage.

With regard to other sports feeling marginalised because a soccer strategy is being adopted, the fact is that football is the people's game, and it is an interface game. It is played by all sections of the community. As far as good governance is concerned, there is no contradiction in helping footballers and supporting football. Representatives for hockey and other sports have never complained of being marginalised.

John Kelly mentioned the 1948 all-Ireland soccer team, and the idea for another such team has been mooted. I have not read Malcolm Brodie's comment that Northern Ireland soccer has no future; however, during the 1958, 1982 and 1986 World Cup competitions, Northern Ireland was the smallest country ever to compete. We have a proud list of players who, over the years, have played key roles in the game at local, national and international level.

The IFA is football's governing body in Northern Ireland, and it is the fourth-oldest governing body in the world. It was established when football was an all-Ireland sport and there was one national team — Ireland. In 1921, the Irish Free State broke away from the United Kingdom, and Republicans forced partition on Ireland and refused to play all-Ireland football. The Irish Free State insisted on setting up its own association, the Football Association of Ireland (FAI). For many years, Northern Ireland continued to play under the name "Ireland", and the Ireland team was Northern Ireland until the mid-1950s. After repeated complaints from the Southern authorities, it was agreed that the name "Ireland" would be dropped, and the teams started to call themselves "Northern Ireland" and the "Republic of Ireland".

That is the history.

11.30 am

As regards the future, no one seems to be pushing for an all-Ireland team in a constructive way. My role as Minister with responsibility for sport is to support Sammy McIlroy and the Northern Ireland team. That is the team that I cheer for and that I went to see regularly at Windsor Park. I assure the Member that the crowds

who went to see the team play in 1982 and 1986 were by no means drawn from one section of the community.

**Mr McCarthy:** I thank the Minister for his report, which contains many noble aspirations. I wish him every success with it.

However, we are talking about getting the community to go to football matches and encouraging families to attend. There is nothing in the report that deals with the reasons why people stay away from football matches. The Minister must be living with his head in the sand. Although improvements have been made, not nearly enough has been done to address the sectarianism and tribalism that keeps people away. The Minister seems to dodge the question every time.

Was consideration given to introducing legislation similar to the Football (Offences) Act 1991 to Northern Ireland? Does the Minister recognise that sectarian, racist and tribal chanting continues to be a serious problem on Northern Ireland's football terraces? If so, what plans does he have to tackle the problem — *[Interruption]*.

I hear a great deal of noise from one corner of the House. It would be good manners if those Members were to allow me the opportunity to speak and to let the Minister hear what I have to say. The Minister mentioned —

**Mr Deputy Speaker:** As was the case during two earlier contributions, I am having difficulty spotting the Member's question. The Minister is also having some difficulty in that regard. Will the Member ask his question.

**Mr McCarthy:** Yes. If the Member could have peace from interruptions —

**Mr Deputy Speaker:** I shall determine the business in the Chamber, Mr McCarthy. Please ask your question.

**Mr McCarthy:** What consideration has the Minister given to introducing legislation similar to that across the water? He mentioned in his statement that he wishes to introduce safety legislation to Northern Ireland. I contend that sectarian chanting at football matches is keeping the community away from the grounds.

**Mr McGimpsey:** I am at a loss at Mr McCarthy's paradoxical position. He first congratulated and supported me; then he told me that I live with my head in the sand.

With regard to barriers to attendance, the Member must consider the overall interest in football here. For example, if the Member were to attend the Milk Cup in Coleraine in July, he would see a packed ground. He would see not only fathers, but whole families. He would see mums with their daughters, their sons and their husbands. Watching the Milk Cup at Coleraine Showgrounds is a nice way to spend a summer's evening in the sun. The Milk Cup is an example of a local football

tournament that has grown into an international event, attracting teams from all over the world.

Sadly, sectarianism is a product of Northern Ireland society. We all deplore it, and we do what we can to eradicate it. However, we cannot expect football alone to solve our society's problems. Society must solve its problems and not pass the buck to football.

I shall legislate as necessary. I am prepared to consider legislation, and I have made that commitment repeatedly in response to questions on the issue.

Legislation will require a resource commitment. We must have some responsibility for legislating, and, consequently, we must have some responsibility for those resources as well.

Football is an interface sport; it is our only major sport that is genuinely so. An interface sport is one that is played by all sections of our community. That is why it is so important and why we are making such efforts to give football the support that the Hamilton recommendations call for.

**Mr Shannon:** I welcome the Minister's recommendations, but I am disappointed that the IFA seems to have failed to grasp the need for change at its level. Football is the national sport of Northern Ireland, and it brings together all sections of the community.

I was at both the Spain 1982 and Mexico 1986 World Cups. In those days I was not married; I could go wherever I wanted, but it is slightly different now. Moreover, the team qualified then, which was the reason for going. Those were heady days for Northern Ireland, and the team played exceptionally well — they played the shirts off their backs. Is it a coincidence that our football's downward trend seemed to start when the league developed another layer of administration? The IFA may have produced legislators, but countries such as Senegal, Turkey, South Korea, Japan and the USA, who are participating in the World Cup, have all produced footballers and teams capable of going to the World Cup finals. The focus must be on the pitch, not on the office.

What steps is the Minister taking to ensure that top officials, instead of striding the world football stage in their best — and well-travelled — suits are working to lift football at all levels? The heady days of 1982 and 1986 can and will return. Many are pursuing changes at all levels, and the IFA must get its hands dirty as well. It must make changes from the bottom up and from the top down. What assistance will be available for junior clubs that aspire to do better, and to lift themselves from the junior level and upgrade their grounds? Examples of those clubs are Killyleagh YC, Comber Rec and Ards Rangers — those are three local teams that are striving to do better.



What can the Minister tell us about Friday matches? I understand that the decision will not be left to the home team, but must be with the agreement of both teams. Changing matches to Friday may be advantageous to football in the Province. Thank you very much, Mr Deputy Speaker, for your graciousness.

**Mr McGimpsey:** I cannot comment on a coincidence between league officials' actions and a downward trend in football. There clearly is a downward trend that we must reverse. That is the reason for the strategy and for the Hamilton Report. The strategy, supported by the Assembly, is my proposal. We wish the football authorities to adopt the Hamilton recommendations, both to show that they are prepared to make the necessary changes and to give us an implementation plan that we can all get behind. That is the strategy. It is for the governing bodies of football to make those decisions — it is not for me to impose them. If they make those changes I can argue in their favour. It is difficult for me to argue for resources for them without such commitment. Those are not my changes or Billy Hamilton's recommendations; those are the recommendations of the entire football family, which have been dealt with by the Hamilton panel.

One proposal is for a pyramid structure that would allow junior clubs to develop; the Member is correct in referring to Senegal and others. A key issue about which I have spoken is that community involvement and youth development should be from the ground up. That is why we have found funding for youth development, and one way of encouraging youth development is through the clubs. Any of the senior and intermediate clubs, or a consortium of clubs, can avail themselves of grant aid. They can employ a youth development officer to develop the youth in their area, using the three strands: mini soccer; community football for 12- to 16-year-olds; and coaching for talented players.

The Hamilton panel approves the support of elite athletes in football. A key mechanism for doing that will be Sports Institute Northern Ireland, which is part of the UK-wide Sports Institute network. That is going ahead at Jordanstown. I hope that athletes will attend the institute this October. Thus far, rugby, athletics, hockey and Gaelic bodies have signed up, and each sport will have a performance director. To date, football has not availed itself of that opportunity. I implore the IFA to take that opportunity. We shall not only provide football with a performance director, it will also be able to obtain the support of the infrastructure that will be available in Jordanstown. Support services relating to strength, stamina, sport and medicine, which are common to all athletes, will be provided. That is another tangible measure that the IFA can take. Football was not included in tranche one. Tranche two is now available, and two more sports will be admitted. Competition is strong, but I implore the IFA to get involved because it is one of the key ways to take the game forward.

**Mr Foster:** I too am a staunch soccer supporter. I congratulate the Minister for his welcome presentation, and I congratulate the task force on its fine work.

Soccer is a game that all can play without any hindrance, and that is very worthwhile. The debate is appropriate in these World Cup days. Reference has been made to players such as George Best, Peter Doherty, Danny Blanchflower and Jackie Vernon. Windsor Park has also been referred to. Although the Minister mentioned the establishment of a new national stadium, what will happen to Windsor Park? That ground has served the country very well for a long time. Sadly, although people talk about Windsor Park, not many people go there now. I remember standing in Windsor Park when there were about 48,000 people at international matches.

Reference was also made to an all-Ireland team. People from across the island played together in the days that I have just mentioned, and we were often beaten by England and Scotland by six or seven goals to one. Will the Minister think again about making improvements to Windsor Park?

The Minister also said that junior football is the lifeblood of the game in the Province. People such as myself, and those in the Fermanagh and Western Association, have been proud that the Irish Junior Cup final has been won for the past three years by Fermanagh teams — Irvinestown Wanderers, Lisnaskea Rovers and the north Fermanagh club, Kesh.

**Mr Deputy Speaker:** I know by the way that the Member is looking at me that he knows that he is not obeying the code. Is he coming to a question?

**Mr Foster:** I am just making a few points. *[Interruption]*.

**Mr Deputy Speaker:** Order. I have been quite relaxed about this, but there is point beyond which I cannot be stretched. This is not an opportunity to make a few points; it is an opportunity to ask questions.

**Mr Foster:** Will the Minister further confirm that he will not forget the junior football clubs, because they are the lifeblood of the Province? Will he think again about Windsor Park?

**Mr McGimpsey:** It is not a question of whether I shall think again about Windsor Park.

I have already outlined what I see as the proper and sensible way forward. I do not see us having the funding for a major prestigious capital project such as a new international stadium. If we did have the amount of money required, I am not sure that that would be the best way to use it.

11.45 am

Football needs to be developed at the grass roots — at community and youth level. As far as the Northern



Ireland international team is concerned, Windsor Park needs some investment to raise it to an acceptable international standard. The IFA must come and tell me what it sees as the way forward and what its options are. It should not wait for me to make suggestions or impose a course of action. I shall not be imposing anything. It is for the IFA to come forward with its proposals to ensure that it has a ground of acceptable international standards for the international team to play on.

In relation to the junior clubs, I have said that we need to move forward at all levels. The strategy is not simply about the senior game; it is about the game at every level, and junior clubs play a vital role.

**Mr Campbell:** I shall stick rigidly to your request to ask questions, Mr Deputy Speaker.

I welcome sections of the report and the reference that the Minister made to the 26,000 individuals who play football. That shows the level of interest in the national game. In his earlier comments, he said that he considered that any funding support to clubs for improved facilities and safety management should be tied into conditions relating to wider measures, such as youth development, community involvement, the development of the women's and girls' side of the sport, et cetera. Does the Minister believe that a good way to implement and promote that would be to fund clubs that already carry out those functions and that already provide those facilities? That would provide a twofold impetus. It would support the clubs that are already doing so, and it would provide an impetus for other clubs that are not doing so to get involved in community development and women's and girls' sport. Many clubs in the north-west are already doing that, as are the organisers of the Milk Cup — a competition that was mentioned by the Minister.

**Mr McGimpsey:** I do not broadly disagree with the sentiments expressed by Mr Campbell. Some clubs are doing extremely important work and taking their game forward. We look to support those clubs. Some other clubs are lagging behind, and certain areas of the game need development and support. We need to look at how we can support those clubs.

We shall not turn our backs on health and safety. We shall ensure that spectators are safe when they go to the grounds, that objects will not fall on them and that they will not trip over objects. Health and safety is a key requirement for all citizens, and they are entitled to that kind of support from the Government. A raft of measures is involved, and we shall try to give levels of support to those measures.

We need to see something in return as well. We are involved in a programme, a policy and a process that cannot be a one-way street. I want the soccer governing body to say that it supports the recommendations, and I want to see its implementation plan. I shall then look at

resource implications and make the arguments for them at that point.

**Mr Byrne:** I too welcome the Minister's efforts to try to tackle the sorry state of soccer in Northern Ireland. How committed are the football authorities to developing a meaningful, sincere and practical approach to the development of youth football? I would suggest that the lack of youth football competitions is probably one of the main reasons why the game is in such a sorry state. I ask the Minister in his deliberations with the football authorities to impress on them their obligation to try to help and promote youth football.

There were two other famous football players who were not mentioned: Norman Whiteside, who was a great product of a youth policy in Belfast, and Pat Jennings, who was perhaps the greatest goalkeeper ever.

**Mr McGimpsey:** I did mention Norman Whiteside, who, at 17 years of age, was the youngest player from any country to play in the World Cup finals. I agree that Pat Jennings was one of the greatest goalkeepers ever. As far as the young are concerned, we have committed £1.6 million to youth development, and we are looking at three areas of need: mini soccer, elite coaching and community football for 12- to 16-year-olds. That will reinforce what is already going on. Some senior clubs are doing important work in developing youth football. We wish to reinforce that to support them and to make it available to clubs at all levels, not just at senior level.

## HOUSING SUPPORT SERVICES BILL

### First Stage

**The Minister for Social Development (Mr Dodds):** I beg leave to lay before the Assembly a Bill [NIA 23/01] to confer on the Northern Ireland Housing Executive functions with respect to housing support services, and to amend provision about housing benefit.

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

**Mr Deputy Speaker:** The Bill will be put on the list of future pending business until a date for its Second Stage has been determined.

## HOUSING BILL

### First Stage

**The Minister for Social Development (Mr Dodds):** I beg leave to lay before the Assembly a Bill [NIA 24/01] to make provision about the conduct of tenants of the Northern Ireland Housing Executive and registered housing associations, grants and other assistance for housing purposes and action in relation to unfit housing; to amend the Rent (Northern Ireland) Order 1978 and the Housing (Northern Ireland) Orders 1981 to 1992; and for connected purposes.

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

**Mr Deputy Speaker:** The Bill will be put on the list of future pending business until a date for its Second Stage has been determined.

## STRATEGIC PLANNING BILL

### Second Stage

**The Minister for Regional Development (Mr P Robinson):** I beg to move

That the Second Stage of the Strategic Planning Bill (NIA 17/01) be agreed.

The main purpose of the Strategic Planning Bill is to amend the Planning (Northern Ireland) Order 1991 and to assist the Department of the Environment and the Department for Social Development in carrying out their statutory functions in respect of implementing the regional development strategy.

As Members will be aware, strategic planning is my Department's responsibility, while operational planning, including the preparation of development plans and policy, are the responsibility of the Department of the Environment. The Bill deals with the relationship between the regional development strategy, which was agreed by the Assembly on 17 September 2001, and development plans.

Before dealing with its main provisions, I shall briefly explain the need for the Bill. The Strategic Planning (Northern Ireland) Order 1999 provided the legal context for the preparation of the regional development strategy. It also amended the Planning (Northern Ireland) Order 1991 by introducing an obligation to ensure that future planning policies, development plans and development schemes are "consistent with" the strategy. Several concerns were expressed about the "consistent with" requirement before the formulation of the regional development strategy.

First, there was a concern about three development plans being introduced by the Department of the Environment that were well in advance of the regional development strategy. The Bill deals with that difficulty by way of a transitional arrangement for those three plans.

Secondly, the Department of the Environment expressed concern that the requirement could produce a potential conflict of tension in respect of its duty to secure the orderly development of land, an obligation placed on it by the Planning (Northern Ireland) Order 1991, and the requirement to ensure consistency with the regional development strategy.

Thirdly, there was a concern that the requirement might adversely affect the Department of the Environment's ability to respond to changing circumstances unforeseen in the regional development strategy. Legal opinion was sought on those concerns about the "consistent with" requirement, and on receipt of advice from senior counsel it was agreed that the alternative wording "in general conformity with" provided the flexibility sought by the Department of the Environment

while maintaining the clear authority of the regional development strategy.

The relatively short Bill is in three parts and has three main clauses. The first clause amends the requirement that development plans must be “consistent with” the regional development strategy to one of being “in general conformity with”. I have agreed with the Minister of the Environment that the concerns raised by his Department can be averted by that change in wording.

The second clause makes provision for a statement of conformity procedure in the statutory planning process. I regard that as a very important provision in the Bill. It will reaffirm the primacy of the regional development strategy since all future development plans must be “in general conformity with” it. The importance of the overarching authority of the strategy was raised by the Committee for Regional Development on several occasions. It was concerned that the regional development strategy should have teeth for the development plan process. The new statement of conformity procedure will provide a robust policing role to enable the Department for Regional Development to assess whether a development plan is in general conformity with the strategy.

I see the statement procedure as part of four stages of plan preparation. The first stage is before the publication of the draft plan, when the Department for Regional Development will be required to issue a first statement that offers its opinion on the conformity or otherwise of the draft plan. By working closely with the Department of the Environment, officials from the Department for Regional Development will do everything possible to ensure that plans do conform with the regional development strategy. However, if the Department for Regional Development is of the opinion that a draft plan does not conform, a statement of non-conformity will be issued that will specify how the draft plan is not in general conformity with the regional development strategy.

A statement of non-conformity will be treated as an objection to the draft plan. It is not in anyone’s interest that that should happen, and officials will work closely with the Department of the Environment as plans are prepared to avoid such an event.

The second stage is the issue of a report by the Planning Appeals Commission after a public inquiry into the draft plan. The issue of conformity will be considered at the public inquiry. The subsequent Planning Appeals Commission report will deal with any objections that may alter the relationship between the plan and the regional development strategy.

The third stage will come when a draft adoption statement is prepared by the Department of the Environment. In preparing that draft statement, the Department of the Environment must take account of the Planning Appeals Commission’s report, which will include recom-

mendations made in the light of all submissions at the inquiry, including those on the conformity of plans with the regional development strategy. At that stage, the Department for Regional Development will be required to issue a second statement on the conformity of the plan, and the Department of the Environment will have to regard that second statement before it adopts the plan.

The fourth stage in the process will be the published Department of the Environment adoption statement.

The adoption statement will refer to the contents of the second statement on conformity, and it will confirm that the Department of the Environment has taken it into account before adopting the plan. I have outlined the crucial double-locking nature of the statement-of-conformity procedure. The procedure meets the concerns of the Committee for Regional Development, and I am satisfied that the regional development strategy has teeth.

12.00

Clause 3 makes provision for transitional arrangements for three development plans — the Cookstown area plan 2010, the Craigavon area plan 2010 and the Dungannon and South Tyrone area plan 2010. The provision addresses difficulties that arise because the preparation of those plans commenced several years before the regional development strategy was formulated. In accordance with normal planning practice, it was not desirable to freeze the preparation of those plans until the strategy was in place. Therefore, the Bill provides for an exemption for the three plans from the proposed requirement that development plans must be in general conformity with the regional development strategy.

Under clause 3(3)(a), the plans will be exempted from the requirement that any policy prepared under article 3(1A) of the Planning (Northern Ireland) Order 1991 should be in general conformity with the strategy. Also under clause 3(3)(b), the Department of the Environment will be exempted from the requirement under article 5 of the Strategic Planning (Northern Ireland) Order 1999 to have regard to the regional development strategy in respect of those plans.

In simple terms, the three plans, as adopted, will not be required to undergo the “in general conformity with”, or the “have regard to”, test in respect of the regional development strategy. Also in respect of the three plans, the Department of the Environment will not be required to pass either test in respect of policy formulation. However, any subsequent change to the plans will mean that they are caught by the test.

The provisions under clauses 1 to 3 of the Bill are the only means for dealing with issues that have emerged regarding the relationship between the regional development strategy and development plans.

The Bill will have no additional cost implications for Departments, other bodies or individuals. It is likely that any work arising from these provisions can be handled using existing resources. The Bill is — as Members may have judged from my remarks — largely technical, and its provisions have not proved controversial.

Earlier this year the Department for Regional Development carried out a full public consultation exercise involving more than 400 organisations, interest groups and individuals. Only 31 responses were received, mainly from district councils, public bodies and Departments. Only one response — from the Planning Appeals Commission — raised a substantive issue. It concerned a point of fairness about the second statement of conformity in the context of the public inquiry procedure. Independent legal experts advised that there was no inherent unfairness in the provisions. I am satisfied that the Bill, as drafted, is clear and will not give rise to difficulties.

I appreciate the constructive role that the Committee for Regional Development played in the formulation, pre-introduction consultation and later work on the Bill. I ask the Assembly to support the Bill.

**The Chairperson of the Committee for Regional Development (Mr A Maginness):** I thank the Minister for acknowledging the work of the Committee and for his usual co-operation with it. I thank also the departmental officials who attended Committee meetings to brief members on the purpose and details of the Strategic Planning Bill.

The Committee spent much time examining the regional development strategy in detail. Every member recognised the importance of the strategy given that it establishes an important strategic planning framework for Northern Ireland for the next 25 years. Therefore, the Committee was determined to ensure that the strategy was balanced, challenging and, above all, deliverable. Given the expected impact of the regional development strategy on society over the next 25 years, the Committee paid particular and close attention to the pre-introduction consultation on the Strategic Planning Bill. As the Minister said, the Bill is largely technical, and its provisions have not proved to be controversial. Nonetheless, it is a critical and significant piece of legislation that will help to ensure the successful implementation of the regional development strategy.

When the Committee first examined the proposals in the Bill, it was apprehensive about the change of words from “to be consistent with” to “in general conformity with”. There was concern that Departments might pay only lip service to the overarching authority of the regional development strategy. In the words of the Minister, the Committee was determined that the strategy should “have teeth”. However, departmental officials and the Minister have explained the Bill’s main provisions.

As the Minister said, the Bill will reaffirm the primacy and the authority of the regional development strategy and will contain the requirement for all future planning policies, development plans and development schemes to be in general conformity with the strategy. That has helped to reassure the Committee that the Bill will have teeth and will be an effective tool to ensure the successful implementation of the strategy.

The Committee is reassured by the provision in the Bill for a new statement of conformity in the statutory planning process. That is important, and the Minister has explained in detail how the statement of conformity procedure will operate. The procedure should provide the Department for Regional Development with the robust policing role required to assess whether a development plan is in general conformity with the regional development strategy.

In conclusion, the Committee looks forward to considering the legislation and examining its clauses in detail. It is committed to conducting a detailed scrutiny and intends to consult widely and take evidence from interested parties.

**Mr P Robinson:** I thank the Chairperson of the Committee for Regional Development for his constructive contribution. I welcome the Committee’s support and thank it for its role during this process.

The legislation will clarify and formalise the important relationship between the regional development strategy and the development plans. The Committee rightly pointed out the importance of the strategy as an overarching strategic framework within which development plans and policies must operate.

I note the general welcome for the change from “consistent with” to “in general conformity with”. However, I note the Chairperson’s initial reservations on this, and I am persuaded, as are he and his Committee, that the approach will operate satisfactorily and ensure that the authority of the regional development strategy is not diminished.

I have been heartened by the expression of a view that was broadly endorsed by councils during the public consultation. Although councils recognise the importance of a regional strategy, many welcome the flexibility offered by the proposed change in the wording. Indeed, many have recognised the need to ensure the primacy of the regional development strategy. On the basis of independent legal advice, I am satisfied that the changed wording will not impugn the authority and the authoritative nature of the strategy. The primacy point is particularly important in relation to the new provisions to introduce statements of conformity before the publication and adoption of a draft plan. I am pleased that that provision was welcomed; it will provide a double-locking mechanism to maintain coherence and conformity with the regional development strategy.



Clearly — and I say this in the presence of the Minister of the Environment — it is not in anyone's interest that the Department for Regional Development should be seen to object to a development plan by the Department of the Environment. In my opening remarks, which, I think, were made before the Minister arrived in the Chamber, I stressed the importance of my Department's working closely with Department of the Environment officials to bring forward development plans that conform. My officials will draw up with the Department of the Environment a protocol for preparing development plans and setting the key milestones — not millstones — at which discussions will occur to ensure that they meet the key objectives of the regional development strategy. In short, the statement provision, coupled with the protocol, will go a long way to ensure that development plans are in conformity with the strategy.

Some people have raised concerns about the derogations provided for the three development plans. Having spoken to some of the representatives from the councils concerned, I believe that there is a general welcome in those areas for the provisions of the Bill. Concerns had been expressed that the plans would be receiving a "get-out-of-jail" card for the foreseeable future. Of course, nothing could be further from the truth. The derogation applies to only those three plans as adopted. The decision taken on the derogation was a pragmatic one. Each of the plans commenced considerably in advance of the regional development strategy, and it was only fair and reasonable that they could not have been expected to anticipate the final content of the strategy. Commitments and planning permissions that had been given during the course of their preparation meant that in some respects, most notably in relation to housing capacities, they were not aligned with the regional development strategy.

I must emphasise again that in many respects those plans reflect the key themes and objectives of the regional development strategy. They each contain a sustainable framework that sets an important policy context, against which local development proposals will be assessed. As I have already said, the derogation given is in respect only of the three plans as adopted. Any alteration or replacement to a plan will switch the lights back on, and the entire plan will have to pass the test of being in general conformity with the regional development strategy.

I welcome the supportive comments made by the Chairperson of the Committee for Regional Development. I ask the House to support the Second Stage of the Bill.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Strategic Planning Bill (NIA 17/01) be agreed.

**Mr Deputy Speaker:** The Bill now stands referred to the Committee for Regional Development.

## MARRIAGE BILL

### Second Stage

**The Minister of Finance and Personnel (Dr Farren):** I beg to move

That the Second Stage of the Marriage Bill (NIA 18/01) be agreed.

The Marriage Bill is intended to simplify, consolidate and, perhaps most importantly, bring a level of equality to the existing procedures in relation to the formalities and preliminaries that must be undertaken in order for a marriage to take place. Members will note from the outset that the Bill does not deal with, nor is it intended to deal with, the concept of marriage — the voluntary union of a man and a woman, to the exclusion of all others. The Bill aims to provide a universal system that applies to all persons who wish to marry, while recognising and supporting the practices and principles that exist for those of different religions. It does so by implementing the vast majority of the recommendations that were submitted to the Government by the respected law reform body, the Law Reform Advisory Committee for Northern Ireland. I thank the advisory committee for its invaluable work, especially the chairman, the Hon Mr Justice Girvan, who devoted much of his own time to the production of the report.

*12.15 pm*

Members may be aware, whether from personal experience or knowledge of the existing system, that current marriage laws are based on a model set up in Victorian times. The premier statute is the Marriages (Ireland) Act 1844. Since then, the law has developed in a piecemeal fashion. There are more than 20 pieces of legislation on the statute book that a reader must refer to in order to gain a full knowledge of the current legal framework. The Bill aims to streamline and consolidate that and provide a much easier reference point for those wishing to know the legal requirements that they must follow before a marriage ceremony can take place.

The current law is not applied uniformly. Privileges in relation to the celebration, timing and venue of marriages are granted to certain religious groups, but not to others. The position on venues for religious and civil marriages is unnecessarily complex and unsatisfactory. Rules regarding notice of marriage and preliminary notification requirements are considered to be too complex. Rules relating to the registration of marriages require some streamlining.

It is in that context that the Bill comes before the Assembly for consideration. The advisory committee consulted closely and widely with all religious organisations and those in secular society, and it concluded that the existing system required wholesale change. The advisory committee noted that certain matters were

operating well, therefore no changes are being made to matters such as the capability of parties to contract to a marriage or to the rules regarding age, kinship and affinity.

The Bill gives effect to the advisory committee's recommendations and focuses on the principle of equality. It removes the existing legal differences between religions and is modelled on the Scottish system, which has worked effectively for the past 25 years. The system of marriage preliminaries is restructured, with the removal of archaic concepts, and provides a greater freedom of choice to couples wishing to marry. Removing unnecessary obstacles to marriage and making it more attractive to individuals will perhaps provide a further step in strengthening the commitment to stable family life.

The Bill contains several main features. In relation to religious marriages, there is a change of emphasis from the registration of buildings to the registration of the person performing the ceremony, known in the Bill as the "officiant". In other words, the relevant priest, minister, clergyman, pastor, registering officer or other officiant will now be registered under the new legislation. That will allow different religions to submit a list to their registrar general of those members able to celebrate a marriage. Therefore, it will be a matter for those Churches, as opposed to state-imposed requirements, as to where a wedding ceremony can take place. It will provide a greater variety of choice for couples wishing to engage in a religious marriage, but it will not impinge on the right of the Churches to regulate where and when marriages can take place.

Similarly, the law in relation to civil marriages is also being reformed. At present, couples can have a civil ceremony only at the local register office, which may not be the most attractive venue for a wedding. The Bill outlines a new statutory scheme in respect of venues for civil marriages. In essence, responsibility will be given to locally elected councils who, under guidance from the Registrar General, will be able to license alternative, and perhaps more attractive, marriage venues.

The system of preliminaries is to be made universally applicable. All couples wishing to marry will be required to obtain a marriage schedule that will contain all the relevant details. The requirement to live in the district in which the wedding is to take place can cause an artificial, and potentially annoying, inconvenience for some couples. Such archaic concepts will no longer apply. The current system, which is based around banns, licences and certificates, will be replaced by one system that applies equally to all, irrespective of religion or belief.

Changes to religious and civil marriages will appeal to more couples and may well persuade many people, particularly those who no longer live in Northern Ireland or who perhaps have historical connections to it, to come here to marry at a location of their choice. That, in

turn, could result in a welcome boost for the tourist industry, as has been the experience in Scotland.

The Bill consolidates other issues and provides for general supplementary matters such as searches and registration districts. It also takes account of ancillary criminal offences.

A two-tier consultation process preceded the advisory committee's report. The range of opinions received showed that there was widespread support for the reforms contained in the Bill. In addition, my officials carried out a follow-up consultation exercise last year that concentrated on the equality impact of the changes and allowed people a final opportunity to comment on the policy. Again, support for the advisory committee's recommendations was almost universal.

The Bill will not come into effect immediately: it is the first stage of a process that will ultimately set up a new framework for marriage. Once the Regulations supplementing the Bill are in place, I shall take the steps necessary to bring the legislation into force. I expect that the scheme will be up and running at some time in 2003.

That is the general thrust of the Bill. It is probably human nature; but when speaking about marriage law, initial thoughts turn to issues such as the solemnity of marriage and related matters. I remind Members that the changes contained in the Bill will be made in the context of several key principles. The validity and solemnity of religious marriage is not in question. Interference with the existing freedoms of individual religions will be minimal. There will be equality of treatment for all religions and between people who wish to have a civil or religious marriage.

Finally, the Bill contains the aims of simplicity, transparency, ease of application and cost-effectiveness. This is an important area of law reform with a significant social impact. Marriage is not an institution to be entered into lightly, nor should the marriage ceremony be treated with anything other than solemnity and dignity. However, as we move forward into the twenty-first century, some of the aims and objectives of the existing system must be addressed, as must the level of state interference in the preliminaries to marriage.

The Bill will help to make the institution of marriage an attractive prospect for all people. In addition, it will promote Northern Ireland as a venue in which couples can get married, which can only be beneficial to our economy in the longer term, while recognising and upholding the basic tenets of marriage. Accordingly, I am happy to commend the Bill to the Assembly.

**The Chairperson of the Committee for Finance and Personnel (Mr Molloy):** Go raibh maith agat, a LeasCheann Comhairle. Given that marriage is a holy and permanent commitment, the Bill will be relevant for some time, but Members should note that the Minister

intends to introduce a divorce Bill, which brings into doubt the permanence of marriage. However, the Marriage Bill provides for the different situations of people.

The Committee for Finance and Personnel found that the willingness of the Minister and the Office of Law Reform to facilitate its pre-introductory scrutiny of the Bill was important. It sets a precedent, which shows that Committees can become involved in discussions before Bills are introduced, and it gives Committees the opportunity to influence Bills and to deal with small issues at the outset. I welcome that development, and it is to be hoped that all Ministers will adopt that practice.

The Office of Law Reform is conducting an ongoing review of civil law, because developments in civil law here lag behind those in England, Scotland and Wales. The Marriage Bill has its foundation in the recommendations of the Law Reform Advisory Committee. In its report 'Marriage Law', the committee noted that it was especially impressed by the arrangements that have operated effectively in Scotland since the Marriage (Scotland) Act 1977. As the Minister stated, the Marriage Bill is similar to that Act, and it incorporates many recent developments in Scotland, which are based on English law, that abolish rules relating to venues for religious and civil marriage.

The Committee wanted to ensure that consultation on the Bill's proposals would be extensive, and departmental officials have assured members that it will be. The Committee recognises that responses to the consultation exercise have indicated widespread support for the modification of, and the proposed changes in, the law. Marriage law must be reformed to establish consistent good practice across the procedural and legal requirements for the formalities of the marriage ceremony, whether in church or in a special venue chosen by the couple. The Bill does not address same-sex marriages, and it contains little that could be considered controversial.

The Bill acknowledged the principle of equality and will be welcomed by many, young and old, who do not attend church but would prefer something other than a short ceremony in a registry office. The Bill offers people a choice of venues. It is to be hoped that local councils will use imagination to make ceremonies more appropriate and welcoming to couples and their families. The Committee hopes that the improved provisions will cover a broad band and bring joy to many couples on the happiest day of their lives.

The Committee will consider the Bill in detail and scrutinise its provisions carefully.

**Ms Lewsley:** Members must acknowledge the needs and wishes of people who choose to marry. Many people do not wish to take the traditional approach. Marriage is a life-changing decision, and values and beliefs have changed considerably since previous marriage law was

introduced. People must have a choice; therefore, I welcome the Second Stage of the Marriage Bill. I commend the Minister for bringing Northern Ireland's marriage laws into the twenty-first century. The Minister said that current marriage law dates back to the Marriage (Ireland) Act 1844. Although it has served us well in the past, its time is surely up. Will the Minister tell the House why this is a suitable time to amend the legislation?

12.30 pm

I also welcome the fact that the Bill streamlines marriage procedures and removes much of the complexity associated with planning a wedding, especially in regard to venues and officiants, while offering greater equality. The current trend is for people to celebrate their union in less formal settings, and we should facilitate that.

The Minister has already mentioned the boost to the tourist industry in Scotland, and I am sure that in future we will get many requests for new venues at which weddings can be performed. For example, people could choose our own tourist destinations, such as the Giant's Causeway or the Carrick-a-Rede rope bridge, or perhaps even scuba diving in Lough Neagh. Who knows?

Many people who take their vows take marriage seriously, and their celebrations would be improved if they had the opportunity to choose a different venue. I support the motion.

**Rev Dr Ian Paisley:** I welcome the Bill. As the first Protestant Member to speak on the Bill, I think that there is agreement about it. There is no doubt that the present law discriminates against many people. For instance, it discriminates on time: if you are of a certain religion, you can marry only between certain hours on certain days, but if you do not happen to be of that religion, you cannot marry on certain days or at certain hours. If people belong to a particular church they can have a special licence to marry in their own home, whereas others who do not belong to a church or religious group that is permitted a special licence cannot have any such privilege.

The financial and explanatory memorandum suitably describes the basis of the Bill:

"The current law stems from a series of statutes dating back to the early Victorian era. The system of marriage preliminaries has not developed on a uniform basis and privileges in relation to the celebration, timing and place of actual marriage are granted to certain religious groups and not to others. The current rules relating to religious and civil marriage venues are unnecessarily complex and unsatisfactory, and certain churches are afforded greater autonomy than others that are subject to a larger amount of state control."

Those laws were discriminatory, and I am glad that they will be abolished.

I should like to associate myself with what the Minister said about the advisory committee. That committee did a very good job, and it started from the basis that dis-



crimination would cease and that everybody would stand on a common platform. The real basis of the change relates to places of worship. In the old days the venue was registered and licensed for marriage, but the Bill will license the minister or the officiant. I have studied the law in Scotland, because I have relationships with churches in Scotland, and I have found that that law is good. It is simple compared to our current Regulations.

One has only to look at marriage law to see the number of new churches that were not given a special provision to facilitate their people to marry outside their own place of worship. All those matters are taken care of in the Bill, which I welcome. The majority of people in Northern Ireland, regardless of their religious convictions, or even if they have no such convictions, will welcome the Bill, because it puts everyone on a common platform, and it will certainly benefit people.

There are different marriage areas in Belfast; for instance, a person can get married in Castlereagh only if he lives there. People must claim that they live in an area where they want to get married, even though they do not. They have to obtain an accommodation address. It is a most awkward situation. All these aspects are to be regulated.

My conviction is that marriage should be permanent. However, the Bill does not deal with the doctrine of marriage, but with the methodology of getting married. We will be taking a closer look at marriage when the divorce Bill comes before the House. At that point there will be a different form of debate.

This is a very good Bill: it will be beneficial to all, and I hope that it will be passed and will be up and running next year. Christian marriage can be beautifully and reverently celebrated at venues other than places of worship, and I do not see why ceremonies should not be performed in such places.

Yesterday, a young lady down at the BBC tackled me. She had a microphone in her hand and she asked: "Where is the most wonderful place to be married?" I replied: "Young lady, it is the wonderful woman I married that I was worried about — it was not the place that mattered". True love is the real basis for marriage — love that can stand the strains of time and living. The two must grow together and, as the scripture says, "they shall be one flesh".

The great commentator Matthew Henry said when writing on the making of a woman that she was to remember that she was not taken from a man's head so as to rule him; she was not taken from a man's hand to control him; she was taken from beside his heart and under his arm for love and protection. Where love rules in a marriage then all the other situations —

*[Interruption — Parliament Buildings evacuated due to a fire alert].*

*The sitting was suspended at 12.38 pm.*

*On resuming (Madam Deputy Speaker [Ms Morrice] in the Chair) —*

*2.00 pm*

**Madam Deputy Speaker:** Rev Dr Ian Paisley was interrupted before the Assembly was suspended.

**Rev Dr Ian Paisley:** I was telling the House about a great Bible commentator, Matthew Henry, who wrote about the making of woman. He pointed out that she was not taken from man's head, for she was not for him to rule, and that she was not taken from man's feet, for she was not to be trampled on. He said that she was taken from near man's heart to be loved and from under his arm to be protected. The lesson for us all is that the supremacy of love is the basis for the ideal marriage and for the permanence of marriage. Love can sweeten all things — even marriage.

**Dr Farren:** I thank Members who contributed to this short debate on the Marriage Bill. Their remarks were essentially complimentary. They appreciated the fact that the Bill is before the House, they appreciated the work of the advisory committee on the recommendations on which the Bill is based and they complimented the Committee on the wide consultation before the Bill was drafted.

The Chairperson of the Committee for Finance and Personnel, Mr Molloy, highlighted the consultation with that Committee. He underlined its exemplary nature, holding it up to other Committees as a model for consultation in the early stages of preparing Bills. I thank him for his appreciation of the work of my departmental officials.

In welcoming the Bill, Ms Lewsley asked why the legislation is being introduced now. Given the references to the Scottish legislation, one could say that it is long overdue. Pressure was mounting, especially from religious organisations and churches, Christian and non-Christian, that feel that they are not treated with the same consideration in legislation as other religions are. They feel that the way in which they are ignored or treated differently could amount to a form of discrimination. As we must have regard to our equality legislation, the matter was urgent.

During the process, some 90 religious organisations were consulted. That number surprises me, but, nonetheless, it indicates the extent to which the committee and officials from my Department were prepared to go, following the committee's recommendations, to ensure that all views and concerns related to those aspects of marriage were fully consulted on and satisfaction achieved with respect to them. I acknowledge the appreciation expressed by Dr Paisley, as a representative of one of the smaller churches, at least in numerical strength — I hope he does not mind me putting it in that way — with



regard to the attempt to achieve satisfaction, fair treatment and equality for all the groups concerned.

Patricia Lewsley, in highlighting venues that might be used for the conduct of marriage ceremonies in Northern Ireland, mentioned the Giant's Causeway and Carrick-a-Rede, which are within my own and Dr Paisley's constituency. I trust that numbers will flock to those venues to solemnise their marriages, if they wish to step outside the more traditional locations. I do not imagine that venues of such considerable beauty, providing a dramatic setting and start to married life, could be found anywhere else in Northern Ireland.

The degree of satisfaction expressed by those who have spoken, and the silence of those who have not, indicates that we can anticipate that the Second Stage of this Bill can be passed.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Marriage Bill (NIA 18/01) be agreed.

**Madam Deputy Speaker:** The Bill now stands referred to the Committee for Finance and Personnel.

## **POLLUTION PREVENTION AND CONTROL BILL**

### **Second Stage**

**The Minister of the Environment (Mr Nesbitt):** I beg to move

That the Second Stage of the Pollution Prevention and Control Bill (NIA 19/01) be agreed.

The Bill is necessary to enable Northern Ireland to meet its European commitments in a key environmental area. It is also necessary to ensure that the people of Northern Ireland enjoy the same standard of environmental protection as elsewhere in the United Kingdom. This legislation should have been in place in 1999, and the reasons behind the delay are, no doubt, well known to the Assembly. However, its continued absence is already subject to infraction proceedings from Europe. It is vital, therefore, that it be brought into operation as quickly as possible if we are to avoid the real possibility of financial penalties for non-compliance.

The main purpose of the Bill, and the subordinate legislation to be made under it, is to provide a statutory framework to enable transposition of EC Directive 96/61 on integrated pollution prevention and control. That Directive is designed to control pollution from industrial sources. Its aim is to provide for a high level of protection for the environment through the establishment of a regulatory framework to prevent or reduce emissions to air, water and land as a result of industrial activities. The Directive's key feature is that it provides for an integrated approach to dealing with pollution from major industrial installations. That is designed to avoid potential problems that may arise if separate approaches are taken to controlling releases to air, water and land. That integrated approach is similar to the current arrangements under the Industrial Pollution Control (Northern Ireland) Order 1997.

The Bill shares many features with the current arrangements under the 1997 Order. Most importantly, it will provide for the retention of the regulatory structures of that Order, with a chief inspector assuming responsibility for regulating those installations listed in annex 1 of the Directive. That means that all such installations will be assessed against their capacity to cause significant pollution to air, water and land. Moreover, the provisions and regulatory structures of the 1997 Order will be repealed and re-enacted in the new legislation. That will remove the need for pollution from industrial installations to be regulated under two separate pieces of legislation, and it will minimise the disruption to industry caused by the new arrangements.

I estimate that approximately 250 existing installations will be subject to the new Directive controls. Some are

already regulated under the existing arrangements, but several installations will be brought under control for the first time to meet the Directive's requirements. The main additions above a certain capacity will be: installations for intensive rearing of poultry and pigs; sites for landfilling waste; slaughterhouses; installations for the treatment and processing of milk; installations for the treatment and processing of animal raw materials; and installations for the treatment and processing of vegetable raw materials.

Several other changes will be made to the current controls. Permits will be granted for installations rather than processes, which will enable a more broad-based and comprehensive approach. The range of environmental impacts to be covered when determining applications will be much wider and will include noise, site restoration, accident prevention, energy efficiency, and the selection and use of raw materials. No integrated pollution prevention and control (IPPC) installation will be exempted from control because of the triviality of its emissions.

In the main, this is an enabling Bill. The detail of the new regulatory controls will be set out in draft regulations, which will be published for consultation in the next few weeks. In addition to providing an opportunity for full and open scrutiny of the proposals, publication of the draft regulations will help to inform consideration of the Bill as it goes through its various stages. The parallel processing of the Bill and the regulations will also ensure that all the legislation is enacted with the minimum of delay, thereby reducing the serious risks associated with the infraction proceedings, as I mentioned earlier.

In addition to providing the statutory framework for transposing of Directive, the Bill has two other main purposes. First, it will provide a general power for EU measures to be transposed by way of regulations, thereby avoiding the need for primary legislation. Any measure intended to be implemented in that way will be required to be designated by Order, and any regulations made under that provision will be subject to full scrutiny and consultation in the normal way.

Secondly, the Bill provides new transitional provisions for waste disposal licences under the Pollution Control and Local Government (Northern Ireland) Order 1978. That will facilitate the transition to the new waste management licensing system that is due to be introduced in 2003 and ensure that no one is penalised unfairly because a waste disposal licence has lapsed inadvertently.

My Department set out its policy proposals in a consultation paper that was published in June 2001. The paper was issued to 500 organisations, groups and individuals. Some 30 responses were received, the majority of which welcomed the proposals. Only 16 respondents made substantive comments. Of those, eight were accepted; only

one response required a change in legislation, and the other seven can be met through clarification of the proposals. The remaining eight comments were rejected; three were outside the scope of the legislation, one was a clear breach of the Directive, and four were rejected on policy grounds.

2.15 pm

The Bill is necessary to enable us to meet our European commitments and to provide a high-quality environment for the people of Northern Ireland. For those reasons, I commend the Bill to the Assembly.

**The Chairperson of the Committee for the Environment (Rev Dr William McCrea):** In September 2001, the Committee for the Environment considered and responded to a consultation document issued by the Department of the Environment on its proposals for transposing EC Directive 96/61 on integrated pollution prevention and control. The Committee subsequently raised several concerns.

I appreciate the need for Northern Ireland to meet its European commitment, and the Minister and the Department's desire for a high-quality environment. The debate is not riveting for many people, but the Pollution Prevention and Control Bill is important, and it has implications for the community.

When departmental officials appeared before the Committee and realised that members had concerns, it strove to deal with those and other concerns. That is appreciated. Officials have appeared before the Committee readily in order to clarify outstanding issues. They will make a presentation this Thursday morning as deliberations continue on the Bill.

The concerns include the potential impact on the poultry industry in particular, the farming industry in general, and the proposed level of fees across all sectors. The Committee will keep a close eye on how those concerns, and others that have been identified in our consultation exercise with key interest groups, have been addressed in the Bill or in the draft Regulations that will result from the Bill. The Minister emphasised the value and importance of the Regulations, and draft Regulations will be available to the Committee in early July.

I must advise the House of the discussions that the Committee has had with the Minister about his proposal to use the accelerated passage procedure to progress the Bill. The Minister wrote to me on 22 May 2002 to explain why he believed that it was necessary to use the accelerated passage procedure, thus removing any Committee Stage scrutiny of the Bill. He drew to the Committee's attention the fact that infraction proceedings are lurking in the background and overshadowing much of the discussions.

Although the Committee appreciates fully the potential cost of infraction proceedings by the EC, there was nothing to convince members that EC proceedings were so far advanced that there would not be time for the Committee to complete some form of scrutiny of the Bill. The Committee discussed the issue, and I informed the Minister, clearly and scrupulously, of the decision that the Committee had reached. There was an equally balanced decision regarding a particular stance, and an impasse ensued.

Consequently, the Committee suggested an alternative way forward to the Minister as a follow-up to his discussions with us on 2 June 2002. The outcome was a proposal from the Minister to complete the Committee Stage by mid-September. The Committee agreed with the proposal and I assure the Minister that it is still the Committee's intent. We have no desire to delay the Bill, but we want appropriate and proper scrutiny to ensure that we take on board the considerations of everyone who has an interest.

This is the Second Stage of the Bill. The Committee has been put in a position in which, if it wants to scrutinise the Bill, it must do so and report by mid-September. Some people may say that the Committee was wrong to oppose the Bill's accelerated passage. They may ask why the Committee should put extra pressure on itself when it already has three Bills at Committee Stage, with another due in early September. The reason is simple. One of the most important roles that any Statutory Committee has is the scrutiny of legislation. The Committee believes that it would be wrong to forgo such scrutiny except in exceptional circumstances.

I assure the Minister that, despite the severe time limitations imposed on us in the circumstances, we shall be, as usual, diligent and thorough in examining the details of the Bill, and we shall return with amendments at Consideration Stage if necessary. The Committee has reached out to the Minister, and the Minister and his Department have reacted to the Committee's concerns. That is a healthy exchange, and it is in the interest of having proper and appropriate legislation, which the community can feel has been scrutinised by those with that authority.

**Mr Savage:** I am concerned about the Bill, because I have heard it mentioned in several Departments over the past week. I have listened carefully to the Minister, and one of my greatest concerns is, as is stated in paragraph 11 of the accompanying explanatory and financial memorandum:

"There is no provision for any installations to be exempted from control, for example, because of the 'triviality' of its emissions."

Will the Minister explain what that means?

Furthermore, paragraph 12 states:

"Existing installations in so far as they are not substantially changed, were afforded a period of grace of up to eight years after the

Directive was brought into effect, during which they would need to be upgraded to meet the Directive's requirements. All installations therefore must be permitted by 31 October 2007."

That is all very well, and I do not wish to encourage pollution. However, the Minister spoke this week about pollution in Lough Neagh, for which the farmers are always being blamed. If the Minister or any other Member thinks that farmers are going to be a soft touch and will accept that blame, they are in for a surprise.

What about organisations that receive Crown immunity? There are far greater polluters in other sectors. Those matters must be taken into consideration. I have every sympathy for the Minister; he has a difficult job to do. However, we must have a level playing field. I do not want to see people blamed for pollution for which they are not responsible.

I am standing behind the Minister now, but I would ask him the same question were I in front of him. Can he prove that the agriculture industry is the main polluter? That is the big factor. Many matters, including fraud, were talked about over the past six months in various Departments. However, when the cards are on the table, all accusations must be proven, and that is what the Minister must do.

I do not wish to be awkward, but I must defend the agriculture industry. Other sectors are given time to get their act together — it should be the same for everybody. Farmers do not want to cause pollution. They are conscious of the effects, and they are proud of the environment. Other people are more responsible for pollution, but they get away scot-free. There must be a level playing field.

**The Deputy Chairperson of the Environment Committee (Ms Lewsley):** As the Minister said, the Pollution Prevention and Control Bill is designed to protect the environment by the reduction and prevention of emissions to air, water and land through industrial activities, and to comply with the Industrial Pollution, Prevention and Control (IPPC) Directive. Issues such as waste minimisation and the handling of waste on site are vital to reduce the amount of environmental pollution and to place the responsibility on those who produce the pollutants. The Bill addresses the wider range of installations, such as the intensive rearing of pigs and poultry, landfill sites, slaughterhouses, and the treatment and processing of animal and raw materials. Those are some of the areas affected by the new legislation — it is not only farmers who pollute the environment.

Permits will be granted, and issues mentioned by the Minister, such as noise, site restoration, accident prevention, energy efficiency, and raw material selection and use, will be taken into consideration. Installations will also have to show that an assessment has been conducted of the environmental risks and that adequate staff training and provision for appropriate maintenance of the system

exists. The permits will be reviewed periodically and will take into account technology and other changes.

The standards, objectives and requirements will be regulated. I welcome the fact that the Department will make information accessible to the public on industrial pollution and waste. The issue of enforcement will be addressed through regular inspections, and the inspectors will have the power to take samples and to arrange preventative or remedial action at the expense of the permit holders.

The Pollution Prevention and Control Bill is another Bill that has been forced on the Assembly by an EU Directive that the Assembly must implement. It is the latest in a long line of EU Directives that direct rule Ministers neglected to put in place. The consequence of not complying with the Directive could mean a heavy financial penalty for many ratepayers in Northern Ireland. I support the Bill.

**Mr M Murphy:** Go raibh maith agat, a LeasCheann Comhairle. The introduction of the Pollution Prevention and Control Bill is in response to the IPPC Directive in Northern Ireland. The European Court of Justice delivered its judgement on 7 March 2002, so new legislation is required in order to avoid financial penalties. That could happen before the end of 2002 and will become a reality in 2003. That is why I support the Minister in getting the Bill through quickly.

There is great concern in the farming community, and the farming industry is under financial pressures. An incentive scheme to improve facilities should be offered, and I urge the Department of the Environment to take the farmers' concerns into account when drawing up the final Regulations.

There is a need for significant improvements in agriculture practices. I advocate a minimum six-month storage requirement for organic waste on all farms and a complete ban on slurry spreading from October to the end of March. However, considering the weather that we have had recently, that would not work.

I am putting this forward because it would improve water quality. Why do I come to that conclusion? The reason is that slurry-spreading on waterlogged or frozen ground creates a high risk of water pollution. There is a case for a straightforward prohibition of overloading land with excessive nitrates from slurry or fertilisers.

2.30 pm

General provisions in the water pollution Acts and waste management Acts make it an offence to cause, or to permit, polluting matter to enter waters, or to store, recover or dispose of waste in a manner that causes, or is likely to cause, environmental problems. However, in most cases the odds of securing a prosecution are stacked too high against public authorities, because they

do not have the resources for the monitoring and investigations needed for widespread, effective enforcement. Too heavy an onus of proof is required in order to demonstrate that pollution occurs through careless malpractice.

I am also concerned that those who cause the biggest pollution problems have Crown immunity. Organisations that cause a fish kill should be brought to book, but unfortunately, they are immune from prosecution. Farmers have to work through bad weather conditions, financial problems, et cetera. I encourage the Minister to do his utmost to help them. Go raibh mile maith agat.

**Mr Armstrong:** The Bill provides a framework to control industrial pollution in Northern Ireland. It offers a holistic approach to land, water and air pollution, in line with EC Directive 96/61, and it aims to address industrial pollution setting out the framework whereby that can be achieved. However, it must be stressed that the Bill is only a framework.

The Bill will affect many businesses as well as those in the poultry-and pig-farming sectors. Preventing pollution is beneficial to the environment. The role that farmers have played as stewards of the land must be recognised and credited. The Bill seeks to impose penalties for failure to comply with environmental standards. However, it does not set out adequately the best available techniques to be adopted as the yardstick to assess whether a business complies. It is vital that Departments concerned with the Bill co-operate by assisting the industries that will be directly affected. Departments must offer an incentive to comply with more stringent environmental controls. There is no point in forcing farmers to comply with tighter controls if it is simply not possible for them to do so.

With those considerations in mind, further environmental legislation must not only push industry into complying; it must lead industry through supporting schemes such as waste management. I fear that those whom the Bill will affect must be all too aware of the consequences of incorporating the EC Directive into our law. Current law — the Industrial Pollution Control (Northern Ireland) Order 1997 — weighs environmental concerns against the costs associated with undertaking practice differently. However, if the Bill were fully implemented, only best available techniques would be considered; financial considerations would be excluded.

I am conscious that this new approach may be less favourable to industry than is the case at present. We are told that general binding rules may offset some of the extra financial burdens associated with the legislation, but we wonder how that can be so.

The Bill is a framework for introducing an EU Directive to our law. I understand that we must avoid penalties from Europe, which would be imposed if the legislation were not introduced. However, I urge the Minister to consider the affected industries when deter-



mining the rigour that will be used to implement the Directive. Also, can he assure the House that the legislation is being adopted consistently throughout European member states?

Can the Minister clarify whether additional support will be given to projects such as anaerobic digesters for waste, in the light of the legislation? I fear that farmers could face fines if no realistic alternative course of action exists. Legislation must be fair, reasonable and lead industry to implement more environmentally sensitive measures, which could bring great benefits.

**Mr Foster:** I wish to compliment the Mount Charles caterers. We were rushed out of the Building, so many people arrived back for lunch at the same time, and staff catered very well for everyone.

Having been in Dermot Nesbitt's position, I do not want to say too much other than that this is a worthwhile, important and necessary Bill. Less pollution, urgent measures for its prevention and greater control will benefit society. Less pollution would mean better health, and with healthier people, there would be less medical need. The Bill is also environmentally friendly.

Failure to transpose the Directive into Northern Ireland legislation will result in infraction proceedings against the United Kingdom, and, although the Bill is at an advanced stage, the risk of heavy fines is very real. To avoid those fines, the Bill must be granted Royal Assent before the Assembly is dissolved for the May 2003 elections.

The European Court of Justice delivered its judgement against the United Kingdom on 7 March 2002, ruling that the Directive had not been implemented. Unless the Northern Ireland Executive can demonstrate to the European Commission that the necessary legislation has been enacted, the Commission will go back to the European Court of Justice to have financial penalties imposed. That could happen before the end of 2002, with fines imposed in mid- to late-2003.

As the Minister has said, the Bill is largely enabling, and the Environment Committee will be able to consider fully its substance. I support the need to implement the Bill — it is more important than most people realise.

**Mr Nesbitt:** I thank Members for their comments. I will address each in the order in which they were made. I thank the Chairperson of the Environment Committee, Dr McCrea, for his comments and for appreciating the need for speedy implementation. That is important. He referred to accelerated passage, and the fact that need and efficient delivery have equal priority. I appreciate that he must do something by September, but I have not put him in that position. I think that it was a necessity; it put us all in that position. Therefore, I thank him for his clear intention to have that completed by September 2002.

He mentioned agriculture, as did other Members. I am conscious that more Members seem to raise issues at

the Second Stages of environmental Bills than in relation to other Bills at that Stage. He referred to the potential impact of the Bill on poultry farming and the farming industry in general. The extension applies to poultry and pigs only at a certain level — whether it may be 4,000 poultry, 750 sows or 2,000 pigs. The Bill applies only to establishments with that number of animals and birds.

No installation will be exempt from the new controls. No one is excluded. The Department can do nothing about that. That has been made clear. The Department has no option but to bring such poultry and pig installations under the new controls. Failure to do so would be a clear breach of the EU Directive, and would expose the Department to the risk of further infraction proceedings. The thresholds that I referred to are set out in the Directive, and must be applied.

I am conscious of the need to alleviate costs to the farming sector. Mr Savage said that farmers are being blamed for pollution. I come from a farming background and an agricultural constituency, and I put it on the record that I do not blame farmers. I want the polluter — whoever that may be — to pay. The principle that applies in waste management should do so in this context also. The principle of proximity is also similar: he who creates the problem should deal with the problem. I want to make that clinically clear.

However, the Department wants to assist where possible. For example, the Directive says that the installations that I have referred to do not have to be phased in until October 2007. In that case, I propose to defer the call-up for existing agricultural installations until November 2006 to January 2007. The Department will put that off for as long as possible in an effort to accommodate the agriculture industry. However, new installations, and those that have undergone changes, must be brought into line with the Directive immediately.

The Department has also tried to accommodate the agriculture industry with regard to the charges that will be applied. I stress that those matters will be subject to regulation and consultation. They are not part of the enabling power but will go through full consultation. The charges will be in line with those in Great Britain, which have been reduced from the original estimates in order to lessen the impact on the agriculture sector. Those are two examples of how the Department is trying to accommodate that sector.

I want to address the comments made by my party Colleague Mr Savage, who asked why there is no provision for the exemption of triviality. It is quite simple; there are two relevant issues that I want to explain. Under the 1997 legislation, trivial pollution could be dismissed; there is no such exception in this Bill. However, in trivial cases, the level of charges will reflect the extent of the seriousness. Although there is no exclusion, allowances are made. Therefore, a balance is struck.

2.45 pm

I referred to the fact that farmers are being blamed all the time. Farmers are not soft touches. I have never thought that for one minute. As the saying goes, they know which side their bread is buttered on. I have every sympathy with the farming community. My officials have closely liaised with the Department of Agriculture and Rural Development, and with the farming industry, on the issues associated with the introduction of the new controls. Earlier this year, officials made a presentation to the Northern Ireland Poultry Federation and the central pigs committee of the Ulster Farmers' Union on the implications of this Directive for intensive pig and poultry farms.

Since then, two working groups, involving my officials, officials from the Department of Agriculture and Rural Development and industry representatives, have met to discuss the detailed requirements of the Directives and how they can be applied to the farming industry. The groups will continue to meet as necessary in the lead-up to the introduction of the legislation.

I am very conscious of the farming sector. I meet with its representatives and will continue to do so. The agrisector is about more than farming, and I am conscious of the contribution that it makes to the gross domestic product of Northern Ireland. I am also conscious of the smallness of farms and the difficulties faced by the agriculture sector in Northern Ireland. As an elected body in Northern Ireland, the Assembly should be conscious of, and take cognisance of, those factors. I have tried to mention aspects where we have done that.

I thank the Deputy Chairperson of the Environment Committee for her support for the Bill. I also thank Mick Murphy for his comments about recognising the farming community's concerns. I hope that I addressed that. We will continue to address those concerns. Mr Murphy also raised the issue of Crown immunity — that issue has not gone away. It remains a live issue that must be dealt with.

Mr Armstrong mentioned best available techniques and how to deal with them. Best available techniques are prepared on an EU-wide basis to identify the best techniques for the prevention or minimisation of pollution, taking sectoral affordability into account. That will inform the national technique guidance, which is uniformly applied across the United Kingdom. That aspect was also raised by Mr Armstrong.

A further purpose of best available techniques is to inform the decision-making process for individual permits. Whether it be the chief inspector or the district councils making the decisions, the Department will still have a role to play in ensuring consistency.

Mr Armstrong mentioned anaerobic digesters. My officials will carefully take note of Hansard and reply directly to him about that.

The matter of whether general binding rules could apply, as opposed to issuing permits to individuals, was raised. I hope that they can apply, avoiding the need for individually tailored permits and thus reducing the costs involved. That is a further element of the attempt to reduce costs, which is required for the benefit of Northern Ireland. I thank my predecessor, Mr Foster, for his supportive comments, which were mindful of the benefit to Northern Ireland and of the costs involved, as well as of the sensitivity of the matter.

I thank those who made constructive comments, and I acknowledge again the positive contribution made by the Rev Dr William McCrea and the Committee for the Environment to this sensitive issue. I commend the Bill to the Assembly.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Pollution Prevention and Control Bill (NIA 19/01) be agreed.

**Madam Deputy Speaker:** The Bill now stands referred to the Committee for the Environment.

## BUDGET (NO 2) BILL

### Final Stage

*Resolved (with cross-community support):*

That the Budget (No.2) Bill (NIA 16/01) do now pass. — [*The Minister of Finance and Personnel (Dr Farren).*]

## EXTENSION TO THE COMMITTEE STAGE OF LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) BILL

**The Chairperson of the Committee for the Environment (Rev Dr William McCrea):** I beg to move

That, in accordance with Standing Order 31(5), the period referred to in Standing Order 31(3) be extended to 17 October 2002, in relation to the Committee Stage of the Local Government (Miscellaneous Provisions) Bill (NIA 7/01).

With your permission, Madam Deputy Speaker, I shall explain why my Committee seeks an extension. The Committee began its formal consideration of the Bill on 21 May 2002. Since that date the Committee has consulted all local councils, the Society of Local Authority Chief Executives and the Northern Ireland Local Government Association to hear their views on the proposed legislation; and it took oral evidence from representatives of Craigavon Council and Belfast City Council and from officials of the Department of the Environment and of the Northern Ireland Office.

Consideration of this Bill is challenging in that it proposes to legislate by introducing new provisions in three unrelated areas. The first of those is a new method for distributing the general grant payable to local councils. The Bill also includes provision for reducing the general grant where it is held that a council has failed to deliver a reasonable standard of economy, efficiency and effectiveness in discharging its functions.

Secondly, the Bill provides for new powers on economic development, effectively removing the limit of five pence in the pound on economic development for those councils wishing to invest more. Moreover, councils must have regard to guidance from the Department of Enterprise, Trade and Investment.

Finally, the Bill provides for new council powers on community safety. These will allow a council to participate in a relevant community safety partnership. However, they will also allow the Department of the Environment to bring forward an order to the Assembly to confer or impose on councils other functions to enhance community safety in their areas.

None of the issues was straightforward, and the Committee identified significant amendments that must be made to the Bill. They affect all the areas mentioned and would result in changes to four of the principal clauses of the 11-clause Bill. The departmental officials responsible for the Bill have worked diligently and have been responsive to the Committee's queries. It is to be hoped that the Minister will agree to table the Committee's amendments, and possibly some others, for the Consideration Stage debate.

The Committee needs time to explore other issues outlined in this complex Bill. Last week, it received a substantial submission from the Northern Ireland Office, which seeks to define community safety partnerships and to clarify how they differ from district policing partnerships. The extension to the Committee Stage is necessary because the outstanding issues will require due and proper deliberation by the Committee. Therefore it is necessary to ask the Assembly for this extension. However, the Committee hopes to complete its work by an earlier date. I ask Members to support the motion.

*Question put and agreed to.*

*Resolved:*

That, in accordance with Standing Order 31(5), the period referred to in Standing Order 31(3) be extended to 17 October 2002, in relation to the Committee Stage of the Local Government (Miscellaneous Provisions) Bill (NIA 7/01).

## REPORT BY THE SENIOR SALARIES REVIEW BODY

**Madam Deputy Speaker:** The next four motions relate to the report by the Senior Salaries Review Body. Of these, one is a substantive motion and the others are consequential. I therefore propose to group the motions and to conduct one debate only. If the substantive motion is not carried, the consequential motions will not be moved.

**Rev Robert Coulter:** I beg to move

That this Assembly accepts recommendations 2 to 9 set out in the report by the Review Body on Senior Salaries, Report No 52, on the Review of Pay and Allowances and agrees that recommendation 1 should be reviewed at a later date.

*The following motions stood in the Order Paper:*

That this Assembly agrees to amend the Northern Ireland Assembly (Members' Salaries) Determination 2000 as follows—

In the Schedule, column (1), paragraph 1, after the words "Chairperson of any Statutory Committee" insert "the Public Accounts Committee and the Committee of the Centre". — [*Rev Robert Coulter.*]

That this Assembly agrees to amend the Northern Ireland Assembly (Members' Allowances) Determination 2000 as follows —

In the Schedule, paragraph 3(2) leave out "£35,756" and insert "£48,000". — [*Rev Robert Coulter.*]

That this Assembly approves the draft Statutory Rule "Allowances to Members of the Assembly (Winding Up Allowance) Amendment Order (Northern Ireland) 2002". — [*Rev Robert Coulter.*]

**Rev Robert Coulter:** The motions relate to the recommendations contained in the report of the Senior Salaries Review Body. In February 1999, the Assembly made the following resolution:

"That this Assembly will accept the recommendations of the Senior Salaries Review Body in respect of the salaries and allowances for Ministers and Members".

3.00 pm

When I moved that motion in the House on behalf of the Commission and recommended to Members that we accept an independent body's decision about Ministers' and Members' salaries and allowances, I said that

"No one can then accuse Members of feathering their own nests. We will be accepting a principle of integrity and openness in dealing with public funds." — [*Official Report, Vol 2, p124.*]

I should like Members to keep those thoughts in mind during the debate.

The first motion, which is on the report by the Senior Salaries Review Body (SSRB), seeks the Assembly's agreement to implement recommendations 2 to 9 of the review body's report. It also seeks agreement for recommendation 1 to be reviewed at a later date.

Recommendation 2 relates to payments for the Chairpersons of the Committee of the Centre and the

Public Accounts Committee. The report comments that those two Standing Committees

"are regarded as Committees with particularly heavy remits".

The report recommends that those Chairpersons should receive the same remuneration as the Statutory Committees' Chairpersons. It is estimated that that sum be £22,000 in this financial year. The second motion proposes the changes to the Northern Ireland Assembly (Members' Salaries) Determination 2000 that are necessary to enable those payments to be made.

Recommendation 3 of the SSRB report says that

"following adjustments to the salaries of MPs and office holders at Westminster ... a review of the relevant salaries in the Northern Ireland assembly should be undertaken."

That recommendation was made because of concerns that the SSRB raised about the slippage that has occurred in the differential between the salaries of MPs and MLAs. However, I shall return to that point in more detail shortly.

Recommendation 4 suggests that

"the Assembly Commission provides guidance on job descriptions and pay ranges for Members' support staff."

The report says that Members must have the "right level of support" and recommends that they

"should be able to employ the equivalent of two full-time staff".

It suggests that Members may find it useful to

"have guidance on job descriptions and the range of pay within which individual rates should be set taking account of experience and ability."

The broad advice in the Hay Report, in appendix E of the SSRB Report, is a useful framework document, and, if the Assembly is content, the Commission will develop guidance for Members.

Recommendations 5 and 7 relate to an increase in the level of office costs allowance (OCA) to £48,000. The Hay Report says that

"We believe it is critically important for the effectiveness and reputation of the Assembly that Members are provided with sufficient funds to pay for professional and accessible support, to enable them to perform their Assembly and constituency duties effectively, and to assist individuals bringing problems to them. This will require a fairly substantial increase in the funds currently devoted to the OCA."

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

The SSRB report concludes that

"the current low levels of the OCA is an obstacle to the development of the Assembly: it deters Members from employing the staff needed to support them".

The motion proposing a change in the Northern Ireland Assembly (Members' Allowances) Determination 2000 will give effect to the increase in the office costs allowance to £48,000 if the Assembly approves. That cost is estimated to be £1.28 million.



From previous debates on such matters, Members will know that the winding-up allowance for them is set at one third of office costs allowance. The current winding-up allowance is £11,617. If the Assembly approves the increase in OCA, a consequential increase should be made to that. The draft Statutory Rule laid in the Business Office on 17 June titled *The Allowances to Members of the Assembly (Winding Up Allowance) (Amendment) Order (Northern Ireland) 2002* makes provision for that to be increased to £16,000. That would come into operation on the day after the Assembly approved it.

Following on from the recommendations that provide for an increase in OCA to allow Members to employ two members of support staff, the SSRB has suggested in recommendations 6 and 8 that

“the Assembly Commission provide Members with guidance on standards and rental costs for offices [and that there should be] an increase in the central IT provision to include equipment for up to two members of staff for each MLA”.

If that is agreed, the Commission will develop the guidance as suggested by the SSRB. The Commission will also put in place the necessary procedures for the provision of IT equipment for up to two members of staff for each Member, if the Assembly accepts that recommendation. The capital cost is estimated at £216,000, with annual running costs of £10,000.

The SSRB points out that, at present, Members are required to fund from OCA any changes necessary to constituency offices to meet the requirements of the disability discrimination legislation. In recommendation 9, the review body recommends that

“the Assembly considers central funding for costs arising from statutory requirements on disability.”

If that recommendation is accepted, the Commission will give detailed and careful consideration to it.

I shall now deal briefly with recommendation 1 in the SSRB report, which relates to Members’ salaries, and ask Members to cast their minds back to my opening remarks. The SSRB has recommended that

“the slippage in an MLA’s salaries in comparison with that of a Westminster MP should be made good.”

In 1999, the SSRB considered that the job weighting of an Assembly Member was 82% of that of a Westminster MP. In the present report, the review body reaches the same conclusions and proposes that the ratio of 82% should be retained. With the annual upgrading of salaries, that would increase Members’ salaries to £45,250.

Members need to be clear about the consequences of not adhering to the review body’s salary recommendation. To not implement the recommendation means stepping away from the principle of job weightings established by the review body, which the Assembly previously accepted and endorsed. It will mean that the

job weighting of an MLA will drop to 74%, below that of a Member of the National Assembly for Wales, which does not have primary legislation powers.

Members will know from the ‘First report of the Northern Ireland Assembly Commission’, which was debated in the Assembly yesterday, of the work accomplished by the Assembly and its Members from devolution in December 1999 to 31 March 2002. There were 125 plenary meetings, 8,477 questions for written answer, and 1,168 Committee meetings, with most Members sitting on two, and some on three, Committees. Some 71 Committee reports were produced and 34 Bills were introduced. Members will also know that in the past seven weeks 18 Bills have been introduced. None of that takes into account the amount of constituency work in which Members are also involved. That is the work of the Assembly. It is a sad comment on the standard of some of our reporters that they have not had the intelligence to accept that the Assembly does more than work one day a week.

The Commission is well aware of some Members’ views about increasing their salaries and is also aware of the views held by some that the Assembly is still not fully functioning, and that Members’ salaries should not, therefore, be increased.

I leave Members to draw their own conclusions from what I have said about whether the Assembly is functioning fully. In the light of Members’ and parties’ views on the salary increase recommended by the SSRB, the Commission proposes that no action be taken on the implementation of that recommendation at this time.

**Ms Gildernew:** Go raibh maith agat, a LeasCheann Comhairle. Sinn Féin’s position on pay increases is a matter of record, as is its opposition to any increase in the office costs allowance. In previous debates, Members have said that we could not reject the SSRB’s report. However, in the run-up to an election, Members have changed their tune and are running scared of the perception that they are lining their pockets, while all around them they see the consequences of poverty.

When the Assembly first debated the issue, John Fee, speaking for the Assembly Commission, said:

“The Assembly, when in shadow form, took the view that, as a matter of principle, we should follow SSRB recommendations on salaries, allowances and pensions.” — [*Official Report, Vol 5, p165*].

He added:

“The Assembly Commission feels strongly, however, that it would be wrong to depart from the principles of the SSRB’s recommendations in the area of salaries, allowances or pensions. By following SSRB consistently we have an open and transparent method of fixing our remuneration and allowances package as recommended by an independent panel of experts. This gives us a sound basis on which to justify this package to our constituents and the wider public. Once we depart in one area from SSRB recommendations we lose the whole basis and justification for following the remainder.” — [*Official Report, Vol 5, p166*].

What has changed? In a previous debate, Alex Maskey said:

“While it was important to have an independent judgement made by a body like the SSRB, we cannot slavishly follow all of its recommendations, because some of them are not appropriate.” — [*Official Report, Vol 5, p169*].

Robert McCartney said:

“It is no excuse to say that the Senior Salaries Review Body recommended that salaries should be set on the basis of some mystical parity with other elected bodies. It is for Members here, regardless of what some other body may do or what legitimacy some other body may offer, to decide whether it is justified in voting, out of the public purse, emoluments and benefits of this kind. I submit that it is not. If Members continue in this, they will undermine public support. They will be seen as a bunch of elected people feathering their own nests, snorting and snuffling in the biggest trough they can find.” — [*Official Report, Vol 5, p170*].

Conor Murphy said:

“The Assembly was entirely right to hand the determination of its salaries and allowances to the Senior Salaries Review Body (SSRB). However, the proposal for a substantial increase needs to be debated in the Chamber. If the SSRB had recommended a £10,000 cut in Members’ wages, there would definitely have been some debate. The Assembly should not run away from this...”

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

A number of points relate to my party and to pay increases. Sinn Féin Members did not take the salaries allowed during the shadow period. They took an allowance from the party, and no increases are planned for party members — even if salary increases are agreed. There is no difference between the treatment of Ministers and that of Back-Benchers, and, when setting up constituency offices, which provide an excellent service, the party decided that no family members would be considered for posts in them.” — [*Official Report, Vol 4, p12-13*].

When the Assembly first agreed the motion from the shadow Executive, the shadow Commission urged the Assembly to commit itself to accepting the recommendation of the SSRB on Members’ salaries and other costs. That would mean making a commitment to accept the SSRB recommendation unseen, not only with regard to the report that we expect to be published within the next week, but the remainder of the life of the Assembly. Of course, subsequent Assemblies can decide whether to follow that practice.

If Members have views on the level of their salaries, they can meet the SSRB to express them. If the public believe that Members are being paid too much, they can contact the SSRB and make their case. Sinn Féin, like other parties, has met with the SSRB. We also made a written submission rejecting a pay rise and an increase in the office costs allowance.

3.15 pm

As Assembly Members, we have a duty to the public. The public scrutinise our actions closely, which is both appropriate and welcome, and we have a duty to show that we are restrictive in rewarding finances to ourselves.

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

**Ms Gildernew:** No, Mr McCarthy, I shall not give way.

In 1999, Sinn Féin welcomed the placing of decisions on salary rates with the SSRB. It makes for a more transparent and accountable system of government, and is preferable to MLAs deciding their own pay. However, that does not tie us to accepting the recommendations, or to making representations, to the SSRB.

Members also say that we cannot vote in favour of a pay rise for ourselves because the Assembly has not proved itself. Whatever the merits of that argument are, the reality is that we have already voted in favour of two substantial pay increases. We reject the proposal to increase the office costs allowance. Yes, there are good arguments in favour of employing more staff in our constituency offices, but it appears the height of hypocrisy to vote for an increase in personal office cost allowances, especially for those who voice the argument that we have yet to prove ourselves as an Assembly. Go raibh maith agat.

**Mr McCartney:** I listened to what the previous speaker said, and, insofar as she reiterates the views that I expressed in a previous debate, I endorse those views. I am happy that the Commission, in view of the public reaction to the proposed increase in salary, has acted with a degree of wisdom, and has decided to recommend to the Assembly that, at this time, there will be no acceptance of the SSRB’s suggestion that the salary should be increased to £45,000 or thereabouts.

I voiced my opposition to the acceptance of that increase publicly and shared a radio programme with the Minister of the Environment, Mr Nesbitt. Among other things, he indicated that democracy did not come cheaply, and therefore, to some extent, this pay rise would be justifiable. Like Rev Robert Coulter, he reiterated the vast amount of work that Members are alleged to be undertaking. All I can say is that, on that occasion, something like 20-odd people phoned in and not a single member of the public endorsed Mr Nesbitt’s view. Moreover, insofar as the proposed increase was the subject of communications to the press, I do not recollect a single letter in the local newspapers that endorsed any acceptance of the review body’s recommendation.

It is to be welcomed that the Commission has shown a great degree of wisdom in recognising the public view of a salary increase at this time. That is so, bearing in mind the enormous black hole in the capital infrastructure of the Province, and the enormous amount of money that will be required to make it good. It also takes note of the tremendous defects in the services that

are being offered to the people of Northern Ireland, particularly health services. Our waiting lists now enjoy the unenviable distinction of being not only the longest in the United Kingdom, but in Europe. Therefore, as the previous speaker mentioned, it would be very difficult, to use a Northern Ireland expression, for the public to thole an increase in MLAs' salaries at a time when there is such a need for both capital moneys and improved services for those whom we purport to serve.

**Mr Fee:** I thank those Members who have participated in the debate. I shall be brief. I wish to reiterate that this initiative was not taken on the whim of the Assembly Commission. There is a statutory obligation under the Northern Ireland Act 1998 to try to advance certain measures and supports for all Members. The Commission has tried to do that as diligently and transparently as possible. Therefore, it is somewhat disappointing that we are damned if we do and damned if we do not when it comes to Members' salaries and other supports.

My Colleagues on the Commission and I have always defended the principle that Members should not, under any circumstances, be responsible for setting their own rates of pay, and we are not doing that. We defended, and it was agreed, that the recommendations of an independent body — the Senior Salaries Review Body — should be accepted. I said in the House that the recommendations should be accepted sight unseen. That is still the safest and best way forward.

This time around, the review body has made two recommendations. Recommendation 1 would have meant a substantial rise in Members' salaries. However, recommendation 3 states that

“a review of the relevant salaries in the Northern Ireland Assembly should be undertaken.”

Therefore, we are trying to interpret the SSRB, to be fair and to implement precisely what it is saying without prejudice about what the end salary of future MLAs might be. We are protecting the principle that those figures and supports should be determined in comparison with other public organisations, the Civil Service and other public servants.

I must point out the context of the package of proposals that will be discussed this afternoon. This is being done in the light of a pay and grading review for all Assembly Secretariat staff. One of today's motions will restore the link between Members' salaries and the Civil Service. It is being done in a context in which we shall not take a substantial pay rise. No Member or party asked for that, and I understand that no Member has any appetite to accept it. We are trying to consider the pay, grading and conditions of everybody who works within or for this organisation.

Members need the proper resources and information technology, and also properly qualified staff who are suitably paid to ensure that they can perform their role, represent their people, scrutinise legislation, et cetera. If the recommendations are accepted, the Commission will

introduce guidance on issues such as rental for offices, terms and conditions, and the salary levels for our staff.

This is not an isolated issue; it is part and parcel of being a good employer. We are trying to be an employer of choice, and we are trying to ensure that the people who come to work in the Assembly have the resources that they need. It may be a dreadful flaw that we must return to the Chamber every year to debate the issue. By holding our breath and accepting a recommendation that we review everything connected with Members' salaries, I hope that we can get a system in future that will not permit this unseemly occurrence. Nonetheless, it must be done.

The recommendations are properly thought out in the right context. A new mandate and new Members will arrive next year. Our responsibility now is to ensure that public representatives have the resources that they need to do the job.

If the Assembly accepts the recommendations, an MP's salary will be £55,000, a Member of the Scottish Parliament's salary will be £48,000, a Member of the National Assembly for Wales's salary will be £41,500 and MLAs here will receive £41,321. I do not believe that we can be open to a charge of any great extravagance.

Finally, there is a recommendation for the Assembly Commission to consider central funding for the provision of disabled access to constituency offices. That would be difficult and could be enormously costly. The Commission wants the commitment from the Assembly that we implement that recommendation although I suspect that it will take some time to devise how it can be done properly.

I commend the motion to the Assembly.

*Question put and agreed to.*

*Resolved:*

That this Assembly accepts recommendations 2 to 9 set out in the report by the Review Body on Senior Salaries, Report No.52, on the Review of Pay and Allowances and agrees that recommendation 1 should be reviewed at a later date.

*Resolved:*

That this Assembly agrees to amend the Northern Ireland Assembly (Members' Salaries) Determination 2000 as follows –

In the Schedule, column (1), paragraph 1, after the words “Chairperson of any Statutory Committee” insert “, the Public Accounts Committee and the Committee of the Centre”.

*Resolved:*

That this Assembly agrees to amend the Northern Ireland Assembly (Members' Allowances) Determination 2000 as follows –

In the Schedule, paragraph 3(2) leave out “£35,756” and insert “£48,000”. — [Rev Robert Coulter.]

*Resolved:*

That this Assembly approves the draft Statutory Rule “Allowances to Members of the Assembly (Winding Up Allowance) Amendment Order (Northern Ireland) 2002”. — [Rev Robert Coulter.]



## DETERMINATION ON MEMBERS' SALARIES

**Rev Robert Coulter:** I beg to move

That this Assembly agrees to amend the Northern Ireland Assembly (Members' Salaries) Determination 2000 as follows –

In paragraph 3(2) line 2 delete “nine”.

This is a technical motion required as a result of changes to the Senior Civil Service pay bands. Under the Northern Ireland Assembly (Members' Salaries) Determination 2000, the annual uprating of Members' salaries is linked to the percentage by which the mid points of the nine Senior Civil Service pay bands below that of permanent secretary have increased compared to the previous year.

3.30 pm

The Senior Civil Service pay bands changed from nine bands below that of permanent secretary to two, with effect from 1 April 2002. A technical change is therefore required to ensure that the provisions of paragraph 3(2) of the Determination can be applied.

**Mr Deputy Speaker:** I had notice that one person wished to speak; however, he is not in his place. I invite Rev Robert Coulter to make the winding-up speech.

**Rev Robert Coulter:** I wish to stress that this is a technical motion that is required as a result of changes in the Senior Civil Service pay bands: it is not a question of Members voting to give themselves a pay rise. There is provision for the annual uprating of Members' salaries in the Salaries Determination. This motion seeks to amend the Determination to allow the provisions of paragraph 3(2) of the Determination to be applied. I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

That this Assembly agrees to amend the Northern Ireland Assembly (Members' Salaries) Determination 2000 as follows—

In paragraph 3(2) line 2 delete “nine”.

## FINANCIAL ASSISTANCE FOR POLITICAL PARTIES

**Mrs E Bell:** I beg to move

That, as set out in section 2(4) of the Financial Assistance for Political Parties Act (Northern Ireland) 2000, this Assembly approves the revised scheme laid before the Assembly on 24 June 2002, for payments to political parties for the purpose of assisting Members of the Northern Ireland Assembly who are connected with such parties to perform their Assembly duties.

The revised scheme was laid before the Assembly on 24 June. The Commission recognises that that has given little time to Members and parties for detailed consideration of the proposals in the scheme. However, it is hoped that Members and parties will accept the scheme today as a genuine attempt by the Commission to provide proper financial assistance for political parties.

Mr Deputy Speaker, you will know that financial assistance to opposition parties has been paid in the House of Commons since 1975. It is known as “Short money” after the then Leader of the House of Commons, the Rt Hon Edward Short. The purpose of the scheme is to assist opposition parties in the Commons to carry out their essential parliamentary duties. It is, however, important to point out, and particularly relevant in the context of the proposed revised scheme for the parties in the Assembly, that in addition to “Short money” in Westminster, the Government Whips' Office has a budget of about £1 million a year. An additional scheme provides funding for costs incurred in the running of the office of the Leader of the Opposition.

The arrangements in Westminster were examined by its Committee on Standards in Public Life, chaired by Lord Neill of Bladen. In its fifth report of October 1998, the Neill Committee examined funding for political parties in the devolved institutions. In respect of the devolved institutions and the Assembly, the Committee said that it was

“aware that the procedures of the UK Parliament — within which Short money operates — may well not be directly appropriate to them, especially the Northern Ireland Assembly, which is designed to have an Executive Committee drawn from all the parties in the Assembly... We would on these grounds, support some form of funding to political parties within the Scottish Parliament and the two Assemblies for the purpose of the better performance of their parliamentary or assembly functions. It may be that the funding should be made available to all the parties, not just the minority parties.”

In December 1999, when the Assembly debated the Second Stage of the Financial Assistance for Political Parties Bill, the only Member to speak was the mover of the motion, John Fee, who presented the Bill on behalf of the Commission. No issues were raised by Members at that Stage or at the Bill's Consideration Stage on 25 January 2000. That could have been viewed as a tacit acceptance of the scheme and the financial assistance that it would provide. However, the Bill merely made



provision for a scheme to be laid before the Assembly for approval. It did not include any detail or information about the provisions of the scheme.

The scheme, which is in operation, was made by the Secretary of State on 4 April 2000, as the Assembly was in suspension at the time. It provides for payment of up to £20,000 for each party and up to £2,000 for each seat in the Assembly held by a member of that party. Since then, there has been growing concern among Members and some parties about the level of financial assistance available under the current scheme. The proposals set out in the revised scheme provide for a payment of up to £24,000 for each party with one Member, £48,000 for each party with two or more Members and £3,000 for each Member connected with a political party who is under the direction of the party Whip and who does not hold a ministerial or junior ministerial post.

The core element of funding for a party with two Members or more has been set at £48,000 to provide funding for the payment of the necessary support staff and for costs associated with running an office, such as rental and IT support. That is based on the recommendations in the report of the SSRB as the amount required for office cost allowance for the employment of two members of staff and for office costs.

The current level of payment for each seat in the Assembly held by a Member has been increased from £2,000 to £3,000, and that is intended to reflect the contribution made by most Members to the work of the Assembly, including work in the Committees.

The report by the SSRB in relation to party allowances stated:

“In our view the current arrangements in the Northern Ireland Assembly may place some Parties at a disadvantage. Because the working arrangements in the Assembly are very different from those at Westminster and in the other devolved bodies, we see a case for the Assembly developing new arrangements which are appropriate to their particular circumstances.”

The Commission has therefore proposed in the revised scheme that each party should receive some element of core funding, irrespective of whether they are represented in the Executive. In Westminster there is substantial funding for the Government Whips’ Office and the Office of the Leader of the Opposition. However, in recognition of the assistance that Ministers and junior Ministers receive from Special Advisers and their supporting teams of civil servants — including research staff — the Commission proposes that parties should not receive the payment of £3,000 for each Member in a ministerial or junior ministerial post.

The increased cost in this financial year will be £322,000. That is a rise from £416,000 to £738,000 and can be met from the existing budget for 2002-03.

The drawing up of the scheme was a difficult task and, on behalf of the Assembly Commission, I thank the Commission staff and the acting head of finance for their consistent help. I commend the motion and the revised scheme to the Assembly.

**Mr McCartney:** The issue of increasing party costs goes to the heart of the nature of democratic practice in the Assembly. On more than one occasion I have referred to the fact that democracy in a real sense is not practised here. The fundamental principle of representative democracy in any modern Government is that the electorate may turn out a Government and replace it with another. That does not happen here. There is, in point of fact, no way — no matter how many elections we may hold — that the same people will not be returned in broadly the same numbers by broadly the same parties, who will nominate their members of the Government.

As a result, unlike Westminster, the Scottish Parliament and the National Assembly for Wales, there is no true opposition in this Assembly. The four major parties, with seats representing more than 90 Members, form the Executive of Northern Ireland. They may suggest that they are the opposition — indeed, I have suggested previously that what we have here are 10 independent political warlordships.

When the Minister of Health is under pressure, do her Colleagues in the Executive gather round, as one would expect in an ordinary democratic Government, to support her on the basis of some collective responsibility? Not a bit of it — they all weigh in. When the Minister of the Environment or the Minister for Regional Development is in a similar position, everyone acts as an Opposition in accordance with not the best interests of Northern Ireland, but the best interests of their party as they conceive them at that time. There is no Opposition, because all the major parties are in Government, and all the major parties, with the exception of Sinn Féin and the Alliance Party, have, apparently, through the agency of the Commission, endorsed the scheme.

Let us consider the original purpose of “Short money”. As Leader of the House of Commons, Edward Short introduced the concept of “Short money” on 20 March 1975. He had this to say as the conceptual basis for its payment:

“In these days it is becoming increasingly difficult for Opposition parties to keep up with those who are backed by the vast resources of Government, either in research or in administration. We believe that a healthy and lively Opposition is an essential part of democracy, and we feel that our proposals will go a little way towards redressing the balance between Government and Opposition. The position is becoming increasingly difficult because of the increasing complexity of the issues with which Parliament is faced, and, of course, it is partly due to rising prices.”

What we have here is 10, nay 11, Departments all benefiting and being run by the four major parties — not

by anybody else — who act as a Government. Where is the Opposition, when everyone except the minor parties is in power, when everyone except the minor parties is in Government, when everyone except the minor parties has the benefit of an enormous pyramid of skilled civil servants in their Departments to give advice and direction?

Not only does the Civil Service, with its benefits and experience, offer a continuum of Government, but we also have a modern accretion: Special Advisers. Each Minister has a Special Adviser, and four, if not six, are attached to the “Department of the Centre”. They are on a salary of between £55,000 and £75,000. All the Special Advisers are available to the major parties in Government. Therefore, one asks why, given the principles on which “Short money” was established in the House of Commons, are we now going to deluge them not with the present £412,000 — of which they have the overwhelming portion — but with an added £312,000 or £314,000?

3.45 pm

Most of the vast increase of more than £300,000 is going to parties that are not in opposition, and their receipt of that does not conform to the basic principles upon which Edward Short advanced the idea of “Short money”. Those parties benefit from all the services that the Opposition in Westminster at that time was denied and that “Short money” was supposed to furnish. It has been suggested that the provision is being made because Northern Ireland is not the same as anywhere else, and of course it is not. However, even in Scotland the ordinary principles of a devolved democracy apply: a party with an overall majority or a party in coalition with others to form a majority runs the country in accordance with the accepted normal principles of democracy. That is not so here. We do not have democracy; we have a thing called democracy in that we are allowed elections, and now we have the travesty of the larger parties wanting it both ways. They want to be in Government under d’Hondt, which affords them the benefit of Ministries and the services of the Civil Service and its Special Advisers. However, lo and behold, when it comes to “Short money”, they want, by waving some magical wand, to become the Opposition and so be entitled to the money that they claim ought to be theirs under the “Short money” principle.

The issuing of “Short money”, the parties to which it is to be paid and the suggested increases show the fundamental principle that Westminster Governments have employed for years — corrupt political life in devolved Government with money, first through salaries and now through the parties with this additional money. It is for the House to decide whether it is right that, despite a vast shortage of money for hospitals, schools, housing, roads and water and sewerage systems, a substantial sum of more than £300,000 should be offered to political parties other than on the fundamental principles upon which the concept of “Short money”

was based. It is for the Assembly to decide whether it will be advancing its image with the public, who will go short if the parties accept the benefit of “Short money”.

**Mr Fee:** I speak from my party Benches, because I am not contributing on behalf of the Assembly Commission, though I have some insight into its thinking. It is because of the dreadful flaws in the principles behind the “Short money” in Westminster that the Commission has produced a scheme that will not allow abuses that pertain in Westminster to be replicated here.

Consider all the money available to run the Government Whips’ Office, which is paid for by the Prime Minister’s office, and the £1 million-plus that allows the Government Whips’ Office to control Back-Benchers, dissenters, opposition, the business of the House, and so on. By comparison, in this Assembly, where we have a much higher level of scrutiny of legislation, we have Committees with policy development proposals, and we have Back-Bench Members who form, in many cases, the opposition to their Colleagues in the Government. We have rules that Special Advisers cannot give our political parties the type of support that is given in Britain or cannot put the brakes on them. We have such a different system. The Commission’s view is to ensure that every Member, in every aspect of his job, whether as a constituency representative, a legislator or a scrutineer on a Committee, has the type of support that Members at Westminster have.

I do not for one moment believe that Mr McCartney is suggesting that the Assembly should introduce or support a budget like that which exists to run the Government Whips’ Office in Britain, where full-time civil servants are involved in supporting the Government parties. The Commission wants to ensure that every Member and every political party — big or small — has the resources to enable them to do his or her job. That means asking what the core costs are. The core costs are those that are required to run an office, with secretaries and perhaps some research staff.

The Assembly has a wonderful research service, which ensures that every Member — if he or she wishes to dissent from what is happening — has the necessary resources. If Members need research to be carried out, they can have that service. The Commission has also been trying to ensure that nobody will be able to muzzle an individual Member — whether pro-agreement or anti-agreement, and whether he or she belongs to an Executive party, an opposition party, or none at all. We still have to resolve that last one.

Although Edward Short did a good job, the Government response in Britain was to put up a massive budget to enable them to run their own Whips’ Office. That would be wholly undemocratic in Northern Ireland. The Commission’s proposals are fair enough to allow every party and every Member to make his or her own judgement on how to represent constituents.

**Mr Wells:** Some Members may not have had a chance to read the documentation on the changes to the office cost allowance (OCA) and party support levels. In its introduction it states:

“For the financial year commencing on 1 April 2002 and for future financial years financial assistance to political parties for the purpose of assisting members who are connected with such parties to perform their Assembly duties shall be payable by the Commission in accordance with Articles 2 to 5.”

Article 2 states:

“Any claims for financial assistance shall be made to the Finance Officer under this Scheme in such form and manner as the Commission may require.”

Crucially, it continues:

“As soon as practicable after 31st March in each year, but no later than 30th June that year, each political party shall furnish the Finance Officer with the certificate of an independent professional auditor to the effect that all financial assistance received by the party in each year ending 31st March under this Scheme was used exclusively for the authorised purpose.”

Members may not be aware of just how strong the safeguards are in the necessary rule to ensure that this money is spent entirely on Assembly purposes. It is not to be spent for party political purposes or on external matters. It is to be spent to equip Members in political parties to scrutinise and monitor effectively the actions of the Departments. I want to emphasise that. The scheme is modelled on that of the National Assembly for Wales, which seems to have overcome many of the problems that were highlighted today.

*Question put and agreed to.*

*Resolved:*

That, as set out in section 2(4) of the Financial Assistance for Political Parties Act (Northern Ireland) 2000, this Assembly approves the revised scheme laid before the Assembly on 24 June 2002, for payments to political parties for the purpose of assisting Members of the Northern Ireland Assembly who are connected with such parties to perform their Assembly duties.

*Adjourned at 3.54 pm.*





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# NORTHERN IRELAND ASSEMBLY

Monday 1 July 2002

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

*Members observed two minutes' silence.*

## PROGRAMME FOR GOVERNMENT — ANNUAL REPORT

**Mr Speaker:** I have received notice from the First Minister and the Deputy First Minister that they wish to make a statement on the Executive's annual report on the Programme for Government 2001-02.

**Mr McCartney:** On a point of order, Mr Speaker. If a Member is not in the House at the commencement of a statement, that Member cannot ask any questions on that statement. Is that not so?

**Mr Speaker:** No. The Member is incorrect. If a Member is in the House from the beginning of a statement, the Chair will do all possible to ensure that the Member can ask a question within the maximum period of one hour permitted for questions on a statement. If a Member is not in the Chamber for the commencement of a statement but is present before the end of the statement, the Chair may do what it can to give an opportunity to ask questions. However, that Member will generally not be called before a Member who has been present for the entire statement. If a Member enters the Chamber after the statement has finished, that Member will not, in any circumstances, be called to ask a question. I trust that that helps to clarify the matter.

**Mr McCartney:** I am grateful to you, Mr Speaker. However, I recall an instance when I entered the Chamber 10 minutes after a statement, which concerned a report on the sewerage works in Donaghadee, had commenced and was not called to ask a question.

**Mr Speaker:** That is what I have explained. If a Member is present for the start of a statement, the Chair will do all possible to ensure that the Member is called. If the Member is not present for any part of the statement, that Member will not be called. The Chair may call those Members who come in after the statement has started but before it has ended, but should not do so before calling a Member who has been present for the entire statement.

We have also had occasion to make it clear to Members that hearing the statement on a monitor in their office is not recognised as being the same as hearing it in the House. I trust that that clarifies the problem.

**Mr McCartney:** I thank you on that point. The other point is that there are several ministerial statements to be made this morning. Dr Farren's two statements were available in the Lobby. However, the statement you have just called was not available.

**Mr Speaker:** I really must ask Members to take cognisance of what we have been doing in the conduct of business for almost four years — today is the anniversary of the first meeting. There is no requirement on Ministers to have statements available before they rise to speak. There is no such requirement, there has never been such a requirement, and there is no requirement in Westminster. There is a requirement that they make statements available as soon as they can. Sometimes that means that statements are made available a day or so in advance on an embargo basis, and on other occasions they are made available after a Minister sits down. However, there is not, and never has been, a requirement that Ministers make their statements available before they stand up to speak. Some do, some do on some occasions, and some do not. There is nothing new about that, and I really think we ought to be moving on and not rehashing rules that have been around all along.

Dr McCrea, you had a point of order.

**Rev Dr William McCrea:** Mr Speaker, although your ruling is correct, if we are to have a reasonable and rational debate it is more helpful to Members if statements are available. The statements of almost every other Minister are made available, but the First Minister and the Deputy First Minister fail on every occasion.

**Mr Speaker:** I can do little other than make the ruling on the point of order, which is clear. We must proceed from there.

**The Deputy First Minister (Mr Durkan):** With permission, the First Minister and I would like to make a statement on the Executive's first annual report on the Programme for Government. Members will have received the annual report, and this statement provides an opportunity to raise points or questions about it. Unfortunately, because of repackaging, deciding who covers what area, and proofing, the statement was not available as early as we had hoped. It will be available to Members later; however, the main thing is that Members have the annual report. This statement addresses that report, and I am sure that Members' comments will focus on that.

The Executive's first Programme for Government, which was presented to the Assembly in March 2001, set out our commitment to deliver open and accountable government. The importance the Executive attached to that was made clear, and the Programme for Government set

out in detail what the Executive would do, at what cost and by what date.

Today provides us with an opportunity to report to the Assembly and the public on what we have done. The annual report provides information on the progress we made in delivering the Programme for Government during the last financial year, which ended on 31 March 2002. This statement follows the one made on our position report on the Programme for Government and Budget on 5 June 2002, which set out for the Assembly the Executive's plans for developing the Programme for Government and the Budget for the years ahead.

The Programme for Government sets out clear priorities for the work of the Executive. Those priorities received clear support from the Executive and from the Assembly. Moreover, it contains information on the policies we shall implement and the actions we shall take to deliver progress across those priorities. The Programme for Government is accompanied each year by a Budget, which, again, was agreed by the Assembly. It sets out details of the allocation of our financial resources in support of priorities and actions.

Although it is important to outline the Executive's plans and priorities in detail, that is only half the story. If we are to be accountable, we do not only tell people our targets, we tell them whether we achieved them. If we do not deliver what we said that we would, we must explain why, which is the purpose of the annual report.

The first Programme for Government outlined the 256 actions that we planned to take in support of the five key priorities. It contained detailed public service agreements (PSAs) for the 11 Departments, which aimed to set out, for the first time, details of the high-level objectives for each Department and the resources allocated to support those objectives. The PSAs also identified 236 targets that reflected outcomes that each Department intended to deliver.

The annual report covers the 2001-02 financial year, which was the first year of the first Programme for Government. It provides information on the 256 actions and the 236 PSA targets and indicates which actions and targets have been achieved and which are on track to be achieved. If progress has been slower than Ministers envisaged, the report states the reasons why.

The level of detail in the report demonstrates our commitment to openness and accountability. It is a necessarily comprehensive report, which provides a level of detail that is unprecedented, either here or elsewhere on these islands. It allows the Assembly and others to see clearly the progress that we made in the first full year of devolution.

The report highlights the Executive's overall performance in delivering their Programme for Government commitments. It shows that good progress has been made

across all the Executive's priorities. At the end of the first year covered by the programme, three quarters of our actions were either achieved or were on track for achievement. Many of those actions had much longer timescales than the end of March 2002. Some actions and targets — just 5% — will not be achieved in the way in which we envisaged. It would have been surprising if all our targets had been delivered on time; few Administrations can claim such a feat.

The report provides much more than the overall statistics. It is important that we look behind the figures at the progress that has been made on the ground. One of most significant achievements during our first year in office was the agreement of the Programme for Government. A few years earlier, few would have imagined that four parties could work together, not only to identify the main priorities for Government in Northern Ireland, but also the actions that should be taken to make a positive difference to the lives of people here.

The annual report's theme of "making a difference" has underpinned the work that has taken place across Government to improve the quality of our public services. I shall focus on that work under two of the Programme for Government priorities.

Under the priority, titled "Growing as a Community", we have worked to develop new policies to tackle discrimination and to promote social inclusion. We have introduced free travel on public transport, which gives our older people new opportunities to access services.

We have progressed on proposals for a commissioner for children, which will place Northern Ireland at the cutting edge of international practice in that field. We have developed a new strategy and package of support measures to help victims of the conflict. We have also met a key target to reduce fuel poverty and have completed work to improve energy efficiency in 4,500 homes.

Under the priority, titled "Working for a Healthier People", we have published and are implementing a new cross-departmental strategy, 'Investing for Health'. That outlines how we shall act to improve health and reduce health inequalities. We have also taken action to promote road safety through a new road safety strategy.

We have provided millions of pounds of extra funding to support our health and social services. That funding has allowed us to exceed our target to provide 230 extra community care packages, with 465 additional much needed places provided last year.

*12.15 pm*

Extra specialist medical and nursing staff have also been appointed to improve cancer services, and we will say more about that in the House tomorrow. The Minister of Health, Social Services and Public Safety has begun

consultation on proposals to modernise our acute hospital services.

Progress in some areas has been slower than we anticipated when we published the first Programme for Government. However, it is important to understand the reasons for those delays. In some areas, delivering outcomes simply proved to be more difficult than we originally envisaged, and that was due to the complexity of some of the issues. In other areas, we attempted to accommodate requests for greater debate and longer consultation periods.

We need to develop new skills in the Civil Service to meet the requirements of the devolved Administration, and time is needed to ensure effective co-ordination across Departments, while ensuring that the Assembly and its Committees are consulted properly. Ministers and Departments are still learning how best to organise the work that is needed to deliver the Programme for Government.

It is clear that progress in delivering the programme has been affected by many factors, many of which are outside our control. We have had to adapt and re-prioritise to respond effectively to new challenges, such as the outbreak of foot-and-mouth disease. Not only did that have a direct impact on the work of the Department of Agriculture and Rural Development, it also had implications for other Departments' work. Foot-and-mouth disease hit our farming, small business and tourism sectors hard, affecting their growth and profits. That impact was further compounded by the downturn in the global economy and the tragic events of 11 September 2001.

Politically, last year was not easy, because we had difficulties and some uncertainty. We also saw trouble on our streets, including that in north Belfast, and we rightly had to focus attention and resources on encouraging dialogue and identifying and implementing solutions.

In that context good progress has been made, especially as we were on a steep learning curve. We have achieved a great deal in many important areas, some of which I have mentioned. The First Minister will shortly give further details of other progress outlined in the report.

The actions that we set out in the Programme for Government focus mainly on the new initiatives that we wanted to take to respond to the needs of Northern Ireland's people. However, it is important that we recognise that the Programme for Government goes far beyond those 256 specific actions; it also sets the context for the day-to-day work of the Government in all the public services, such as running the hospitals and schools, maintaining the roads and providing training, housing and social security.

The objectives and targets in the public service agreements reflect that work and the resources that support it. The reports on progress against PSA targets,

which form part of this annual report, provide a means by which our progress with Government policies can be measured. The Budget also supports that work, and agreeing the first Budget to support the first Programme for Government was itself an important achievement.

Additionally, we have created Executive programme funds to help with new projects and new ways of working in Departments. Through those funds we have already introduced new programmes to support children in need and young people at risk, to modernise our public services and to develop our infrastructure.

As we focus on the day-to-day business of Government, a key priority for the Executive has been to look closely at the effectiveness of current policies and expenditure for delivering the results that we all want to see. It was with that in mind that we initiated work on six major needs and effectiveness evaluations last year.

These cover the areas of health and social care, education, training and vocational education, financial assistance to industry, housing and culture, arts and leisure, and together they account for 70% of our total expenditure.

*(Mr Deputy Speaker [Mr J Wilson] in the Chair)*

It is vital that we have a clear understanding of the effectiveness of current policies and programmes. We must understand the outcomes that might be achieved through changes either to our policies or to the financial allocations that support them. Work is in progress in each of these areas, and we will shortly make available to the Assembly reports from each evaluation. That work, together with the policy reviews that have been undertaken in other areas, will inform the development of the Programme for Government for next year.

We are pleased to present the annual report to the Assembly. The structures set up with devolution have enabled public representatives to deliver policies and programmes that are tailored to our needs and address the challenges that face us. The actions we have initiated in the Programme for Government will review and update the funding for public services. We will review and revise the delivery of public services and, through the needs and effectiveness reviews, evaluate the effectiveness of public policy areas. All these actions, and more, will enable us to set the compass points for the future, where quality public services, relevant public policy and enhanced public assets will be the rules, not the exceptions.

**The First Minister (Mr Trimble):** I apologise to Members for copies of the statement not being available at the outset. I was glad to receive my copy at 12.02 pm. It would have been an interesting statement without it. There are 40 copies available now in the Lobby.

The Deputy First Minister has outlined the content of the annual report and the context in which the imple-



mentation of our first Programme for Government has taken place. I will build on his remarks, focus on some of the key achievements that the Executive have delivered and look forward to ways in which the positive start we have made can be built upon. Before doing so, I will return briefly to the theme of open and accountable government. I share the Deputy First Minister's view of the importance of reporting openly on progress. The Programme for Government represents a contract between the Executive and the people of Northern Ireland, and, like any contract, it must address the needs of both parties.

The Executive want to set out their plans and priorities for Government, and the Programme for Government allows us to do that comprehensively. The people of Northern Ireland, as represented by the Members of the Assembly, expect to be governed openly and fairly. They expect us to deliver on our commitments, and they have the right to receive information on progress in delivering those promises. The annual report is the means by which we provide that information, and it shows how well the commitments we gave in the Programme for Government have been delivered.

Winston Churchill once cautioned against mistaking activity for action, and that was sound advice. We must deliver tangible action, not activity. That will result in improved public services.

The annual report highlights many areas where we have taken action to make a positive difference to the lives of people here. The Deputy First Minister referred to the progress made under the first two Programme for Government priorities, and I will focus on our achievements on the remaining priorities.

The Executive recognise the importance of investing in education and skills, and providing opportunities for individuals, the economy and society. We have maintained the focus on helping people to find and to stay in work by bringing into operation the enhanced New Deal for those aged 25 and over and piloting a new training programme for adults with basic literacy and numeracy problems. We have opened up access to third level education by abolishing further education fees for full-time students in vocational areas and provided support for students through non-repayable bursaries and childcare grants.

At the other end of the education spectrum, we have provided 131 new summer literacy and numeracy schemes to improve the performance of underachieving primary schools. We are well on the way to meeting our pledge that, by March 2003, there will be a year's free pre-school education for every child whose parents wish it.

We continue to progress towards securing a competitive economy, despite the difficulties of the past year. We have maintained a focus on developing our infrastructure, increasing spending on road improvements, rail safety and public transport. Significant commitments have

included work to improve the trans-European network route from Larne to the border, and the Toome and Strabane bypass projects. We have also agreed to provide assistance to allow the construction of gas pipelines to the north-west and across the border.

Significantly, we have also created a new body, Invest Northern Ireland, bringing together in a single organisation the functions of support for enterprise and small businesses; the promotion of research and development; and the work to attract and maintain internationally competitive inward investment. The creation of Invest Northern Ireland and the support that it will provide should leave Northern Ireland industry better placed to develop its competitiveness in a fast-changing global economy.

We have also focused on developing our relations with others outside Northern Ireland. We have played our part in the institutions created under the Good Friday Agreement, including the North/South Ministerial Council, the six implementation bodies, and the British-Irish Council. New and valuable work is being pursued in each of those. In opening new offices in Brussels and Washington, we have helped to ensure that Northern Ireland's voice can be heard at the heart of Europe and in North America.

Despite the difficulties that we all faced during the first full year of devolution, the Administration has shown its determination to deliver improvements that benefit everyone. The task now is to build on those achievements, learning from the lessons of our first year in Government as we move forward. The annual report recognises that task. As well as looking back over our performance last year, it looks forward to some of the challenges that we face.

The first challenge is to maintain a focus on service delivery. We wish to deliver the commitments that we set out in the first and the current Programmes for Government. As we begin to develop the Programme for Government for 2003-04 and beyond, we also wish to focus debate on the quality of public services. In addition, the Executive wish to deliver reform and reinvestment that will result in high-quality public services.

The reinvestment and reform initiative announced on 2 May 2002 provides a real opportunity for us to invest substantially in improving and modernising our infrastructure, to drive forward sustainable economic and social improvements, and to deliver better public services. We wish to place a strong emphasis on the improvement and modernisation of our infrastructure. To do so, we will need to have a new debate, not only about how we raise service standards, but about how we pay for public services. We also need to overhaul the structure of public administration to make real gains in efficiency that will allow resources to be focused where they are most needed. The review of public administration provides the context for much of that work.



The second challenge is to learn from last year's experiences. We want to be able to identify and learn from successes as well as disappointments, and, more importantly, we want to understand the ingredients of success and the barriers and constraints that might have prevented us from achieving the progress that we wanted to make in certain areas.

We are also conscious that, in the first Programme for Government, we identified many policy areas that needed to be reviewed. Since then, we have been engaged in a wide-ranging programme of policy reviews and strategy development in areas such as sustainable development, urban regeneration, agri-food and farming, and public health. We have also embarked on a comprehensive programme of needs and effectiveness evaluations. We need to use the findings of, and the experience of carrying out, those exercises to inform future policies and programmes.

We must also maintain a focus on measuring results and progress. The publication of the report represents a significant step in that direction, and we want to build on that. For that reason, through needs and effectiveness evaluations in key spending areas, and through public service agreements and service delivery agreements, we are focusing on identifying the key outcomes and effectiveness measures relevant to our work.

We will use these to benchmark our services, measure our progress in new and more meaningful ways, facilitate open reporting on progress and open discussions with the Assembly and other groups and individuals on how to improve our services.

12.30 pm

Effective implementation of the Programme for Government depends largely on the ability of Departments to work together effectively. However, we also need to develop our relationships with local government, and with the social partners in business, trade unions and the voluntary and community sectors, as we rely on all these partners to work with us to deliver the Programme for Government. A further key challenge, as we progress implementation of the current programme and development of the next one, is to improve how we work together on a cross-departmental and cross-sectoral basis.

The publication of the report offers an opportunity to look forward as well as look back. It identifies some important challenges for the Executive in delivering services, learning from our experience, measuring results and working in partnership, and we are determined to address those challenges. We want to build on the progress to date as we work to implement actions and targets in the current Programme for Government and develop our Programme for Government for 2003-04 and beyond.

We are seeking views from the Assembly, and more widely, on issues identified in our position report on developing the Programme for Government and the Budget for 2003-04 and beyond. Those contributions, along with the experience of implementing our first Programme for Government — which is reflected in the annual report — will help to shape our priorities in future programmes. We hope that the Assembly, our social partners, and other interested parties will participate in this process, and we look forward to receiving their views.

**Mr Deputy Speaker:** Members have up to an hour to put questions to the First Minister and the Deputy First Minister.

**Mrs Courtney:** I welcome the statement and congratulate the Ministers and the Executive on what has been achieved, especially in relation to the grant for cross-border gas networks to the north-west. We must continue to improve our delivery on targets, but, given the circumstances, the Executive have done well. Can the Ministers confirm that there will be no complacency in pursuit of achieving objectives? What measures will be improved on to ensure that targets are met?

**The Deputy First Minister:** I appreciate the Member's welcome for the report and the progress reflected in it. I appreciate her particular interest in the gas pipeline, which is one area where the Executive have made a positive difference and have been able to deliver on an issue that was the subject of cross-party support in the early days of the Assembly.

I assure the Member that there is no complacency with regard to these issues. We have committed ourselves to an annual report, which tracks what has been done, what has been delivered, and what is not being delivered and why, precisely because we do not want to be complacent. Commitment is not enough; there must also be performance monitoring and transparency. This annual report is one aspect of that.

It is important that Ministers monitor progress at departmental level, and also that we monitor progress collectively at Executive level. It is also important that the Assembly be able to monitor progress. This statement and subsequent questions, and the fact that departmental Committees can pursue the implications of the annual report for areas of interest to them, are evidence of arrangements that ensure that we follow up on commitments and use resources voted on by the Assembly to deliver on those commitments.

Some Departments have had establishment and adjustment issues in personnel resources and policy structures, and departmental Committees are aware of many of those issues. Most have now been resolved, so we have staff and resources in place to ensure that the policy process can work even more effectively in the future.

**Mr Campbell:** I listened with interest to the statement — fortunately, we received copies eventually. The First Minister said that 40 copies were available, so we must share them, given that there are 108 Members.

A heading in the statement reads:

“Learning from the past — looking to the future”.

The First Minister spoke about the difficulties that we have all had to face. Will any of the commitments in the Programme for Government be affected by the First Minister’s unprecedented display of arrogance and instability on the BBC ‘Hearts and Minds’ programme last Thursday?

**The First Minister:** The Member should examine the Executive’s annual report more closely. If he does, he will see one part that I am particularly pleased about, namely the final column on each page. The final column is headed:

“Comments on progress including difficulties and responses”.

Under that heading, we have been as open as possible in identifying problems and indicating what we have done in response to them. We are in the happy position that 75% of the actions identified in the original Programme for Government have been completed or are on track for completion. A further 20% will probably be achieved, but with time slippage. Only a small percentage will not be achieved. If Mr Campbell looks through the report, he will see that we have identified them.

Often, an Administration tends to brush those things that have not gone well under the carpet. There is a human tendency to try to hide problems and mistakes. I do not believe in that. It is better to be open about problems. One learns more about mistakes than about success because success can be accidental, while mistakes are usually not. It is better for us, as an Administration, to approach issues in that light. We should be as open as we can about our successes and our mistakes. When 75% or 95% of our targets are being met, there is a natural human desire to blow one’s own trumpet, and we are not above giving in to that from time to time. However, it is important that we are open about the problems and the mistakes, so that we refine things in years to come. That is the key — to use this as a means of making our programmes better in the future. The Member’s question and my response both imply that there is a clear future for the Assembly, and I am glad that the Member has indicated his commitment to that.

**Mr Maskey:** I thank the First Minister and the Deputy First Minister for the report. At every opportunity I can, I want to put on record my party’s and my own acknowledgement that some very good work has been carried out by the Executive and by several Ministers and Departments. It is important that that be reaffirmed today. Much work is ongoing.

However, it is also important to note that some elements of the Programme for Government have as yet not been progressed, as the First Minister and the Deputy First Minister have tried to point out. It is also fair to recognise that many commitments in the Programme for Government are modest, while many others are very good.

It is unacceptable that we did not have a copy of the report this morning. The First Minister said flippantly that he too would have liked a copy this morning. When was the report signed off, and why were Members unable to have a copy this morning? Can the First Minister and the Deputy First Minister assure me that while several Executive meetings have been scheduled, then rescheduled and put off, there will be regular ongoing meetings to progress much of the work that remains outstanding?

**The Deputy First Minister:** Members should have received a copy of the report well before now. The earlier complaints concerned the fact that copies of the statement made by the First Minister and me were not available for people outside the door.

The annual report has been available to Members. It was signed off by the Executive, and published accordingly. If Members have had any difficulty in obtaining the report, I will try to find out why they did not receive it on time. Members should have had a copy of the report before the statement was made.

There has been no attempt, either in the report or in the statements by the First Minister and myself, to disguise any shortfalls. Areas where we have not delivered on commitments have been clearly identified, as have considerations or factors that Departments can point to.

The report has been published and is in the public domain. It will be in the hands of Members and Committees. The questions asked in the Assembly today will not be the end of the matter. The report contains much useful material for the Executive to follow up in our monitoring of performance across the entire Programme for Government, and there is useful lead material for Committees to help them to track future performances in relation to outstanding commitments. This is part of the transparent process, and there are issues in the report for the Executive, the Assembly and some of the wider policy communities outside the Assembly.

**Mr Close:** I welcome the publication of the report. It comes at an opportune time, as the exam season has just finished, and the results will be published in the not-too-distant future. The First Minister and the Deputy First Minister would agree that a 46% pass rate is not covering the Executive in great glory; it would not have merited a distinction in bygone days.

The report is called ‘Making a Difference’. As an ardent devolutionist, I want to know what real difference

has been made over the period of this Programme for Government, and what has been accomplished that would not have been achieved under direct rule?

I question some of the targets that the report claims have been achieved. For example, on page 154 is the target of

“Efficient and effective running of devolved institutions.”

The report claims that that target has been achieved. I question that, given that the Executive cannot get statements out to Members.

**The First Minister:** The question of the statement has been worked to death. As the Speaker ruled at the outset, the obligation is to get copies of statements out as soon as possible, and we did that. A minute or two earlier and it would have been in the Member’s hand before I rose to speak. We were as close as that.

I am not sure how the 46% pass rate was calculated. When I had a professional interest in these matters, the pass rate that I operated on was 40%, and there were plenty of people glad to get 46%. On the other hand, as we have measured the matter — and perhaps there is a question of lies, dammed lies and statistics — we appear to have achieved, or be on course for achieving within the timescale specified, 75% of our targets. Some of the actions were not expected to have been achieved in one year, but were actions to be achieved over more than one year.

If we take the targets that are still on course for achievement within their timescale, together with the targets actually achieved, we have achieved 75%. However, Mr Close and other Members are welcome to crawl over and examine the report and the statement closely, and I hope that they will do that.

It was said earlier that some targets were slightly modest, and that is true. It is inevitable that when some Departments were faced with the system, and knew that they would be held to account over precise targets that they had set, they insured themselves against failure by being modest. We are conscious of that. In working on the Programme for Government for subsequent years, we have been trying to encourage Departments to be more rigorous in the tests that they set for themselves. I hope that we will see the Programme for Government used in that way, and I urge Back-Bench Members to use the document as a means of pressing Departments to do more. I hope it will give them the information and the opportunity to do that.

12.45 pm

There are many things that would not have been achieved if we were still under direct rule. We would not have had the special support package for further and higher education, which has been of tremendous benefit to thousands of people. We would not have achieved gas

pipelines from Antrim, down past a city that the Member is interested in, and some towns that I have an interest in, to the border, and also to the north-west. Those pipelines will provide natural gas to most people in Northern Ireland. I am sure that we would not have had them under direct rule, and they would not have been achieved without the particularly imaginative approach adopted by some Ministers.

**Ms McWilliams:** I commend the First Minister and the Deputy First Minister for the annual report and their statement. However, given that the statement concentrates in more than one place on the needs and effectiveness studies, I am surprised that, not for the first time, I have to ask where they are.

The studies were initiated last year and were due to be finished by now. They should have been presented to the Assembly before today. The First Minister will remember that, in a response he gave to a question I asked in the House, they were promised at the end of May. We still do not have them, and the House goes into recess at the end of the week. When will we get the needs and effectiveness studies? I do not believe the statement when it says that they will be with us shortly.

Search as I might for when action will be taken on the employability task force recommendations, I cannot find it. If we are to say anything at the end of this year, it should be to the poor and the unemployed. The employability task force was to be one of those fine interdepartmental creations that would make recommendations and present a plan for future tasks to the Assembly. Unemployed people are asking where it is. It is a major undertaking that has not been fulfilled.

**The Deputy First Minister:** The Member raised several points. I recall the exchange relating to the needs and effectiveness evaluations that took place a few weeks ago at the time of the statement on the position report. The summary reports on the needs and effectiveness reviews are due to be presented to the Executive this month for discussion and agreement: it is not as though the needs and effectiveness evaluations have been in front of the Executive. On that basis, we will make the evaluations available. That will be important material in the possession of the Assembly and the Committees as they deal with the draft Budget and beyond. The material will be in the public domain.

The employability task force is not something that has been announced and is not happening. The task force has met on 10 occasions, and the action plan is undergoing rigorous drafting to bring it to its final draft stage. The target for completion had been set for 31 March 2002. In line with the terms of reference, the work of the task force was divided into four main stages: to research the factors affecting people out of work; to engage with others outside Government; to make recom-



mendations; and to prepare an action plan that integrates actions across Departments and agencies.

Some of that work — particularly in the final two stages — took longer than anticipated, because of the complexity of matters such as the recent report of the West Belfast Task Force. The Executive intend to complete the report on the employability task force this month.

We do not expect Members to take this report or any Executive statements at face value; and Ministers do not take at face value all the information that departmental officials give them. That is why Members have the opportunity to ask questions on reports and statements in the Assembly. It is important that Members work the report through the available channels, including Committees, in order to hold the Departments to account. It is equally important that Ministers do their job of trying to deliver on commitments made on the basis of resources voted by the Assembly.

**Ms Lewsley:** I welcome the statement and congratulate the Executive on the achievements so far. Given last year's £365 million underspend, as reported by the press, can Departments surrendering unspent funds use a lack of resources as a credible excuse for not achieving targets?

**The First Minister:** The First Minister and the Deputy First Minister saw the press reports of the £365 million underspend. The Minister of Finance and Personnel will comment on that later today, so I hope that I do not steal too much of his material in trying to explain the issue and put it into context. The money is surrendered to the Department of Finance and Personnel, and most of it is carried forward and made available to the Administration under year-end flexibility arrangements. The Administration will not lose much money. I am told — although I would give way to any point that Minister Farren might make to the contrary — that only £27 million has gone to Treasury. That allocation was made to rectify an accounting matter by repaying moneys that the Executive should not have received the previous year. There has not been a significant loss to the Administration.

Some Departments said that they did not achieve their targets because of a lack of resources. A lack of properly qualified staff was found to be the cause of unachieved targets in some instances; that cannot be remedied overnight. However, in most cases, the failure to meet targets was not due to a lack of resources. Resources are available. Underspending is not unique to the Northern Ireland Administration. It appears when the money available for expenditure increases significantly, with the result that a Department finds it difficult to change gear sharply to increase its expenditure. That problem exists elsewhere also.

The strategic investment body will address and, I hope, remedy any understaffing or time lags in gearing up for increased expenditure. That will be part of the reform aspect of the reinvestment and reform initiative,

and, when the Executive made their proposals in May, they were conscious of the need to ensure that Departments worked more effectively to channel resources to key infrastructure projects. The Executive hope, expect and intend to ensure that the strategic investment body, when it becomes fully operational, will enable the achievement of targets. Therefore, in some respects, the press report spurs the Executive to get on with that job.

**The Chairperson of the Committee for the Environment (Rev Dr William McCrea):** In annex B of the progress report one of the public service agreement targets highlighted was the completion of the review of the formula for the calculation of the resources element of the general exchequer grant to district councils to take account of — and Members will note — “relative socio-economic disadvantage”. Targeting disadvantage is a commendable objective. The progress report shows “target achieved”.

However, the current proposal in the Executive's position report on the Programme for Government and Budget 2002 to cut the grant in 2002-03 from £20 million to £13.6 million is far from commendable. On the one hand, we are trying to improve the targeting of disadvantage, and on the other, we are proposing a 32% cut in the grant to the poorest councils. Will the Ministers explain the logic behind that? How can such a cut to the poorest councils be justified in the light of the Executive's key policy theme of targeting social need?

**The Deputy First Minister:** Let us be very clear about this, and we have been through it several times; the position report sets out the issues as reflected by the Departments. It reflects the pressures on their programme areas and how they propose to use the moneys that they can rely on next year based on the indicative minima for next year's Budget. The indicative minima are the figures that each Department can rely on for next year's Budget, which will be the subject of the draft Budget when the House resumes in September. It will be finally voted on in December.

Departments have been put in a position where they have been unable to simply roll forward the amounts of money that they have this year into next year. This does not mean that Departments will not get that extra money or that there will be cuts. In producing the indicative minima, we ended up creating £125 million in reserve. That money is not pre-allocated in the indicative allocations this year, so it can go towards strategic priorities.

Many people have made comments about the £365 million underspend, and they have said that Departments are spending too much money and that Mark Durkan, the Minister of Finance and Personnel, simply gave money to Departments. The people who were saying that on Friday were the very same people who were criticising us for having achieved the £125 million reserve and for saying that we will need to wait and see



what Departments need, what spending Departments can justify, and that we need to ensure that there are extra resources to top up our priorities in health, education and infrastructure.

The Chairperson of the Committee for the Environment is again misrepresenting the nature of the position report. That report sets out how Departments propose to spend money on the basis of their indicative minima. It is entirely open to the Committees to advise a different allocation of resources or spread of priorities. It is also open to Committees to say that they want their Departments to receive more money — and many Committees do that. However, when Departments get into the bid-chasing act and say that they want more money, I hope that they will not be the first to complain when they find that they have supported many bids for which there were no robust plans and for which there was underspend.

**Mr A Doherty:** I welcome the statement and thank the Ministers and the Executive for the clarity of their presentation. Members know the difficulties that Departments face, but will the Ministers explain what happens to the targets that have been missed? Will the Assembly have a chance to review the matter, or will we be informed if the targets will be achieved in the future?

**The First Minister:** One reason for the report is to identify targets that have been missed and provide the opportunity for dealing with them. We will follow up those matters; to some extent, the report is doing that.

I am talking from memory rather than hunting through the report, but Planning Service had a target to clear up the backlog of planning applications, and that has not been achieved.

*1.00 pm*

For a variety of reasons, including a significant increase in the number of applications and other problems with the service, it did not achieve that objective. However, in the new report, the more modest — and, I hope, achievable — objective of reducing the backlog by 60% has been set. One can thread through from the original objective to the difficulties that have occurred and the way that a fresh target has been set for the current year.

Actions that have not been achieved will continue to be monitored and reported on. Next year's annual report will include details of those, as well as the new actions that appear in the Programme for Government 2002-03. That step is to ensure that the Assembly and the public can see the progress that we make on published commitments, and all of it is to reflect our commitment to open and accountable administration.

**Mr McMenamin:** As Members have already said, grant assistance has been agreed to allow the construction of a gas pipeline to the north-west and across the border. I remind the Minister that we in Strabane,

Omagh and west Tyrone want the pipeline extended to our constituency, and that must be given serious consideration.

Can the Ministers confirm that, while the Programme for Government and its targets and achievements are important, it is also important that we plan for the longer term? Can they tell us what actions are in the pipeline to improve the effectiveness of public services?

**The Deputy First Minister:** With regard to the gas pipeline, the Executive were able to take a decision to provide financial support for measures being undertaken by the private sector. People should not mistake what is going on. We are providing some financial assistance for a major investment by the private sector, which came forward with proposals for gas pipelines. We cannot fund pipelines or projects in areas where no one is undertaking them.

When the gas pipelines are in place, we hope to be in a position to support any other sustainable development that flows from them. It must be clear that no decision was taken by the Executive not to pipe gas to Strabane or Fermanagh; the Executive decided to support a proposal before them, along with a positive contribution and approach on the part of the Irish Government.

We have been trying to achieve significant improvement in several public policy areas, particularly in terms of how public services are delivered. We need to take that work forward, and it has been emphasised in the position report as part of our advanced thinking in the Programme for Government.

Improving service delivery is one of the four key challenges that we have said that we want to address. We can do that partly by ensuring that the focus is kept on delivering the type of commitments that are in the Programme for Government, and also by improving and developing public service agreements and service delivery agreements. The respective departmental Committees of the Assembly have a strong contribution to make to those improvements and to ensuring that we best monitor those instruments through our needs and effectiveness evaluations.

The needs and effectiveness evaluations are about trying to ensure that we understand the current and future needs that have to be met and are the real priorities in the different programme areas, and that we run programmes and services that most effectively match those needs. People should not treat the needs and effectiveness evaluations as though they are a threat to public expenditure. There is nothing in them about reducing the overall scope or scale of public expenditure. Everything in the needs and effectiveness evaluations is about ensuring that we increase the effectiveness and impact of public expenditure.

**Mr Paisley Jnr:** In his reply to the Member for Lagan Valley, the First Minister said that he nearly got

the statement out on time. The House is getting used to Mr Trimble's "nearlies". He nearly won 10 seats at Westminster last year. Does the First Minister agree that nearly is not good enough — whether one is pro-agreement or anti-agreement? To be frank, nearly is not good enough in the delivery of Government. Furthermore, the First Minister rightly says that the report that he has published enables the Assembly to identify where mistakes have been made. Does he agree that the fundamental mistake made by the Government was their inclusion of Sinn Féin/IRA? When will he identify that as a mistake, and what will he do to rectify it?

**The First Minister:** I must correct some of the Member's comments. The statement was made, and the report was published. As I came into the Chamber today, huge piles of it were stacked up for distribution to Members, so if a Member does not have a copy, it is not a failing of the system but of the Member. The statement was made, even though time was tight from when I got my copy of it. That shows the care that was put into the statement, which was checked and revised by my office and that of the Deputy First Minister.

To take up the substance of the points that the Member raised — even though they strayed some distance from the report — I agree with him that nearly is not good enough. The DUP nearly beat my party last year, but it did not. The margin will be even bigger next year, but not to the Member's advantage — as he will see.

**Rev Dr William McCrea:** Dream on, Davey, dream on.

**The First Minister:** My party has beaten the Member's in every election yet.

## **PUBLIC SPENDING — JUNE MONITORING**

### **The Minister of Finance and Personnel (Dr Farren):**

With permission, I want to make a statement on behalf of the Executive about public spending allocations for 2002-03, following the June monitoring rounds. I also want to update Members on the action that we are taking to address the problems of estimating and planning.

The monitoring process is to help the Executive to make the most of the resources available. The monitoring round is our main opportunity to consider how to deal with what is available in this financial year through the carry-over of underspending from 2001-02. Savings are already emerging from updated information about the amounts required for some planned services in this financial year.

I will talk about underspending shortly. First, I want to draw Members' attention to the good use to which available resources will be put. That emphasises our ability to re-allocate shortfall to meet changes in estimates of cost or increase priority budgets and target resources at emerging priorities in a way that was not possible in the revised Budget in December.

As was emphasised by my predecessor and myself, the main purpose of monitoring rounds is to adjust the allocation of resources in line with a better understanding of where cost pressures are falling. What matters is ensuring that money is adjusted to take account of emerging changes in the delivery of public services. Changes happen all the time. It is not surprising that budgetary plans that are drawn up more than 12 months in advance of some of the actual spend become subject to adjustment. Some require more funding and others less. Unforeseen pressures emerge that require attention.

The amount of end-year flexibility — the amount left after taking account of all automatic elements and the £75 million required for the reinvestment and reform initiative — now available for reallocation is £52.5 million. That only a relatively small amount — less than 1% of the Budget — of end-year flexibility remains uncommitted is the clearest answer to the charge that money is not being well used.

Some additional resources available from the Treasury have not yet been allocated, including £1.6 million that was added to the Northern Ireland departmental expenditure limit in the April Budget and £8.7 million from the latest round of allocations in England to the Chancellor's capital modernisation fund. Although those resources came from England, they can be spent as the Executive choose; we are in no way constrained about how to use them.

In this monitoring round, Departments have declared savings of £42 million against the initial allocations for this year that were approved in the December Budget.

Most of this arises from confirmation from the Department of Health, Social Services and Public Safety that the technical easement for hospital trusts, which arose in the February monitoring round, also applies to this financial year.

House sales receipts have provided £10 million, although these are related to the special purchase scheme and simply offset the additional costs of purchases under it. The Department of Enterprise, Trade and Investment completed a review of the spending requirements of its financial assistance to industry programmes, and it has been able to release nearly £7 million for reallocation. Details of all reduced requirements are set out in table 1, which is attached to copies of the statement.

Recognising that there is some continuing under-spending, the Executive have decided to increase the amount to be reallocated by anticipating that at least a further £13 million of reduced requirements will emerge. Patterns suggest that that is a low-risk approach to expenditure planning and that the amount can be made good in subsequent monitoring rounds later in this financial year or at the year's end. In total, there was £118.9 million to allocate in this monitoring round.

Bids for additional resources in this monitoring round amounted to £220 million. Details of the additional reallocations agreed by the Executive are set out in table 2. I do not propose to explain in detail each and every item of additional expenditure that is being allocated at this time. However, I shall outline some of the more significant items.

Nine million pounds has been allocated to develop the important work of the Executive programme funds, including £3 million to the children's fund to ensure that a larger allocation was available to the voluntary and community sector. That will allow us, through the social inclusion/community regeneration fund, to take action if needed to address the funding difficulties facing the voluntary sector. Ministers will say more about that in due course.

The main items in the Department of Agriculture and Rural Development are £8.8 million to help the Department to meet its legal obligations for animal health compensation, an additional £1.9 million for BSE testing and £1.4 million to meet staffing pressures. The Department has been allocated a total of £14 million.

Additional allocations of £2.9 million have been agreed for the Department of Culture, Arts and Leisure, including £1 million for a Northern Ireland-wide community sports programme, £600,000 to meet commitments approved for the Golden Jubilee and £300,000 for Belfast's bid to become European Capital of Culture in 2008.

*1.15 pm*

The Department of Education is to receive an additional £12.1 million, the majority of which is in respect

of the teachers' pay award and other pressures on schools. An additional £1.6 million has also been provided for support measures for north Belfast.

The Department for Employment and Learning has been provided with £1.4 million to cover post-graduate awards and support for the Northern Ireland Business Education Partnership.

For the Department of Enterprise, Trade and Investment, allocations have been made to cover employers' liability compensation payments following the insolvency of Harland & Wolff's insurers and the commitments arising under the research and development challenge fund. In total, £3.7 million has been provided.

Additional allocations to the Department of Finance and Personnel amount to some £6.6 million, mainly reflecting costs incurred on behalf of all Departments, essential structural repairs to Holywood Road social security office in Belfast and compliance costs arising in respect of the Disability Discrimination Act 1995.

The Health Service is again a feature of this monitoring round, receiving some £40 million of the additional allocations announced today, including £3 million in respect of an initiative to deliver rapid improvements in the provision of cardiac services. The merits of the argument have persuaded us that we should address Northern Ireland's chronic cardiac-surgery waiting list in a specific, time-bound and innovative way. It is well known, inside and outside the Assembly, that we suffer the highest such waiting lists, not only in the UK but in Europe. Heart disease is Northern Ireland's prime killer, and the Executive are determined to address that issue. A further £2 million is being provided to address other waiting lists.

Other allocations cover the continuation of the Department's anti-drugs strategy, initiatives to improve the efficiency and effectiveness of drugs prescribing and rising cost pressures in several areas. There is also an allocation of £3 million to cover the costs incurred at Craigavon Area Hospital as a result of the temporary closure of South Tyrone Hospital.

The Department of the Environment is to receive £2.2 million, mainly in respect of action to address waste management and running cost pressures associated with the transposition of EU Directives.

An allocation of £8.5 million to the Department for Regional Development is to cover several essential or high-priority services, including cost and staffing pressures in both the Roads Service and the Water Service.

As I said earlier, one major source of savings for redistribution in this monitoring round has been additional capital receipts arising from house sales in the special purchase scheme. The bulk of the £14.6 million allocated to the Department for Social Development is



to meet the comparable additional costs of purchases under that scheme. Other pressures in the Department relate to the Supporting People scheme and the redundancy costs arising in the Northern Ireland Housing Executive.

Finally, an additional £3.7 million is allocated to the Office of the First Minister and the Deputy First Minister, £2 million of which is in respect of costs associated with the use of a panel of high-level independent experts in the review of public administration. Other allocations include £0.9 million for the North Belfast community action project, and smaller amounts to take forward the children's and victims' strategies.

I turn now to the issue of underspending. Members will be aware from press reports last week that expenditure in 2001-02 was, by an overall total of £365 million, below the ceiling — or departmental expenditure limit — set by the Treasury. However, I record my disappointment that some limited and misleading information was made public in advance of my statement today. It was unhelpful to everyone in the Assembly that that partial information was highlighted out of context. I appreciate the responsible way in which some Members reacted to the information.

I emphasise the principle of end-year flexibility, which was sought strongly by a previous Finance Committee in the 1980s. The principle ensures that unspent departmental resources are carried forward, either for the original purpose for which they were allocated or for reallocation by the Executive. Thus, the money is not returned to the Treasury. That is an important point that seems to have been lost on some Members. The only exception was an amount of £27.6 million comprising a few items that we were due to return. The money was not lost to Northern Ireland.

Public sector budgets represent absolute ceilings on expenditure. Therefore, although small underspends and overspends in the private sector might be viewed in the same light, in the public sector any overspend represents a breach of the authority of the Executive and the Assembly and must be viewed seriously.

When we seek approval for a Budget Bill or a set of Estimates, we are seeking the Assembly's authorisation to spend up to the ceiling set in the Estimates for each service. Government accounting includes serious strictures against overspending, including an automatic report to the Public Accounts Committee.

It is therefore inevitable that public sector managers ensure that excess spending is avoided. Equally inevitably, there is always a degree of underspending as a result. That is also the case in English Departments, in the Scottish and Welsh devolved Administrations and in the Departments of the Irish Government. Some underspending is inevitable and is a much lesser evil than

overspending. Coupled with end-year flexibility, it does not mean that money is lost.

So far, no Department has had to report an excess vote to the Assembly. That shows how seriously Departments take the issue. Within the Budget and the monitoring processes, each case in which there was a risk of overspend was identified and dealt with.

In that context, managers must allow for uncertainty. No one would welcome a situation in which cuts were to be applied because of a sudden increase in a cost faced by a Department. The end-year flexibility arrangements were introduced because, under the previous rules, Departments would have lost any spending power that was unspent at the end of the year. Faced with a requirement that could be described as "use it or lose it", there was a tendency for money to be spent on whatever could be found as the end of the financial year approached. That was wrong, and the end-year flexibility arrangements are a major improvement.

I stress that the process of monitoring public expenditure and recycling underspends has made it possible for the Executive to cope with many unforeseen problems. We could not have responded to the foot-and-mouth disease crisis last year without a degree of budget flexibility. Our approach has made it possible to channel large amounts to the Health Service, as demonstrated by today's allocations. It has also made it possible to channel funding to other priorities and contingencies without having to impose sudden and disruptive budget cuts.

Some details of the provisional out-turn of expenditure by all Departments in 2001-02 are outlined in table 4, which is attached to Members' copies of this statement. The total underspend in 2001-02 was £365 million, and, as I have explained, all but £27.6 million of that will be carried forward. It is important to recognise that that amount represents the overall total and includes several specific amounts that we need to understand.

The following factors are important for central Government. Each Department's figures include factors that explain, and in many cases justify, the levels of underspending. Those include some cases that were known to, and are allowed for, by the Executive. No one should rush to judgement without taking the facts into account. For example, the Executive decided to set aside £75 million for the reinvestment and reform initiative that was announced on 2 May 2002. That represents the Executive's contribution to the strategic development of our infrastructure, and I understand that tomorrow the First Minister and the Deputy First Minister will announce the details of how those funds will be allocated.

The Executive have also decided to deliberately retain £40 million to meet the needs of the top priority programmes that are mentioned in last September's draft Budget; that was confirmed in the Budget that the



Assembly approved in December. That was then the only prudent way in which an agreed, acceptable Budget could be secured, based on the requirements and pressures specified by Departments.

Approximately £54 million of the total came from areas in which resources are carried forward to provide for delayed European Union programmes. That amount will be retained and deployed for those programmes, which will ensure that there is no loss to the agreed objectives or beneficiaries of the European Union programmes. A further £64.8 million arises as a result of the changes in the timing of capital programmes. In that case, the timing of the work on projects is key. The money is committed and will be spent on previously approved projects. Those programmes will continue uninterrupted as a result of the Executive's previous decision to allow automatic departmental end-year flexibility for approved capital projects. There is no magic about 31 March each year, which comes in the middle of work on building projects.

A further £28.3 million was needed to fulfil the commitment under the arrangements for local management of schools. Individual schools can carry over the unspent portion of their delegated budget. That is a central feature of how schools are funded and managed, and the Executive recently agreed that that feature should apply automatically for the Department of Education, and the education and library boards.

The sum of £22.9 million is carried forward for projects under the Executive programme funds and will be retained for that purpose, ensuring that the funds' objectives are delivered. We were determined to use the Executive programme funds to make a real change in how we set priorities and manage the departmental expenditure limit. Change takes time, and the turning circle for the Executive programme funds is an important aspect of the Programme for Government.

That leaves only £52.5 million of end-year flexibility that was uncommitted at the beginning of this monitoring round. That is less than 1% of the Executive's Budget and is a matter of routine financial management.

Although what I have said puts the headline figure into perspective, one issue remains, which I have previously mentioned to Members. I continue to analyse the issues raised, with a view to presenting a final report to the Executive in the autumn. I am developing a three-point plan to reduce underspending. The first point of that plan, which is the overriding principle, states that there can be no return to the crude "use it or lose it" policy. It would be wrong to introduce incentives or procedures that would promote bad use of public expenditure. Departments have a clear responsibility to secure value for money, and I do not intend to propose any penalty for underspending that would lead to bad use of public money.

I intend to explore two steps with my ministerial Colleagues. We must explore how performance can be approved, while recognising that there will always be some uncertainty. Without risking bad spending, we could set a target for Departments that spending on the resource departmental expenditure limit should be within 2% of the ceiling.

Where this is consistently not being achieved, questions will arise as to the effectiveness of estimating and planning. Any assessment of performance will have to take fair account of factors and circumstances, and the Department's available options as each year progresses.

*1.30 pm*

A similar approach could be taken to the capital departmental expenditure limit, although with a greater degree of tolerance to allow for the greater uncertainties that affect its estimating and planning. We may need to reduce underspending on the resource and capital departmental expenditure limits in the order of £50 million through such a targeting system. It would not be realistic to expect a significantly greater improvement. As a further step in an action plan, we can, and should, extend the practice of anticipating some underspending. We have done that to a limited extent in this monitoring round in the knowledge that, at this stage of the year, it is prudent to allow for unforeseen pressures.

In the next monitoring round, and in the draft Budget, I propose to include a prudent and realistic allowance for underspending and thereby set the ceilings for departmental spending at a higher level than otherwise would be the case. That will mean that if all Departments were to spend up to the new higher ceilings, we would breach the departmental expenditure limit. Our information suggests that that risk would be minimal.

I commend the Executive allocations to the Assembly. We have taken the opportunity to use our end-year flexibility in an effective way that will benefit public services in the priority areas of health, education and transport. We do not have a crisis on underspending. We plan prudent and appropriate action to make a gradual and worthwhile change in performance. The outcome is the better use of resources to achieve real progress in the delivery of the Programme for Government.

**The Chairperson of the Committee for Finance and Personnel (Mr Molloy):** Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's detailed statement on the June monitoring round. Does he agree that the monitoring rounds are not the way to plan for the future? Departments cannot depend on receiving money from the monitoring rounds and so do not have any long-term plans. If there are priorities in health, education and infrastructure, it would be right to put sufficient money into those priorities to allow Departments to deal with existing needs.

Will the Minister explain what his statement means when it states that it is misleading to say that there was a £365 million underspend over the past year, when he acknowledges that that is the case? That corresponds to £1 million a day underspent by the Executive. How else can that figure be explained?

Will the Minister agree that ratepayers will find it hard to understand why their rates should be doubled to make up for the need while, at the same time, the Executive are not spending the money they already have? That £365 million could have gone a long way towards alleviating need and hardship.

The Minister highlighted that “use it or lose it” has been an issue in the past. I am not suggesting that, but I am asking whether Departments have proposals to spend the money? Are they bidding for money and taking up the schemes afterwards?

**Dr Farren:** I strongly refute the suggestion that there is a proposal to double the rates. I challenge the Member to quote chapter and verse that attributes any such proposal to me. I have made it clear, and trust that Members will recognise, that the review of the rating system is being conducted, first and foremost, because the present system is unjust and places an undue burden on ratepayers who are on low incomes.

I trust that the House joins me in seeking to ensure that the rating system is equitable and, therefore, that all Members support the Executive’s initiative, which I am promoting on their behalf, to achieve just such an equitable system through the review. That should be accepted and clearly understood. If the Member can find any words of mine that suggest a proposal along the lines that he spoke of, I would be anxious for him to draw them to my attention. I challenge him by saying that I have never uttered any such words, and that, to the best of my knowledge, nor has any ministerial Colleague.

The House goes through a long process to plan the Budget. The current process commenced some time ago. Early in spring, I announced the timetable for the process, leading up to determining the Budget in December. I then invited all the Committees to become involved in close scrutiny with their Departments to ensure that they were satisfied with the bids submitted and to ensure that Departments were aware of the Committees’ advice on their contents.

When the budgetary allocations are determined, it seems right for Committees to scrutinise the way in which money is spent to ensure that it is appropriate and to enable them to draw the attention of Departments to emerging pressures and to adjustments that should be made. In that way, the process becomes a two-way engagement and not one in which Committees simply bid for departmental demands that they feel should be responded to. That approach does not deal with the

entire picture, but it is a feature of the way in which some Departments approach the budgetary process. This a major exercise for Committees to become involved in.

I would value comments, especially from the Committee for Finance and Personnel, which has been assiduous in discharging its responsibilities, on adjustments that could be made to the process. Certain aspects could be fine-tuned, and alternative approaches to the development of the budgetary exercise could be adopted.

I took considerable time in my statement to detail how we arrived at the figure of £365 million. I trust that the Member will examine the table setting out the basis upon which that figure is arrived at. If he is not happy with particular aspects, or requires further information, he should draw those to my attention.

I assure all Members that all money available to us is spent. If it is not spent in-year, it is carried forward in the programmes to which it was initially allocated, or it is allocated to other programmes, either in the same Department or in other Departments. This process addresses the frequently emerging pressures in the most effective way possible.

**Mr Deputy Speaker:** Order.

**Dr Farren:** Many issues were raised by the Member’s question, and it is not surprising that I need some more time to answer.

**Mr Deputy Speaker:** Nine Members are listed to put questions to you. I must ask Members and the Minister to assist me; otherwise the business will not be completed.

**The Chairperson of the Committee for Employment and Learning (Dr Birnie):** I shall try to be economical with my words. I thank the Minister for his statement. In his statement on 19 March on the February monitoring round, the Minister spoke of

“a thorough and robust review...to the problem of underspending across all Departments.”

At what stage is that review? Does he agree that so-called underspending is sometimes a function of the relatively high growth in the real-term supply of funds — part of the implications of Gordon Brown’s largesse? There is the problem of absorbing that — which is a pleasant problem as opposed to the reverse problem of not having the funds.

On matters specific to the Department for Employment and Learning, I welcome the success in two of the three departmental bids: postgraduate awards, and the Northern Ireland Business Education Partnership. What about the bid for university research? I have a non-financial interest in that, having been a university lecturer. Why is there no reflection of the increase in university research output as reflected in the last research assessment exercise?

**Mr Deputy Speaker:** That was not a good example of brevity. We will not get through the business if we continue to use time like that.

**Dr Farren:** I will try to be brief. The information I provided on underspends is the first part of that thorough review. Having conducted the analysis — and I have shared some of the key points with the House — the paper containing the full analysis is before the Executive. I am meeting the Committee for Finance and Personnel tomorrow, and we will discuss some aspects of the issue. I will introduce proposals to the Executive in early autumn. Having shared with the House some of the indications on what these proposals might contain, I trust that I have discharged my responsibility given on 19 March. We can progress the outcome of that analysis and the proposals emanating from it with the Committee for Finance and Personnel and other Committees.

The Member's question about university funding is appropriate, but it may be slightly premature. I will say no more than that.

**Ms Lewsley:** I welcome the decisions announced today. I particularly welcome the funds that the Minister has said will be used to alleviate difficulties in the funding of community and voluntary groups.

1.45 pm

Many Members have first-hand experience of the underfunding suffered by such groups. Does the Minister have more detail on how the money can be allocated and how soon it will be available?

Does he agree with the public position of the Chairperson of the Committee for Finance and Personnel that a Department should be punished if it underspends continually? That is not a serious approach, given that the public would lose out. Can the Minister urge Mr Molloy to encourage his party Colleague the Minister of Health —

**Mr Deputy Speaker:** Order. The second part of the question was not about the statement; it related to another Member's comments. Questions should relate to the statement.

**Dr Farren:** We are aware of the problems experienced by community and voluntary organisations. That situation is a good example of how unforeseen pressures can emerge. In my report on the monitoring exercise I said that a certain amount could be made available to groups with genuine difficulties. Ministers and their relevant Departments are working together to decide how to respond to the pressures focused on by Ms Lewsley. I trust that early decisions can be made so that the problems of groups with genuine difficulties can be alleviated.

**The Chairperson of the Committee for the Environment (Rev Dr William McCrea):** On behalf of my Committee, I register concerns at the lack of success of some

essential bids by the Department of the Environment, for example, those relating to built heritage conservation and the historic buildings grant. The Department may have to introduce a further moratorium on the historic buildings grant, especially given the commitments of more than £2 million forecast for this financial year. That would affect the historic fabric of listed buildings and would amplify public criticism of the Executive's record with regard to the built heritage. A small bid for resources to carry out an impact assessment on the Environment Committee's report on the safety of school bus transport has not been met. That report was published in 2001 —

**Mr Deputy Speaker:** Order. Dr McCrea, are you coming to a question?

**Rev Dr William McCrea:** The second part of the question is —

**Mr Deputy Speaker:** What about the first part?

**Rev Dr William McCrea:** The first part concerned the historic buildings grant, for which funding has not been provided. My second question is why small bids, such as for funding to evaluate the Environment Committee's report on road safety, could not be met in this allocation?

**Dr Farren:** Concerns about priorities should be directed to the Minister of the Environment. Ministers would like all their bids to be met in full, but that is not always possible. Approximately £220 million would have been required to meet all the bids in full. However, only £118.9 million was available, so it was obvious that some bids would fall. I hear Dr McCrea's expressions of concern, and I will convey them to the Minister responsible; however, I am sure that through his Committee, he will be able to do that even more energetically than I can.

**Mr Close:** This time last year the Executive had £104 million to reallocate, and the figure is now £118.9 million. Does the Minister agree that that demonstrates the failure, or ineffectiveness, of the Executive's planning, budgetary control and allocation? Does he not also agree that it is better to plan resources for the longer term rather than on the "ad hocery" that we always get with the monitoring and reallocation of such large sums of money?

The Minister's comments on the £1 million a day will come as little comfort to people who are still waiting on hospital trolleys for emergency care. They cannot understand why they should have to suffer while, in their eyes, all this money is lying around waiting to be reallocated. In the light of the recent publicity, does the Minister not agree that £0.5 million would be better used taking people off trolleys than going to the Northern Ireland Events Company?

**Dr Farren:** I have attempted to refute this allegation. I do not agree that there has been an absence of planning or that our budgetary process is informed by an ad hoc



approach. Our total spending is around 90% to 98% of the allocations made. That is a respectable achievement, given the significant sums allocated for expenditure by the Administration.

I do not agree with Mr Close's general comments about the planning process. The monitoring exercises are credible and necessary. If the Member takes time to examine the allocations made as a result of this monitoring exercise, he will see that the Health Service has received a significant allocation that will help to address the needs of cardiac surgery, and there has been additional funding for other waiting lists. People who are on waiting lists will very much welcome the allocations being made for their benefit today. We can make additional funding available to our priority areas only by having an ongoing monitoring exercise in place.

The Member will note that the Health Service has received a significant proportion of the £118 million. Almost one third has been allocated to health. Education has also received a significant additional allocation. I do not accept that those key priorities are being neglected in any way. They are being addressed very effectively.

There is a problem with underfunding, but not on the scale that Mr Close and others suggest. The review of underfunding has taken place, and recommendations will come to the Executive and the House in the early autumn on how we should manage underspending in the future.

**Ms McWilliams:** I also take issue with what happened last week. It was an unholy mess. I sit on Committees, and I would rather scrutinise the figures in Committees than listen to reports on the radio. When I tried to find out if those reports were valid, I was told that there would be no statement until this morning. That must stop. The way the Assembly does business must change drastically. An end of term report would say "Could do much better".

I am concerned that £10 million came in from house sales and £10 million went back out to provide for people who had been intimidated. Where is the money for all those people — as Ms Lewsley said — who tell us that they are making redundancies left, right and centre because project money has not reached them? Will the Minister of Finance and Personnel tell the House whether he has taken that crisis on board? I am concerned that £2 million is being spent on expensive consultants for the review of public administration.

**Dr Farren:** I acknowledge the Member's helpful comments. Out of respect to the House, I bit my tongue on Friday, because I knew that I would be making this statement today. This is the most appropriate place to make a statement on June monitoring. I was not responsible for the leak. That was reprehensible and did not serve the Executive, the House or the Departments involved in any positive way whatsoever.

We have been made aware of the concerns from the community and voluntary sectors in recent weeks. However, I remind the Member that, because of those concerns, we took the opportunity, in the current monitoring round, to examine whether resources were available to allocate to the organisations within the sectors concerned. We are actively pursuing ways to do that and hope that we can reach decisions rapidly on those allocations.

**Dr O'Hagan:** Go raibh maith agat, a LeasCheann Comhairle. I do not believe that Mr Close's question on the Department of Culture, Arts and Leisure's bid for £0.5 million for the Northern Ireland Events Company was answered. Further to that, in the light of adverse publicity and the Public Accounts Committee's ongoing questioning of that body, does the Minister intend to reassess that bid? Does the Department have any means of auditing that money? Go raibh maith agat.

**Dr Farren:** All bids are subject to a considerable degree of scrutiny. Business cases must be presented and scrutinised before expenditure is approved. That is the case with the bid mentioned by the Member, as it is with all bids. All public expenditure bids are subject to the kind of scrutiny that we have become familiar with through the Public Accounts Committee and the auditors.

There is no absence of scrutiny, and where problems, real or alleged, are identified, they are thoroughly examined. Given our recent experience of the nature of the scrutiny that has been carried out, we have become familiar, and have become increasingly satisfied, with the extent to which we scrutinise public expenditure on behalf of those we seek to serve. As a Minister, I would not approve any expenditure that did not have a robust business plan associated with it.

**Rev Robert Coulter:** I welcome the Minister's statement, and, in particular, I welcome the finance allocated for the Health Service. Will the Minister tell the House how that initiative and policy change on the question of positive decisions rather than endless consultation documents on the Health Service came about? What effect is it likely to have on a problem that has bedevilled healthcare for the best part of 15 years?

2.00 pm

**Dr Farren:** There have been several allocations to the Department of Health, Social Services and Public Safety; I trust that the Member is referring to the allocation made in respect of cardiac surgery. The Department has been anxious to address that need for some time. The Department of Finance and Personnel has been made aware of the needs of patients and their families who have experienced considerable suffering because of the Department's inability to deal with the problem as expeditiously as it would have liked.

The Department is now providing heart patients with a choice and a new way of quickly addressing their



urgent needs. Not all patients wish to travel outside of Northern Ireland to receive treatment, but that choice will now be available to them. The Department responded once the necessary resources were made available, and it is hoped that the response will be welcomed and seen as positive, however long overdue it might be.

**Mr Bradley:** I am a member of the Committee for Regional Development, and I welcome the allocation to that Department. It reflects the priority afforded to essential areas such as roads and water. Does the Minister agree that it is important that the Assembly retain the ability to allocate certain funds in-year in order to meet priorities as they emerge? Can he confirm that his ideas to address the underspend will come before Committees as they become final proposals?

**Dr Farren:** I can so confirm. Departmental officials will liaise first with the Committee for Finance and Personnel. However, I have attempted to underscore the importance that I attach to all Committees beginning to address — more rigorously than hitherto — the return from investments made. I trust that that will become a feature of Committee work from now on.

The Assembly should not dispense with the monitoring exercise. It provides the Department with the means to respond to unforeseen pressures, as easements are identified in expenditure on programmes that have had allocations made to them in the overall budgetary exercise. That is a prudent and necessary process, and one which it appears that Members deeply appreciate. Apart from the references made to the Northern Ireland Events Company, I have not heard any Member object to the allocations made. I therefore assume that there is a general welcome for the allocations. Maybe some of the allocations are not as great —

**Ms McWilliams:** Two million pounds is being spent on consultants for the review of public administration.

**Dr Farren:** I accept that as a correction to what I have just said, and I did not remember to respond to it in my answer to Ms McWilliams, but I will in correspondence to her. There has been a welcome for the allocations, and queries have only arisen around two.

**Mr Beggs:** I welcome the re-allocation of £40 million to the Health Service — almost one third of the money that was available in the monitoring round.

With regard to the £64.8 million underspend as a result of delayed capital projects, will the Minister agree to provide the Assembly with a list of those projects so that the area can be further examined? Assembly Members and the public are concerned about underspending. Has the Minister received any constructive proposals from Committees or Assembly Members on possible alternative budgetary arrangements to deal with end-year flexibilities and accountability of the Executive for expenditure decisions?

**Dr Farren:** I will supply the information that the Member requests: I do not have in my head a list of the capital projects referred to in the table attached to the statement.

The Executive, through the establishment of the Executive programme funds and the introduction of the indicative minima that were made last year with respect to the current budgetary exercise, have been responding to the existence of underspending. The programme funds have provided the Executive with one mechanism whereby we can attempt to deal with that in a strategic, innovative and imaginative way.

As the Executive gain experience with the programme fund mechanism, we will want to refine it, but it has come out of a reflection on the existence of underspend. It has therefore been an attempt to break the mould with respect to traditional approaches to underspend, and I trust that Members will acknowledge that.

The fact that indicative minima were adopted with respect to allocations to Departments has also come out of the Executive's reflection on the existence — or anticipated existence — of underspends. It enables the Executive to make Departments think much more effectively about their spending responsibilities and then force them to address the whole question of underspend with us.

**Mrs Courtney:** I will be brief. I welcome the allocation of £3 million for the relief of cardiac-surgery waiting lists in Northern Ireland. It will be warmly welcomed by those people who are awaiting heart surgery and by the Chest, Heart and Stroke Association, which has lobbied for such a fund. Will the Minister confirm how that allocation has come about?

**Dr Farren:** The allocation has come about because the money has been made available to the Executive as the result of the monitoring of expenditure, which I have been attempting to explain to the House this afternoon. It has come about because there is a real need; and professionals who are involved in cardiac surgery, and many Members, have been lobbying the Executive. I trust that the £3 million will be welcomed. It may not be sufficient to deal with all of the cases on the waiting list, but as we move through the year I would like to think that we could allocate additional funding for this need.

## EXECUTIVE PROGRAMME CHILDREN'S FUND

**Mr Deputy Speaker:** I have received notice from the Minister of Finance and Personnel that he wishes to make a statement on the Executive programme children's fund.

**The Minister of Finance and Personnel (Dr Farren):** On behalf of the Executive, I want to make a brief statement on the latest round of allocations to Departments with regard to the Executive programme children's fund. The establishment of the Executive programme funds has been well recorded, and they have been discussed in the House on many occasions. They represent an effective mechanism through which the Executive can support its Programme for Government and encourage cross-cutting policy development.

Today's statement links to that made by my predecessor, Mark Durkan, in April 2001, when he announced the first of the allocations from the Executive programme funds, particularly the children's fund, to support projects primarily run by Departments or other statutory bodies. Those projects can involve more than one Department and can also have some voluntary and community sector involvement. I will explain the position on the separate process for projects led by those sectors shortly.

Last year we allocated £10.5 million to 12 projects run by statutory bodies, covering a range of schemes such as specialist residential units, a school-age mothers' programme, new counselling services for pupils, and redeveloping the youth service. That left £18.5 million available for further projects. However, at the Executive meeting on 18 April 2002, we decided to allocate an additional £3 million to the children's fund. We also agreed that £9 million, from the new total of £21.5 million, would be directly accessible by the voluntary and community sectors. Today's announcement adds a further 14 schemes to the programme. The £10.1 million that we are allocating now brings the amount that we have committed to specific actions to address the needs of children to £20.6 million.

I want to explain briefly the process that we have undergone. In April, the Executive invited a second round of bids from Departments to be evaluated against a set of objectives, of which the principal theme was the provision of additional resources beyond those available from mainstream programmes, aimed at improving the life chances and citizenship of vulnerable children and young people.

We invited projects to address other themes such as child abuse, improving play services, improving educational outcomes for disadvantaged and vulnerable children, and improving their long-term health and well-being. We wanted to encourage teenage parents to stay in education and support families to care better for their children. We sought projects that might promote child-

friendly environments, including those in rural settings, and support a range of vulnerable children and young people — for example, those who are disabled, homeless, in care or leaving care. It is a lengthy and impressive list of objectives to which we can all readily subscribe.

This year we received 20 bids from five Departments: the Department of Health, Social Services and Public Safety; the Department of the Environment; the Department of Education; the Department of Culture, Arts and Leisure; and the Department for Regional Development. The bids amounted to £12.1 million.

There was a total of £12.5 million available to cover the 20 bids received. However, after careful analysis, carried out on behalf of the Executive by my Department working closely with the Office of the First Minister and the Deputy First Minister, the Executive decided that 14 of those bids, totalling £10.1 million, should be funded at this time. A small number of further bids may meet the requirements following further analysis and the provision of more detailed information.

Rather than defer the 14 bids that have met our requirements until after the summer recess, we have decided to announce them now and carry the other six bids and the unallocated £2.4 million over to the autumn. Those bids will be considered alongside bids emerging from the voluntary and community sector. It remains open to the Executive to allocate all or part of the outstanding £2.4 million to bids coming from that sector. I emphasise that the funds available to that sector remain fully available to that sector and will be allocated to worthwhile projects as speedily as possible using the process that we have agreed and announced.

2.15 pm

The projects announced today will deliver much needed services for children in need and young people at risk. The most costly one is the replacement of secure accommodation at Lakewood Special School in Bangor. Despite the use of the term "secure accommodation", I emphasise that the facility is not a correctional centre. It is part of residential care services and represents the last resort for some extremely vulnerable young people who are at risk of absconding or self-harm. Expenditure on that will total £6 million. However, that must be viewed as long-term investment since it represents a capital asset from which those essential services will continue to be provided long into the future.

The 13 remaining projects cover a range of very worthwhile schemes. They focus on child abuse through the extension of the work of an advisory officer for child protection in sport in partnership with the Department for Culture, Arts and Leisure, the Sports Council and the National Society for the Prevention of Cruelty to Children (NSPCC). They also keep a focus on road safety, an important element of the Programme for

Government, by providing resources to develop additional road safety materials for use in schools. Focusing on the most vulnerable young people, support will be provided for enhanced training for foster carers, early intervention services to prevent exclusion from school, a new family centre in the Causeway Health and Social Services Trust area, more support for the adoption service and more aid for young carers.

The Executive are confident that those schemes will make a difference to the lives of a large number of vulnerable children and young people. They need our help, and we have already made a start on addressing the huge problems that they cannot face without support and care. What we propose will enable the provision of new and enhanced services to give that very support in line with the commitment that we gave in the Programme for Government to support children in need and young people at risk to secure their right to a safe, happy and fulfilling childhood.

This announcement continues the process of allocations from the children's fund. In conjunction with the Office of the First Minister and the Deputy First Minister I made a call for applications from the voluntary and community sector on 20 June 2002. The closing date is 13 September 2002. We want the further allocations that will flow from those applications to lead to real benefits for children and young people. I plan to announce the outcome of the bidding round for voluntary and community sector projects in the autumn. The Executive's decision to allow direct access to the fund by that sector underlines the value that we attach to the work it does in delivering services and providing a voice for young people. We recognise the experience and expertise that is there, and, through the children's fund, we want to capitalise on those.

We hope to see a range of good-quality bids to complement the initiatives that have been announced today and make a real contribution to helping vulnerable children to achieve their full potential. I encourage the voluntary and community sector to seize the opportunity and suggest good-quality projects. I hope the Assembly will welcome those allocations and agree that they represent a big step towards addressing an important aspect of the Programme for Government.

**The Chairperson of the Committee for Finance and Personnel (Mr Molloy):** Go raibh maith agat, a LeasCheann Comhairle. I welcome the Minister's statement and the allocations that have been made. They will have a considerable impact on children in need and in care.

Five Departments are involved in one of the projects. Are Departments taking a cross-cutting approach? Have they come together on some of those applications? Could they tie in their role with the voluntary and community sector to ensure that if there are gaps, they can identify them and work with the communities to try to rectify them?

**Dr Farren:** Opportunities are built in to several of the bids. It is explicit that there will be co-operation across Departments and with the voluntary sector. I will be pleased to supply the Member with the details of the cross-cutting nature of some of the bids and the involvement of the community and voluntary sector in other bids.

**Ms Lewsley:** I welcome the Minister's statement, as will the projects that will directly benefit from the allocations he announced. The innovative nature of the Executive programme funds and the opportunity that they provide to meet changing and developing priorities is a tribute to the success of Mark Durkan and Seán Farren. The Executive have made the needs of children and young people a priority, which the SDLP welcomes.

Will the Minister give more details on the early intervention project? In what schools or areas will it be offered? If it is deemed to be a success, will the intervention involved be rolled out across Northern Ireland? By what process will the voluntary and community sector be able to bid for the next round of funding? When will that begin, and what will be the timescale?

**Dr Farren:** The early intervention project will assist schools in supporting children of primary school age with high levels of behavioural problems, mental and physical health problems or attendance problems, and those who have suffered trauma or who have problems engaging with their parents. The project aims to prevent exclusion from school, to improve co-ordination of services and liaison between professionals and schools, and to respond to the needs of children as identified by both education and health and social services.

The majority of the project costs will focus on creating new posts to address directly school-related problems. The bid will enable schools to meet children's educational and social needs. It will be targeted at primary schools in areas of highest social need. I cannot be more precise than that. However, as the project is developed, the identification of the precise areas will emerge. That information can then be communicated to the Member.

**Ms McWilliams:** I also support the bids under the children's fund, although I am somewhat concerned that they have taken so long to arrive. Again, in the last week before recess, we have received a large amount of information with very little time to deal with it. Nonetheless, it is helpful to see the 14 bids. We will, no doubt, see the remaining six in the autumn.

Like Ms Lewsley, I want more detail on the bids. Although the Minister might not be able to give that detail today, perhaps we can receive written information about where the projects will take place and who will be commissioned to undertake them. Those details were not in his statement.

Is the Minister aware of any bids to deal with children who have already been excluded? It is important that

children be protected from abuse and that services be provided. Children who may be at risk of exclusion are not the only problem. As political representatives in our communities, we all know that children who have already been excluded are another major problem.

Is the £6 million earmarked for Lakewood purely for capital investment to provide 16 beds there? Those beds may not be ready by the target date because there is no revenue for staff.

*(Mr Speaker in the Chair)*

**Dr Farren:** I confirm that the bid that is being met for accommodation at Lakewood is for the capital needs with respect to the secure accommodation that is required.

In response to the Member's general question on details, the various Departments that have received the allocations, and that are primarily responsible for the particular bids, will supply the details as those bids are assessed. A table that shows the allocations associated with each of the bids, together with relevant notes, is attached to the statement, and if the Member cares to look at that she will be able to identify several of the bids that apply to children after they leave care. Should the Member wish, we shall provide any further information available at this stage on the nature of the successful bids. The Departments responsible will provide the operational details.

**Mr McCarthy:** I very much welcome the Minister's report. Will he outline briefly the criteria used by the children's fund to select the 14 schemes that have been mentioned?

**Dr Farren:** I indicated in my statement that the schemes would have to address the needs of vulnerable children: children who are at risk; children whose particular family and social circumstances put them at risk; children who have experienced abuse; children who are in care; and children whose educational development needs to be addressed by means other than the traditional provision. The general criteria include the requirement that projects are targeted at young people under 18 years of age who are, essentially, in the care system.

## **DRAFT BIRTHS, DEATHS AND MARRIAGES (FEES) (NO. 2) ORDER (NORTHERN IRELAND) 2002**

**Mr Speaker:** Before I ask Dr Farren to move the motion, I remind Members that a draft Statutory Rule subject to approval by resolution requires the approval of the Assembly before it can be made by the Department.

I call the Minister at this stage, because I have received no other requests to speak. The Minister may therefore wish to address the matter before Question Time.

**Dr Farren:** I did not anticipate that we would have reached this point before Question Time. Although I wish to move the Order, some remarks that I wish to make would cause us to stray into the time that has been allocated for questions.

Therefore, I beg leave of the House to make my presentation after Question Time.

**Mr Speaker:** I am happy to indulge the Minister in that regard, and I hear no objections from the House. The House, therefore, should take its ease for the remainder of the time until 2.30 pm.



2.30 pm

## Oral Answers to Questions

### ENTERPRISE, TRADE AND INVESTMENT

#### Warners (Dromore)

1. **Ms Lewsley** asked the Minister of Enterprise, Trade and Investment what communication he has had with the management of Warners in Dromore regarding the impending closure of the factory. (AQO 1686/01)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** Officials from Invest Northern Ireland (INI) had recent discussions with the management of Warners UK Ltd about a decision to place its workers in Dromore and Keady on 90 days, protective notice. Officials continue to work with the company, local councils and the Department for Employment and Learning to help them to find alternative employment and retraining opportunities when, as is anticipated, the factories close.

**Ms Lewsley:** Given the detrimental effect that the closure of the factory will have on approximately 100 workers and their families, and the potential effect on the local economy, does the Department plan to attract other companies to the area in the near future?

**Sir Reg Empey:** I concur with the Member's views. This is not the first time that contraction has been necessary in that area. Some 18 months ago, a similar situation arose. However, on that occasion, some jobs were saved because distribution work was substituted for some of the manufacturing work.

I am advised that the problem is not with the workforce or the quality of the product. The issue is that, despite INI's intervention and its offer to consult with Warners to see what it could do to save the jobs, the company said that it had made a commercial decision and was not prepared to pursue INI's proposals any further. Therefore, it is likely that production will be moved offshore to north Africa.

The case is not unique but it is regrettable. In the short term, INI, together with the Department for Employment and Learning, is trying to deal with the workforce to determine what training would be beneficial and what advice the workers might require to, for example, establish their own businesses.

To answer Ms Lewsley's main point, INI is acutely aware of the need to bring more work to the area. However, as the Member will know, it is neither easy nor something that we can deliver alone. We require the

support of businesses. Keady is a TSN area; therefore, INI is obliged to meet the targets for that area.

### Standard Industrial Classification (Printing and Publishing)

2. **Mr Dallat** asked the Minister of Enterprise, Trade and Investment if printing and publishing are classified together under subsection 22 of the UK Standard Industrial Classification of Economic Activities. (AQO 1677/01)

**Sir Reg Empey:** Printing and publishing are classified together under subsection 22 of the UK Standard Industrial Classification of Economic Activities 1992. However, they can be distinguished separately as industry group 22.1, which refers to publishing, and industry group 22.2, which refers to printing and service activities related to printing.

**Mr Dallat:** The Minister will know that his accounting officer recently gave evidence to the Public Accounts Committee. He emphasised that there is a clear distinction between printing and publishing. That evidence was in connection with the award of Northern Ireland Tourist Board contracts for its 'Breakaways' brochure. Will the Minister outline why his accounting officer misled the Committee in that way?

**Sir Reg Empey:** I am not conscious of my answer to Mr Dallat's question being in conflict with the answer that the accounting officer gave. However, for clarification, I shall read the transcript of the Committee meeting. As I have said, there is an industry classification under the heading of printing and publishing, in which subsection 22.1 refers to publishing and subsection 22.2 refers to printing and service activities related to printing. Therefore, there is a distinction between printing and publishing. However, it also comes under a broad heading. This is not a unique feature in product headings. If one looks at the numbers of people who are employed in any particular classification, one sees that jobs are grouped together, whether they are in optics, electrics, aerospace or engineering. They are then subdivided for greater clarification.

Therefore, there is no conflict. In attempting to calculate the number of people in particular fields, there is inevitably a group factor involved. For instance, tobacco is linked to several classifications, but we can still ascertain how many people are employed in the tobacco business. Therefore there is a range of classifications; they are subdivided, and that is a well-established pattern in industry.

### Innovation in Businesses (West of the Bann)

3. **Mr Armstrong** asked the Minister of Enterprise, Trade and Investment what action has been taken to encourage innovation in businesses west of the Bann. (AQO 1687/01)

**Sir Reg Empey:** Invest Northern Ireland (INI) has been working actively in several areas to promote business innovation west of the Bann. Those include: an innovation management programme for the furniture and engineering sectors; a directory of support for the innovation of local companies; an information and communication technology (ICT) and e-commerce programme; innovation awards; and an innovation conference. Additionally, Invest Northern Ireland provides an ICT advisory service to promote innovation through the use of ICT.

**Mr Armstrong:** I thank the Minister for his reply, but he only partly answered my question. Will he comment on the uptake of the Northern Ireland innovation audit programme west of the Bann? Will he give the House an assessment of the adoption of innovation procedures during business start-ups?

**Sir Reg Empey:** I can partly answer the Member's question now and give him figures for Northern Ireland as a whole, but I am happy to write to him later with a more detailed response.

The innovation audit programme, which was formerly called the technology audit scheme, provides grants to small and medium-sized enterprises to audit their design and manufacturing technology processes. It offers consultancy support of 50% of the cost, as well as up to 17 days' consultancy. Thus far, offers have been made to 135 companies, which amount to a grant of approximately £530,000. That expenditure includes support for innovation audits of businesses in County Tyrone and County Fermanagh.

I do not have the breakdown by county to hand, but I shall endeavour to write to the Member with that information, if possible. It ought to be possible; however, the figures are not stored on a county-by-county basis, but as a total for Northern Ireland. Therefore, more than £500,000 has been put forward, which is support from the Department of Enterprise, Trade and Investment for consultancy to the significant tune of up to 50%, and that will go a considerable way to giving companies the sense and the wherewithal to carry out a proper audit. I shall write to the Member about County Tyrone later.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. Will the Minister outline the situation on broadband provision in the Omagh district, which is west of the Bann? My question is pertinent, given the recognition of Omagh as a growth centre in the 'Shaping our Future' strategy and the need to create a level playing field for businesses in that area.

**Sir Reg Empey:** I admire the Member's innovation in bringing that matter to the House. Strictly speaking, it is not a supplementary to the original question, but I shall try to give a parenthetical and general response.

From answers that I have given to him and to every other MLA from West Tyrone, the Member will know

that we know full well about the requirement to ensure the roll-out of broadband in rural areas.

The Member will also be aware that we announced a scheme at the beginning of the year that was designed to ensure that companies, particularly those in rural areas, had access to satellite broadband, and that we were providing a 50% grant up to £1,500 to cover the initial cost of equipment and the first year's running costs. Further to that, we received £1.47 million from the Department of Trade and Industry to fund a parallel scheme whereby local demand for a wireless-based roll-out of broadband could be aggregated. If providers, such as the local council, make a joint declaration that they had a reasonable volume of demand, we could find a wireless solution, which is aimed at individuals or small and medium-sized enterprises.

The Department is fully cognisant of the need to ensure the roll-out of broadband. I hope that as the year progresses, we will seek expressions of interest from companies that wish to develop further. A cable-based broadband facility would be exceptionally expensive and out of the reach of most, especially in rural areas. However, I am pleased to say that in the past couple of months BT Northern Ireland has decided to install an asymmetric digital subscriber line (ADSL) exchange in Londonderry, which received a broad welcome.

### Energy Market Strategy: Consultation Paper

4. **Mr Neeson** asked the Minister of Enterprise, Trade and Investment to outline which of the proposals in the consultation paper 'Towards a New Energy Market Strategy for Northern Ireland' are designed to reduce electricity prices. (AQO 1683/01)

**Sir Reg Empey:** The paper's primary purpose was to invite views on a new strategy to deliver a secure, diverse, competitive and efficient energy market in an all-island and European context. Such a fully open market, with an extended gas industry and new generation capacity, will create downward pressure on electricity prices.

**Mr Neeson:** The Minister knows that I would prefer to ask about the dangerous state of the salt mines in Carrickfergus.

Does he agree that the proposed legislation to enable more efficient financing of costs in the electricity and gas industries is essential to their future development, that it could result in significant savings to consumers, and, therefore, should be included in the energy Bill?

Does the Minister have a view on the use of bonds to buy out the existing electricity generation contracts?

**Sir Reg Empey:** The Assembly does not lack innovation. Mr Neeson is concerned about the potential collapse of a mine on the Trailcock Road in Carrickfergus. Our officials visited the area on Friday, and a

senior mines inspector has studied the situation. Unfortunately, some householders on the Trailcock Road will experience difficulty. We are installing a temporary road, but a permanent solution is still being considered. The operation will be an expensive one.

I intend to introduce in September an energy Bill that will cover various issues such as consumer representation on electricity matters and the structure of the industry. The Bill may be amended substantially at Committee Stage, as many complicated issues must be resolved.

The possibility of bonds has been raised before, and the Committee shares the genuine dilemma that exists. The starting point was the bad deal that was done for Northern Ireland in 1991: extremely expensive contracts were agreed; their yield was 60% higher than those created during the privatisation process in England and Wales. As a result, our consumers have been saddled with higher electricity prices than would have been the case.

The Department has attempted to make improvements to the market, and some have taken place: we are no longer an isolated energy market; we have electricity interconnection, and gas interconnection with the Republic has been agreed. Therefore, the situation has a European dimension.

2.45 pm

We have new operators, and new-generation capacity, which is under construction in the Member's constituency, will be coming on-stream. That will eventually reduce the cost of electricity. There is also the matter of renewables. With regard to floating a public bond, the question is basically whether to mortgage the future and ask the next generation to pay the excesses, or to take it on the chin and stick with it, as we are over halfway through the contracts. The answer probably lies somewhere in between.

In September, I hope to introduce proposals that will go some way towards alleviating the problems. I am in discussion with the operators, the generators, and Northern Ireland Electricity (NIE), and I am certainly determined to do something. We are still awaiting the outcome of the regulator's transmission and distribution review. We do not know whether NIE will accept his proposals. I am aware that we have not finally resolved our attitude to a public bond, and I will not take a hard and fast position on that until September.

**Mr McGrady:** I welcome the Minister's detailed reply. He said that there would be a downward pressure on electricity prices and that he hoped to address some of the other problems in the energy Bill in September. Has the Minister read the report by the director general of electricity supply, entitled 'Transmission and Distribution Price Control Review'? The report points out the limitations of the entire regulatory system. Does the Bill that will be introduced in September envisage more stringent regulations being imposed on the transmission and distribution companies for an ever-increasing pricing

spiral which indicates higher profitability, less efficiency, or a lack of adequate controls?

**Sir Reg Empey:** The regulator has exclusive responsibility for the transmission and distribution review; it would be inappropriate for me to second-guess its outcome. We are very near the final outcome. The regulator has put forward his final proposals; NIE must respond this month; and we will know whether NIE has accepted the regulator's revised proposals, or whether it will go to the Competition Commission. Either way, the outcome will be backdated to 1 April 2002. The energy Bill deals with a range of issues concerned with the way in which the market is structured. This is an extremely complicated area. When I took on this job, I did not appreciate just how difficult it is to deal with these contracts.

With regard to transmission and distribution, other proposals have been introduced to the public debate. A proposal has been made to take the transmission and distribution assets away from NIE and put them in the ownership of consumer representatives. One bank in particular has expressed an interest in that. That is a matter between those who made the proposal and Viridian Group plc shareholders. I cannot determine what the outcome will be. However, I am anxious to see NIE's response to the regulator, because if it agrees to the proposals, we will know where we stand in relation to that component. That would have a downward pressure on prices, which is the important issue for consumers.

**Mr Hussey:** I listened carefully to the Minister's answers and welcome his and others' efforts to reduce electricity prices for the domestic and business sectors. Does the Minister agree that competition is a major element in pricing? Can he confirm that the new energy market strategy will operate to ensure that competition is extended beyond Londonderry by providing natural gas to the rest of Northern Ireland?

**Sir Reg Empey:** There was a twist in the tale of that question. The Member was doing well, until his last words.

Competition is critical, and the absence of competition and the effects of these bad contracts have brought us to this position. The Bill will address the competitive nature of the market, which will be difficult.

The Executive's proposal will bring gas to a further 32% of the population — over and above the 45% living in Greater Belfast. If my arithmetic is right, that brings us to the high 70s. It would be misleading for me to suggest that the Castle Inn in Castlederg could avail of gas — that is unlikely in the short term. The regulator will be asking for expressions of interest from companies that wish to supply gas to towns and villages along the pipelines when they are laid. That is imminent. It is unrealistic to expect natural gas to be available to every hamlet or town in the Province; that is not financially possible. Our task is to make consumer choice and a



relatively clean fuel available to the maximum number of people, which is certainly the Department's intention.

### **Rural Generation Ltd/ "Green" Electricity and Power**

5. **Mr Clyde** asked the Minister of Enterprise, Trade and Investment to outline (a) his assessment of the work being carried out by Rural Generation Ltd at the Brook Hall estate, Londonderry; and (b) whether he would look favourably at "green" electricity and power.

(AQO 1684/01)

**Sir Reg Empey:** The work being carried out by Rural Generation Ltd at the Brook Hall estate, Londonderry, has contributed significantly to developing a commercial combined heat and power unit. This involves gasification, using short rotation coppice willow. I am committed to increasing the electricity generated from renewable sources and will set targets for this in the autumn.

**Mr Clyde:** Does the Minister agree that important job opportunities may be provided in growing and harvesting willow? Will he consider making grant aid available to ventures similar to the Brook Hall estate to increase the uptake of renewable energy in Northern Ireland?

**Sir Reg Empey:** I shall write to the Member about Brook Hall, as I do not wish to give him an unprepared answer at this stage. I am aware of the potential job opportunities, particularly in rural areas where people have been suffering. The farming community has been suffering greatly over the past few years, with foot-and-mouth disease, the weather, and the change in the European Union's approach to agriculture. There has been enormous pressure. Some have suggested tourism solutions, and some have suggested rural regeneration. That is one possibility.

We must raise our game, and I shall be setting targets for renewables in the autumn. However, this is controversial in many places. Rural Generation Ltd has made a grant application, which is being evaluated. I cannot give the Member a "Yes" or "No", but it is under active consideration. The Department looks favourably on the disposal of waste from farms. The generation of methane gas from waste slurry products to drive generation is another method. In small rural areas this could increase job opportunities.

**Mrs Courtney:** I welcome the Minister's response, having visited the Brook Hall estate recently with the Enterprise, Trade and Investment Committee, and I am familiar with the green innovations being carried out there. Does the Minister recommend a subsidy for those using green energy in future?

**Sir Reg Empey:** If we subsidise green energy, who will pay for it? People in Northern Ireland are paying a premium. Percentage-wise, we have the greatest take-up anywhere in the UK of people who are ready to pay above our existing high rates of electricity charges to get

green electricity. That is a tremendous tribute to the many thousands of customers who have already done so. As Mrs Courtney knows, the Minister of Finance and Personnel has been encouraging Departments throughout the Government estate to take up a green tariff, and my Department is no exception.

However, not everyone can avail of a subsidy, because the current amount of electricity generated from renewables is very small. Our aim is to get that to grow. We must get it to a scale on which it can be economically produced and where the question of a subsidy will not arise. Presently, it is by and large at market risk with the exception of grants that are given for development in exactly the same fashion as we sometimes give grants to help businesses to develop. I need some convincing that the subsidy route is the right one.

**Mr K Robinson:** Is the Minister aware that small suppliers of wind-generated electricity, who may have only one wind-generating item on their property, can contribute electricity to the grid for a return of approximately 1.8p for each unit sold? However, when they use electricity from that same grid, they are forced to buy each extra unit required for about 7p each. Will the Minister raise that with Northern Ireland Electricity (NIE) and the larger generators so that small suppliers can be further encouraged to contribute to the drive towards clean, renewable and sustainable energy?

**Sir Reg Empey:** I am aware of the Member's point. I have already taken it up with NIE. It says that that creates huge technical difficulties for the company. The distribution network would have to be able to take intermittent supplies of electricity that may or may not be produced in a particular area. There is a cost involved from NIE's point of view. I understand the Member's point, and I will undertake to raise it with NIE again. However, I understand NIE's point that there would be huge technical difficulties if one had a whole series of small operators with on-off supply. The network is sometimes not technically capable of dealing with that. One also must keep levels of distribution and supply in balance in each area. There are huge problems with this, but technical adjustments to the network may be capable of resolving them. I will come back to the Member.

### **Employment Figures**

6. **Mr Beggs** asked the Minister of Enterprise, Trade and Investment to make a statement on the latest labour force survey employment figures and the claimant count unemployment rates by district council areas for May 2002.

(AQO 1685/01)

**Sir Reg Empey:** The most up-to-date figures for the labour force survey relate to the quarter from February to April 2002. At that time, total employment was 726,000, which is 15,000 higher than one year ago. The latest claimant count on employment rates by district



council areas relates to May 2002 and can be found in the Department of Enterprise, Trade and Investment's labour market statistics publication, copies of which are in the Assembly Library.

**Mr Beggs:** Will the Minister acknowledge that Carrickfergus, with 6.5% unemployment, has the fourth-highest unemployment of any district council area in Northern Ireland and that Larne, with 5.7%, is well above the Northern Ireland average? When can we expect to hear an outcome of the review of New TSN, which is discriminating against my constituency?

Turning to the potential safety and employment implications of the warnings issued by the Minister's Department about the conditions of salt mines in the Trailcock Road area of Carrickfergus, will the Minister advise —

**Mr Speaker:** Order. The Member may have been straying a little in the first part of his question, but he is way out in the second part. I call the Minister to address the first part of the question.

**Sir Reg Empey:** The Member has raised this issue with me before, both publicly and privately. I am conscious of the unemployment rate in Carrickfergus. I hope in the early autumn to publish maps that will deal with my Department's response to TSN.

There are changes, some for the better, some for the worse, and they must be reflected in the new maps. I will give those matters serious consideration.

3.00 pm

## EMPLOYMENT AND LEARNING

**Mr Speaker:** Question 8, standing in the name of Ms Mary Nelis, has been withdrawn and will receive a written answer. Question 11, standing in the name of Mr John Kelly, has been transferred to the Minister of Agriculture and Rural Development and will receive a written answer.

### Day-Care Provision: Disabled Adults

1. **Mr Armstrong:** asked the Minister for Employment and Learning what discussions she has had with her ministerial counterpart in the Department of Health, Social Services and Public Safety to introduce legislation to improve day-care centre provision for disabled adults.  
(AQO 1694/01)

**The Minister for Employment and Learning (Ms Hanna):** This is an area where working together cross-departmentally is essential to ensure that disabled adults have an opportunity to achieve their potential. However, the provision of day-care services is the responsibility of the Minister of Health, Social Services and Public Safety. My Department has no plans to

introduce legislation on day-care provision for adults with disabilities. However, I plan to meet the Minister of Health, Social Services and Public Safety and the Minister of Education in the near future to discuss the provision of services for young people with disabilities leaving special schools, many of whom require day-care provision.

**Mr Armstrong:** What does the Minister propose to do to ensure that day-care centre provision for the most severely disabled is a recognised right, not an option, especially in light of article 14 of the Human Rights Act 1998, which prohibits discrimination? Furthermore, does the Minister agree that any further policy considerations should be guided by day-care centre provision as of right?

**Ms Hanna:** That is outside my remit and is the responsibility of the Minister of Health. I am aware from meeting the Member, and other Members, that there are issues and concerns about young people with disabilities. I plan to meet the Minister of Health and the Minister of Education as soon as possible.

**Ms Lewsley:** I commend the Minister for taking this cross-departmental approach. Some weeks ago I asked the Minister of Health if she would do that, and the Minister for Employment and Learning has taken it on.

What is the Minister doing to support the voluntary and community organisations that are providing services for people with disabilities?

**Ms Hanna:** My Department provides substantial funding to a range of organisations in the voluntary and community sector that provide services for people with disabilities. Those organisations cover a wide range of disabilities, including learning disabilities. However, important decisions must be taken about priorities for funding. We must endeavour to ensure that all essential services, especially to adults and young people with disabilities, are maintained.

**Rev Dr William McCrea:** Further to the helpful meeting we had with the Minister when I led a delegation to her recently, will she inform the House what steps her Department has since taken to open up opportunities for disabled adults to further their education after the age of 19? That opportunity is afforded to every other child and young person.

**Ms Hanna:** I had a very good meeting with the Member. I share his concerns for the future of young people with disabilities. My Department deals primarily with training, and that is why I want a meeting with the Minister of Health and the Minister of Education. Different Departments have different responsibilities, and this is an area where we need to work together.

## Sectarian Intimidation of Students

2. **Ms McWilliams** asked the Minister for Employment and Learning, in the light of recent sectarian intimidation of students at further and higher education colleges, to outline (a) any steps she will implement; and (b) what assurances she will give to those students who have applied for places in September 2002.

(AQO 1674/01)

**Ms Hanna:** The recent sectarian incidents affecting students at further and higher education colleges are to be deplored. I have already made a statement to the Assembly in relation to the incident at Tower Street. The sentiments I expressed then apply to any such incidents.

Such events are primarily a law-and-order issue. Further and higher education colleges are autonomous bodies, and I am confident that they will take whatever steps they feel are necessary to reassure and protect students according to local circumstances. I assure the Member and the Assembly that my Department will respond sympathetically to any requests from colleges for assistance. I have met with the staff and students at Tower Street and with the director of the Belfast Institute of Further and Higher Education. I have also requested a meeting with Queen's University and its Student's Union to reassure myself that students are given adequate advice on safety and, indeed, to ensure that practical support is in place in the event of any emergency.

**Ms McWilliams:** In the light of recent attacks on students in south Belfast, it is not sufficient to put out a statement on departmental headed notepaper and, at the same time, suggest that it is only a policing responsibility. I suggest that the Minister might want to revisit an answer that she gave to me in a recent letter, in which she said that she had no intention of setting up a working party to look at the seriousness of those issues.

Given that the Minister has had a range of meetings with the university, the Student's Union and staff, perhaps it is time to set up that working party. When this became a crisis in south Belfast two years ago, I asked the universities to appoint two community liaison officers from Queen's University and the University of Ulster. They have since done so, but they believe that the lead must be taken from the Minister, and that the working party is needed now more than ever. Otherwise, Northern Ireland students will go elsewhere, rather than to the two universities.

**Ms Hanna:** Such events are primarily law-and-order issues. That is not to say that I do not take the events extremely seriously. However, as Minister for Employment and Learning, and as MLA for South Belfast, I suspect that there may be a conflict of interest in my chairing that working party. I have made it clear that I am happy to meet the other South Belfast MLAs and have done so several times in the past on those issues.

**Dr Adamson:** Does the Minister have any evidence that Protestant students still perceive the Student's Union at Queen's University as a so-called cold house, since they make up only 22% of part-time workers there?

**Ms Hanna:** This question has been asked in the Chamber on at least two other occasions. I do not have any evidence or figures to that effect.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. How many students, if any, have not returned to Tower Street after the disgraceful incidents of sectarian intimidation there? What action is the Minister taking to ensure the absolute neutrality of all educational institutions in the third level sector?

**Ms Hanna:** I do not have definitive figures, partly because the incidents happened so close to the end of term. I am aware that the director of the Belfast Institute of Further and Higher Education has facilitated, as far as possible, any students who had to resit exams or who do not wish to return to Tower Street. I will happily come back to this issue in September.

**Mr Speaker:** I have just been advised that question 3 in the name of Mr David McClarty has been withdrawn and will receive a written answer.

## Northern Ireland Hotel and Catering College

4. **Mr Dallat** asked the Minister for Employment and Learning to outline the timescale for the integration of the Northern Ireland Hotel and Catering College with the University of Ulster at Jordanstown. (AQO 1679/01)

12. **Mr Carrick** asked the Minister for Employment and Learning when she intends to reach a decision on the merger of the Northern Ireland Hotel and Catering College and the University of Ulster at Jordanstown. (AQO 1665/01)

15. **Mr Hilditch** asked the Minister for Employment and Learning for her assessment of the decision of the Committee for Employment and Learning to reject the merger between the Northern Ireland Hotel and Catering College and the University of Ulster at Jordanstown; and to make a statement. (AQO 1664/01)

**Ms Hanna:** I shall answer questions 4, 12 and 15 together, and shall make a statement.

I received a variety of responses to the proposal to merge the Northern Ireland Hotel and Catering College with the University of Ulster. They ranged from the strongly supportive — from some of the key organisations representative of the hotel and catering industry — to opposition on the basis that the merger would not secure appropriate throughput of graduates to the labour market. Reservations were also expressed about the impact of the movement of University of Ulster courses from Belfast to Portrush.

I have carefully considered all reactions to the merger proposal, from the recent consultation process, through extensive correspondence from many interested parties and through meeting the Committee for Employment and Learning. The University of Ulster is responsible for decisions regarding course provision and location. The university has advised that no students currently enrolled in courses of study will have to relocate to another campus.

However, in light of the anticipated benefits that the merger will bring to the hotel and catering industry in Northern Ireland — such as the establishment of a world-class centre of excellence; increased numbers of well-trained undergraduates; increased research and development opportunities for the industry; and the creation of two additional professorial chairs — I will approve the merger. Departmental officials will shortly advance the necessary administrative order to give effect to my decision from 1 August. The strong tradition that both institutions have in supporting the development of the Northern Ireland hotel and catering industry will be maintained and enhanced by the merger.

**Mr Dallat:** I thank the Minister for her answer and congratulate her on the decision. I can think of many reasons for that decision, though I might be accused of bias. Will the Minister outline what organisations supported the merger and why they did so?

**Ms Hanna:** A number of key organisations representative of the tourism, hospitality and catering industry in Northern Ireland responded positively to the merger proposal. They included the Northern Ireland Tourist Board, the Tourism Training Trust, the Food and Drink Training Council, the retail licence trade and the Northern Ireland Hotels Federation. Those organisations concurred that the merger would allow the current high standards of delivery to remain undiluted and so enhance the calibre of staff entering the industry. They also felt that the merger would lead to continued close industrial links, the provision of high-quality research and consultancy facilities, an improvement in management productivity and support of the overall development and performance of the hospitality sector in Northern Ireland.

**Mr Carrick:** I note the Minister's response and her positive decision in relation to the merger and the establishment of a centre of excellence. However, can the Minister indicate what policy will be put in place to ensure complementarity between existing further education centres of excellence and the new higher education centre of excellence? What steps will be taken to avoid the potential impact on foundation degree courses on hospitality and catering provided in further education colleges?

**Ms Hanna:** It is hoped that the existing centre of excellence at Newry and Kilkeel Institute of Further and Higher Education and the creation of a centre of excellence at Portrush will encourage working together.

The Belfast Institute of Further and Higher Education did not receive an award, but it was highly commended. The detail of the policy will be down to the university and the college.

3.15 pm

**The Chairperson of the Committee for Employment and Learning (Dr Birnie):** The Minister has said twice this afternoon that the location of the merger at Portrush is an internal matter for the University of Ulster. Does the merger have public expenditure implications such as one-off costs for relocation or change of building, or an adjustment in the Department's budget allocated to higher education relative to further education?

**Ms Hanna:** I will provide details and figures to the Member in writing. I do recollect that the issue was raised during my visit to the Committee. The Department felt that there was probably not a huge financial difference between the various options available.

**Mr Hilditch:** There is great disappointment today, considering the extent of respondents' opposition to the merger, the many concerns and issues that were raised through the consultation period and the opposition of the Committee. One wonders how the decision could be justified. I know that I speak on behalf of my Committee Colleagues when I ask whether the Minister will encourage further consultation with the university about location, or come to the Committee to further explain the decision.

**Ms Hanna:** I may have missed part of the question.

**Mr Hilditch:** Will there be consultation with the university about location?

**Ms Hanna:** The decision on location is entirely for the university — it is not my decision. My decision is only on the merger, and I made it having regard to extensive consultation and correspondence and meeting the Committee and taking its concerns on board. I am aware that the Committee was divided on the matter, and this was a difficult decision for it. However, I am confident that I have made the right decision.

**Mr K Robinson:** Is the Minister aware that potential students were informed in January 2002 that the course was moving to the Portrush area? Given the widespread opposition to the controversial move and the concerns expressed over the long-term viability of the facility and its new location, what steps will the Minister put in place to prevent such a serious situation developing? If potential students were to vote with their feet after this decision, it could have a disastrous impact on our hospitality industry.

**Ms Hanna:** I do not know the date on which students were made aware of the possibility of the transfer. Students who are currently at Jordanstown have been reassured that they will finish their course there. It was for two reasons that I did not seriously consider the opposition to the merger. First, due to a drop in the level



of applications to university, a negative impact on the hospitality and catering industry was anticipated — and there was a decline in the number of well-trained personnel entering the industry. There has been insignificant change in the number of applicants for this year. There have been approximately 1,000 applicants for about 155 places. My second reason for the move of the university provision from its current location was a lack of management development opportunities for existing employees. I also recognised the ability of the Portrush area to provide part-time employment opportunities for students.

The majority of the work content of the course is likely to take place in the United States and Europe, rather than in local hotels and catering establishments. Students will make their own decisions as regards part-time work.

I hope that I have answered all the Member's questions.

### Republic of Ireland Students: PhD Funding

5. **Mr M Murphy** asked the Minister for Employment and Learning to detail why students from the Republic of Ireland are not entitled to PhD funding when they are entitled to attend universities in Northern Ireland. (AQO 1691/01)

**Ms Hanna:** European Union nationals attending higher education institutions in the United Kingdom are entitled, under EU law, to receive education on the same basis as their UK counterparts. They are entitled to have their tuition fees paid, but not to receive loans or maintenance grants, because the student's national Government are responsible for providing that support. That applies to every student outside Northern Ireland.

**Mr M Murphy:** Many students from the South who attend university in the North cannot receive a grant. The reason given is that they live outside the jurisdiction. A student who wishes to carry out a PhD after completing a degree course in the North cannot receive funding. When students carry out a year's placement outside the UK, they must continue to pay compulsory fees enforced by the British Government and remain registered at their university, but they are classed as being resident outside Northern Ireland. Does the Minister intend to address that issue?

**Ms Hanna:** There may be a facility for providing a maintenance grant to students who have lived in Northern Ireland for more than three years, but I need to check the matter. I do not know whether a student who completes a placement outside Northern Ireland is entitled to receive a grant — that could depend on the personal circumstances. I do not believe that such students would be entitled, but I will check the matter.

I am not sure whether I understood the question correctly.

**Mr Speaker:** I would not dream of trying to clarify that for the Minister. I was somewhat of the same difficulty as she.

**Mr Beggs:** Would the Minister acknowledge that —

**Mr Speaker:** Order. Mr Beggs is being called for his first question.

### Universities: Research Funding

6. **Mr Beggs** asked the Minister for Employment and Learning to outline any implications that the results of the research assessment exercise for the Northern Ireland university departments, published in December 2001, may have for research funding. (AQO 1682/01)

**Mr Speaker:** It was not so much a supplementary question as trying it on.

**Ms Hanna:** I welcome the universities' much improved performance in the recent research assessment exercise. The results have enabled my Department to allocate selectively, on the basis of quality, the available mainstream research funds to both universities. The budget for 2002-03 has already been set. However, in recognition of the challenges set by the universities' performance, I am exploring the possibility of securing some additional research funding for this year.

**Mr Speaker:** Mr Beggs may now ask his supplementary question.

**Mr Beggs:** Does the Minister appreciate the universities' frustration that, having invested heavily in updating their measured research output, they have not yet received additional funding as a reward for their efforts?

**Ms Hanna:** I appreciate the universities' expectation of additional funding. However, in addition to mainstream research funding of £26.65 million for 2002-03, my Department will sustain its funding of the support programme for university research and will commence funding of the science research infrastructure fund — about £7 million over the two-year period, 2002-04. Both funding streams are designed to improve research infrastructure at the universities and build on research of international excellence.

My Department has, however, bid for Executive programme funds to secure funding for a second support programme for university research. We have also bid under the reinvestment and reform initiative launched recently by the First Minister and the Deputy First Minister for university research capital infrastructure funding. I hope that the Department will receive good news about that in the near future.

**Mr McGrady:** I listened carefully to what the Minister said in response to the supplementary question — that she is hopeful for future funding. Would she agree that, given the excellence of universities in Northern Ireland — especially the University of Ulster, which obtained



two five-star awards and a gold star award for research assessment — it is important that Northern Ireland stays at the cutting edge?

The Minister noted that there has been a cut of 4% in the current year. In GB there has been an increase of 9%. The Higher Education Funding Council for England has added a further £30 million to research facilities for universities. There has been an increase of £25 million in Scotland. Additional funding of IR£560 million has been allocated in the Republic of Ireland, for the years 2001-2005. If Northern Ireland is to be the spearhead, as it has been in many areas of tactical research, then funding must be provided — even in these difficult times of scarce general resources.

**Ms Hanna:** I agree with what the Member has said. Indeed, adequate funding for research is a priority for my Department. I hope that we will receive good news in tomorrow's announcement. I am aware of the increase of £30 million for the Department for Education and Skills in England. However, that funding was not new; it had been provided to the Higher Education Funding Council for England from within the existing baseline.

**Mr Speaker:** I do not see Mr McMenamin at his place. Therefore, I call Mr Doherty.

### Further Education: Models of Excellence

9. **Mr A Doherty** asked the Minister for Employment and Learning if she is seeking to learn from models of excellence outside Northern Ireland in relation to provision in the further education system.

(AQO 1667/01)

**Ms Hanna:** I am currently undertaking major reconsideration of the further education strategy and wish to learn from models of excellence in the provision of further education outside Northern Ireland, including the Republic of Ireland and the United States.

**Mr A Doherty:** Are any other areas of provision in the further education system being examined?

**Ms Hanna:** There are several reasons for the reconsideration of the further education strategy. The Committee for Employment and Learning report on education and training for industry recommended that the Department produce an explicit further education strategy. My Department has gathered considerable data and analysis on provision for 16- to 19-year-olds, which will be fed into the work. Incorporation of further education is now four years' old. Both positive and negative feedback have been received on its success. The Department thought that it was timely to examine it.

The Department is presently engaged on a research programme to identify areas of excellence and to examine essential skills provision throughout the UK and the Republic of Ireland. It is also examining developments

in the UK to identify best practice in the funding, planning and management of education and training, particularly for 16- to 19-year-olds.

**Mr Shannon:** Will the review of the further education strategy planned for later this year take into account the further education system in other parts of the United Kingdom?

**Mr Speaker:** I shall have to ask the Minister to reply in writing, as the time for questions to the Minister for Employment and Learning is now up.

3.30 pm

## SOCIAL DEVELOPMENT

### Graffiti and Murals (Housing Executive Properties)

1. **Ms McWilliams** asked the Minister for Social Development (a) if the Housing Executive has guidelines for the removal of sectarian graffiti or paramilitary murals from its properties; and (b) if these guidelines are enforced. (AQO 1673/01)

**The Minister for Social Development (Mr Dodds):** There are no formal guidelines as such. Sectarian graffiti and paramilitary murals are removed where the Housing Executive considers that any intervention will be effective and that the safety of those involved will not be endangered. The Housing Executive seeks to work with communities to remove offensive material.

**Ms McWilliams:** Can the Minister inform the House of the criteria used to define when the safety of workers may be at risk? Does his Department take a different view from other Departments? He might like to raise the matter with the Executive. Ministers seem to be responding differently, and the Northern Ireland Office frequently has to be called in where departmental officials refuse to do this work.

The Minister may wish to reflect on the issue, given that last year £10 million from his budget had to be spent on rehousing tenants of Housing Executive and other properties after they were intimidated from their homes. Would it not be better to take preventative action and remove sectarian graffiti from walls as soon as possible?

**Mr Dodds:** The sum of £10 million relates to the scheme for the purchase of evacuated dwellings (SPED) and does not apply to Housing Executive tenants, but only to homeowners. It is wrong to say that cleaning up paramilitary murals and graffiti will stop the problems of intimidation or people being threatened into leaving their homes. Intimidation of tenants and forcing people from their homes is reprehensible and wrong, but it often happens even where there is no display of paramilitary flags or symbols. It is wrong to make that link.

My officials are assiduous in trying to deal with that problem. However, in many cases, the issue comes down to workers who think that their lives may be in danger and who are subject to threats and intimidation. We must have regard to that. There has been some limited success with intervention, but that can only happen where it will be effective and where the safety of workers will not be endangered.

The Housing Executive does not simply adopt a reactive approach to its own properties, but proactively tries to limit the opportunity for graffiti and murals by not leaving gable walls exposed and using house types and designs that have doors and windows in end gables, for instance. At a local level, district managers have tried to work with local communities by providing paint and equipment to facilitate local communities in removing murals and graffiti. That has been successful in some areas of my own constituency.

**Mr Douglas:** What is the legal position regarding the removal of graffiti?

**Mr Dodds:** The Member sits on my local district council, so he will know that district councils have some powers under the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 to have graffiti removed from property. Councils can then go to the owners of that property for reimbursement. Certain criteria are set out concerning whether, in the opinion of the council, the graffiti is detrimental to the amenity of the area or of any land in the district. There are also legal powers under the Planning (Northern Ireland) Order 1991.

However, we are all aware that it can take time to enforce planning regulations. Graffiti is designated as an advertisement under the terms of the 1991 Order, and procedures are in place in respect of the display of such advertisements. It is a matter for the planning authorities, and it is outside the remit of my Department.

**Mr McCarthy:** Members will agree that this is a sensitive and difficult subject. The Assembly asked the Executive last year to set up an interdepartmental working group, comprising an officer from each Department, the Roads Service and other agencies, to tackle the problem of graffiti. Does the Minister agree that, had the Executive done as they were asked, he might have had more success and support from other Departments in tackling the problem? Perhaps the Minister will raise that at the next meeting of the Executive.

**Mr Dodds:** The Member was talking sense until that last bit. It is necessary to acknowledge the sensitivity of the situation, and he did that. It is all very well for people to speak of such issues in the Chamber, but we must take account of reality and the situation in which people find themselves. We recognise the difficulties.

It is not a matter only for the Minister for Social Development, because the issue involves planning and matters relating to the Department for Regional Develop-

ment. I note with interest that the suggested solution is the setting-up of another committee. I sometimes wonder whether politicians who suggest such solutions live in the real world. Another committee is not needed; what is needed is for the agencies on the ground to work with local communities, politicians and others to make progress.

Good work has been done, for example in parts of Newtownabbey, where people have worked to put some murals with a historic background into estates rather than those of a sectarian or political nature. That is the sort of work that is needed. The setting-up of another committee will not take us very far.

## Housing for Life

2. **Mr Dallat** asked the Minister for Social Development to outline his plans for developing housing for life. (AQO 1678/01)

**Mr Dodds:** The move to community care and the increasing demand for adaptations to assist people to remain in their own homes have highlighted the limitations inherent in the existing housing stock. Lifetime homes are seen as one way of addressing the problem. They incorporate features to make the living space more flexible, convenient, safe and accessible in the event of the temporary or permanent disablement of any household member.

In 1997, the Department of the Environment adopted the principles of lifetime homes for the social housing programme in Northern Ireland. In 1998, the grant payable to registered housing associations was adjusted to provide additional funding to support the lifetime homes standard. From April 2001, my Department made it a requirement for housing associations to build all new general-needs housing to those standards. My Department is unique in the United Kingdom in continuing to provide financial support in Northern Ireland for the provision of lifetime homes in the public sector.

**Mr Dallat:** I thank the Minister for his very positive response. I am sure that he will agree that access is a fundamental right. Does he agree that, as far as is humanly possible, all public sector homes should have obstacle-free entry for wheelchair users?

**Mr Dodds:** The building regulations were amended in 2001 to require the provision of improved access for people with disabilities to visit relatives and friends in their homes. Since the requirement was put in place for all new build housing in the Northern Ireland public sector to be built to that standard, together with the financial support from the Department for Social Development, around 2,500 lifetime homes have been provided.

In relation to lifetime homes provided for owner occupation as opposed to the public sector, the position is that standards can be achieved only through the building regulations. The responsibility lies with the

Department of Finance and Personnel, and the matter should be taken up with it.

**Mr R Hutchinson:** Is the Minister aware of a recent report on the matter? If so, will its recommendations be accepted?

**Mr Dodds:** With other Members, I attended the successful launch in the Building of the report to which the Member refers. It is a joint report from the Joseph Rowntree Foundation and the Chartered Institute of Housing that highlights the different building standards that operate in the public and private sectors in the Province. The object of the launch and the report was to stimulate debate on that issue. I welcome the fact that such issues are raised in the Assembly. The hon Member for Strangford, Iris Robinson, recently asked a question on the issue. We should move to a situation in which all newly built houses in Northern Ireland are built to the same standards. However, as private sector housing is a matter for the Department of Finance and Personnel, Members should pursue that matter with that Department.

**Mr Speaker:** Question 3 stands in the name of Mr Sam Foster, but he is not in his place.

### Tribunals

4. **Mr Davis** asked the Minister for Social Development to outline, in each of the past five years: (a) the number of people waiting for cases to be heard at a(i) disability living allowance tribunal; (ii) incapacity benefit tribunal; and (b) the average waiting time for each case to be heard at each tribunal. (AQO 1663/01)

**Mr Dodds:** Given the complexity of the requested information and the amount of time that I would need to read out the answer, I have provided the Member with the relevant details and a copy has been placed in the Assembly Library. Since the introduction of new decision-making and appeals legislation in 1999, the number of people who wish to appeal has continued to rise, as has the number of cleared cases. A range of measures has been introduced to improve the speed with which appeals are processed. There are currently 446 appeals with the disability living allowance branch, and 231 are with the incapacity benefits branch and are to be submitted to the appeals service. There are a further 4,669 disability living allowance components and 762 incapacity appeals awaiting a decision from the appeals service.

**Mr Davis:** I thank the Minister for the correspondence that I received. The Minister of Finance and Personnel's statement on the June monitoring round referred to an extra £600,000 for the appeals service. How will that money be used to clear the backlog of claims?

**Mr Dodds:** Additional funding of £400,000 in 2001-02 and £150,000 for 2002-03 was allocated to the appeals service, which enabled it to recruit five permanent and 15 casual staff, and to increase the number of cases

heard. The successful bid and the resources that were secured in the June monitoring round — some £600,000 — will ensure that the number of hearings arranged during 2002-03 will increase to approximately 25,200. That will substantially reduce the number of outstanding appeals and the time taken to clear them, which I am sure that the House will welcome.

**Mr Shannon:** Are more people waiting for their cases to be heard in certain areas of the Province? Will the Minister provide Members with figures for areas that turn down more people than other areas do? If the Minister does not have those figures to hand, will he send them to Members?

**Mr Dodds:** I do not have figures that show the geographical breakdown. I shall send Mr Shannon as much information as possible.

3.45 pm

### Community Groups: Post-Peace II Sustainability

5. **Mr Armstrong** asked the Minister for Social Development for his assessment of the sustainability of community groups representing deprived areas in the post-Peace II period. (AQO 1693/01)

**Mr Dodds:** The voluntary and community sectors play an invaluable role in service delivery, capacity building and community development in deprived communities. I am aware of the financial difficulties, as a result of changes to funding programmes, that many community and voluntary organisations that work in such areas already experience.

However, it is too early to provide a definitive assessment of the impact that the cessation of Peace II programme funding will have on the voluntary and community sectors, but my Department has put procedures in place to enable such assessments to be completed. They will inform Government policy in supporting the voluntary and community sectors post-Peace II.

**Mr Armstrong:** I am sure the Minister agrees that much more must be done. Will he outline what progress has been made in implementing the findings of the Harbinson review, which considered sustaining the community and voluntary sectors in the post-Peace II era?

**Mr Dodds:** The Member can rest assured that work is under way on the post-Peace II evaluation. It is early days, but work continues and the matter will be pursued. The Harbinson Report, which was published by an interdepartmental group in April 2000, is a consultation document on funding for the voluntary and community sectors, and it contains several key recommendations. I am sure that the Member is aware that the main recommendations were: to develop performance indicators for voluntary community-based activity; to undertake work



on community infrastructure, particularly in identifying and addressing weak community infrastructure; to develop a database of Government and other funding for the voluntary and community sectors; to establish a forum for funders of the voluntary and community sectors; and to establish a task force to identify action to develop the medium- and long-term sustainability of those sectors. Sustainability is fundamental, and one of the report's key recommendations was the establishment of a task force. The task force's terms of reference are being assessed, and we hope to establish it as quickly as possible. Indeed, I held discussions on that very matter today.

**Mr Wells:** The Minister has rightly pointed out the possible effect that the loss of Peace II money will have on the community and voluntary sectors. How soon can he give us an assessment of that effect? We have had Peace I and Peace II funding, but does the Minister believe that it is desirable for community groups to be entirely dependent on that funding? If European money dried up, many of those organisations would go to the wall. Does the Minister agree that longer-term, sustainable funding should be introduced to ensure that those groups do not lurch from one crisis to another, crises that are caused by the difficulty of obtaining European funding?

**Mr Dodds:** That issue is crucial for many community and voluntary sector groups. When I meet representatives of those organisations, long-term sustainability and core funding are continually raised. Those people spend much of their energies, talents and efforts not in delivering the services that they exist to deliver but in filling in forms and chasing funding. Those tasks distract them from their real work. The Harbison Report is important because it identified that as a key issue. We will establish a task force to ascertain what can be done to ensure that people do not have to engage in such activity almost full-time at certain times of the funding cycle. It is unacceptable that people should have to depend on ad hoc funding for vital work.

I pay tribute to the work of the community and voluntary sector, which adds enormous value to, and complements, the work of Government in delivering real benefits to people.

**Mr McHugh:** Go raibh maith agat, a Cheann Comhairle. Although I thank the Minister for his answer to Mr Wells's question, I note that he has acknowledged the key work done particularly by women's groups and others who failed to get gap funding or further funding. Will he give direction to those people? Where can they go in order to continue the added-value work that they have been doing?

**Mr Dodds:** Gap funding has been a major issue because of the delay in some of the European programmes coming on stream. Gap funding arrangements introduced in 2001 have had to be extended. That has caused difficulties for many groups.

I know that a Member has tabled a question on the issue and, with due deference to that Member, I will answer the question in due course.

**Mr Speaker:** Sir John Gorman is not in his place for question 6, so I will call Ms Armitage.

### Housing Executive: Sale of Properties

7. **Ms Armitage** asked the Minister for Social Development to detail the implications for the Housing Executive in areas where it has sold more properties than it now owns. (AQO 1672/01)

**Mr Dodds:** The house sales policy can have various implications. For example, it helps to address affordability issues in certain areas by providing access to low-cost home ownership. It removes the ongoing property maintenance and improvement costs from the Housing Executive and has the potential to reduce the supply of available accommodation for re-let.

Although the highest levels of house sales tend to be in stable areas, with low levels of turnover for re-let, the impact on re-lets tends to be minimal initially and is felt only gradually over the long term. House sales policy can also have implications for the new build programme, depending on supply and demand factors, and can have an implication for staffing levels in local Housing Executive offices.

**Ms Armitage:** In an area I know well, the Housing Executive has sold 255 dwellings, leaving just 220 houses to let. In that area, the Housing Executive has now sold more houses than it owns. House sales continue at 17 to 18 each year, and there are 180 to 190 applicants. How does the Minister plan to deal with that situation? There is no new build programme because the land is not available or affordable in the area. The Housing Executive is the main provider of homes, so will the current situation continue until there is no hope of a young couple ever renting a house in the area they want? The Housing Executive has a responsibility to rent houses as well as sell them.

**Mr Dodds:** As the Member will know, the Housing Executive no longer builds new houses — that is a matter for housing associations. The house sales scheme has been an important entry point into the housing market. By the end of April, just under 95,000 tenants had bought their homes from the Housing Executive. Owning a home is an investment, and it is also an investment in local communities and has helped to create confidence and stability in local estates.

It is impossible for people to say, as the majority do, "I agree with the policy of the right-to-buy" and then say that problems arise in certain areas. We cannot apply the policy selectively; equality considerations mean that the policy must apply across the Province or not at all.



I hope that Members will agree that overall, people are very satisfied with the policy. People have voted with their feet — I was going to say that people have voted with their wallets — for this policy. The housing Bill extends the right to buy to housing association tenants, in addition to Housing Executive tenants. I am conscious of the issues that the hon Member raised concerning the area that she represents. We must balance those considerations. I am aware that high land prices in certain parts of the Province militate against the Housing Executive identifying land for social housing.

Where need is demonstrated, the Housing Executive considers new build. The principal means of assessing housing need is the waiting list. If it increases in an area as a consequence of a falling number of re-lets, the Housing Executive will consider introducing new social housing schemes to the programme, after it has assessed a range of other indicators such as availability in the private sector.

**Mr McGrady:** I thank the Minister for elucidating the problem. The house sales programme has been very successful, so much so that the pool of affordable social housing has decreased dramatically. As a consequence, people who are trying to take the first step on the housing ladder find it difficult to acquire social housing from the housing association. I agree with the Minister that one of the fundamental problems is land acquisition and the cost of land in areas that are under pressure. I suggest that the Department for Social Development, the Department of the Environment and its Planning Service, and senior policy officers from the Northern Ireland Housing Executive get around the table and think of a way to address the problems of acquiring housing in areas of high demand and the impossible costs that are pushing low-cost housing out of all reckoning.

**Mr Dodds:** I thank the Member for his suggestion. He has raised the issue before. This is a difficult matter, as many of the issues fall within the remit of the planning authorities. I am always happy to talk to planning officials, as I do regularly, wearing a number of different hats — sometimes to greater effect than others. I will consider the matter and his suggestion. There is a limit to which the Department can intervene, given the cost of land prices. The Member will be aware that the Department for Social Development has provided funds to the co-ownership scheme to enable people to take their first step on the home-ownership ladder.

With regard to the sale of houses and the subsequent shortage of social housing for renting, generally, the tenants who avail of the house sale schemes would remain as tenants of those houses, even if they were not sold to them. Therefore, those houses would not be available for re-let anyway. The numbers on the waiting list and the length of time that people have to wait are influenced by several factors, such as the number of re-lets becoming available, the newbuild programme, demand in particular areas, and tenants' areas of choice.

**Mr Morrow:** Could the Housing Executive borrow money for building new homes in the same way as housing associations?

**Mr Dodds:** The position on the borrowing of money is interesting. It is not the case that the Housing Executive cannot borrow money. The difficulty is that the Housing Executive's expenditure, regardless of the source of income, scores as public expenditure.

4.00 pm

It is far more effective for housing associations to build new homes in Northern Ireland. They can lever in private finance, which does not score for the purposes of public expenditure. The Minister of Finance and Personnel, who is in the Chamber, would surely concur with me. He will have listened to the Member's comments, and I am sure that he will do all that he can to change the system.

### First-time Buyers (South Down Area)

9. **Mr M Murphy** asked the Minister for Social Development for his assessment of the difficulties faced by young couples purchasing their first home in south Down, particularly in areas such as Rostrevor.

(AQO 1688/01)

**Mr Dodds:** I am aware that increases in house prices have created difficulties for first-time buyers in some parts of Northern Ireland. The problem tends to prevail in popular areas such as Rostrevor. However, affordability is not a problem in Northern Ireland because of the healthy state of our economy and our low interest rates. In general, first-time buyers can still acquire suitable homes.

**Mr Speaker:** I regret that we have come to the end of Question Time, so Mr Murphy will not be able to ask his supplementary question.

## **DRAFT BIRTHS, DEATHS AND MARRIAGES (FEES) (NO. 2) ORDER (NORTHERN IRELAND) 2002**

**The Minister of Finance and Personnel (Dr Farren):** I beg to move

That the draft Births, Deaths and Marriages (Fees) (No. 2) Order (Northern Ireland) 2002 be approved.

The Order is intended to provide for new registration and marriage fees, and it includes a proposed date for their introduction. The proposed fees reflect the increase in the cost of providing those public services since the enactment of the last fees Order in 1998.

Under the current law, fees are not charged for registering births, deaths and marriages, in accordance with statutory requirements, or for providing one copy of a birth entry at the time of registration. There is no intention to change those statutory provisions. However, fees are chargeable for the provision of marriage and death certificates, and for any further certified copies of registration events, including, where necessary, the searching of indexes and the retrieval of the record involved. Fees are charged for carrying out the preliminaries to marriage, such as giving notice, and the solemnisation of marriage. Under Government accounting rules, the cost of such chargeable services is recovered by means of a fees order, as provided for in the relevant legislation.

It is in that context that the Order comes before the Assembly. The General Register Office and register offices in each of the 26 district councils produce more than 140,000 certified copies of entries each year, for which a fee is chargeable. As the General Register Office holds in excess of 8.5 million register entries — the majority in bound paper format — the process requires significant administrative input. It involves receiving moneys, searching indexes, retrieving entries, producing a certified copy, undertaking the necessary checking, and the subsequent dispatch of the requested certified copy. The General Register Office's efficiency has increased and is programmed to continue to do so in the forthcoming years. Further major improvements will depend on the development of plans to electronically capture the actual register entries, thus creating a fully computerised system.

Since the last fees Order, the General Register Office has improved significantly the options for delivering registration services by introducing new facilities. The public are no longer restricted to applying for certified copies during office hours; they can now order certificates on the Internet or by using a programmed 24-hour telephone answering service. Customers can also pay online using a credit card. In recognition of that and other developments, the General Register Office was awarded Charter Mark status in 2000. Current customer satisfaction surveys indicate that the office has achieved a satisfaction rate of

98%, and the office has received unsolicited letters in praise of the service.

To develop the service still further, it is planned shortly to undertake a comprehensive review of registration. An important part of that review will be the issue of a public consultation document. That will invite views on what the public expect from the registration service of the future. The planned consultation document will pose questions on a wide range of issues, from alternative means of registering vital events and provision of possible new services — for example, providing the facility for the reaffirmation of marriage vows for those who have married by civil ceremony — to the opening up of historic records for genealogical purposes.

As I mentioned, the General Register Office is required to cover the cost of chargeable services, including those provided by local register offices based in each district council area. The last fees Order was in 1998, and increases are now necessary, though these are comparable with increases in other public service provisions. The cost of each fee has been calculated individually using work study analysis and takes into account the full range of costs involved, including staffing, ancillary services and other costs such as rent and maintenance.

A similar cost recovery system also operates in Scotland, and in England and Wales. Passage of the Order will ensure, as has been the case here and in GB, that the cost of producing chargeable certificates is borne by the parties requiring such certificates and not by the public purse as would otherwise be the case. However, Members will wish to note that the new levels of fees in Northern Ireland for certificates issued from the General Register Office are lower than the corresponding fees for certificates issued centrally by the General Register Office in England and Wales, and from all offices in Scotland.

The Committee for Finance and Personnel has considered the Order, and no objections have been raised. Therefore I commend the Order to the Assembly.

*Question put and agreed to.*

*Resolved:*

That the draft Births, Deaths and Marriages (Fees) (No. 2) Order (Northern Ireland) 2002 be approved.

## **REGULATION OF INVESTIGATORY POWERS ACT 2000 (AMENDMENT) ORDER (NORTHERN IRELAND) 2002**

**The Junior Minister (Office of the First Minister and the Deputy First Minister) (Mr Leslie):** I beg to move

That the Regulation of Investigatory Powers Act 2000 (Amendment) Order (Northern Ireland) 2002 (SR 183/2002) be affirmed.

I want to outline the background to the Order and the reasons for introducing it to the Assembly. The Regulation of Investigatory Powers Act 2000 received Royal Assent on 28 July 2000. The Act's main purpose is to ensure that the relevant investigatory powers are used in accordance with human rights. It updates the law on the interception of communications to take account of technological change, such as the growth of the Internet. It also puts other intrusive investigative techniques on a statutory footing for the first time. It provides new powers to help combat the threat posed by the rising criminal use of strong encryption and ensures that there is independent judicial oversight of the powers in the Act.

Part II of the Act, governing the use of covert surveillance, was brought into force to ensure that current surveillance operations are properly regulated and fully compliant with the Human Rights Act 1998, which came fully into force on 2 October 2000. Part II of the Act regulates activities such as the use of agents or informants, which have been used for many years by the law enforcement, security and intelligence agencies. This part of the Act also provides a legal basis for the surveillance activities presently carried out by a wide range of Departments in pursuance of their duties. Up until now, these activities have been authorised on a non-statutory basis. However, the Human Rights Act 1998 now requires there to be a legal framework in place for these activities.

Section 31 of the Act gives the Office of the First Minister and the Deputy First Minister an enabling power to make an Order under section 30 for the purposes of granting authorisations for conducting covert surveillance activities and/or the use of sources in Northern Ireland. It is by virtue of that power that this Statutory Rule has been prepared.

This Statutory Rule will list the public authorities in Northern Ireland that will be authorised to use covert surveillance, meaning the use of human intelligence sources under section 29 of the Investigatory Powers Act 2000 and/or the use of direct surveillance under section 28 of the Investigatory Powers Act 2000, as part of their normal work. It will then be necessary to prepare a second Statutory Rule that will list the rank or position of the official designated to authorise the surveillance in respect of the organisation. That will be

submitted to the Assembly for approval once approval to this Rule has been obtained.

Members may wonder why those measures cannot be combined in a single Order. I am advised that there is a technical reason for that to do with the wording of the enabling provision in the parent Act. However, that will not alter the substance or effect of the provisions.

Surveillance plays a necessary part in modern life. It is used to target criminals, protect the public from harm and prevent crime. The Order will authorise the use of covert surveillance. That type of surveillance should be distinguished from general observation, which forms part of the duties of many law enforcement officers and other public bodies. For example, Customs and Excise officers may covertly observe and visit a shop as part of their enforcement function to verify the supply, or level of supply, of goods or services that may be liable to attacks. Such observation may involve the use of equipment to reinforce normal sensory perception, such as binoculars or a camera, where that does not involve systematic surveillance of an individual.

Such low-level activity will not usually be regulated under the provisions of the Investigatory Powers Act 2000; neither does the provisions of the Act cover the use of overt closed-circuit television surveillance systems. Members of the public are aware that such systems are in use for their protection and to prevent crime. The Order will cover the use of covert surveillance techniques and the use of covert human intelligence sources. The use of agents or informers has never been the subject of statutory control in this country. However, their continued use is essential to the maintenance of law and order and the protection of the public.

We introduce the Order following thorough equality impact assessments, public consultation and scrutiny by the Committee of the Centre. The equality impact assessments were carried out by individual Departments on the public authorities and activities for which they are responsible. While the assessments concluded that some differential impact is likely from the use of covert surveillance, that would not adversely affect equality of opportunity.

A public consultation exercise was carried out between February and April 2001. Over 800 copies of the consultation document were issued, and 19 responses were received, all of which were in favour of the proposal.

In conclusion, the Regulation of Investigatory Powers Act 2000 (Amendment) Order (Northern Ireland) 2002 is needed to ensure compliance with the Human Rights Act 1998 on surveillance activities. It does not introduce any new activities but merely puts existing surveillance activities on a statutory footing — activities that are essential for the protection and the continued well-being of the people of Northern Ireland.



I commend the Order to the Assembly.

**The Deputy Chairperson of the Committee of the Centre (Mr Gibson):** The Committee of the Centre considered this Statutory Rule several times and, after clarification on a host of areas, is content. As the Minister said, the Regulation of Investigatory Powers Act 2000 is an Act of Parliament that received Royal Assent on 28 July 2000. It was enacted before the Human Rights Act 1998 came into effect in October 2000 to ensure that investigatory powers had a basis in law as required by article 8 of the European Convention on Human Rights.

In autumn the Committee expects to receive another Statutory Rule listing the rank and position of the officials who will be able to authorise the use of surveillance by each of the bodies listed in the Order. The Committee considered the reasons the bodies listed needed to be able to carry out surveillance and use covert human intelligence sources. We were careful to scrutinise the Department's work on equality impact assessments, given the impact on human rights.

4.15 pm

The Committee considered the draft Statutory Rule on Wednesday 26 June. When taken together with the Examiner of Statutory Rules' report, the Committee is satisfied.

**Mr Molloy:** Go raibh maith agat, a Cheann Comhairle. I have concerns about the human rights aspect. Has the Northern Ireland Human Rights Commission had an input? Has it examined that draft Statutory Rule and given an opinion on its effect on the legislation?

Statutory Rules can look well on paper, but their implementation, and the way that they have been abused in the past, is a matter for concern. It is not only about the right to conduct covert operations, it is a question of how those covert operations are used, who they are targeted against, and how authority can be misused, as we have seen time and time again.

Concerns arise over who will implement the various Regulations, and whether they are being directed against one section of the community or the other. Who will regulate and oversee the Regulations? Who ensures that there is proper scrutiny? I am concerned that the entire issue of covert operations, and the cloak-and-dagger operations that we have seen in the past, put us on dangerous ground.

I would have thought that this legislation was outside of the power of the Assembly, because it encroaches on the issue of security, over which we do not have any control. In examining how we shall implement the Regulation, we must have some sort of guarantee that the human rights legislation has been complied with, that there has been proper scrutiny and that we ensure that the Regulation, if passed by the Assembly, is properly monitored.

**Mr Leslie:** I thank Members for their contributions, and in particular, the Committee of the Centre for its support in introducing the Regulation. I shall deal with the points raised by Mr Molloy; however, as he almost acknowledged in his remarks, the points that he made are not relevant to this Regulation. We are regulating the activities of the devolved Administration. Seven of the 11 Departments can envisage that they might use powers covered by the Regulation. Other Departments could not see any circumstances in which they would.

The circumstances in which the Regulation would come into force are easy enough to imagine: the Social Security Agency may check suspected benefit fraud; the Department of Health, Social Services and Public Safety may check suspected prescription fraud; and in the field of environmental health, officers are engaged in surveillance of the supply of unfit meat. Those are the type of uses that it is envisaged the Regulation will cover. The Human Rights Commission was consulted but made no response.

The question of when a commission and a tribunal will be established will be examined as soon as possible. That tribunal will have relevant functions of monitoring and reviewing the use of the powers in the Orders and considering complaints about the use of those powers. If safeguards are required, they will be in addition to the normal avenues of legal challenge that are being made available.

I hope that I have assured the Assembly that the Order is neither a snoopers' charter nor the beginnings of a "Big Brother" state. Equally, it is not an impediment to the lawful, necessary and proportionate use of surveillance for the public good. It is a necessary step: a measure that will place surveillance on a proper statutory footing; a measure that will ensure proper controlled monitoring and review of the use of surveillance; and a measure that will facilitate the effective use of law enforcement for the good of society, while protecting the rights of the individual.

*Question put and agreed to.*

*Resolved:*

That the Regulation of Investigatory Powers Act 2000 (Amendment) Order (Northern Ireland) 2002 be affirmed.



## **DRAFT FAIR EMPLOYMENT (MONITORING) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2002**

**The Junior Minister (Office of the First Minister and the Deputy First Minister) (Mr Haughey):** I beg to move

That the draft Fair Employment (Monitoring) (Amendment) Regulations (Northern Ireland) 2002 be approved.

I am pleased to bring these technical but important Regulations before the Assembly. Their purpose is to ensure that the Administration has up-to-date information that is compatible with other statistical information and which will enable trends in employment to be better identified.

Most employers in Northern Ireland are required by law to submit monitoring returns to the Equality Commission annually. Part of that process involves providing workforce information on the basis of nine occupational groups ranging from managerial to elementary occupations. These groups are based on the 1990 Standard Occupational Classification, which has recently been reviewed and updated by the Office for National Statistics.

These Regulations will amend the Fair Employment (Monitoring) Regulations (Northern Ireland) 1999 to ensure that information on the profile of each workforce is provided on the basis of the new occupational groups. That means that employers will be monitoring information on a basis that is compatible with and comparable to other statistical sources of data such as the 2001 census or the labour force survey. The Regulations will take effect from January 2004. In other words, monitoring returns submitted on or after that date will have to provide information on the basis of the revised occupational groups.

Since monitoring information in relation to applicants, appointments, promotions and leavers relates to the 12-month period before the date of the return, employers will have to start gathering information from January 2003 onwards on the basis of the new categories. Making the Regulations now will allow enough time for the Equality Commission to prepare employers for the necessary change.

To assist employers in reclassifying their workforces a revised index for classifying job titles will be provided at no cost to the employers. The index lists about 10,000 occupations and will enable employers to identify the appropriate grouping code accorded to the various occupations among their workforce.

The Office of the First Minister and the Deputy First Minister has commissioned research on the likely cost of implementing the Regulations, and the research indicates that the change will have a minimal financial impact on employers. There will be a small initial cost

because of the need to reclassify existing employees according to the new groupings, but thereafter there will be no recurring expense. A regulatory impact assessment has been completed on the Regulations and copies have been placed in the Assembly Library.

Employer representative bodies, the trade unions and the Equality Commission have been consulted and are supportive. The Examiner of Statutory Rules has scrutinised the Regulations and he has said that there is nothing of any importance that needs to be brought to the attention of the House.

**The Deputy Chairperson of the Committee of the Centre (Mr Gibson):** The Committee considered the Statutory Rule. It amends the standard occupational classifications which employers use to make the monitoring returns under fair employment legislation. The Committee considered the rule at its policy development stage several times and deferred its decision until the First Minister and the Deputy First Minister had consulted with employers on the proposals and on the additional cost to them in reclassifying employees.

The Office of the First Minister and the Deputy First Minister has informed the Committee that there will be a one-off cost of approximately £127 million for the private sector and £102 million for the public sector. Employers have said that they are generally supportive of the proposal, which is surprising. The Committee considered the Statutory Rule on 26 June 2002 together with a report from the Examiner of Statutory Rules. Therefore I confirm that the Committee is satisfied.

**Mr Ford:** As Mr Haughey said on behalf of the Office of the First Minister and the Deputy First Minister and Mr Gibson confirmed on behalf of the Committee of the Centre, the Regulations deal with updating employment categories in accordance with the Office for National Statistics requirements. How long do Ministers expect the updating of categories to have effect?

In 1975, fair employment was introduced; there was also the Fair Employment Agency, the Fair Employment Commission and the Equality Commission. In the mid 1970s, procedures were needed to ensure fairness of employment and to monitor how employment operated to ensure that a balance was being struck. However, the assumptions of the 1970s are being extended to today's processes in a way that is becoming untenable. A quarter of a century ago, we could have said that people were Catholics or Protestants; if they were not Catholics they were Protestants, whether Hindu Protestants, Jewish Protestants or agnostic Protestants. However, society has changed significantly. One of the previous categorisations of religious balance was the question of the primary school one attended, but integrated education is now having an effect on that.

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

The increasing number of ethnic minority citizens in Northern Ireland is also bringing a change in minority religious backgrounds, which disturbs the traditional pattern. The undoubted increase in secularisation is making categorisation on the basis of religious belief dubious. Society has changed in all those respects.

In the 1970s, fair employment had to be fought for against violent opposition from many Unionists; it was seen as a Nationalist campaign against Unionists. However, that has also changed significantly. Fair employment is now the presumption in the public sector and in the private sector, and it is seen as the way in which people move forward and the necessary way to ensure that balance is maintained and that fairness and equality are provided to all citizens in their work.

However, the Regulations do not merely produce categorisation of types of employment; they produce categorisation of types of people. They perpetuate divisions; they stick people into pigeonholes, which may or may not be appropriate; and they continue to divide society. I thought the aim of the Good Friday Agreement — which the Assembly has been seeking to achieve for four years — was to unite to produce a new society moving forward in a different way.

I would like to ask two simple questions. First, as a matter of record, if the categories are straightforward and simple, will the Ministers explain what category police officers fall into? Unfortunately, they are recruited on a sectarian headcount and not by appointing the best person for the job. Secondly, if the implementation date for the Regulations is January 2004, how much longer does the Office of the First Minister and the Deputy First Minister think it will be necessary to divide up people in Northern Ireland rather than starting to build a united society?

**The Junior Minister (The Office of the First Minister and the Deputy First Minister) (Mr Haughey):** I thank Mr Gibson, the Deputy Chairperson of the Committee of the Centre, for his remarks. He may have overstated the costs involved in making the changes. The average additional staff cost for the public sector is estimated at £127, not £127 million.

That is compared to £102 for the private sector. Within the private sector, the average additional staff cost ranges from £52 for small businesses to £185 for large businesses. Mr Gibson was correct if you take the million out of his remarks and change it to £125, £52 and £107.

4.30 pm

With regard to categorisation according to religion, I draw Mr Ford's attention to schedule 1 of the Fair Employment (Monitoring) Regulations (Northern Ireland) 1999, where it is allowed that people may be categorised

“(i) as Protestant;

(ii) as Roman Catholic;

(iii) as if the community to which they belong cannot be determined”.

There is a third category for people who do not wish to be seen, or who cannot be seen, as belonging to either of those categories.

**Mr Ford:** I was once required to fill in a monitoring form for a public appointment that gave the options as something described as “the Protestant community”, “the Catholic community” or “neither” with the caveat, “Do not use the last one because we will find out what you are anyway” — I paraphrase, but that was the implicit direction. Can the junior Minister confirm that it is acceptable that those who do not wish to be categorised may in all circumstances ask to be regarded as “other”?

**Mr Haughey:** I cannot comment on a form that I have not seen that the Member may have filled in, or seen, in the past. The Regulations that we are currently dealing with allow for a categorisation of people under the definition, “as if the community to which they belong cannot be determined”, and that is how it stands. It has been examined by the Examiner of Statutory Rules, who stated that there is nothing in it that requires to be drawn to the attention of the Assembly.

Mr Ford made some more general remarks about how long this type of categorisation will be needed. It will be needed as long as there is unease or prejudice in the community that causes difficulties in fair employment. If at some stage in the future, because of the measures that we take in the name of fair employment, the general feeling in the community is that there are no longer any grounds for apprehension about fair employment procedures, these rules may be relaxed. However, that is a matter for the future. I doubt that Mr Ford would dispute the fact that there is unease in both sections of the community. *[Interruption]*.

**Madam Deputy Speaker:** Order.

**Mr Haughey:** There is unease in the community about whether employment procedures are fair, and that applies to both the private and public sectors. As long as the apprehension and fear persists, we will have need for Regulations of this kind.

The monitoring that we have carried out under fair employment legislation has had an effect on ensuring equality of opportunity. One has only to look at employment figures, particularly in the public service and the Civil Service, to see the effect of fair employment legislation. Consultation on the single equality Bill will provide an opportunity to look at those matters afresh.

Mr Ford mentioned the categorisation of police officers. I do not have the 10,000 categories in front of me, and I am sure Mr Ford would not expect me to. However, I will write to him to indicate where they are

placed in the categorisation. I commend the Regulations to the Assembly.

*Question put and agreed to.*

*Resolved:*

That the draft Fair Employment (Monitoring) (Amendment) Regulations (Northern Ireland) 2002 be approved.

## **CHANGE OF COMMITTEE MEMBERSHIP**

**Madam Deputy Speaker:** I propose, by leave of the House, to put the Questions on these motions en bloc.

### **Committee for Agriculture and Rural Development**

*Resolved:*

That Mr Pat Doherty shall replace Mr Mick Murphy on the Committee for Agriculture and Rural Development. — [*Mr Maskey.*]

### **Committee for Culture, Arts and Leisure**

*Resolved:*

That Mr Mick Murphy shall replace Ms Mary Nelis on the Committee for Culture, Arts and Leisure. — [*Mr Maskey.*]

### **Committee for Education**

*Resolved:*

That Mr Mitchel McLaughlin shall replace Mr Barry McElduff on the Committee for Education. — [*Mr Maskey.*]

### **Committee for Employment and Learning**

*Resolved:*

That Mr Barry McElduff shall replace Mr John Kelly on the Committee for Employment and Learning. — [*Mr Maskey.*]

*Resolved:*

That Ms Michelle Gildernew shall replace Ms Mary Nelis on the Committee for Employment and Learning. — [*Mr Maskey.*]

### **Committee for the Environment**

*Resolved:*

That Ms Mary Nelis shall replace Mr Mick Murphy on the Committee for the Environment. — [*Mr Maskey.*]

### **Committee for Social Development**

*Resolved:*

That Ms Mary Nelis shall replace Ms Michelle Gildernew on the Committee for Social Development. — [*Mr Maskey.*]

### **Committee of the Centre**

*Resolved:*

That Mr Pat McNamee shall replace Mr Alex Maskey on the Committee of the Centre. — [*Mr Maskey.*]

*Resolved:*

That Dr Dara O'Hagan shall replace Mr Conor Murphy on the Committee of the Centre. — [*Mr Maskey.*]

### **Business Committee**

*Resolved:*

That Ms Sue Ramsey shall replace Mr Alex Maskey on the Business Committee. — [*Mr Maskey.*]

### **Committee on Standards and Privileges**

*Resolved:*

That Mr Mick Murphy shall replace Mr Pat McNamee on the Committee on Standards and Privileges. — [*Mr Maskey.*]

### **Public Accounts Committee**

*Resolved:*

That Mr Conor Murphy shall replace Ms Sue Ramsey on the Public Accounts Committee. — [*Mr Maskey.*]

## **PRIVATE NOTICE QUESTION — 'DEVELOPING BETTER SERVICES'**

**Madam Deputy Speaker:** I have received notice of a private notice question under Standing Order 20 to the Minister of Health, Social Services and Public Safety. I do not see the Minister in the Chamber.

**Mr Molloy:** On a point of order, Madam Deputy Speaker. The Minister has been in the Chamber twice. She has been contacted and is on her way. I suggest a few minutes' delay to let her get to the Chamber.

**Madam Deputy Speaker:** The Minister is aware that timings have been inaccurate. However, she is now in her place.

**Mr Byrne** asked the Minister of Health, Social Services and Public Safety, in relation to her proposals 'Developing Better Services', to outline (a) the status of her proposals and whether they have Executive approval; (b) the extent of formal negotiations with her counterpart in the Irish Government on the provision of acute hospital services in the border areas in conjunction with the health authorities in the Irish Republic; and (c) if she would consider extending the consultation period on her proposals to allow sufficient time for all concerned parties to make a formal submission to her Department; and to make a statement.

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Rinne an Coiste Feidhmiúcháin plé ar na moltaí in 'Seirbhísí Níos Fearr a Fhorbairt' ag a gcruinniú ar 18 Márta, 24 Aibreán agus 29 Bealtaine nuair a chinn an Coiste Feidhmiúcháin gur chóir an páipéar a fhoilsiú le haghaidh comhairliúcháin.

Bunaíodh grúpa seirbhísí na-ospidéal réigiúnach Thuaidh/Theas, fo-ghrúpa de chuid na Comhairle Aireachta Thuaidh/Theas, i 2000 le feiceáil arbh fhéidir páirtíochtaí a fhorbairt agus réimsí seirbhíse a aithint ina mbeadh comhthairbhíe trasteorann nó uile-oileáin i gceist. Leanfaidh seo ar aghaidh. Labhair mé fosta leis an Aire Sláinte agus Leanaí sa Deisceart roinnt uaireanta faoi na moltaí atá agamsa le seirbhísí ospidéal anseo a nuachóiriú, agus d'aontaigh muid teacht le chéile le tuilleadh plé a dhéanamh ar na hábhair seo. Bhí caibidil ag an bhuan-rúnaí agus ag an rúnaí ginearálta agus bhí comhfhreagras eatarthu ar an ábhar.

Thoisigh an tréimhse chomhairliúcháin ar 12 Meitheamh agus leanfaidh sí ar aghaidh go dtí 30 Meán Fómhair. Sin sé seachtainí déag ach sa bheag, agus ba chóir do dhaoine a gcuid freagraí a sheoladh chuig an Roinn faoin dáta seo. Mar sin féin, coinneoidh mé an dáta deiridh faoi athbhreithniú.

The proposals that were set out in 'Developing Better Services' were discussed by the Executive at meetings on 18 March, 24 April and 29 May 2002, at which time



the Executive agreed that the paper should be issued for consultation.

The regional hospitals group, a subgroup of the North/South Ministerial Council, was established in 2000 to consider the opportunities for developing partnerships and identifying service areas where cross-border or all-island co-operation can be of mutual benefit. That work will continue.

I have spoken on several occasions to the Minister for Health and Children in the South about my proposals for modernising hospital services here. We have agreed to meet to discuss further those matters. In addition, the permanent secretary of my Department and the secretary general of the Department of Health and Children have had discussions and exchanged correspondence on the matter.

The consultation period began on 12 June and will continue until 30 September, giving almost 16 weeks for consultation. People should aim to have their responses with the Department by that date. However, I will keep the end date under review.

**Mr Byrne:** Although I thank the Minister for her answer, I am disappointed by its tone and content. Does she agree that if her proposals are implemented, Omagh will be left with a cottage hospital that is tantamount to a glorified health centre? Furthermore, does the Minister agree that the people of west Tyrone, like all other citizens in Northern Ireland, are entitled to good-quality, hospital-based acute services? That must happen if equality is to be real and relevant.

Will the Minister confirm that her Department has been reluctant and slow to develop meaningful cross-border co-operation on providing hospital-based health services? That would be very important and practical for all communities in the border zone, from Derry to Newry. Does the Minister agree that if her current proposals are implemented my constituents will feel that devolution is not giving them a very good deal?

**Ms de Brún:** I have already answered in great detail all the matters raised in the supplementary questions, during the last Question Time in which I participated and in my reports on North/South Ministerial Council meetings. I reiterate, therefore, that my proposals will give the people of Tyrone and Fermanagh access to acute hospital services. Services will be decentralised where possible and centralised where necessary to ensure that people have high-quality health and social services for the twenty-first century.

In keeping with reports that I have given, the Department and I have worked tirelessly to ensure that all avenues are open through the North/South Ministerial Council — and through bilateral ministerial talks, when the First Minister did not nominate me to attend the Council — to ensure meaningful co-operation with the South.

*Motion made:*

That the Assembly do now adjourn. — [*Madam Deputy Speaker.*]

## PLANNING AND DEVELOPMENT IN THE IMMEDIATE ENVIRONS OF THE STORMONT ESTATE

**Dr Adamson:** I apologise for my absence when this debate was scheduled before. Owing to extraordinary political circumstances, I had to be in another place.

I declare an interest as president of the Belfast Civic Trust and as a member of Belfast City Council's planning committee.

My objective is the protection of the built and natural environment of the Stormont estate and its immediate environs. Even the most cursory glance at an Ordnance Survey map of the area shows that Massey Avenue extends from Parkway, through the gates of the Stormont estate, and all the way up to the Carson memorial, where it intersects with Prince of Wales Avenue, the great ceremonial entrance to Parliament Buildings.

4.45 pm

Named after the famous Ulsterman, Sir William Ferguson Massey, who was Prime Minister of New Zealand from 1912 until 1925, Massey Avenue is the principal working entrance to the Stormont estate. The whole of Massey Avenue is, therefore, part of the concept of the Stormont estate and is intrinsic to that concept, as The Mall in London is intrinsic to the design and concept of Buckingham Palace and as the Avenue des Champs Elysées is intrinsic to the design and concept of the Arc de Triomphe in Paris.

By no stretch of the imagination, therefore, can Massey Avenue be described as just another street in Belfast's suburbia. It is one of the great ceremonial entrances to the Assembly and Parliament Buildings. It is the principal road used by the vast majority of people who work in Stormont and by the many people from all over the world who visit Parliament Buildings. Earlier today I met a delegation from Guatemala who had come by Massey Avenue to see Stormont. It is an integral part of Northern Ireland plc, on display to the whole world. The Queen came here on her Jubilee, and President Clinton came too. Many dignitaries continue to visit.

Massey Avenue is a remarkable and long-established townscape. As part of the approach to Stormont, it is unique, and, like the Stormont estate itself, demands unique treatment.

Madam Deputy Speaker and fellow Assembly Members, we have a duty and a responsibility, entrusted to us by the people, to protect this place. We do not discharge

that trust for selfish reasons, because this place is part of the heritage of all our people. The dignity and self-respect of the Northern Ireland people is bound up with Massey Avenue. It belongs to all of us, individually and equally.

To belittle Stormont and its surrounding environment is effectively to insult all the people of Northern Ireland whose place this is. That is not just an abstract idea or even an ideal. The grounds of Stormont are a much-used public park, open to all and well-used by the people for the people. We have the honour to be its custodians. The responsibility for protecting the built and natural environment of Stormont and its approach routes should not be delegated to others. It is something we should control directly, and over which we should have special vigilance.

I am, therefore, very sorry and aggrieved to report to the House that a developer plans to build a block of apartments at the very gates of Parliament Buildings. That idea is simply horrendous, and it should, and must, be stopped. A four-storey block of flats, finished in red brick, is planned for the rear of the bank building at Stormont's gates in Massey Avenue. That bank building is well known to Members. It is finished in the same Portland stone as Parliament Buildings; it is consonant with the design of Stormont. It is within the curtilage, the arc, of the grand entrance gates of Stormont, and yet a developer plans to erect to its rear a blot on our landscape — yet another apartment block in a city already awash with them.

I am grateful for the Minister's presence today. I refer him to policy QD1 of Planning Policy Statement 7, 'Quality in New Residential Development'. It states that

"Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

The design and layout of residential development should be based on an overall design concept that draws on the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas."

Planning permission was refused for a one-storey dwelling to the rear of 32 Massey Avenue, yet the Environment and Heritage Service offered no objection to a four-storey block of flats to the rear of 33 Massey Avenue.

Where is the consistency? It is hard to explain, and hard for me to accept, which is why the supervision and protection of the built and natural environment of the Stormont estate must be a matter for the Assembly Commission, over which the House would exercise direct control.

Were it not for the vigorous campaign of the Massey Avenue residents to oppose the block of flats, with 168 of 170 residents writing individually to object to the

scheme, the developer would have been unopposed. The Massey Avenue residents have put the Assembly to shame in protecting our environment and in discharging our trust to the Northern Ireland people. Without any resources, power or authority, they have striven against the simple profit motive of a developer.

Belfast City Council's planning committee has rejected the developer's proposal. It was a democratic voice on the matter, which raises the wider problem of the planning process. There does not seem to be mandatory democratic input at any stage. The council's planning committee, under our present regime, is merely advisory.

If we were to raise the planning process issue, the stock reply would be that it must wait for the local government and public administration review, which is why I am concentrating on the built and natural environment of the Stormont estate and its environs. It is an urgent matter, hence the Adjournment debate. It must be acted on now, not kicked into touch. If the Assembly cannot act to protect its built and natural environment, what can it do?

I remind the House of a phrase on the home page of the Assembly's web site, which states that the Northern Ireland Assembly was established as part of the Belfast Agreement and meets in Parliament Buildings. The Assembly is the prime source of authority for all devolved responsibilities and has full legislative and executive authority. It is time to assert that authority.

The proposed block of flats is deeply out of character with the Massey Avenue townscape. However, in the context of Parliament Buildings and the Stormont estate, it is much worse. I ask the Minister to review the situation. The only way in which he can act convincingly is to introduce immediate legislation to create a Stormont designated area, within which the Assembly Commission is the sole planning and regulating authority, which would give the Assembly control of its environment.

A precedent exists for such legislation. In 1933, SRO 25 was introduced under the Planning and Housing (Northern Ireland) Act 1931, which created a similar cordon sanitaire, called in those days the "Stormont Prescribed Area". That made the Minister of Finance the planning authority for a district that extended down Massey Avenue as far as the Castlehill Road. It is an extremely and eminently sensible move, and I commend it to the Minister and to the House.

**Mr K Robinson:** I should like to pick up on a point about the planning process that my Colleague Dr Adamson raised but did not develop.

Many Members have felt for some time that the planning process in Northern Ireland is fatally flawed because there is no democratic input at any stage. However, that is not the case in England, where there is significant democratic input. The council planning

committees here have no such power, and it is interesting to note that the one democratic forum to which the proposed scheme was presented rejected it. The Assembly has been established for three years, and it is reasonable for many of us to ask when something will be done about planning. I appreciate why Dr Adamson restricted his debate to the built and natural environment in the environs of the Stormont estate.

There is an immediate crisis.

**Madam Deputy Speaker:** May I remind the Member that an Adjournment debate requires all Members to refer to the subject, which is, as he has suggested, planning and development in the immediate environs of the Stormont estate. I ask the Member to restrict his contribution to that subject.

**Mr K Robinson:** Thank you for that guidance, Madam Deputy Speaker, but I am coming closer to my point.

If we cannot do something about our own backyard, what can we do? Dr Adamson's tabling the debate was timely, and many Members agree on this subject, no matter what side of the House they come from. Indeed, this Massey Avenue business has become a test case for the Assembly's legislative virility and self-confidence. Dr Adamson rightly anticipated that if he had raised the sorry mess that the planning process has become, the ministerial response might have been to draw down the blinds and say that a public administration review is already under way and that it would be improper for the Department to act on a case before its findings were known.

In fact, the reverse is true. It would be highly improper for the Assembly not to act before the review has been completed; an answer given too late is no answer at all. The process may be delayed until it reaches the point at which there can be no impact, and the answer might as well have been "No".

It is understandable that many civil servants would have difficulty in adjusting to the new regime after 30 years of direct rule, but withdrawal symptoms are no excuse for the kind of inaction that we have witnessed over Massey Avenue. I cannot understand how any environment and heritage service worth its name could permit the building of a block of flats behind a listed building, such as the bank, which forms an integral part of the estate's entrance gate complex. That decision is bizarre when one learns that planning permission, which has already been mentioned, was refused for a one-storey dwelling at the rear of 32 Massey Avenue, while there were no objections to a block of flats behind number 33. How can that be? Such inconsistencies are simply unacceptable.

It is well known that the interest of any property developer is private profit: that is his or her concern, but it is not that of the House or of the Environment and

Heritage Service. That organisation does not exist to mediate and judge; it exists to protect our built and natural environment. It has failed to do that by not raising objections to this proposed blot on the landscape.

Massey Avenue is a long-established, mature and historic townscape. For example, the house closest to the gate, 'Storbrooke', was the home of the Prime Minister of Northern Ireland, Sir Basil Brooke, later Viscount Brookeborough, from 1934 to 1943. It then became the home of Sir Harry Mulholland, the Speaker of the Northern Ireland Parliament from 1943 until his death in 1971. This is an important part of our shared heritage. It would therefore be outrageous to the whole community to build a block of flats directly beside it. It would despoil part of the history of all the people of Northern Ireland. It should and must be stopped.

On 10 June, the Minister spoke of the need to evaluate

"historic landscape and townscape with a view to identifying local landscape policy areas and local policies for the protection and management of change." —[*Official Report, Hansard, Bound Volume 16, page 393*].

The Minister spoke of the need to protect historic buildings. I hope that the protection afforded to Massey Avenue, the gate complex of Stormont, Parliament Buildings and the historic houses in Massey Avenue itself will be greater than that which was given to the Seamus Heaney house, over which the Minister was rightly, and justifiably, angry.

5.00 pm

The Minister also spoke of the need to preserve a

"pattern of streets, properties and spaces" - [Official Report, Vol 16, No 9, p395].

I call on him to reaffirm that protection for this most sensitive, showpiece site for Northern Ireland. If we cannot protect the built and natural environment of Stormont and its main approach road, the Assembly can protect nothing, and we deserve to be judged as people who had power to take action, but who did nothing to protect our heritage for future generations.

I have grave worries about the answers the Minister gave to the written question AQW 4112/01 on 20 June 2002. He told me that of the planning applications by property developers before the Planning Appeals Commission in the last two years, 70 were successful and only 15 unsuccessful. That represents an attractive success rate for developers and an easy win situation that must be very satisfying for them. They can afford to pay for top legal experts, planning consultants, architects and so on, while residents groups usually scrape around for the means with which to mount an objection. That uneven playing field can no longer be tolerated. It is our duty to protect this most sensitive of environments for present and future generations.



**Madam Deputy Speaker:** Dr Paisley, do you have a point of order?

**Rev Dr Ian Paisley:** No, Madam Deputy Speaker.

**Madam Deputy Speaker:** You have not indicated, as yet, that you want to be on the list to speak. I was due to call Mr Peter Robinson, MP.

**Rev Dr Ian Paisley:** I am sorry.

**Mr P Robinson:** Madam Deputy Speaker, I am grateful for the opportunity to speak and will be brief so that my good Friend, Dr Paisley, can have the opportunity, as an east Belfast man, to have a say too.

I congratulate my Colleague from East Belfast, Dr Adamson, on raising this matter. All Assembly Members for the area were approached by the residents and share his concerns about the proposal and the attitude of the Planning Service to it. Even if the proposed development were not in the environs of Parliament Buildings, this would be an unsuitable application to permit in a residential area of this type and character. The Planning Service is following strange precedents in these matters. The fact has already been remarked upon that a much less offensive application was turned down, rightly, by the Planning Service, yet it finds this kind of proposal acceptable.

My concern is that the Assembly may have contributed, in some way, to the situation. I straddle both sides of the argument, being the Minister for Regional Development. I raised a concern in the regional development strategy about setting targets for the number of properties to be built on brownfield sites. That always requires the planners to increase the number of units they can get in inner-city areas, so town cramming starts, and there are applications and approvals for such developments. If the planners are to follow this line of giving approval to apartment blocks in what are clearly quality residential areas, it is very unsatisfactory.

The Minister has been savaged by his own Colleagues, and I come to his rescue as he has just taken over the position and will be wanting to stamp his authority on his Department. Here is an excellent opportunity for the Minister to show his officials who is boss in the Department of the Environment. I hope that he will rush back, call in his officials and say, "This is not on. You really do have to catch yourselves on. This is not an acceptable application."

I trust that the debate that Dr Adamson has launched will bring to the Minister's attention Members' serious concerns about what could set a precedent not only for east Belfast, but for the entire city. Attractive residential areas will lose their character because of the intrusion of apartment blocks. Once one is permitted in the back garden of one house, what is the case for refusing it in the back garden of another?

**Sir Reg Empey:** I thank Dr Adamson for bringing the debate to the House. With regard to the hon Member for East Belfast's comments, I fear that the Minister of the Environment may not have the opportunity to stamp his authority on this application. It has gone to the Planning Appeals Commission for a non-determination appeal. That may well mean that, rather than the Minister, an unaccountable group, such as the Planning Appeals Commission, will take the decision. Therein lies part of the difficulty.

When the application was made, residents were notified. Out of, I think, 193 people who were contacted, all but one opposed the application. That one person happened to be in the estate agency business. All too often, inappropriate developments are permitted. This is one such inappropriate development. To build a block of red-brick apartments behind a Portland stone building, in an area where the houses are all detached and residential, undoubtedly sets a precedent. It is inconsistent with good practice, as the apartments would be built in proximity to a listed building. I fail to understand the Environment and Heritage Service's response to the application. It effectively agrees to it in whatever form it has been submitted — whether that be for three, six or 12 apartments.

I do not understand how we can allow a red-brick apartment block to be built behind a listed Portland stone building. However, the most important issue is that the development would be out of character with the area. As Minister Robinson has just said, this is an area of high-quality individual family dwellings. There is not a single, solitary apartment block in the area, but if that development is permitted, there will be plenty. We see examples of that situation on King's Road as a result of the Planning Appeals Commission's overruling the Department's Planning Service by defeating its appeal and permitting the application. Now, every back garden on that road is one form or another of backland development. The application paid no attention to access or roads issues. The developers did not even apply the normal sight lines to the applications.

There is all but universal opposition to the application. Elected representatives and, more importantly, residents object to it. I ask the Minister to sit back and consider the application, because of the precedent that it will set. If approved, it would be impossible to prevent further applications, and the entire area's character would change dramatically. If the development is allowed to proceed, there will be no case for preventing others from building in people's back gardens.

I am indebted to my Colleague for raising this, and I apologise for not being here for his speech. Nevertheless, I want to express my view that in the ongoing review of planning processes and, I hope, in future administrative and legislative changes that the Minister



may wish to consider, issues surrounding this should be dealt with. The developer has gone for an appeal on the grounds of non-determination, which will be heard by the Planning Appeals Commission, and that will be that. That is not a satisfactory or democratic situation. Accountability in those circumstances is flawed, and I hope that the Assembly will rectify that in due course. I sincerely hope that Planning Service will take on board the views of the representatives and the people.

**Rev Dr Ian Paisley:** I am against this development. It is interesting that all the democratic input into this matter is completely opposed to this. The council, the MLAs from East Belfast, and the Member of Parliament for East Belfast are all opposed to it. We also have one lesser figure, the Member of the European Parliament for this area, who is opposed to it. We have all this democratic input, and what happens? It is overridden, rejected and trampled on.

However, the case is more interesting because a lesser application, which would not have offended the environment as much, was originally rejected, and this application, which drives a coach-and-four through planning rules, is going to be accepted. I do not know what the Minister's powers are, but he has an obligation to listen to, and take heed of, the democratic input. Also, he has a responsibility to the site itself — this Building, which belongs to all the people of Northern Ireland, and the environmental setting of this Building.

I agree fully with Sir Reg Empey. In east Belfast we are cursed with this type of development. A whole volume of planning permissions have been given for this "back of the garden" development. Where I live, we now have it in roads that were not afflicted with it before. We should be able to persuade the Minister to do something about this.

Unfortunately, he could not do anything about a house that was demolished. The history of the people should be preserved, even though I may not like who lived in the house, or what his views were. For historic reasons, that house should have been saved. That is why I lent my aid to preserve the house of Sir Edward Carson in Dublin, and I would do the same again. If Sir Edward Carson had not been a Unionist, but had been prominent on the Nationalist side, I would have taken the same position because of the history. The Minister came out into the open, wearing the armour of a shining knight, to preserve that house, and he should now do something to preserve this Building and the democratic input. He should help his Colleagues and myself, and no doubt he may even invite me back to his own constituency when he is electioneering in the future. The Minister can do something for us — so please do it. By doing it he will be helping this area and all the people living in it.

5.15 pm

**Mr Hamilton:** I agree with Minister Peter Robinson's general point about building apartments in unsuitable locations and their being out of character with surrounding properties. I also agree with Sir Reg Empey's view that permission given for one set of apartments often results in a mushroom effect. That can be seen by anyone who goes to Donaghadee in my council area and looks at what is happening there after permission was given for one set of apartments to be built.

As mentioned by Mr Ken Robinson, the protection of the built and natural environment of the Stormont estate is a test for the Assembly. On the one hand there is the Assembly, the democratic voice of all the people of Northern Ireland, and on the other there is an anonymous set of planners, topped by the Planning Appeals Commission, the unelected vestiges of a direct rule Administration strangely out of keeping with the new post-Good Friday Agreement world. Yet, it all remains at least until public administration is reformed at the end of 2003 after the next Assembly elections.

In many ways, it is offensive to the dignity of the Assembly and ultimately to the people of Northern Ireland that, simply because we have not decreed otherwise, the unelected planning edifice remains in all its direct rule glory, unaccountable for its actions to anyone. This state of affairs cannot be allowed to continue.

In the planning application to build a four-storey block of apartments at the very gates of Stormont itself, we have what amounts to a gauntlet thrown down by unelected planners to the elected democratic rights of the Assembly to protect the built and natural environment of Parliament Buildings. That is our bounden duty to the people of Northern Ireland who elected us.

Thornley, the architect who designed the very Building we are debating within, also designed the bank. The bank is a listed building and is finished in the same Portland stone as Parliament Buildings. It is part of the surroundings of the great Massey Avenue entrance gates to this Building and is clearly part of Thornley's landscape concept for the whole site, recently so eloquently displayed on a BBC aerial perspective programme. The bank garden is an integral part of the inter-related group of protected badger setts stretching from within the grounds of Stormont itself to halfway down Massey Avenue. Incredibly, despite all of this, the Environment and Heritage Service can offer no objection to a developer, whose sole motive is private profit, building a four-storey block of red-brick apartments slap up against the bank. Those apartments would be clearly visible from this Building, the area around Carson's statue and the residential properties that are not in character with an apartment development.

The House must ask serious questions about what on earth the Environment and Heritage Service thinks it is here to do. In the eyes of most reasonable people, it is not doing what it should be doing. So that the House is under no illusions that these are only my layman's opinions of the Environment and Heritage Service, let me inform Members that the opinions were expressed forcibly in a letter from the eminent architect, Prof James Stevens Curl.

Prof Curl expressed them in a letter to the Planning Appeals Commission on 23 July. He was the architectural editor of the survey of London and is the author of several standard works on architecture, including the Oxford Dictionary of Architecture. He is a liveryman of the Royal Institute of British Architects, a member of the Royal Town Planning Institute and a former fellow of Peterhouse College, Cambridge, and has held chairs at two British universities. He should know.

His language was strong. He said that it was incredible that the Environment and Heritage Service had concluded that there were no grounds to revise its advice to the Planning Service in relation to the proposed development at Massey Avenue. He called the proposals dismal and the designs feeble. He spoke of the weaknesses of the design of the proposed four-storey block of flats.

He also said that to judge from the Department's attitude, it would appear that nobody in the Department had taken the trouble to look at the site from the all-important avenue leading from Massey Avenue to the roundabout at Carson's statue, or, if someone had looked, that that person had failed to understand the effect that the proposed development would have. That will all be given an airing before the Planning Appeals Commission, but that is not the point.

Like many Members, I am gravely disturbed that every planning application in north Down — the area adjacent to Stormont — that has been decided in the last six months has gone in favour of the developer. Surely even the law of averages implies that something is wrong, or that something must be examined quickly.

The Assembly must send a clear and unambiguous signal to developers that it will not tolerate the destruction of our built and natural environment any longer. We need to grasp the nettle of legislation if the Environment and Heritage Service is failing to protect even our own built and natural environment in this Building and estate.

The Environment and Heritage Service wrongly located the entrance to the badger sett, and had to revise it after residents' protests. That has had the effect of pushing the proposed tower block to within a few feet of the fence of the Stormont estate. It would entail the demolition of a protected specimen tree listed on the

Environment and Heritage Service's map as number 17. The tree goes under the name of *Populus canadensis hybrid*. The Minister was threatening developers last week with limitless fines and prison sentences over the same sort of trees. Perhaps he needs to act in this landmark case.

**The Minister of the Environment (Mr Nesbitt):** I am conscious that when one speaks, one normally refers to the Opposition opposite. Those seats are empty. I see someone in the Gallery standing up and looking down to see if anyone is in the Opposition seats. I am mindful of the last day on which I sat in the House, when a Member said that although he was behind me, he would still say what he had to say. Every Member who spoke today was seated behind me or to my right, but not on the Opposition Benches in front of me.

I thank Peter Robinson for his kind words of concern as regards my Colleagues' comments to me, and for his advice on the basis that I am new to the post of Minister of the Environment. I will have to hotfoot it regularly between the Minister for Regional Development's office and mine on the seventh floor of Clarence Court to seek advice on the matter. We look forward to those exchanges. Do I detect a smile from the Opposition at the back?

I welcome the opportunity to discuss these important issues. I share many of the concerns and views expressed today. I have tried to express those concerns in public statements, interviews and, above all, in comments in the Assembly. I am committed to those views: to the protection of the environment, whether natural or built heritage; to the proper application of planning procedures; and to the rigorous application of enforcement and appropriate fines against those who do not adhere to those procedures. That goes without saying.

For almost 30 years, the Stormont estate was the sole preserve of direct rule Ministers and, dare I say it, civil servants. The grounds are now under the control of the accommodation office, and the Building is under the control of the Assembly Commission. Therefore, everyone in the Administration and the Assembly has a particular responsibility to preserve and enhance, even from a historical and political context, the estate. In his opening address, Dr Adamson referred to that:

"We have a duty ... to protect this place."

He also mentioned that the gate at Massey Avenue is the principal entrance to the grounds and that it is intrinsic to the concept of the Stormont estate. He compared it to The Mall and Buckingham Palace, and I empathise with that view. We must be conscious not only of this Building, but the surrounding estate. We must plan for and manage the Stormont estate and all our responsibilities in Northern Ireland. However, we must always act within the law. We can do only the best we can — no more or less.

My role, and that of my Department, is clear: it is to regulate within the law. I can do so only with the long-term consent of the Assembly and the Executive. We operate under the aegis of this body, which requires us to have a partnership in order to understand what needs to be done. Time is also required.

I presented the Planning (Amendment) Bill last week, and much has been said to me about what I need to do. This afternoon some Members have said what I should do. Can I do it? Not if the law does not permit me to. I can act only within the law. Number 33 Massey Avenue is at the heart of the matter. That shows how the planning process should work. The developers presented proposals that eventually came before the council. I think that Dr Paisley referred to the council and elected bodies. It is said that the planning committee of Belfast City Council deferred the application for this development on 3 August 2000 to allow the applicant to submit a revised scheme. That is important. A revised scheme for fewer apartments was submitted.

5.30 pm

The badger sett — dare I say it? — also became part of the process. That led to a further reduction in the number of apartments to be built. In their response to the Department of the Environment, council officials said that they were considering the revision of planning applications. However, when officials were considering the revised scheme, the developer submitted his application directly to the Planning Appeals Commission on 17 May. The decision will be made by the commission; it is out of my hands.

Dr Adamson and other Members asked about consistency in planning matters. They asked why the Department did not grant permission for one additional development at 32 Massey Avenue but permitted several at 33 Massey Avenue. A single development at 32 Massey Avenue was refused because it is a restricted site; that means that development would have had an adverse effect on the adjoining properties. The Department must act within the law. However, 33 Massey Avenue is a substantial site. It is set in mature grounds, and development would not have any direct impact on the adjoining residential properties.

Dr Adamson said that it was time for the Assembly to assert its authority in planning matters. However, the case in question has gone to the Planning Appeals Commission. That is the law, and the Assembly cannot exercise authority on the matter. One may wish to exercise authority and one may wish that the Assembly would wish to change the operation of planning appeals and the Planning Appeals Commission, but that is not possible. Authority does not lie with the Assembly; it lies with the Planning Appeals Commission.

**Rev Dr Ian Paisley:** What will the Minister's officials recommend to the Planning Appeals Commission? Will they fight the outcome?

**Mr Nesbitt:** I will come to that. That reminds me of what Mr Robinson said — my party Colleague, not my ministerial Colleague. It is wonderful to have Colleagues all around: a Robinson to the right of us, a Robinson to the left of us; into the valley of — but let us get back to business, as the hour is late.

Ken Robinson asked when the Department was going to do something about planning. I am endeavouring to do something about it, and that can be seen from last week's debate on the Planning (Amendment) Bill. Those Members who spoke today, but who were not present for that debate, should read Hansard and they will realise what I am trying to do about planning.

Peter Robinson said that building a block of flats behind a listed building simply could not happen. He said that it would not suit the character of the area when compared with 32 Massey Avenue. It is an attractive residential area, and it would lose its character. I have written "savaged by his Colleagues", but I wonder why I did that? Anyway, that is neither here nor there.

Planning policy on listed buildings states that development proposals

"will normally only be considered appropriate where all the following criteria are met: (a) the detailed design respects the listed building in terms of scale, height, massing and alignment; (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building and; (c) the nature of the use proposed respects the character of the setting of the building."

That refers to the development affecting the setting of listed buildings, and that is reasonably clear. My departmental officials have assured me that the plans subscribe to those criteria. Those are the policy guidelines that we have to deal with.

Ken Robinson said that 70 appeals to the Planning Appeals Commission were successful, and 15 were unsuccessful. He said that it is easy for developers to go the Planning Appeals Commission because they get their way more often than not. He said that that could no longer be tolerated, but it will take time to do something about it. I am not unsympathetic to ensuring that the responsibility for aspects of development is within elected arenas.

I understand the arguments. However, it is easy to say that it can no longer be tolerated and something must be done immediately; it is more difficult than that. Sir Reg Empey, when talking about planning appeals, said something appropriate. He quoted Mr Peter Robinson as saying that I should put my stamp of approval on the matter and that I should tell my officials what the position is. However, as he said, I cannot do that because the case has gone to the Planning Appeals Commission.

The chronology of the case is as follows: on 17 May, the Planning Appeals Commission wrote to the Department saying that the case had been appealed under article 33 of the 1991 Order. I received a briefing on

31 May for a debate on 5 June, and that is when I became aware of the issue, but it had already gone to the Planning Appeals Commission. Therefore I am afraid that I cannot put my stamp on it.

Dr Paisley asked what officials advised the Planning Appeals Commission. They advised the commission, in line with the policy, that at the moment the application would be approved.

**Madam Deputy Speaker:** I do not wish to cut the Minister off in his prime, but I advise him that the debate has only two or three minutes left to run.

**Mr Nesbitt:** I shall not respond to the full thrust of your statement, Madam Deputy Speaker. I am almost finished.

**Several Members:** Hear, hear.

**Mr Nesbitt:** I hear, “Hear, hear.” from all around.

To conclude, Dr Paisley asked me to do something about the situation. Planning is not perceived as a wonderful thing in Northern Ireland. As I have mentioned previously, economist John Simpson said in the ‘Belfast Telegraph’ some weeks ago that everyone has something to say about the planning process, just as everyone has something to say about the weather — but at least on some days the weather is good.

Individuals in the Planning Service are doing their level best. They have resource constraints, and they are under increasing demands by those seeking planning approval. However, I assure Dr Paisley that I intend to do something about planning.

*Adjourned at 5.42 pm*



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# NORTHERN IRELAND ASSEMBLY

Tuesday 2 July 2002

*The Assembly met at 10.30 am (Mr Deputy Speaker  
[Mr J Wilson] in the Chair).*

*Members observed two minutes' silence.*

## REINVESTMENT AND REFORM INITIATIVE

**Mr Deputy 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 reinvestment and reform initiative.

**The First Minister (Mr Trimble):** I understand that the statement is being photocopied now. It should be available shortly. I hope that copies can be distributed to Members while the Deputy First Minister and I are speaking, rather than being left outside the Chamber. The Deputy First Minister would also like a copy.

With permission, the Deputy First Minister and I would like to make a statement on how we are starting to implement the reinvestment and reform initiative. Through this first phase of the initiative we can target £200 million on key aspects of the infrastructure of Northern Ireland. We are adding a further £70 million to that sum from the infrastructure Executive programme fund. Over the next two years that unprecedented package will significantly accelerate major investment. In key areas we will start to address the investment deficit that developed under direct rule.

When we launched the reinvestment and reform initiative on 2 May 2002, we explained that this was the reason that we had secured a unique package of measures through negotiations with the Prime Minister and the Chancellor. Our purpose was clear. Only if we can address the basic infrastructure can we provide the quality of services that a vibrant economy and a fair society needs. Only with well-designed hospitals can well-trained doctors and nurses provide the quality of care that is needed. Only if there is an end to poor-quality classrooms can we provide the environment for good-quality teaching and learning. Only when crumbling or inadequate water and sewerage systems are replaced can we be confident that Northern Ireland has safe water and a clean environment.

The need to improve our infrastructure unites all Assembly parties and all our people. We agree that improved infrastructure means improved public services and improved conditions for economic growth. That aim is at the core of the Programme for Government and has been central to our approach from the outset.

The Executive introduced the Executive programme fund for infrastructure and capital renewal with that very purpose in mind. We decided from the outset that we had to protect a significant part of the Budget specifically for investment. Over successive Budgets we have sought to increase allocations in that area, seeking to start gradually to turn the tanker of public expenditure in the right direction. We realised, however, that to achieve our ambitions for new investment we had to find ways of doing and thinking outside the traditional box.

A step change in investment must be accompanied by a radical reappraisal of the problem and a search for new solutions. That is why, in the first phase of devolution, we embarked on a series of related reviews to enable us to set a new strategic approach to the financing and delivery of public services. The rating system is undergoing a fundamental examination, and alternative sources of funding are being considered.

At the same time, through the review of public administration, we want a thorough review of the structures for service delivery. That is why we have set in train the most wide-ranging review of the needs and effectiveness of the main expenditure programmes that has ever been conducted in Northern Ireland. It will be the focus of debate in the Executive in the coming weeks. We hope that the evaluations will also play a central role in the Assembly's consideration of the next Budget and Programme for Government.

In short, there are four key aspects to the Executive's search for improved public services: alternative sources of finance; rating policy; public administration; and the needs and effectiveness studies. Their common aim is to enable us to provide high-quality public services and enhanced public assets. Some will take time; others can, and should, proceed sooner, as it is clear that early action is needed. It is essential to have a clear strategy and to make a start. The reinvestment and reform initiative lets us make much more substantial progress.

On 7 May we set out the core elements of the initiative for the Assembly and explained that £200 million would be available for investment over the next two years, to which we have now added £70 million from the infrastructure Executive programme fund. There will also be a new borrowing power for the longer term, the transfer of some strategic military and security assets, the creation of a new strategic investment body and a major programme of public-sector reform to secure greater expertise and effectiveness.

We are announcing the detail of the first element of the initiative today. The initiative is an integrated one, so before we describe the allocations in detail, I will remind Members of the key aspects. An Executive subcommittee has been established to oversee the initiative to ensure that the reform is effectively co-ordinated. Central to it is a new mechanism to help individual Ministers, and the Executive as a whole, to plan the organisation and financing of the new capital investment.

The new strategic investment body, which draws together expertise in finance and project planning and delivery from the public and private sectors, will be the central resource to drive through a new way of doing public business. Its mission will be to ensure that strategic infrastructure is much more effectively planned and delivered than before, using all available resources and means.

Much work will be needed to plan and resource the strategic investment body, and progress has been made. A project board has been established, whose members were nominated by all four parties in the Executive, to advise on the remit and status of the body. It has already met three times and will make progress over the coming months. It has already examined the approach taken to those issues in London and Dublin.

The Deputy First Minister and I have also agreed to exchange information and experience on private finance initiatives and public-private partnerships (PPPs) with the Scottish Executive. We want to be innovative and work out an approach that fits our unique context. However, we have been glad of the opportunities to learn from progress made elsewhere so that we avoid reinventing when we want to be reinvesting.

Discussions are continuing with the Ministry of Defence and the Northern Ireland Office on the transfer of sites. Work on developing proposals for the major Ebrington site has begun already. The Deputy First Minister and I have established a partnership and regeneration panel that will involve central and local government and the community and business sectors to develop proposals for the Executive's consideration.

Local experience and expertise will advise the Executive on how best to use this strategically important asset. Community and business groups will also be consulted and involved in developing ideas for the use of the other sites through an approach of not just joined-up but joined-in government. We shall discuss shortly with the relevant Ministers the best legal and administrative framework for realising the potential of the strategic sites. Thinking outside the box secured the sites for the Executive; thinking outside the box will maximise their benefit to all.

The initiative is about reform. We cannot invest in infrastructure if we do not improve service delivery continually. To do otherwise would be to complete only

half of the job. Major initiatives, such as the review of public administration, will help us to drive change at a high level. So, too, will our use of public service agreements and service delivery agreements, which will put a spotlight on what we get for our resources. Central to that will be the strategic investment body, which will advise us on the best and most efficient use of resources. However, we expect Ministers to ensure reform in their Departments and agencies alongside the investment that we announce today.

In this statement, we want to focus on the short-term element of the package. From the beginning of our discussions with the Prime Minister and the Chancellor, we said that we had to make an early start. Now, just two months after the initial launch, the Executive have decided what should be done over the next two years. In preparing the package of measures, we built on proposals identified by Departments.

Originally, we invited bids for allocations out of the infrastructure element of the Executive programme funds. After the announcement of the reinvestment and reform initiative, we asked Departments for further ideas for action in the short term. We made it clear that those should address some of our most urgent infrastructure needs, but without pre-empting the role of the strategic investment body. Details of the 29 programmes or projects that the Executive support are set out in the table attached to the copies of our statement which, I hope, have been provided for Members.

A list of further projects will be identified for consideration by the Executive in the autumn, taking account of the advice of the project board for the strategic investment body. We are, however, committing ourselves to an approach through the reinvestment and reform initiative, which will systematically address our problems in a clear, integrated and transparent way. Many needs cannot be met today, such is the extent of the backlog faced by society, and Committees will be aware of other proposals that Departments have lodged.

The total value of the projects and programmes that are contained, wholly or in part, in the package is £510 million, including contributions from private funds and the mainstream departmental budgets. The new money committed by the Executive in today's announcement is the £270 million that will fall in the years 2002-03 and 2003-04. The implications of the decisions for later years, when some of those projects will be completed, will be dealt with in future Budget rounds. In turn, that will mean that other projects, which would otherwise have had to wait longer for funding, will be accelerated.

I shall now explain the main actions that we have decided to initiate to address the key weaknesses of our infrastructure. The cancer centre is the most urgently needed major project in the Health Service. It has been a top priority for the Minister of Health, Social Services

and Public Safety and the departmental Committee. Through the centre we can combat more effectively one of the major causes of premature death here, saving many more lives than we have been able to do to date. We are pleased to confirm that the project will now proceed immediately. The funds are available, and the final business case has been proved.

The need to invest in our roads and transport networks is well known and understood by all Members as a key objective of the reinvestment and reform initiative. Today the Executive can confirm funding for strategic road improvement by making a start on the widening of the M1 approach to Belfast. That will be recognised as a highly worthwhile improvement by the many who have to use the route daily. Secondly, there will be structural maintenance of the major routes on the regional strategic transportation network, such as the A8 from Belfast to Larne, the A5 at Strabane, the A32 from Omagh to Enniskillen and the A28 at Newry.

10.45 am

A further £14 million has been allocated for structural maintenance across a wider range of smaller schemes. Those allocations are over and above the £40 million that the Executive committed last year to specific actions on the major trans-European network route that runs between Larne, Belfast and the border south of Newry. Although most of that funding falls outside the time frame of this package, we reaffirm the commitments that will make action possible on those major developments.

The proposed regional transportation strategy also highlights the need for major investment in public transport. We want to determine whether new and innovative approaches to funding are possible in that sector and, in order to return with new ideas in the autumn, we want to work with the Department for Regional Development. However, to address the issue, £5 million has been allocated to enable the purchase of 40 buses.

One area in which we inherited serious difficulties is the water and sewerage infrastructure. There is an investment backlog of several billion pounds there, with no actions having been taken on some structures for many decades. To avoid increased risk to health and the environment, and to ensure that housing and commercial development can proceed where it is needed, we must address those problems.

The package includes £23 million of additional capital investment in that sector. There will be action to improve the water mains and sewers in the following areas, which were identified by the Minister for Regional Development: Portadown, Cookstown, Belfast, west of Newry, north Antrim and Ballymena. Those actions are on top of the programme that is funded from the Department for Regional Development's core budget, which accounts for a range of schemes that are being

implemented. It is in exactly that type of area, in which we must invest for the longer term for generations ahead, that the borrowing power that we achieved under the reinvestment and reform initiative will play such a significant role.

As Members know, we get nothing, and will get nothing, for water under the Barnett formula. Its cost will increasingly press on other services unless we can find new ways of funding investment to make that industry fully efficient and a resource for the future.

Last year, the Executive decided to support the proposals for the extension of the gas supply network through pipelines between Larne and the north-west and from the South to link with the existing network. That will greatly improve the range and security of supply. It will benefit many by widening choice and energy supply and will also make it possible for investment in the new Coolkeeragh Power Station to proceed. Today, we confirm that £12 million of the grant aid that the Executive have agreed to pay towards the pipeline project will come from the reinvestment and reform initiative.

On housing, we are considering the regional infrastructure for energy and addressing the specific problem of fuel poverty. The initiative will make it possible for the Housing Executive to replace outdated heating systems in 2,000 homes. Moreover, 75 new accommodation units will be provided to ensure that action can be taken to address the problem of homelessness. Action on homelessness and fuel poverty will show that the infrastructure package has a clear TSN dimension.

**Mr Deputy Speaker:** A Member said that he wished to raise a point of order about the non-availability of the statement at the commencement of business. I told him that I would not take a point of order during the statement. However, I hope that the First Minister and the Deputy First Minister have noted that the statement was not circulated until six minutes into the First Minister's delivery. The Speaker dealt with the matter yesterday, and I am dealing with it again today. I hope that the Office of the First Minister and the Deputy First Minister will take note that, although there is no requirement in Standing Orders for Members to be provided with statements in advance, it is reasonable to expect a statement on such an important issue to be available before it is delivered in the Chamber.

**The Deputy First Minister (Mr Durkan):** Your point is well made, Mr Deputy Speaker, and it has been well taken. Yet again, I apologise for the delay, which was partly to ensure that the First Minister and I did not repeat elements of the statement. It is more difficult to produce than a statement from a Department that has only one Minister.

Before I detail some of the specific projects, I will focus on our strategic approach to deciding how to invest.



I said at the launch of the reinvestment and reform initiative that

“Devolution is not a theme park for soft options. It must be a building ground for new prosperity, a growing field for social transformation, a learning zone for new ways of providing, and providing for, public service”.

I also said:

“We have to harness the skills of our public sector, the will of our voluntary sector, and the drive of our private sector to deliver the dynamic development we seek. The enterprise and expertise of the social partners, which has done so much to drive regeneration and reconciliation, can join government endeavour to change the regional landscape.”

I stress that the initiative includes major investments that are designed to touch on people’s social needs and improve their quality of life. The social inclusion dimension receives a full and fair share of our energy and resources. That dimension includes: health and social care; the fundamental needs of our schoolchildren; housing; and help with heating, which is often an anxiety for the elderly and other householders.

The Executive intend to set a short- and longer-term strategic direction for developing infrastructure. The project board and the Executive subcommittee will assist them in that work. The funds that are available for this year and the next will enable us to make an immediate start on the new strategic approach to infrastructure development.

In recent years, the Executive have agreed that several areas, especially health, education, transport, water and sewerage, suffer as a result of major infrastructure problems. The PPP working group examined the extent of those needs and their implications for our overall expenditure, and they are being considered in the Financing our Future consultation.

Recently, the Executive have been examining in detail our need to invest in the Water Service. We have also been considering the Department for Regional Development’s proposed regional transportation strategy, and we have agreed that the Minister of Health, Social Services and Public Safety’s proposals on acute hospitals should be put forward for consultation also.

In that context, we have concluded that we now need a major set of investments that focus primarily on those areas. That approach fits in with the priorities that we identified in the Programme for Government and the Budget, which we want to refine in the coming year. We must also ensure that all new options are explored creatively and urgently so that people can benefit from better services and facilities. The fundamental idea behind the reinvestment and reform initiative is that it comprises investment, and there is no question of our simply topping up ordinary programmes.

It is vital for the initiative to make a strategic difference in addressing the infrastructure deficit and have an impact on the major needs that we identified. It

must also demonstrate our commitment to reforming the delivery of public services. The reform agenda will be integral to the initiative, and appropriate action to progress reform must be an important element alongside all allocations from the new reinvestment and reform initiative funds.

It would be wrong to commit ourselves to financing projects in a new way, using the £125 million loan that we secured from the reinvestment and reform initiative, without ensuring that appropriate action is taken to develop new expertise and a thorough approach to planning and management that will mark a break with the past. We can make a start now, and we must start as we mean to go on. However, I emphasise that some aspects of change, and a substantial leverage of investment from alternative sources, will take longer to acquire and will depend on the development and introduction of the strategic investment body.

As well as the cancer centre, already mentioned by the First Minister, there is investment in essential capacity at six hospitals across Northern Ireland — Antrim Area Hospital, Craigavon Area Hospital, the Mater Hospital, Holywell Hospital, Musgrave Park Hospital and the Erne Hospital. The project at Antrim Area Hospital will include a local cancer unit, which will complement the main cancer centre as part of the strategic approach to addressing that very important issue. That investment will ensure that care of cancer patients in Northern Ireland will be improved to the standards achieved in the best EU countries.

There will also be specific projects at five other hospitals — Altnagelvin Area Hospital, Stradreagh Hospital, Daisy Hill Hospital, Belfast City Hospital and Muckamore Abbey Hospital — and action to upgrade equipment at regional centres will improve services for all parts of the region. This is a major step up in investment in the Health Service estate and is designed to begin the reinvestment that is so badly needed. In total, £110 million from the total of £270 million is going to Health Service projects. When we add the further costs to be incurred beyond 2003-04, the full value of the investment in health will be £167 million, which includes investment of £58 million in the cancer centre.

Today we can announce that funding will be available for three major new school schemes at St Patrick’s College, Dungannon; Fivemiletown High School and St Fanchea’s College, Enniskillen. Funding will also be available for the final phases at three other schools — Regent House School, Meánscoil Feirste and Thornhill College. Together with site purchases for future developments planned for a further two schools — Clondermot/Faughan Valley High School and Abbey Christian Brothers’ Grammar School, Newry — the full value of this group of projects is £56.7 million. Three special schools will also be built at a cost of £11.9 million, two



of which, Cedar Lodge and Harberton, will be in Belfast and the other, Roddensvale, in Larne. That will address the needs of pupils with learning difficulties and reduce the special schools major works backlog by one third. We are also committing £4 million to the integrated sector to enable the Department of Education to make timely and important investment there.

These major schools projects are underpinned by a commitment of £6 million to tackle the needs of 75 small rural schools, a quarter of all such schools. The work will involve replacing temporary accommodation and upgrading toilet facilities. The amounts will be allocated across the region where they are needed most.

We are also allocating £15 million to replace 20% of mobile classrooms with new accommodation. That will provide action on 200 classrooms in the first year and 600 classrooms in the second year. Teachers and pupils deserve good accommodation in which to teach and learn. I am delighted that we have made such a significant step forward in this package.

Investment in lifelong learning is vital for the future of society and for economic development. We are pleased to confirm the Executive's support for a further programme of investment in university research infrastructure, which will be matched, pound for pound, by a private donor organisation.

Investment in further education colleges is also being provided — £3.2 million in Limavady College of Further and Higher Education and £3.5 million in Fermanagh College of Further Education. Thus further and higher education will receive a total of £12.7 million from the initiative immediately, and total investment will be £56.7 million over the full period of the support programme for university research (SPUR).

To complete the package, the Executive have decided to provide £4.4 million to address the problem of silt and mud in the inner harbour at Kilkeel, which has prevented the regulator from granting the Fisheries Harbour Authority a licence for sea disposal. That will also support investment in the continued existence and safety of Kilkeel harbour and in the extensive structural repair of the South Pier and Windy Gap entrance.

Finally, it will enable the replacement of the slipway winch and at least one cradle, required for health and safety reasons.

*11.00 am*

We intend to use all of the £125 million of available borrowing in the period up to March 2004 alongside our mainstream public expenditure provision and the Executive programme funds. We will adhere to the principle that we should borrow to invest, not to support current spending programmes. Furthermore, we will not take

out loans that are repayable over periods beyond the useful life of the assets that we are procuring.

The projects that we are supporting represent a balanced investment package that will address some of the most pressing infrastructure needs in schools, the Health Service, roads, and water and sewerage services. The proposed measures will also enable us to address problems such as homelessness and fuel poverty. The measures confirm and underline the clear value and logic of the approach that we began through the Executive programme funds. That approach is already bearing fruit. All of these schemes are high priorities in the Programme for Government and, when delivered, should lead to real and visible improvements in the quality of public services. We are making a positive start on a strategically driven infrastructure programme, based on the priorities that we have already agreed.

Our proposals are also designed to support projects that can be implemented quickly, although this does not override our commitment to ensuring that the highest value-for-money standards are maintained. No projects will be allowed to incur expenditure until the economic appraisal process has been satisfactorily completed. We assure the Assembly that the projects selected for funding will be subject to rigorous analysis and scrutiny before final allocations are made. Let us be clear that the allocations are not about spending for the sake of it simply because we now have additional resources.

In some instances, the allocations create ongoing commitments to complete certain projects, such as the cancer centre. These have to be confirmed in the 2002 Budget. However, much higher costs arise for certain projects in 2004-05 and beyond. In those cases, the Assembly will be able to consider the need for any future investment in the Budget process later this year and as part of the longer-term allocations from the reinvestment and reform initiative.

We will also be looking to the strategic investment body to help us to deliver infrastructure programmes in a unique and strategic way. The new body will enable us to use the best mix of different sources of financing and procurement methods. That will make possible a more strategic approach to investment and procurement than could be achieved if it were left simply to the resources and devices of Departments, some of which are too small to develop and maintain the kind of expertise and drive that is needed to make this happen on a large scale.

To ensure that the momentum of the initiative is sustained we will ask the Departments and the Executive to develop a further range of ideas for the next stage. In the meantime, we will continue to consider alternative sources of funding. The idea is that the project board and the strategic investment body should be able to help the Executive to examine and identify models and optimum funding sources. In that way we

will be better able to respond to the range of ideas that will be put forward for the fuller development of the reinvestment and reform initiative.

The investments under the short-term element of the reinvestment and reform initiative are a precursor to the potential of the longer-term provisions. The agreement has given us new relationships and responsibilities. The initiative offers new resources which, when combined with new resolve, can create new realities. Today's welcome announcements are really a trailer for the quantity and quality of the public service investment we can achieve under the reinvestment and reform initiative in future. We can move from complaining about what we cannot do to planning what we can do, and from lamenting what has not been done to implementing what must be done.

Some Members have expressed fears about the reinvestment and reform initiative's borrowing powers, despite the fact that they have been advocating public bonds. Borrowing for strategic investment is not about burdening our children; it is about providing for them.

Some fret about responsible and affordable borrowing as imposing a debt on others to come, but we cannot pass on the investment deficit and dilapidated public estate that we have inherited. Indeed, we would be compounding the strategic negligence for which we have been criticising others.

If we believe in public services, public assets and public expenditure, then we should see strategic borrowing, funded by public revenue, as a form of solidarity between generations. It is not just about reversing the underinvestment in infrastructure and the public service fabric for this generation, but about fast-forwarding for the next generation.

There has been much comment in recent days about underspending. Part of our thinking in establishing the strategic investment body was a recognition that we could not rely on traditional forms of expenditure management to drive and deliver the necessary increased investment levels.

More importantly, we want to stress that it is long-term underinvestment, rather than the ephemeral impression of underspending, that is the real problem. It costs us, as a community and a region, in terms of socially important public services and economic competitiveness. We want to break the cycle of underinvestment in a way that will not compound the underspending problem. Hence, we have the reinvestment and reform initiative.

These first fruits indicate our commitment in first establishing the Executive programme funds and then developing the reinvestment and reform initiative to articulate our strategic priorities through more strategic and better-targeted public spending. We stressed that the strategic investment would not be confined to the hard infrastructure of roads, transport, water, sewerage, gas

or telecommunications, but apply also to the soft infrastructure of our public services estates in health, schools, colleges, social services, and even housing support. The range and balance of investments afforded and supported in the package announced today are a positive example of how social inclusion and strategic investment can be, as I have always believed, two sides of the public spending coin. We commend these actions to the Assembly.

**Dr Birnie:** The Office of the First Minister and the Deputy First Minister has today announced a range of projects across most Departments that, hitherto, the Departments were not able to undertake. Do the First Minister and the Deputy First Minister agree that there should be no doubt as to where credit lies for the achievements of these socially worthwhile investments?

**The First Minister:** I agree entirely with the Member about the value of these investments, and, indeed, the difficulty, or perhaps the impossibility, of tackling these in the normal way.

The point about water has not been fully appreciated. There will be no additional money through the Barnett formula for water in Northern Ireland, because there are no increases in expenditure in GB on that subject at all. We know that there is a huge deficit in investment there, and we would have no prospect of coping with that problem simply through squeezing out money from each year's public expenditure round.

Only by coming outside the normal process and establishing this borrowing power — both short-term and long-term — would it ever have been possible to contemplate raising the money to deal with this issue. This has been an initiative that the Deputy First Minister and I have undertaken, with the support of the Chancellor and the Prime Minister, and it gives us an opportunity to tackle these issues. It will mean some hard choices having to be made on how we carry this matter through, but at least we have now made a clear start, which I hope will be welcomed by all Members.

**The Chairperson of the Committee for Health, Social Services and Public Safety (Dr Hendron):** I warmly welcome the long-awaited go-ahead for the funding of the new cancer centre, which is the key missing link to a fully integrated cancer service for the people of Northern Ireland. I think of all the cancer patients who have been waiting — people such as Pat McGreevy, who we heard this morning on radio — and of the Ulster Cancer Foundation; Action Cancer; and Prof Paddy Johnston in the City Hospital.

My question relates directly to the significant annual revenue costs of the centre. Its capital costs have already escalated from £32 million to £57 million. The new centre must be properly staffed with expert cancer clinicians and nurses and be equipped with the latest technology. The Committee for Health, Social Services and Public Safety's inquiry into cancer services estimated

that the revenue costs would be as high as £10.5 million a year. Therefore, will the First Minister and the Deputy First Minister give the Assembly a commitment that the necessary funds will be secured to support the increase in staffing and equipment costs?

**The Deputy First Minister:** I acknowledge the Member's welcome on behalf of the Committee for this announcement. I appreciate the direct and particular interest that the Committee for Health, Social Services and Public Safety has taken in the cancer centre as part of the delivery of the regional cancer strategy, which was tabled many years ago and which we have all needed to see delivered.

The Committee first focused on the idea of targeting Executive programme funds or other moneys outside the departmental mainstream budget after it had seen the Executive make commitments to, for example, the gas pipeline and the road from Larne to Newry out of the Executive programme funds. The advances made with this vital care centre show the value of the concept of the Executive programme funds, now widened out into the broader concept of the reinvestment and reform initiative. These are enabling provisions that we have made. We have built an extension to the devolution house with this initiative. We have created other possibilities for ourselves so that initiatives that were not developing through our normal, confined constraints can now do so.

The announcement made today is about capital investment and use of borrowing power. I said in the statement that we would not be using borrowing power to fund running costs; that is not what we should use borrowing power for. It is for strategic capital investment. We do not intend to provide a centre that will not be properly equipped or staffed. The regional cancer centre's equipment will be a call on capital investment for the future. That will be pursued through all the proper budgetary channels. Other costs will have to be met and absorbed through appropriate Budget provision.

We have now broken the cycle of frustration around the cancer centre. I recognise the commitment of many interest groups, patient advocacy groups and professionals such as Paddy Johnston and Roy Spence. The Executive have now been able to deliver on that capital investment and provide a platform for all the professional commitment and all the commitment of departmental resources that will be needed to support that centre and deliver the strategy.

**Mr Morrow:** I welcome that fact that at long last the deficiencies of Fivemiletown High School have been acknowledged. That school should have been replaced long ago, but I suppose it is better late than never.

In relation to the allocation of funding for rural primary schools, the First Minister and the Deputy First Minister have said they are allocating £15 million to replace 20% of mobile classrooms with new accom-

modation. A school in my constituency, Carnall Primary School in Clogher, cannot get a mobile classroom to accommodate its growth. The school has approximately 78 pupils, and it has been told it cannot exceed 80 pupils. However, it will not qualify for additional accommodation until it has 85 pupils.

Does OFMDFM see such schools benefiting from the announcement today? Will this be left to the Department of Education, which is fully aware of the inadequacies that exist there, or will the First Minister and the Deputy First Minister give a directive on schools such as Carnall Primary School, which has been in need for years?

11.15 am

**The First Minister:** I thank the Member for his welcome of resources for Fivemiletown High School. However, his question relates to small rural primary schools and to the provision of money for mobile classrooms.

Departments handle financial details. When the Member was a Minister he was properly jealous of that position, and he would appreciate that people who were then his ministerial Colleagues would have the same approach to this issue. The money that has been provided for the removal of mobile classrooms will reduce the existing number by 20%. That is a huge reduction.

The allocation of provision for small rural primary schools will improve accommodation at 75 schools, one quarter of which have fewer than 100 pupils. Small rural schools are under consideration, and allocation details will be announced in due course.

**Mr McHugh:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the extra funding for all areas. I congratulate Ministers Bairbre de Brún, Martin McGuinness and Peter Robinson for ensuring that their areas of responsibility were prioritised. I also welcome the long-awaited funding for St Fancha's College, Enniskillen.

Kilkeel harbour has been given £4.4 million, but there is no further allocation for agriculture. If agriculture is to remain a low priority or to have no priority — apart from departmental overspend — when will the Executive allocate funding to tackle major deficits in on-farm infrastructure and restructure?

**The Deputy First Minister:** The statement concerns strategic capital investment, infrastructure and the fabric of the public service estate. These are priorities that were determined by the Executive, following recommendations from myself when I was Minister of Finance and Personnel and from the then First Minister and Deputy First Minister. Our recommendations were to focus on health, education and transport. To credit a Minister who did not attend the Executive with being part of that prioritisation process shows what sort of warped point-scoring goes on with some Members of Sinn Féin.



The First Minister and I, together with the Minister of Finance and Personnel, undertook the reinvestment and reform initiative and promoted it in negotiations with the British Government. In private negotiations with the Treasury and the Prime Minister we made it clear that issues such as the cancer centre were exactly what we had in mind in our call for a short-term pillar of expenditure and not simply longer-term borrowing power. I hope that Members can do better than that type of cheap point-scoring.

We have made commitments that involve the use of borrowing power. We will not use borrowing power to fund programme costs, recurring costs or salaries. It will be used for strategic capital investment. Much expenditure in the Department of Agriculture and Rural Development does not come into that category. However, the fact that we can now use that type of collateral to help strategic capital investment on a range of programmes gives some latitude for other programmes.

We look forward to the development of new ideas, which could include areas that we have not yet examined. If we had come to the Assembly with something for everyone in the audience, and something for all Departments, Members would say that such itsy-bitsy funding meant that there were no strategic priorities. Some Members, and some parties in particular, need to maintain some consistency.

**Mr Close:** In spite of what the Deputy First Minister has just said, I shall begin by being somewhat parochial. As I read through the list of worthwhile projects, I must ask what has happened to the Lagan Valley constituency. What has happened to the second largest borough in Northern Ireland? When I look at roads I see mention of Larne, Strabane, Omagh and Enniskillen. When I look at hospitals, I see mention of almost every hospital except Lagan Valley Hospital. When I look at schools, I do not see one school in the Lagan Valley constituency mentioned. Bearing in mind that the borough suffered from an outbreak of cryptosporidiosis a couple of years ago, there is no mention of water and sewerage improvements in Lisburn.

My second point is more important. I shall ask a couple of specific questions, to which I would like specific answers. Will OFMDFM give the House a categorical assurance that the projects announced in this morning's statement, all of which are worthwhile, have gone through a full supporting economic appraisal based on value for money? Has the Department of Finance and Personnel fully scrutinised them? When will the Statutory Committees have an opportunity to view those economic appraisals? If they have not — and I doubt, as I read the relevant part of the statement, whether they have — will OFMDFM advise the House what magic formula was used to enable the proposals to be presented to the House?

**The First Minister:** The Member acknowledged that his initial concerns were a trifle parochial. However, I share some of them. I draw his attention to the modest sum allocated to the widening of the M1 motorway: that is the beginning of a significant development, which will be of benefit to the Member. Admittedly, it will take some time to get there, but it will.

We have acknowledged in the statement that water provision is a major problem. There is a clear need for major investment. We shall return to that issue in the autumn, when I hope we shall be able to make further progress.

All the projects mentioned in the statement have been subject to appraisal, and the relevant information will be conveyed to the relevant Committees. The Member will have the opportunity to examine that information in due course. It is important to note, as the Member acknowledges, that we have been able to make progress on several good projects.

There are many other good projects; our problem has always been that we did not have the resources to address as many infrastructure projects as we would have liked to. We have been able to commit £500 million. Six months ago, Members would not have thought that the Assembly would have had the opportunity to do that at this time. That is the result of the initiative that we have taken, which is supported by other Members in the Executive. We shall develop that initiative further. To carry on that work will involve some hard choices. It is the opportunity for the Administration and the Assembly to come of age.

**Mr Foster:** I shall also be somewhat parochial. I welcome the statement; it will help some necessary projects throughout Northern Ireland, especially in Fermanagh. I am glad that the A32 from Omagh to Enniskillen is to be upgraded. Enniskillen is a growth centre and the roads into the town must be improved.

I am also excited that funding is to be made available for three major school schemes in my constituency of Fermanagh and South Tyrone — at Dungannon, Five-miletown and Enniskillen. I am pleased that Five-miletown High School has been mentioned, because I have lobbied on its behalf for some time. The school has done good work in that part of the world for a long time. St Patrick's in Dungannon and St Fancha's College in Enniskillen have also done excellent work.

Carntall Primary School needs extra classrooms. I know that this is beyond what is being discussed today, but the teachers there are working under extremely poor conditions that are unfair to the children in the school. I appeal for some money to go in that direction.

Enniskillen Integrated Primary School is in great need of new accommodation, but it also has been left out. I appeal for some thought to be given to that school.



The development of Fermanagh College is a good incentive for the county of Fermanagh —

**Mr Deputy Speaker:** Order. I have sympathy for whichever of my Colleagues on my left are going to answer the Member's question, because I have not yet heard it. Mr Foster, do you have a question?

**Mr Foster:** Yes, Mr Deputy Speaker. Before I conclude —

**Mr Deputy Speaker:** I expect to hear a question, Mr Foster.

**Mr Foster:** I welcome the excellent cancer unit. Can some funds be provided for a new integrated primary school in Enniskillen?

**The Deputy First Minister:** We have already said that it will not be for the Office of the First Minister and the Deputy First Minister to go through the detail of the secondary allocations that will be made from some of the moneys announced today. However, there is extra money available to help support small rural schools. There is also new and extra money available to support the integrated education sector. As well as that, there is also the money that we have announced for specific schools capital projects and mobile classrooms. That money adds significantly to the Department of Education's budget.

I hope that direct benefits to a variety of schools will flow from these allocations. They should allow for some easement in the Department of Education's already much-pressed budget. I hope that many schools with long-standing needs will benefit from the further announcements.

The Office of the First Minister and the Deputy First Minister has eased the pressure on aspects of existing budgets, and it has made real new provision that will be targeted at schools which would not previously have qualified for consideration by conventional means. That is the added benefit of having this sort of Executive-inspired approach. I hope that many Members who have often expressed doubt about the facility offered by such discretionary instruments as the Executive programme funds or the reinvestment and reform initiative will now acknowledge that they see their distinctive value.

One thing that strikes me — and I also had this experience when I was Minister of Finance and Personnel — is that these announcements from the Executive, either through the Department of Finance and Personnel or through OFMDFM, are subject to more questioning and scrutiny about what is being spent where than are the managed programmes of the Departments. Members should think about that.

**Mrs Courtney:** I will also be parochial in welcoming the £12 million for the gas pipeline. I am sure that I speak for everyone in Derry — people, patients, the families of patients and the hard-pressed staff — when I give thanks for the Durkan/Trimble package, which will

enable the £10 million upgrade of Altnagelvin Hospital and contribute to the new Stradreagh hospital. Can the Ministers clarify that, as they have secured the resources, the Department of Health, Social Services and Public Safety will be able to start the work?

**The First Minister:** The announcement of the money clears the way for the work to be done, but it will be for the Department to fill in the details of what will be done when. We have made a provision that we hope will bring significant improvements to the hospital.

I also appreciate the Member's welcome for what has been done on the gas pipeline.

The developments on gas in Northern Ireland would not have been possible without the co-operation of our opposite numbers in the Republic of Ireland. That has benefited everyone in Northern Ireland, and it shows how people have been able to work together not only in the Administration but further afield.

11.30 am

**The Chairperson of the Committee for the Environment (Rev Dr William McCrea):** I see that the Deputy First Minister will be answering my questions. Yesterday, when I asked him a simple question, with the unanimous backing of the Committee, I got an hysterical outburst and a personal attack. Perhaps I will get answers to my questions today.

Not one penny of the £510 million that is available has been allocated to the Department of the Environment. We must examine the strategic priorities. The Department made a bid for £2.5 million to extend its Driver and Vehicle Testing Agency Headquarters to facilitate essential changes to meet the requirements of the Disability Discrimination Act 1995. That small amount of money would fund something of strategic importance. When will the Department of the Environment receive support from the Executive programme funds?

Speaking in a personal capacity, I am sure that the schools that are getting investment will be delighted. However, I invite the Minister to come to Magherafelt, where he will find that the controlled primary and high schools are dilapidated and run-down, while there is excellent provision for maintained schools. When will the discrimination stop, and when will appropriate action be taken to fund controlled schools in the town?

**The Deputy First Minister:** Several points must be borne in mind. The allocations are part of a package that the Office of the First Minister and the Deputy First Minister negotiated with the Treasury and the Prime Minister. We decided that the bulk of our priorities, given the short-term pillar of the reinvestment and reform initiative, would reflect those that were agreed not just by the Executive but by the Assembly when it adopted the Budget and the Programme for Government.

I make no apology for our being consistent in the approach that has been mandated by the Executive. Much of the investment, not least on the water and sewerage side, will ensure that we move more quickly to comply with Directives being implemented by the Department of the Environment, which, as a watchdog and enforcer of standards, has an interest in expenditure outside that Department also. The Minister of the Environment has been pushing to ensure that more investment goes into water and sewerage so that we can comply with those Directives. That shows that that Minister practises joined-up Government and knows the implications of environmental issues beyond those contained in his Department's fixed budget.

The Member complained that the Department of the Environment has not benefited from the Executive programme funds, but it has been well treated and supported over the past few years in the mainstream Budget. The Department received a 25% increase in its budget over two years, an allocation that few other Departments received. That percentage increase amounts to more than the bid that Dr McCrea complains has not been met in this funding round. The Office of the First Minister and the Deputy First Minister is asking for ideas for investment at a further stage, and other issues will be dealt with in the Budget cycle.

I wish the Member would have the good grace to welcome packages that provide extra money. The fact that additional money is being provided to the Department of Education must surely improve the prospects of the schools that have not yet been reached under traditional investment programmes.

**Mr C Murphy:** Go raibh maith agat, a LeasCheann Comhairle. There are many welcome announcements in today's statement, and every constituency, with the exception of Lagan Valley and, apparently, South Antrim, has had its good news. In particular, I welcome the announcements on the road between Newry and the border, on Daisy Hill Hospital and on Abbey Grammar School, which I have keenly supported for some time. I congratulate the Deputy First Minister on scoring his own cheap political points in response to my Colleague, Gerry McHugh.

Can the Ministers tell me if there will be any implications for the ongoing negotiations with the Treasury, given that they have allocated this loan facility? Are there any implications for the negotiations for a fairer allocation under the Barnett formula, and will it have any impact on those discussions? That should be a priority for the Executive.

There have been many fine statements about the importance of reform as part of this package. What targets have the First and Deputy First Ministers set for reform? Is it merely to increase efficiency within Depart-

ments, or is it to change fundamentally how Departments and the Executive do business?

**The First Minister:** The improvements to the roads that will take place will be significant, and they were part of the view taken by the Executive of the immediate strategic priorities.

One of the most significant aspects of the reform is the strategic investment board and how we hope that it will develop. That body has just been established in shadow form, and the project board has started to meet. One outcome that we hope to see is an improvement in the range of financing that is available, with the centralisation of all the expertise in dealing with public finance initiatives and public-private partnerships in whatever body is formed.

We must improve the handling of private finance initiatives and public-private partnerships. That was evident on our recent visit to Scotland, where they have had more success in raising money from the private sector than we have. Part of the reason for that is that our expertise is scattered across the Departments. By focusing and concentrating that expertise in one place, we hope to have more success in raising money from the private sector.

In the current allocation, there is a certain amount of private-sector finance. It is part of the way in which the £270 million, which is the initial expenditure for the next two years, will grow to £500 million in the longer term. When we come to deal with the longer-term issues, we want a better result. I cannot set targets for that, but we want to see a higher proportion of the money being brought in from outside, so that we are not limited to the public expenditure funds that we have. That public expenditure money can lever in significant sums from elsewhere, and that is one of the key reform aspects.

Other reviews that have been undertaken are also elements of reform. In particular, in the review of public administration we want to improve the quality of administration. The public service agreements and the service delivery agreements that are part of the Programme for Government are a key element.

We also want to challenge Ministers to think carefully about what they do in their Departments and how they improve the efficiency and quality of the service they provide. We all have to consider ways to raise our game.

With regard to the Member's questions on ongoing negotiations and the Barnett formula, there are certain realities that we must bear in mind. We all heard the announcement made by the Chancellor at the time of his Budget, and we know that he anticipated part of the spending review by announcing that he was committing large sums of money to health.

From the point of view of the analysts who looked at what the Chancellor said at the time of the Budget, it was clear that he was committing the bulk of additional public spending available in the next financial year to health. The amount of public spending available for other programmes will be quite limited. We know what the Barnett consequential of the spending on health will be.

We do not yet know the other public spending increases that the Chancellor will announce. However, it was clear from Budget figures that moneys for sectors other than health will be limited. However, we will get Barnett consequential. There are disadvantages with Barnett consequential because they are per capita based, and public expenditure per capita is higher in Northern Ireland than elsewhere in the United Kingdom. When we discuss the side effects of Barnett consequential with the Chancellor, we are given the obvious rejoinders: first, Northern Ireland receives better public expenditure per capita than elsewhere; and secondly, we are asked whether we are making the most efficient use of resources. We must be able to answer that question clearly, which is why reform must be at the heart of the initiative.

**Mr B Bell:** Like Mr Close, I am parochial. However, due to the efforts of all Lagan Valley MLAs, five new schools have been established in the constituency during devolution. In addition to that, it has just been announced that we are being granted the use of the Maze Prison.

**Dr Birnie:** For the MLAs?

**Mr B Bell:** Not necessarily for the MLAs. However, it will be huge advantage to the area and to Northern Ireland.

I am pleased that £23 million has been allocated to water and sewerage. I am concerned that £47 million a year is being wasted through the leakage of water. That is a huge burden on taxpayers, and I am pleased that £5 million of the £23 million appears to have been allocated to leakage. Can the First Minister and the Deputy First Minister assure the House that that £5 million will be used for leakage and will not be used to develop an extra source, so that even more water can be poured down leaky pipes?

**The Deputy First Minister:** Given that the Member referred to his shared interest with Seamus Close, another Member for Lagan Valley, I could say that we must be careful about being too generous to Lagan Valley in case anyone thinks that we are trying to offer sweeteners to members of the Public Accounts Committee, who are normally forensic about implying that superficial consideration was given to certain allocations.

Some of the provisions are site-specific, while others will support relevant services across the region, including Lagan Valley and other constituencies. For instance, mobile classrooms are an issue for schools in Lagan

Valley, as they are for schools elsewhere. It is not as if some parts of the region will not be touched or improved by the measures announced today.

There are problems with water because of underinvestment and serious leakage. Today's investment announcement will directly support a programme that complies with the Public Accounts Committee's recommendations. The Minister for Regional Development and his Department have identified many problems, which should not be underestimated. The Public Accounts Committee has brought certain aspects to the attention of the public. What is required with regard to water goes far beyond anything that is possible under the initiative. As the First Minister said, there are major long-term strategic issues for us to consider. Where we know the problems and what needs to be done, we must will the means to do it.

11.45 am

**Mr Dallat:** I welcome the £6.7 million investment in further education and, specifically, the £3.2 million that will be invested in Limavady College of Further and Higher Education. Do the Ministers agree that that is only a beginning, that much has yet to be done to narrow the gap between vocational and academic education and that, if we are to address the imbalances of the past, further investment is necessary to promote lifelong learning and so widen access for people who were deprived of further education?

**The First Minister:** The money that has been committed to Limavady College of Further and Higher Education will be used to replace current leased and temporary accommodation that is in urgent need of replacement. The new accommodation must meet present educational and skill demands.

I also endorse the Member's broader point and remind the House that, when we brought forward the package for further and higher education, it was for further, as well as higher, education. In doing that, we departed from what happened in Scotland, which was regarded as breaking new ground by providing support for students in higher education. Our overall package may not seem as generous as the Scottish one, but we decided to spread the money into further education as well as higher education. It was a deliberate decision, taken for the precise reason that the Member gave.

Academic education is valuable but, from an economic point of view, there is also a need for the skills that become available through further education. It also opens up opportunities for a broader range of people. We are anxious that further education is not forgotten, just as we are anxious, with regard to educational provision as a whole, to level up, not level down.

**Mr Kane:** Can the First Minister and the Deputy First Minister identify what funding allocation has been spearheaded to improve water mains and sewers in



north Antrim? Can they also identify where specifically the work will take place?

**The Deputy First Minister:** The precise breakdown of the additional expenditure will be for the Department for Regional Development to provide. We have a list, but I do not intend to go through it in detail. However, the additional money will involve expenditure in several areas and will ease the pressure and backlog in other areas.

As I said earlier, the sum total of spending by the Department for Regional Development on water and sewerage issues will not be confined to the new money. It will also involve the money that is already in the Department's budget. I undertake to have the details provided to the Member by the Department for Regional Development.

I make no pretence that the additional money, helpful though it is to the areas that receive it, will be anything like what is needed to counter the scale of underinvestment in water and sewerage provision, which affects all parts of the region and is becoming an increasingly common problem. There is also pressure on planning because water and sewerage provision is under such strain.

I hope that the Member will be able to find some direct benefits for North Antrim. Where direct benefits are not immediately available there, I hope that his constituency will benefit from the easement in the existing departmental budget.

**Mr Gallagher:** I have spoken previously about the neglect of our infrastructure in the west and other peripheral areas, so I warmly welcome this morning's announcement and congratulate the First Minister and the Deputy First Minister. The £6 million investment in rural schools is welcome, as is the £15 million investment to replace mobile classrooms. Does the First Minister agree that the investment in rural schools will help to ensure that they continue to deliver education, which, in turn, will underpin local rural communities? Moreover, does he agree that mobile classrooms and the neglect of school estate were features of education under the control of direct-rule Ministers? Perhaps he will agree that it has taken the Assembly to begin to sort out that mess.

**The First Minister:** Yes, this is an opportunity to deal with the underinvestment in infrastructure during direct rule, when it was all too easy to postpone capital projects to meet the many other pressures on budgets. As I said earlier, the particular provisions for their removal will reduce the number of mobile classrooms by approximately 20%, which is a substantial proportion.

The allocation will improve accommodation at 75 small rural primary schools. That is one quarter of the total number of primary schools with fewer than 100 pupils, so a significant proportion of schools will be assisted by the project. The reinvestment and reform initiative has

given us the opportunity to take action over and above what would normally result from public expenditure.

My earlier points about private finance are particularly appropriate for schools. Not so long ago, I had the pleasure of attending the opening of a school that was the result of a private finance initiative (PFI). One benefit of a PFI provision in schools is that it relieves teachers of the need to act as estate managers. Experts in property management will do that for them. That benefit is perhaps not yet fully appreciated by the public, which is one reason for wanting to improve our PFI performance. I hope that that will be a consequence of developing the strategic investment body.

**Mr McGrady:** I welcome the statement for two major reasons. First, it is indicative of new initiative thinking and of the value of devolved Government. The reinvestment and reform initiative and the earlier Executive programme funds initiative create new money and vindicate those who support devolution.

I welcome the expenditure allocation for the new cancer centre, which, no doubt, will be appreciated by many families. In the parochial sense, I welcome the allocation of £4.4 million to the Kilkeel fishing industry, which will improve safety and support investment in the harbour.

Among the many hospitals mentioned, was a bid made for new capital funding for the Downe Hospital in Downpatrick? The Ministers may not be able to tell me that.

**The Deputy First Minister:** I appreciate the Member's broad welcome for the approach we outlined and for the devolution dividend that has been shown by the reinvestment and reform initiative, which follows from the new Executive strategic prioritisation that was shown by the creation of the Executive programme funds. We must continue to do that. We must show that devolution offers us a chance, not only to bridge divides between communities, but to continue to narrow the gap between what ought to be and what is. Initiatives that strategically use additional resources help us to narrow that gap.

The regional cancer centre is hugely welcome. Many of us have seen family and friends suffer from cancer. We have seen them struggle to cope as patients, and we have seen dedicated professionals struggle to administer treatment in inadequate and outdated conditions. They need and deserve better facilities, and we will deliver them. The regional cancer strategy is delivering the regional cancer centre and the additional cancer unit at Antrim Area Hospital. Alongside the regional cancer centre, the four units are significant pillars of the regional cancer strategy.

I am glad that the Member welcomed the significant investment in Kilkeel harbour, and I hope that the fishing community in Kilkeel, which has faced recent



stresses and distresses, welcomes it too. The Executive's investment is a timely response to the needs of that community there.

Mr McGrady referred to a bid for funding for Downe Hospital. A bid was not submitted specifically for Downe Hospital. I must repeat the caution that I have given on other occasions to other Members: we must not turn the scrutiny of these announcements into bid-chasing exercises, in which we try to come up with every possible bid. It would be easy for Departments to bid for everything. In fact, we had a daft situation in which some Departments submitted total bids that amounted to more than the total amount of money available.

Shortage of bids is not a problem; underspending is. I am not suggesting that Downe Hospital could not spend money allocated to it in a timely and strategic fashion, but the Assembly must break the bid-chasing cycle. The real issue is how Departments and services plan to manage and spend the money. The timescale for that pillar of the programme is this financial year and the next, so Departments concentrated on proposals that could use the funding straightaway. The timescale may, therefore, have determined the areas for which Departments submitted bids. However, if we want strategic investments and strategic commitments, we must move away from the bid frisking that Committees sometimes get hung up on.

**Mr McCartney:** I also welcome the money that was made available for the various items that were given priority. That they were delayed for so long makes my welcome all the more enthusiastic. However, the Deputy First Minister said that we must not burden future generations with the cost of present implementation. Regardless of the long-term borrowings, where will the money come from to pay the interest on the short-term borrowings? Where will the money come from to repay the considerable capital involved? Is it to come from charges levied on water, and possibly sewerage systems, and vast increases in rates? I ask that question bearing in mind that it was suggested that the Barnett formula will be required for running costs and that that money will not be used for anything other than capital investment in the black hole in our infrastructure.

12.00 pm

I hope that my question will avoid any accusations of parochialism, and I trust that it will not provoke the sort of hysteria that seems to have infected the First Minister and the Deputy First Minister in their responses to questions that they are not happy to deal with.

**The First Minister:** I thank the Member for welcoming the announcements. I want to carp slightly at his terminology when he said that the investments had been "delayed for so long". The Member is fair if he refers to delays during direct rule, but if he refers to delay on our part, I must point out that we have brought these proposals to the House a mere two months after the

reinvestment and reform initiative was announced. The negotiations on the development of the initiative took a great deal of work over several months, and we have created a facility that was not anticipated.

As the Member knows, the short-term package — the £125 million that was borrowed to fund some of these investments over the next two years — will be paid for from existing revenue. There is no question of any increase in borrowing. That point was covered in the statement. The issues that the Member raised are important for our long-term objectives, and we must consider those carefully. We must be honest with ourselves and with the community in Northern Ireland. It is the same point that arises with regard to the Barnett formula. When we raise the issue of funding in Northern Ireland with the Treasury, we are asked if we are making the best use of existing resources and revenue. We can, and do, argue our case with the Treasury. However, compared to England, Wales and Scotland, there is undertaxation in Northern Ireland in respect of locally raised revenue, which runs at several hundred million pounds a year.

We must consider what we will do about that. Will we say to local people that we will try to get the Treasury to pay for their services when they are not contributing as much as people in England, Scotland and Wales? Is that a fair approach to taxation and expenditure across the kingdom? I think not. The rating review will enable us to consider the issue, and it will probably mean that there will be some increase in local taxation.

**Mr McCartney:** Will the rates be increased?

**The First Minister:** The rates might be increased or something else might be increased. That is what we have to consider. The rating review opens up the issue for discussion. The Assembly and the community in Northern Ireland must face that discussion. We must recognise that the level of taxation in local government in Northern Ireland is less than that in England, Scotland and Wales. Therefore we must consider that point and ask whether additional revenue can be found to meet the cost of future borrowing.

Some of the scare stories that have been spread in the media about what this may mean are, however, greatly exaggerated. The Assembly will make any decisions on the matter, and I hope that when we reach that point there will be grown-up discussion and consideration instead of some of the sillier points that have been raised in recent months.

**Mr Deputy Speaker:** We have less than three minutes left. If the question is brief and the answer equally brief, I will consider that I have received your co-operation.

**Mr Kennedy:** I welcome the announcement and, from a parochial perspective, the proposals for health, education and roads that affect my constituency, Newry and Armagh.

Although I welcome the education allocations, I seek assurance that they are consistent with the capital building list of contenders so that the schools on that list will receive the funding. I also seek assurance that the welcome replacement of 200 mobile classrooms will happen throughout the Province and across all education sectors.

Members were told that hard choices lie ahead for the Assembly. What is the nature of those choices? Will the Minister confirm that all parties in the Executive will share the burden of those hard choices?

**Mr Durkan:** The allocations announced for specific capital projects are in line with the overall capital needs priorities as reflected by the Department of Education. The Committee for Education can pursue that aspect, if Mr Kennedy is not happy with my assurances.

If we are to use the extra spending capacity offered by the longer-term borrowing power, we will have to balance the amount that we can afford to borrow against the amount that we cannot afford not to spend. If we use the borrowing power, we will not have extra free money, because we will have to use public revenue to support our loan. That is one reason why there should be a focus only on strategic capital. It will be the Assembly — not just the parties in the Executive — that makes those choices.

## BRITISH-IRISH COUNCIL SUMMIT

**Mr Deputy Speaker:** I have received notice from the Office of the First Minister and the Deputy First Minister of their wish to make a statement on the British-Irish Council summit meeting, which was held on 14 June 2002 in Jersey.

**The First Minister (Mr Trimble):** I understand that there have been no problems with the advance distribution of the text of the statements. I will make a statement on the British-Irish Council summit, and the Deputy First Minister will make a statement on the North/South Ministerial Council meeting.

All the Northern Ireland Ministers who attended the third summit meeting of the British-Irish Council have approved my report, and I make it on their behalf. The Deputy First Minister and I, together with the Minister of Enterprise, Trade and Investment, the Minister of Education, and the Minister for Employment and Learning, represented the Northern Ireland Administration. Representatives of the British and Irish Governments, the Scottish Executive, the National Assembly for Wales, the Isle of Man Government and the States of Jersey and Guernsey also attended.

The main focus of the meeting was the knowledge economy and the development of plans for co-operation on that issue in the British-Irish Council. It was apparent from discussions at the meeting that all British-Irish Council Administrations are actively working on strategies to address knowledge economy issues, and there was a good exchange of information and views on the wide variety of policies, methods and projects under way.

In recognising the need to address important challenges in that area, it was agreed that work in the knowledge economy sector would include specific projects relating to the digital divide, such as providing access for disabled people to information and communication technology facilities and e-government.

A group of knowledge economy officials from all the Administrations has been established to develop the issue, and sub-groups will progress matters of mutual interest in areas such as research, the digital divide and e-democracy.

The importance of the effective switchover to digital terrestrial television and competitive broadband markets was also recognised, and it was agreed that those matters could be considered further. Members also agreed to work together on the identification and development of pilot programmes for specific issues relating to the knowledge economy. The meeting heard about the outcomes of the recent British-Irish Council conference on bridging the digital divide, which was hosted by Jersey in April 2002. In consultation with other British-Irish Council Administrations, and along with the British-Irish Council Secretariat, Jersey took the lead in designing

a British-Irish Council web site, which was launched after the meeting.

An update was provided on sectoral work by the relevant lead Administrations. The Irish Government are taking the lead on drugs. Since the second summit meeting in Dublin in November 2001, at which the issue of drugs misuse was the main focus, drugs officials have been preparing recommendations for co-operation. A meeting of drugs Ministers, hosted by the Irish Government on 22 March, focused on the importance of targeting the proceeds of drugs trafficking, and of involving the community in the development and implementation of drugs strategies. It also considered the need to divert young people at risk into healthier pursuits, and to provide training and employment opportunities to recovering drug misusers. Further meetings on diversion programmes for young people at risk and reintegration and training opportunities for recovering drug misusers are scheduled to take place in the coming months.

A conference on targeting the proceeds of the drugs trade, hosted by Guernsey, took place in May 2002. A further conference on community involvement in the development and implementation of drugs strategies will be hosted by the Northern Ireland Executive in November 2002. The next meeting of Ministers to review developments is scheduled to take place in Dublin in spring 2003.

The United Kingdom Government have been taking the lead in the environment sector. In February 2002, British-Irish Council Environment Ministers met for the second time in Edinburgh to consider waste management, Sellafield and radioactive waste, marine nature conservation, and climate change.

The Scottish Executive, with other members, continue to advance work to find more sustainable ways of managing generated waste, which is a matter of increasing concern to British-Irish Council members. The Scottish Executive gave a presentation on the issue to other members at the Edinburgh meeting, and work to address the challenge and to identify the scope for co-operation continues.

Ireland and the Isle of Man have taken the lead in examining the issue of radioactive waste from Sellafield. Ministers discussed the matter during their recent meeting, and it will be considered further at the next meeting of environment Ministers, which will be hosted by Northern Ireland in autumn 2002. There will be a further meeting of Ministers in the Isle of Man next year.

Scotland and Wales are the lead Administrations on social inclusion, which will be the central focus of the next summit meeting. Current proposals for future co-operation include practical processes for sharing information and best practice for promoting social inclusion at community level. Future work will also build on existing experiences of networking between communities. Com-

munities will be involved in the development of the Council's future programme of co-operation.

In addition to the summit meeting in Scotland, a community inclusion conference is scheduled to take place in Glasgow in September 2002, when the main theme will be financial inclusion. Plans to develop an electronic community inclusion network are also being considered.

Northern Ireland is the lead Administration on transport. British-Irish Council officials have met to progress work on several aspects of the transport sector that were identified at the first summit and at a ministerial meeting that took place in Belfast in December 2000. As part of that work, the Irish Government have agreed to take the lead on integrated transport matters.

Officials from all British-Irish Council Administrations are also exploring the possibility of an exchange of views and experience of public-private partnerships for transport infrastructure. Having recognised that there is considerable scope for co-operation on road safety issues, the Administrations are also identifying areas that could be developed in that way.

Regional air links, which are of particular concern to several Members, are among the other matters under active consideration. The Northern Ireland Executive will host a ministerial meeting soon to discuss those issues further.

The Isle of Man agreed to take the lead on the application of telemedicine at the summit meeting in November 2001. Initial meetings of officials have taken place to plan future co-operation, and proposals currently include the monitoring and exchange of information on the use of telemedicine and evaluation of the benefits to be derived by implementing telemedicine and e-health clinically, educationally and organisationally. Further meetings, including a number of study visits to telemedicine projects across British-Irish Council Administrations, are scheduled to take place before the end of the year.

*12.15 pm*

It was also agreed at the summit meeting in November 2001 that Guernsey would be the lead Administration on tourism. Officials continue to discuss how best to advance work in this area. Future plans include proposals to identify common visitor data and an examination of tourism satellite accounting. The challenges of transport access, industry contacts, disabled access, and links between the environment and tourism, as well as training and the support of small businesses in the sector, will also be considered. Further meetings to develop this work are planned for the coming months.

The Council agreed that the National Assembly for Wales would take forward work in the area of minority and lesser-used languages.

The meeting considered proposals to improve the workings of the Council, and it was agreed that the



senior co-ordinating officials group, which comprises officials from all Administrations, will examine how best the Council can be supported and developed in order to promote and maximise its impact.

This group will also consider whether further benefit could be derived from the bilateral and multilateral arrangements between two or more members described in paragraph 10 of strand three of the agreement. The Council also agreed that the senior co-ordinating officials group should bring forward proposals to the next summit meeting so that the Council might consider how to encourage the development of the inter-parliamentary links provided for in paragraph 11 of strand three of the agreement.

The Council agreed that Scotland will host the next summit in November 2002, and that the meeting will focus on the issue of social inclusion. Northern Ireland and Wales will host summit meetings in 2003. A copy of the communiqué issued following the meeting has been placed in the Assembly Library.

**Dr Birnie:** The First Minister has described a comprehensive and worthwhile forward work programme for the British-Irish Council. Will use be made of the scope provided in the Belfast Agreement for bilateral meetings between member Governments?

**The First Minister:** Yes, indeed it will. Meetings will not always involve all eight Administrations, as only a limited number of items are of direct interest to all, and progress has been made on having meetings in different formats, and on some form of variable geometry.

The Deputy First Minister and I have discussed this with the Scottish Administration, and there is a tentative agreement. We have not yet involved the Welsh in these discussions. We are working towards a situation where the Scots, the Welsh, and our own Administration meet regularly to look at common interests and issues. As the three devolved regions within the United Kingdom, there are some issues that apply directly to us.

We see this activity occurring within the British-Irish Council framework, and as part of those bilateral and trilateral activities that are actually provided for in the agreement. The other participating Administrations in the Council will be informed about what is happening, and will hopefully not feel that the three of us are ganging up on any other particular Administration.

**Ms Lewsley:** What further progress has been made on the misuse of drugs agenda since it was first discussed at the Dublin British-Irish Council meeting at the end of last year? Also, with the National Assembly for Wales taking forward the work on minority and lesser-used languages, will the First Minister confirm that sign language will be included as one of the lesser-used languages?

**The First Minister:** On the question of drugs, the Minister of Health, Social Services and Public Safety

will host a conference in November 2002 in Northern Ireland. This will explore models of good practice and involving communities in local strategies.

It is proposed that the conference will include community-based speakers from member countries, who will share their experiences of working alongside policy makers and statutory agencies to implement their respective strategies. British-Irish Council members will also be invited to speak about their experience in developing partnership networks across Departments between voluntary, community and statutory sectors, and the importance of community involvement in the implementation of local strategies.

The Welsh Administration proposed holding a sectoral meeting on minority and lesser-used languages. Given that many people in Wales speak Welsh, they have some expertise in that area. It is natural to think of that in relation to other British-Irish Council members where minority and lesser-used languages are also used. It is a new proposal. The Welsh Administration did not go into detail on its possible ambit, so I cannot answer the Member's specific question about sign language. We will bear it in mind and see if inquiries can be made. If there is any information, it can be communicated subsequently to the Member.

**Mr Ford:** Would the First Minister pass on my congratulations to the Government of Jersey for not only taking the lead in designing a web site, but in appearing to have achieved that? I counted 33 phrases in the First Minister's statement similar to, and including, "will also consider", "development of pilot programmes", "preparing recommendations" and "work continues". In the face of those aspirations, surely we should all welcome the fact that at least Jersey has achieved something.

The First Minister referred to Northern Ireland taking the lead on transport matters. Neither the Minister for Regional Development nor the Minister of the Environment were at the meeting, but can the First Minister give us a flavour of what has been achieved by his Administration in transport co-ordination, especially in road safety?

**The First Minister:** I would put a slightly different interpretation on the phrases that the Member has drawn to my attention. Drawing attention to ongoing work and work that will be done in the future highlights the fact that the British-Irish Council is developing. The Council has taken some time to build up. The number of references to ongoing work — and I am indebted to the Member for telling us the total number — is a sign that the Council is developing.

I also join with Mr Ford in congratulating Jersey for the progress they have made; it was good to launch the web site.

Work continues on transport. At the sectoral meeting an idea was developed that related directly to road safety,



and especially to legislation in different jurisdictions and the consideration of a means of making that legislation read across from one jurisdiction to another. It was pointed out that many road accidents happen near the border. The reason for that seems to be that when drivers cross the border, they think that they are now on the other side and do not have to worry to the same extent about road traffic legislation and penalties. Now that we are all moving towards a penalty points system, the idea was mooted that we try to ensure that there is reciprocal enforcement so that drivers from both sides of the border realise that when they cross the border, the law still applies to them. Those ideas are being advanced.

**Mr Beggs:** Will the Minister confirm that the experience of all our partners in the British-Irish Council will be used in the development of the reinvestment and reform initiative, especially in the area of public-private partnerships?

Will he confirm that public-private partnerships are used more extensively in England, Scotland and Wales, and also in the Republic of Ireland? Does he accept that Northern Ireland has been relatively slow to use public-private partnerships and that we should gain from the experience and innovation that exists in the private sector?

**The First Minister:** That question could have been asked regarding the previous statement. I have said that officials in the British-Irish Council Administrations are exploring the possibility of exchanges of views and experiences regarding PPPs, especially in relation to transport infrastructure.

We do not have a great deal of experience of PPPs in Northern Ireland, and we have a lot to learn from other British-Irish Council Administrations. We look forward to the exchange of information on that. The subject was discussed when we visited the Scottish Executive in Edinburgh. They have been successful in raising several billion pounds from private finance for projects, particularly with regard to schools. We are moving only in a small way on that, but we are hoping to improve our performance through the reinvestment and reform initiative.

I will stray for a moment into the territory of the Deputy First Minister. There is a national finance corporation in the Republic of Ireland that bears some similarity to the strategic investment body that we are developing. There will be areas there where there can be a useful exchange of information.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Radioactive waste from Sellafield was discussed recently by the Environment Ministers in Edinburgh, and it will be considered at a meeting here in the autumn. I welcome that. Many people are expressing public concerns about the implications of an attack on British nuclear plants such as Sellafield, and the potential risk to the people in Ireland should not be underestimated.

That risk was underlined in the recently released first report from the Office for Civil Nuclear Safety, which discloses deficiencies that are hampering attempts to protect those plants. Will that report be examined in detail at the autumn meeting, and will it look at the grave risk that Sellafield poses to Ireland and the Irish people? Will the First Minister and the Deputy First Minister, through the British-Irish Council, press for the closure of Sellafield?

The National Assembly for Wales is to take forward work in the area of minority and lesser-used languages. Can we have more detail about that work and how it might impact on the development of the Irish language?

**The First Minister:** I remind the Member of the answer I gave on languages a few moments ago. That proposal has come from the Welsh Administration and it struck us as a good, sensible proposal because several Administrations have minority and lesser-used languages, and something may be learnt from the experience of others. We look forward with interest to what the National Assembly for Wales has to say, what ideas it brings forward and what we can learn from its experience. I cannot give the Member any more information, but no doubt there will be further developments.

I am glad to see that the Member is alive to the danger of terrorist attacks on Sellafield or other installations of that nature. We are all very much alive to that following September 11. However, it has not come up in the British-Irish Council. It is a matter that comes up through the Civil Contingencies Committee, which exists on a UK basis. The Northern Ireland Administration is represented on that committee and has attended meetings.

Efforts have been made by the Civil Contingencies Committee to ensure that contingency plans for major emergencies are up-to-date and robust. I am assured that our plans for any contingency of that nature have been reviewed and are robust. However, we should hope that there is no terrorist attack on Sellafield and support what Governments are doing worldwide in the pursuit of the war against terrorism.

12.30 pm

**Mr Dallat:** I was especially pleased to learn that the knowledge economy was discussed. What provision will be made to ensure that e-government assists social inclusion rather than simply become another tool of bureaucracy?

**The First Minister:** A considerable amount of work is being done on e-government, especially on digital inclusion. The Executive intend to make all key Government services electronically available by 2005. However, that is only half the story; that target will have to be matched by citizens in order to maximise access to those channels. A strategy document on the matter is being developed.

The Executive endorsed targets for electronic service delivery in July 2001, and those have now been

included in the Programme for Government. It has been agreed that 25% of all key services will be capable of being delivered electronically by the end of 2002, with a target of 100% capability set for the end of 2005.

**Mr McGrady:** Like others before me, I welcome the statement on matters that are germane to all the islands. I draw the Ministers' attention back to one of my favourite subjects, which is Sellafield and British Nuclear Fuels Ltd. I welcome the fact that all Governments are now concentrating on that area, although I am somewhat sceptical about the report, which says that the UK Government, a principal stakeholder, is taking the lead in the environmental sector. I shall watch that space with care.

I draw the Ministers' attention to the fact that a statement will be issued later this week that will announce the establishment of a liabilities management authority and the possible dismemberment of British Nuclear Fuels Ltd. That will result in taxpayers, including those in Northern Ireland, picking up the tab for 50 years of nuclear waste accumulation. Will the Ministers ensure that all facets of the nuclear industry will be on the agenda next autumn on the Isle of Man? During my recent visit there, its Government outlined their grave concerns and their determination to pursue the commencement of the decommissioning process, which is creating the additional long-term waste. I want an assurance that, at the next meeting, we shall specifically pursue resolutions to the environmental sector's horrendous problems.

**The First Minister:** The Member is well known for his concerns on this and for the assiduity with which he pursues them. I remind him that the Republic of Ireland and the Isle of Man have taken the lead on the issue of Sellafield and radioactive waste. A paper prepared by Ireland and Mann was presented at the environment sectoral meeting in Edinburgh in February 2002. Since that paper was presented there have been several developments, such as the UK Government's decision on the Sellafield MOX plant, the environment agencies' consultation on the review of authorisations to dispose of radioactive waste from British Nuclear Fuels Ltd at Sellafield and the UK-wide public consultation on managing radioactive waste activity. Indeed, as the Member said, there may be further developments.

The Edinburgh meeting agreed that the paper should be redrafted to take account of those issues. The revised paper, which takes account of all subsequent developments, will form the basis of more detailed discussions at the next environmental ministerial meeting, which will take place in Belfast this autumn.

## NORTH/SOUTH MINISTERIAL COUNCIL PLENARY MEETING

**Mr Deputy Speaker:** I have received notice from the Office of the First Minister and the Deputy First Minister —

**Mr Ford:** On a point of order, Mr Deputy Speaker. On 28 May last, I proposed a motion calling on the Assembly to enter into negotiations on the establishment of a North/South parliamentary forum. The Assembly rejected that motion, largely through the votes of Ulster Unionist Members. Media reports over the weekend suggested that the North/South Ministerial Council (NSMC), on which the Assembly is about to receive a statement, had discussions on the establishment of such a forum, which I believe to be properly the responsibility of the House and not of the Executive. Maybe it illustrates a change of heart on the part of the First Minister; maybe it illustrates the continuing shambles of the Ulster Unionist Party. However, Mr Deputy Speaker, perhaps you will rule —

**Mr Deputy Speaker:** Order. That is not a point of order. I cannot accept it because it is not for me to rule on what may be discussed at the NSMC. However, the Member may ask a question on the matter that concerns him following the Deputy First Minister's statement.

**Mr Ford:** On that point of order, Mr Deputy Speaker. You did not allow me to complete my point of order —

**Mr Deputy Speaker:** Order. I have heard sufficient to know that it was not a point of order. I am not accepting it as a point of order. I call the Deputy First Minister, Mr Mark Durkan.

**Mr Ford:** On a further point of order, Mr Deputy Speaker.

**Mr Deputy Speaker:** I am not taking the point of order, Mr Ford.

**Rev Dr Ian Paisley:** On a point of order, Mr Deputy Speaker. A Member has a right to raise a point of order if it is not along the same line as the point of order that you have ruled against. That is the right of every Member.

**Mr Deputy Speaker:** The Member has a right to attempt to make a point of order before a statement is made, as the Speaker made clear yesterday. That is why I allowed Mr Ford to continue for some time. I heard what he was saying, and it was not a point of order. I call the Deputy First Minister, Mr Mark Durkan.

**The Deputy First Minister (Mr Durkan):** With permission, Mr Deputy Speaker, on behalf of the Ministers who attended I will make a statement on the fourth plenary meeting of the North/South Ministerial Council (NSMC) held on Friday, 28 June 2002 in Armagh. The eight Ministers whose names have been notified to the Assembly participated in the meeting.

The plenary meeting reviewed the programme of work which it had put on train at its first meeting in Armagh in December 1999 and received a progress report on the work of the NSMC at meetings in sectoral format since January 2002. The Council heard reports on the valuable work being done in those sectors. Both sides look forward to the delivery of further tangible benefits to both jurisdictions. The council noted that the useful first meeting took place in institutional format in December 2001 and looked forward to continuing its work in that format.

The Council considered proposals brought forward by the consultative forum working group following consultation with the Northern Ireland Civic Forum and the social partners in the South which are participating in the central review mechanism of the Programme for Prosperity and Fairness.

An outline structure for a North/South consultative forum was agreed by the Council. A twice-yearly conference will take place, alternating between North and South and comprising representatives of civil society in the North and South. The planning and organisation of the first conference will be undertaken by a steering committee drawn from the Northern Ireland Civic Forum and the social partners in the South participating in the Programme for Prosperity and Fairness in liaison with the two Administrations. The steering committee will also invite representatives from a range of relevant organisations from the North and South to participate in the conferences.

The Council noted the analysis put forward by the working group, which was set up to consider areas of co-operation, and agreed that there is potential for mutual benefit from co-operation in areas such as strategic investment in infrastructure, including strategic transport issues.

It was also agreed that the appropriate Ministers in the respective North/South Ministerial Council sectors should consider whether there are matters within existing areas of co-operation which might be included in their future programme of work.

With regard to North/South co-operation outside the North/South Ministerial Council, it was agreed that Ministers would examine the working group's proposals. The Council considered the provisions of the agreement that established the North/South bodies for the transfer of the functions carried out by the Irish Lights Commissioners to the Foyle, Carlingford and Irish Lights Commission. It recognised that complex issues surround such a transfer, and it asked the relevant Ministers and Departments, North and South, to examine urgently the alternative possibilities and make proposals to the Council.

The Council discussed European Union matters and considered a report from the EU working group. Recognising the importance of the EU to both jurisdictions, the Council

decided that Ministers might consider the European dimension of North/South co-operation at the next sectoral meetings of the North/South Ministerial Council. It also decided that the working group should make an overall assessment of EU issues that are likely to arise. Further consideration will be given to how the Council's views can be reflected appropriately at EU meetings.

The Council considered proposals to overcome obstacles to cross-border mobility on the island of Ireland. Consultants carried out a study on the matter, which was published earlier this year, after which there was extensive public consultation. The Council was pleased to note that, since commissioning the study and the consultation process, some recommendations have been implemented. In response to recommendations on the difficulty of accessing information on issues relating to North/South mobility, the Council agreed to establish a web site providing comprehensive and easily accessible information.

The Council also decided that recommendations for education, work, health and pensions should be considered by relevant Government Departments so that they can make detailed proposals for implementation, including costs. It also decided that officials from the two Administrations would further examine other recommendations.

The Council noted the annual report on the activities of the North/South Ministerial Council from 1 January 2001 to 31 December 2001. That report will be published soon. The Council noted the development of two similar investment initiatives: the National Development Finance Agency in the South and the strategic investment body in the North. It welcomed the proposals for infrastructure development being prepared by both Administrations.

The Council, when considering the provision for a joint parliamentary forum in strand two of the agreement, recognised that the development of any such forum is a matter for the Northern Ireland Assembly and the two houses of the Oireachtas. It agreed that officials from the two Administrations should contact officials in the elected institutions and report to the next plenary meeting. The Council noted a recently completed economic appraisal of the options for accommodation for the joint secretariat of the North/South Ministerial Council in Armagh. It agreed that those options should be considered by the two Administrations in liaison with the joint project team and that they should be presented at a Council meeting.

The Council approved a schedule of North/South Ministerial Council meetings to take place over the coming months. Before the meeting commenced, the First Minister, the Taoiseach and I launched the North/South Ministerial Council web site. The Council agreed that its next plenary meeting would take place in Northern Ireland in November 2002. A copy of the communiqué that was issued after the meeting has been placed in the Assembly Library.



**Sir John Gorman:** Will the Minister confirm that the scheduled sectoral meetings will be business driven as opposed to diary driven?

**The Deputy First Minister:** The future business of the North/South Ministerial Council, in its various formats, will be business driven in that work being carried out at present must be followed up by the relevant sectoral format. The Council agreed at its meeting on Friday that the sectoral formats would consider EU matters that may be of relevance to them and examine other opportunities for co-operation that have not yet been activated. There is work to be done and followed through in the meetings in each sectoral format, so future meetings will be entirely business led.

12.45 pm

**Mrs Courtney:** Can the Minister say what discussion occurred with the two newly launched investment initiatives — the strategic investment body in the North, and the National Development Finance Agency in the South? Can he ensure that they will be fully supportive when joint investment projects of mutual benefit arise? Where will the next NSMC plenary meeting take place, and will the Deputy First Minister consider bringing it to his native city to allow the participants to experience the hospitality of that part of Ireland? *[Interruption.]*

**Mr Deputy Speaker:** Order. A mobile phone rang in the Chamber; can it be switched off?

**The Deputy First Minister:** On the Member's latter point, we may be able to hold the next plenary meeting in Magee College in November. I hope that we will be able to fulfil the Member's ambitions and that the local hospitality matches the standard that she claims.

The discussion we had on the strategic investment body and the National Development Finance Agency took place at a time when our plans and proposals for those entities were at a formative stage. We shared with the Southern Ministers the background to the reinvestment and reform initiative and the role we envisaged for the strategic investment body, which is to deliver supporting finance solutions for the programmes and priorities that will be determined on the democratic, political side by Ministers, Departments and the Executive.

Southern Ministers filled us in on the background to the National Development Finance Agency. Although the scope for activity and support by the bodies is similar, there are some distinctions. Given that we will be talking about strategic investment, which on some occasions will have a North/South dimension, and about trying to lever in other sources of funding that may include funding from international markets, it makes sense to compare notes and exchange ideas. It is a situation in which great minds think alike. We have produced and developed an entity similar to that in the

South, so we should maximise the advantages of further comparisons and co-ordinate and collaborate in the future.

**Rev Dr Ian Paisley:** The Ministers' report on the NSMC plenary meeting states that

"In regard to the North/South co-operation outside the NSMC, it was agreed that Ministers would examine the working group's proposals."

Surely that is a major extension of the area in which the NSMC should work? It seems that political issues that are not within the framework are to be brought in. It has been advocated that the NSMC should make representations at European meetings on European matters. That would weaken the status of Northern Ireland as a separate entity from the Irish Republic and prevent Northern Ireland from making its own case in association with the rest of the United Kingdom and Europe. Keeping those points in mind, can the First Minister and his deputy tell the House the cost of the proposed increase of the North/South quango? Can they confirm that it is the Dublin Government that is driving the agenda for the benefit of those who demand a united Ireland? Can they further confirm that the Northern Ireland Assembly has no power to alter the budget of that all-Ireland vehicle in which they seem to participate so enthusiastically?

**The Deputy First Minister:** I remind the Member that what I said was with regard not to North/South co-operation that is not taking place but to North/South co-operation that is taking place outside the NSMC. It was agreed in respect of that kind of co-operation that Ministers would examine the working group's proposals. That was discussed earlier in the year when the First Minister and I reported on the meeting in the NSMC's institutional format that considered other areas of co-operation that were taking place outside the NSMC.

An extensive range of areas of co-operation is being pursued on a Department-to-Department and civil servant-to-civil servant basis. I would have thought that the Member, who is so assiduous in trying to ensure that anything that happens should happen under the spotlight and accountability of OFMDFM and that Ministers should be accountable for everything that their Departments do, would not be averse to ensuring that all areas of activity that are undertaken by Departments on a cross-border, North/South basis, would be considered for inclusion in the areas of co-operation that are conducted under the NSMC and would, therefore, be the subject of accountable statements in the Assembly.

Let us be clear about EU matters. Nobody talks about Northern Ireland as a region that does not have its own case on EU issues. Clearly, Northern Ireland has its own case. Northern Ireland's regional case on EU matters is often different from the priorities of and cases made by the UK Government. At times, it is also distinct from the priorities and interests of the Irish Government.



Northern Ireland must use all available channels to promote its needs. That involves MEPs and their role in the European Parliament. It involves the Assembly, using every means available through joint ministerial committees and other opportunities, such as its influence on the position of the UK Government. It includes Northern Ireland's Ministers being involved directly in the business of the EU Council, alongside UK Ministers. All that has been done.

In addition, being able to use the NSMC to explore issues of common concern and possible differences and, therefore, rivalries and tensions that we might want to minimise when matters are discussed at EU level, will add one more layer of advocacy and support to Northern Ireland's regional interest.

There are occasions when it is directly in Northern Ireland's regional interest that present at the EU Council of Ministers are not just the UK Ministers whom we have lobbied and badgered, but Ministers from another member state — our neighbouring Ministers in the South, who fully understand Northern Ireland's needs and are often promoting a similar case. An example of that is fisheries. This is about maximising the opportunities that are afforded to us to promote Northern Ireland's interests in the EU.

**Mr McElduff:** I am disappointed that the Deputy First Minister seems to believe that the best interests of the North do not lie in Ireland's being treated as a single unit by the EU.

Nonetheless, I welcome the fourth plenary meeting of the NSMC. Yesterday, the Member for South Down, Mr Mick Murphy, raised the issue of students from the Twenty-six Counties being unable to receive financial assistance to study for PhDs in the North. Can the Minister detail the number and nature of recommendations that have already been implemented with respect to the proposals on obstacles to cross-border mobility? Can he also detail the North/South Ministerial Council meetings scheduled to take place in the coming months?

**The Deputy First Minister:** First, I have not said that I do not want to see the EU treat Ireland as a single unit for all matters. I made a statement on the business of the North/South Ministerial Council. I am not here to preach my personal opinion on different matters and different future arrangements. I am here to record in good faith what was transacted at a meeting of the North/South Ministerial Council and deliver a statement that was approved and agreed by all the Ministers who attended that meeting.

It is not for me, as a Minister making a statement on behalf of other Ministers, to embroider all sorts of things in all sorts of directions. If I were to do that, I would remind the Member that at least the SDLP, as a party that wants to talk about Europe and Ireland as a single unit, wants the euro throughout Ireland, while Sinn Féin appears to be sterling in its opposition to the euro and

wants partition in that respect. We should not get into that here, and I should resist the Member's temptation.

Some of the recommendations of the obstacles to mobility study have already been implemented; others are the subject of further exploration and consideration and will, as I said, come forward.

A web site specific to the NSMC has been launched, and the Member will be able to find all the appropriate details there. I do not have a calendar to hand, but I will be able to provide the Member with details of the schedule of future meetings.

**Mr Ford:** The Deputy First Minister mentioned the potential for mutual benefit on strategic transport issues. It was a fairly limited statement on something that has such major potential importance for transport on this island as a whole. Can he enunciate further on that?

**The Deputy First Minister:** I reflected what was discussed. We did not fill in specific proposals or projects at the meeting, which was exploratory and illustrative. My statement was an honest reflection of the quality of the discussion that we had. I do not want to understate the significance of this or overstate the nature of the agreement and the understanding that we came to.

Let us be clear: as with the British-Irish Council, this process will not work on the basis of immediate fixed products at any time. Because we are talking about areas of mutual interest, mutual co-operation and common advantage, the work will, by necessity, take time and require due consideration and diligence.

We have recognised the importance of those areas. The separate discussion on the National Development Finance Agency in the South and the strategic investment body in the North was also relevant and, in many ways, corroborates the positive assessment that was made on the possibilities.

The strategic transport possibilities do not only apply to those who happen to live in border areas and can see some of the more immediate localised infrastructure issues; they apply on an entirely strategic basis across this region and the South. Obviously, there is much more to be done. I do not know whether the relevant Assembly Committees want to try suggesting other possibilities, but they are certainly free to take an interest in them.

Mr Deputy Speaker, the Member has not availed of the opportunity, which you said would be available, to ask me specifically about what consideration we gave to provisions for an interparliamentary forum.

*1.00 pm*

**Mr Deputy Speaker:** The Assembly was due to rise at 1.00pm; however, further to discussions through the appropriate channels, I am informed that the intention is to continue without a break for lunch.

**Mr Davis:** I note that the North/South Ministerial Council agreed an outline structure for a North/South consultative forum, and that a biannual conference will take place. What are the desired benefits of a joint civic forum conference?

**The Deputy First Minister:** A North/South consultative forum is provided for in the Good Friday Agreement, but the provision has not yet been activated or pursued. The North/South Ministerial Council adopted an approach that does not involve creating a new entity whose members are separate from the existing social partner representative organisations — the Civic Forum here and the Central Review Panel for the Programme for Prosperity and Fairness in the South. The joint conference will involve members of those two bodies, which represent the broad interests of civic society. The steering group will be provided for members of those organisations. It makes sense to follow through on the provision in the agreement.

Members of the two representative bodies and other interested parties have useful insight that would help to identify concerns and obstacles to mobility that affect individuals, sectors and localities daily. The forum will be able to reflect on some of the North/South Ministerial Council's work and on other issues that the Council does not address. Moreover, it will be able to indicate and, I hope, promote some of the very good cross-border partnership work outside Government, for example, in cross-border councils and the community and voluntary sectors. It will also consider the many private sector initiatives through the Confederation of British Industries and the Irish Business and Employers' Confederation.

The conference will provide a channel for reflection by those disparate groups. Just as the Civic Forum is designed to provide a common platform for different interests in the North, the joint consultative forum would provide a common channel for the cross-border interests and activities of different policy communities.

**Mr McGrady:** Does the Deputy First Minister agree that strategic transport is an important element of economic and social development on this island? Given that tomorrow the Assembly will debate the regional transport strategy, and in the light of the report on co-operation on strategic transport, does the North/South Ministerial Council intend to create a sectoral group to deal with the issue? A sectoral group on strategic transport was envisaged in the Good Friday Agreement and would facilitate broader discussion and Executive action, if appropriate, on North/South transportation and infrastructure.

**The Deputy First Minister:** I agree that strategic transport and, more broadly, strategic infrastructure are important. We are considering the matter in the context of the reinvestment and reform initiative. The Executive are trying to prioritise the issue and are pursuing it

through the North/South Ministerial Council and the British-Irish Council. Therefore, that is a demonstration of our commitment to the issue, and our determination to use all available platforms and means to achieve progress.

The North/South Ministerial Council can recast the scope of its sectoral footprints and designate further areas of co-operation. I cannot pre-empt what consideration the Council might give to sectoral designation.

**Mr Armstrong:** Does the Deputy First Minister agree that, in areas of co-operation, the provision of benefits to all sides and all people must remain the fundamental principle of the North/South Ministerial Council?

**The Deputy First Minister:** The North/South Ministerial Council's annual report, when Members receive copies of it, will advertise strongly that all the work undertaken provides benefit to everyone involved. It also provides benefits for the many people who insist on not being involved but are happy to reap those benefits and positive by-products of the Council's work.

The annual report promises to be the basis on which to continue the Council's work. Mr Armstrong referred to areas of co-operation. People co-operate because it is in their interest to formulate better ideas together, to achieve economies of scale, to promote best practice and to take advantage of the variety of policy synergies. Therefore, the North/South Ministerial Council's work addresses mutual benefit and common purpose.

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

**Mr Bradley:** I pay tribute to all concerned for the positive work done by the North/South Ministerial Council since its first meeting at the end of the previous century. What areas are being considered as suitable alternatives to the Foyle, Carlingford and Irish Lights Commission for inclusion as a North/South body?

**The Deputy First Minister:** As I stated earlier, the Council asked the Ministers and Departments most immediately involved to consider the possible replacements for the Foyle, Carlingford and Irish Lights Commission. Although there has been consultation to determine other activity in the remit of the Minister of Agriculture and Rural Development, and in the remit of the newly created Minister of Communications, Marine and Natural Resources, further consultation is necessary. Officials from the relevant Departments, and from the Centre group, will consider the alternative as a matter of urgency and will bring specific proposals to a future Council meeting. Some of the obvious candidates for consideration include marine research and sea fisheries. However, there must be further discussion and consideration.

**Mr Ford:** On a point of order, Mr Deputy Speaker. Before you took the Chair, your predecessor made a reference in response to a point of order of mine. He said that I could ask questions of the Deputy First Minister on a matter that did not appear to me to relate

to the responsibilities of Ministers in this place. Will you advise me which Standing Order entitles Members to ask questions of Ministers that are not their responsibility?

**Mr Deputy Speaker:** I shall read Hansard and get back to you on that issue.

## NORTH/SOUTH MINISTERIAL COUNCIL: LANGUAGE

**Mr Deputy Speaker:** I have received notice from the Minister of Culture, Arts and Leisure that he wishes to make a statement on the North/South Ministerial Council sectoral meeting on language, which was held on 14 June 2002 in Dublin.

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** I wish to report on the fourth meeting of the North/South Ministerial Council in language sectoral format, held on Friday 14 June 2002 in Farmleigh, Dublin. Following nomination by the First Minister and the Deputy First Minister, I attended the meeting as an Executive representative, with the accompanying Minister, Ms Bairbre de Brún. The Irish Government were represented by Mr Eamon Ó Cuív, Minister for Community, Rural and Gaeltacht Affairs, who also chaired the meeting. Ms de Brún has approved the report, and it is made on her behalf also.

The meeting began with oral progress reports on the body's activities by Seosamh Mac Donncha, chief executive of Foras na Gaeilge, and George Holmes, the deputy chief executive of Tha Boord o Ulster-Scotch. The report covered areas such as corporate and business planning, the activity report for 2002, the equality scheme, the code of conduct for board members, and administrative issues on staffing and accommodation.

The Council welcomed the progress of the North/South Language Body and its two agencies, as well as the volume of work that those agencies carried out to date. The Council received updates on the business plans of Foras na Gaeilge and Tha Boord o Ulster-Scotch.

The business plan for Foras na Gaeilge describes the activities that it intends to undertake in 2002 to address the key challenges and objectives in its strategic plan, as well as the resources that it will employ. That includes the work to be undertaken on: state culture and heritage; communications and marketing, community and business; education services such as the English/Irish dictionary; and corporate planning, which includes the establishment of a Belfast office.

The business plan for 2002 for Tha Boord o Ulster-Scotch is aligned with its corporate plan 2001-03 on four strategic themes: linguistic diversity; culture; education; and public understanding of Ulster-Scots language and culture. That plan identifies resources, objectives, key deliverables, targets and impacts associated with activities that are related to the four themes. Those activities will include projects such as: a tape-recorded survey of native speakers; production of a textbook for written Ulster-Scots; compilation of a dictionary; a programme of cultural activities and development of formal academic courses.

The Council considered and noted the progress reports on the corporate planning issues that relate to Foras na Gaeilge and Tha Boord o Ulster-Scotch, and it looked forward to the presentation of the finalised corporate plans for both agencies at the next language sector North/South Ministerial Council meeting.

The Council considered and approved the content of the draft activity reports for both agencies for the period 2 December 1999 to 31 December 2000. Tha Boord o Ulster-Scotch's activities during the year included the creation of the first ever three-year strategy for the agency and a partnership agreement between the agency and the University of Ulster to establish the Institute of Ulster-Scots Studies at Magee College.

The Council also noted the draft unaudited accounts for both agencies, and noted that further work is required before the statement of accounts for the language body can be submitted to the Comptrollers and Auditors General in both jurisdictions for formal audit.

The Council considered and approved the draft equality scheme for the language body, and that has been subjected to public consultation. The Council agreed to submit the draft equality scheme to the Equality Commission, and approved an amalgamated code of conduct for the language body's board members.

The Council agreed to meet again in this sectoral format in Northern Ireland in October or November 2002.

**The Chairperson of the Committee for Culture, Arts and Leisure (Mr O'Neill):** I thank the Minister for his report and all those who were involved in its production. There has clearly been an attempt to progress matters apace. I am particularly pleased to see the emphasis on Ulster Scots and the work that has been done for the board. I was disappointed to note that there was no mention of filling the post of chief executive of the Ulster-Scots Agency. Given that the North/South Ministerial Council approved the filling of that vacancy on 7 December 2001 and the Department has not yet advertised it, will the Minister tell the House what is causing the delay, when the post will be advertised, and when the position might be filled?

1.15 pm

**Mr McGimpsey:** On 7 December 2001 the process for appointing a chief executive was approved, and it will be completed shortly. The agency has an obligation to fill this key post. A steering group has been set up that includes representatives from the two sponsor Departments and the board. PricewaterhouseCoopers was appointed by the board to handle the recruitment process. The group met recently, and I look forward to the recruitment process coming to fruition.

**Dr Adamson:** I congratulate the North/South Ministerial Council for holding its meeting in such a beautiful cultural treasure as the former Guinness home at Farmleigh.

Coud A speir at the Meinister whit he thinks is the neist stap forrit for Tha Boord o Ulster-Scotch?

Could I ask the Minister what he thinks is the next step forward for the Ulster-Scots Agency?

**Mr McGimpsey:** The agency is responsible and answerable for its own actions by agreement with the Department and the North/South Ministerial Council, and through them to the House. The agency has a three-year corporate plan, which has recently been reviewed and extended to 2005. It sets out four strategic themes on linguistic diversity, culture, education and public understanding. The agency is taking the following steps: a tape-recorded survey of native speakers; a textbook; a dictionary; a programme of cultural activity; and the development of formal academic courses. Unlike Foras na Gaeilge and its predecessor Bord na Gaeilge, the Ulster-Scots Agency has been in existence for only two and a half years, and it has made enormous strides.

The agency is an implementation body; it implements the policy determined by the Department in consultation with the House and through the North/South Ministerial Council. One of the next steps forward will be to focus and refine that policy, and the agency is ready for that. The Department should focus its policy drive on efforts to support and reinforce the work of the agency. That will be done in the same way as the Department has focused on policy for football, libraries and other areas. The "future search" process will begin in September and will be completed by Christmas. The Department will define work with the agency and ensure that each element feels some ownership of the process. In September the agency plans a forward surge in the implementation plan. The agency's policy framework will be worked out in tandem with the implementation plan.

**Mr Morrow:** Some time ago, Dr Adamson asked the Minister how many times the linguistic diversity branch of the Department of Culture, Arts and Leisure had met with the Ulster-Scots language groups. The Minister said that there had been five meetings. However, the Ulster-Scots Language Society wrote subsequently to the permanent secretary in the Department of Culture, Arts and Leisure to seek clarification. The answer revealed that there had been no meetings with Ulster-Scots language groups. None of the five meetings that the permanent secretary identified, concerned language policy, which is the remit of the branch, and two of the meetings on the list were with the Apprentice Boys of Derry. Will the Minister acknowledge that he misled the Assembly and that there have been no meetings in the past year on the Ulster-Scots policy? Will he set the record straight?

**Mr Deputy Speaker:** Mr Morrow, the question is not directly related to the Minister's statement. I am unclear as to whether you are in order. However, if the Minister wishes to respond, I leave it in his hands.



**Mr Morrow:** I am sure that the Minister would want to respond.

**Mr McGimpsey:** I will attempt to reply. Having Mr Morrow present for a language or Department of Culture, Arts and Leisure event is rare indeed.

Several meetings have taken place between the Department and the Ulster-Scots Agency. There has also been correspondence between the Department and that body. Mr Morrow makes a distinction between the language and the agency which is not clear. I will check the record for the quotations that concern him. The Member needs to be absolutely sure what he is asking about. For example, do his comments relate to the question that I was asked originally?

I had a meeting in the Department around the end of June with the Ulster-Scots Agency and the Ulster-Scots Heritage Council. Several bodies are involved, and there is cross-membership. For example, Mr Nelson McCausland, of the Ulster-Scots Heritage Council, members of the Ulster-Scots Agency, including John Laird and others were present at that meeting. The meetings, and a large body of correspondence, are on the record. Those meetings are formal meetings that take place in locations such as Belfast city hall on a fairly regular basis. My special adviser and I attend.

It might be helpful for Mr Morrow to note that the overarching policy is defined by the agreement and the Council of Europe Charter for Regional and Minority Languages. With regard to the Irish language in particular, the British Government signed up in the agreement to

“where appropriate and where people so desire it: take resolute action to promote the language; facilitate and encourage the use of the language”.

Now that the British Government have signed the Council of Europe Charter for Regional and Minority Languages, I take part II of that Charter to refer to Ulster Scots as well as the Irish language. Therefore, based on part II of the Charter and the agreement, the overarching policy for Ulster Scots also requires the Government to

“where appropriate and where people so desire it: take resolute action to promote the language; facilitate and encourage the use of the language; .. seek to remove, where possible, restrictions”.

The Department will seek to refine that policy during the autumn through a process with the constituency in full. The Ulster-Scots language is a part of the constituency; it is by no means most or all of it, but it is an important part. I will work with Ulster-Scots activists as we refine the policy, seeking to use the plan for the implementation body, which is essentially what the Ulster-Scots Agency is.

**Rev Dr Ian Paisley:** On a point of order, Mr Deputy Speaker, the permanent secretary wrote to a body to say that what the Minister said was not true. Surely the

permanent secretary and the Minister cannot both be right. There must be some way to find out the truth.

**Mr Deputy Speaker:** The Minister has indicated that he will check the records and report to the House on the matter.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh ráiteas an Aire agus ba mhaith liom mo bhuíochas a ghabháil leis as. Tá mé iontach sásta go bhfuil obair na comhairle ag gabháil ar aghaidh ar an leibhéal seo.

I welcome the fourth meeting of the North/South Ministerial Council in language sectoral format. I ask the Minister to consider providing future ministerial statements on these meetings bilingually — in English and Irish — for the benefit of Members who may wish to avail of them in that format.

When will the finalised corporate plan of Foras na Gaeilge be made public, and can the Minister provide a progress report on the establishment of the Belfast office? Sin an méid.

**Mr McGimpsey:** I understand that Foras na Gaeilge has acquired an office in Queen Street, Belfast, and that it intends to station the deputy chief executive and the director of education there. The draft corporate plan will be available soon for presentation to the North/South Ministerial Council, I hope that it will be ready for the next meeting.

As for bilingual presentation, I present the plans as they are. As Gaelic is the working language of Foras na Gaeilge, I am sure that it can present its corporate plan in Gaelic, but I cannot be certain. My report comes as you see it.

**Mr R Hutchinson:** The Minister was right when he said that last year the United Kingdom Government signed and ratified the Council of Europe Charter for Regional and Minority Languages. Under that charter the Government committed itself to consult, and take into account the views of, the Ulster-Scots language movement. Will he admit that his own civil servants in the linguistic diversity branch, who are responsible for language policy in Northern Ireland, did not meet or liaise with the Ulster-Scots Language Society or the Ulster-Scots Heritage Council even once during the past year? Will he acknowledge that that is clearly a breach of the charter?

**Mr Deputy Speaker:** That is not directly related to the ministerial statement. I will allow the Minister to make his own judgement.

**Mr McGimpsey:** Perhaps Mr Hutchinson was not here for the previous answer. What do we mean by “the language movement”? Do we define it as the Ulster-Scots Language Society? Is it the Ulster-Scots Language Society with the heritage movement? Or do we define it

as the whole Ulster-Scots language constituency, which is broadly represented through the Ulster-Scots Agency, our implementation body?

Mr Hutchinson should be aware that there is a sizeable constituency of native speakers who regard themselves as being somewhat marginalized by what they see as a middle-class, academic, Belfast-based, English-speaking wing of the constituency. It is important that the entire constituency be represented, and their views taken into account.

As far as honing and refining policy is concerned, policy is defined by those sections of the Belfast Agreement concerning rights, safeguards and equality of opportunity, and is carried through by the European charter. That is the overarching policy. Of course, it is proper and appropriate that we should look to refine that policy, and now is the time to do that.

The agency has made enormous strides over the last two and a half years, and now is the time for another step forward. The way to do that is through a process that we have used in other sections and sectors of the Department: a “future search” process. I will look to further refine the policy in the autumn to allow the agency to implement it. Within that, the entire constituency will be represented.

1.30 pm

We have had ongoing discussions with Members. However, if someone says that today he is the language, and not the heritage, society but tomorrow he will be the heritage, and not the language, society, it is difficult to distinguish. It is in Belfast; it is a small constituency. We are not always clear exactly which group we are talking to. However, we deal with the implementation body — the Ulster-Scots Agency.

**Mr Clyde:** Can the Minister give a commitment that he intends to move towards equal funding for Ulster-Scots and Irish language and culture? Will he also indicate the timescale in which he intends that position of equality to be reached?

**Mr McGimpsey:** As far as funding under devolution and under the agreement is concerned, Ulster-Scots contributions pre-devolution were £118,000, and, post-devolution, we are projected to go to £1.6 million. We have increased the funding approximately tenfold. That is important.

This is not about money, however. We are often inclined to condense arguments and movements down to money. Ulster Scots is at a different stage of development vis-à-vis Irish. Foras na Gaeilge took over the old Bord na Gaeilge; it took over the terminology committee, a publishing house and an education support movement. That was an advanced, sophisticated group that had been going for approximately 150 years, 50 years in its current form. Ulster Scots is in a different situation; it is

largely up to date and, with some exceptions, is primarily an oral tradition. We have been seeing Ulster Scots grow during the last two and a half years.

It would be wrong simply to say that because Irish gets so many million pounds, Ulster Scots should get the same. Under parity of esteem, which is equal respect, we will ensure that everybody gets equality of opportunity and equality of treatment and that funding will be according to need. Need is the key determinant factor. To date, the Ulster-Scots Agency and the Ulster-Scots movement have been funded according to need, and then some.

We now take the next step forward and consider policy development. I welcome input from Mr Clyde, Mr Morrow and Mr Roger Hutchinson and their support for Ulster Scots as a language and a movement. I will ensure that they are invited to engage in the process, and they can put forward their ideas for developing the Ulster-Scots language and culture then. It is important that we refine the policy. That will have resource implications, and we will look at those in due course. Need is always the guiding principle. There must be equality of opportunity and equity of treatment in dealing with that need, and we must be guided by equal respect.

**Mr Kane:** Will the Minister acknowledge that the Ulster-Scots Agency has been extremely unhappy with the interventions of civil servants from the Department of Culture, Arts and Leisure in its work, which are seen as unhelpful and intrusive? Will the Minister also acknowledge that such concerns have been expressed directly to him, and will he comment on the basis of those concerns?

**Mr Deputy Speaker:** Mr Kane, I must remind you and all Members that those questions are not related directly to the statement. For that reason, I will leave it up to the Minister whether he responds.

**Mr McGimpsey:** I am happy to respond to Mr Kane, who has shown an interest in Ulster Scots over the past two and a half years. I do not agree that the Department's actions have been unhelpful and intrusive. The Department is here to support the agency, as it is here to support Foras na Gaeilge. They are essentially about running their own affairs and constituencies. We only step in if they ask for our help. There have been occasions over the past two and a half years when our help has been sought and has been readily given.

There are teething problems, to be expected in a new body. It has made progress, but we all accept that it has still some way to go. It has still to appoint a full-time chief executive — Mr O'Neill asked about that earlier. That is a pressing need and has been for some time. It also has to get full-time staff. It has identified Raphoe for its office in the Irish Republic. It has offices on a short-term lease in Belfast, and it has to move forward.

There will always be people who will say that something is unhelpful or intrusive. Mr Kane would not expect me to

allow bodies to carry on doing exactly what they want without any overview. Mr Kane would complain if I were to do that with the Irish language, just as Mr McElduff would complain if I were to do that with Ulster Scots. There must be an element of accountability, not least for the resources that taxpayers are devoting to both those organisations.

The Ulster-Scots Agency has made progress, and it has also made mistakes. It will continue to make progress, and I will support, reinforce and sustain progress on Ulster Scots.

**Mr Hilditch:** The Ulster-Scots Agency and the Ulster-Scots Heritage Council have initiated the development of a strategic plan for Ulster-Scots culture, which will complement the existing plan for the Ulster-Scots language. That will bring together and build on previous work undertaken by both bodies and is due to be completed by the end of September. Will the Minister assure us that adequate resources will be secured to enable that plan to be implemented, and will he acknowledge that the differential between the funding of the Ulster-Scots language and culture and the Gaelic language and culture is discriminatory, is a breach of the equality agenda and cannot be sustained?

**Mr McGimpsey:** I will take the last point first. It is not discriminatory. One body is not funded according to the funding of another body — it is not the case that if Irish does well, Ulster-Scots does well; if Irish does badly, Ulster-Scots does badly. It is done according to need and to ensure that everyone is given the same equality of opportunity and has equity of treatment and parity of esteem, which is equality of respect. Everyone is given the same opportunity to go forward.

By Mr Hilditch's argument, if the Irish body made a bad case for funding, Ulster Scots would suffer, and I do not accept that. Foras na Gaeilge is essentially the old Bord na Gaeilge, which has been operating in the Irish Republic for over 50 years, plus its constituent parts. In effect, there was a ready-made department, and the funding reflects that.

The Ulster-Scots Agency began from a standing start. The funding that I have argued for and obtained for Ulster Scots is now 10 times what it was two and a half years ago before devolution. That is a measure of the benefits of devolution.

Ulster Scots, like Irish, benefits from the Belfast Agreement. The Belfast Agreement, through its references to Irish and the European Charter of Regional and Minority Languages, ensured that Ulster Scots was recognised formally for the first time as a language. The United Kingdom Government signed and ratified the charter last year. Ulster Scots is defined as a language under the European charter, and that is the end of the argument. Two and a half years ago there were arguments about whether it was a language.

There is debate, argument and a bit of jostling in the Ulster-Scots constituency. However, it is important that those people who have carried the torch for so long make room for others who have an interest, not least the native speakers who sometimes feel that their movement, culture, heritage and tradition are being hijacked. I am anxious to avoid that.

As regards policies for bodies such as the Ulster-Scots Heritage Council, they are free-standing organisations, so they can perform as they wish. I am responsible for the Ulster-Scots Agency, which implements departmental policy in consultation with the North/South Ministerial Council. Although it has performed that function, it has been concerned primarily with getting off the ground. I shall remind Members of some of its work.

It aims to produce an Ulster-Scots textbook and to compile an Ulster-Scots dictionary, because neither exists at present. Those are glaring needs, but their absence is understandable, given that to date the language has been preserved through oral tradition. Its tape-recorded survey of native speakers will be important, because when native speakers die, we lose the language. The programme to develop cultural activities, making essential connections with the Ulster-Scots diaspora, is crucial also. Those projects are in the early stages of development.

I have highlighted to the agency the glaring need for capacity building in the Ulster-Scots constituency, because several groups have grown up but are not getting the support that they merit and require. They do not have sufficient skills, so they are unable to chase funding from the Ulster-Scots Agency or other bodies.

Funding is available: the question is how much the agency is spending. There should not be an argument about money. There is an opportunity for the Ulster-Scots Agency, and Ulster-Scots as a movement, a people, a culture and a heritage, to develop rather than argue about money. As long as I am in the job, I shall ensure that there is parity of esteem, equal respect, equality of opportunity and equity of treatment. It is my job to ensure that those requirements are met.



## COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE BILL

### Second Stage

**The Junior Minister (Office of the First Minister and the Deputy First Minister) (Mr Haughey):** I beg to move

That the Second Stage of the Commissioner for Children and Young People Bill (NIA 20/01) be agreed.

It is an understatement to say that I am pleased that the debate on this profoundly important Bill is taking place. It has taken a good deal longer to bring the Bill to the House than we had hoped, but it is important that the Assembly begin to examine it before the summer recess.

This is a significant initiative, so it was important to take the time to get it right. The credibility of this important public office would have been damaged if we had rushed through ill-prepared or inadequate legislation that would require amendments after a short period.

The Bill includes significant powers for the commissioner, so safeguards, checks and balances had to be introduced. It was difficult to obtain unanimous agreement on those provisions among the other Departments and the Northern Ireland Office. The Northern Ireland Office was concerned about the breadth and scope of the powers, especially the power of entry that we propose to give to the commissioner for children. We have managed, however, to ensure that an effective power of entry is included in the Bill and have secured the Northern Ireland Office's agreement to that.

Other Departments, notably the Department of Education and the Department of Health, Social Services and Public Safety, had concerns about the Bill. Those Departments were concerned at the Bill's wide scope of powers, which includes giving the commissioner discretion to investigate events from a child's past. The Office of the First Minister and the Deputy First Minister regarded it as essential that the commissioner should have that power because the abuse or neglect of children causes much emotional trauma, which takes time to resolve. A considerable time often passes before an individual makes his or her complaint to the appropriate authority. One cannot ignore the past, but the commissioner's main focus will be on the present and the future.

*1.45 pm*

The significance of the Bill is twofold. First, it is the most important piece of Northern Ireland legislation that affects children and young people since the Children (Northern Ireland) Order 1995. It is a watershed in society's attitude to children and young people. It marks the point at which we move away from the traditional, yet narrow, focus on children's welfare to a broader and

more rounded appreciation of the importance of children's rights and their best interests.

Secondly, the Bill is a clear demonstration of the value and effectiveness of the Good Friday Agreement and the institutions that stem from it. It is not a parity measure copied or imported from Westminster. It is a unique Northern Ireland measure that reflects local priorities that have been determined by the Executive and the Assembly. It has overwhelming support across the political spectrum and across the population of Northern Ireland.

Above all, the Bill is a measure that reflects the value that is placed on children, not merely as adults-in-waiting or adults-in-preparation, but as important members of society in their own right who have a valuable and enriching contribution to make. The Bill will place Northern Ireland ahead of the rest of the United Kingdom, and it would have been a long time before anything like this was introduced under direct rule.

On 29 January 2001, the First Minister and the former Deputy First Minister announced their intention to appoint a commissioner for children and young people for Northern Ireland as part of a wider children's strategy. In that statement, they made clear their commitment to establish an office of commissioner that would place Northern Ireland at the leading edge of international best practice in safeguarding and promoting the rights and interests of children and young people. That was and remains an ambitious target, but the Bill will fully achieve what OFMDFM set out to do. We took some time to develop the Bill to ensure that we got it right and that it met those requirements and targets.

The Bill is the result of a good deal of hard work. It is based on the outcome of comprehensive local and international research, as well as extensive deliberations with Departments, the Northern Ireland Office and a wide range of public bodies. I pay tribute to the small group of hard-working and hard-pressed officials in OFMDFM who carried the burden of this and worked themselves to a standstill to get the Bill to where it is today.

Other key factors helped to shape the Bill. The first of those was a comprehensive and innovative consultation process that brought together key stakeholders, including children and young people, to develop OFMDFM's proposals in consensual partnership between the Administration and those who work with, are concerned with and are concerned for children. As a result of that process, OFMDFM issued more than 12,000 copies of the main consultation document and more than 250,000 summary leaflets in August 2001.

We received requests for the documents from all over the world. Responses to the consultation came from a wide cross-section of opinion. We received some interesting and artistic impressions from three-and four-year olds of



what the commissioner should be like. We also received well-thought-out and reasoned arguments from older members of society.

Some children whom the Office of the First Minister and the Deputy First Minister consulted opined that the commissioner should be like Santa Claus. That raised a smile, but it was a serious comment. Those children wanted the commissioner to be a benevolent, kindly figure to whom they could look with confidence in order to get something of benefit for themselves.

Another child opined that the commissioner should be able to dance. That raised some smiles, but it was a serious comment. The child was saying that the commissioner should be in tune with youth culture and should know the things that are important to young people and the things that they enjoy and value. Another child opined that the commissioner should have red hair — I am still trying to work that one out, but, no doubt, we will find that it was also a serious comment.

All that information helped to inform the Office of the First Minister and the Deputy First Minister's thinking on the Bill. The consultation proposals received widespread support, and I thank everyone who responded.

One aspect of the consultation was an outstanding success: in April 2001, the Office of the First Minister and the Deputy First Minister established a non-governmental organisation forum to give advice based on its expertise and experience of the issues affecting children and young people. The forum has proved an invaluable source of information and practical support, and I thank everyone who played a part in it. I also thank forum members for their support. I look forward to continuing the relationship during the pre-consultation exercise, which is already under way on the children's strategy.

The other key input into developing the Bill was the work of the Committee of the Centre. I thank the Committee for its helpful and constructive contribution to our deliberations and, particularly, for its patience and understanding of the reasons for the delay in submitting the proposals. I also thank the Committee for its support for our work and objectives. The Committee invested time and effort on the subject, and it produced a comprehensive report that was instrumental in informing our proposals. Few, if any, of the Committee's recommendations differ substantively from the proposals in the Bill. That is clear evidence of the value of the Committee's role in policy development. I look forward to working in partnership with the Committee on the Bill and on other matters.

Our main aims in the Bill are to provide for the following: first, a society in which children's views are respected and in which their fundamental human rights are promoted, protected and upheld; secondly, a co-ordinated

and holistic approach to children's rights across all Departments and public authorities; thirdly, the active participation of children and young people on matters affecting them and their rights; and, fourthly, more effective ways for children and young people to obtain help if their rights have been denied or if they have been neglected or abused.

There are five key features that must be reflected in the role and remit of the commissioner if we are to meet those aims. First, there must be a balance between independence and accountability. There must be independence, so that the commissioner can carry out his or her functions effectively, balanced by accountability for taxpayers' money, which the commissioner will spend, and for the proper discharge of the important duties to be vested by the Administration in his or her office.

Secondly, the commissioner's paramount consideration — and I stress the word "paramount" — must be the rights of children and young people. That will be the unique and defining character of the office of the commissioner, which the Office of the First Minister and the Deputy First Minister proposes to establish.

Thirdly, the commissioner must have a broad remit that covers all children in Northern Ireland and every public authority whose activities affect children. Fourthly, the commissioner must have a comprehensive list of functions, with the flexibility to enable him or her to tackle the key issues of the day for children. Fifthly, there must be strong powers to make those functions effective, balanced by the appropriate safeguards, checks and balances.

Our proposals aim to reach those requirements. The Bill provides for appointment by the First Minister and the Deputy First Minister, with accountability to the Assembly through OFMDFM by way of annual reports and reports to the Comptroller and Auditor General. However, in day-to-day operation, the commissioner will be independent and free to determine his or her priorities with regard to his or her duties.

The Bill makes clear the main aim of the commissioner, which is to safeguard and promote the rights and best interests of children and young people, and sets out several guiding principles. Chief among those is the requirement that the rights of the child must be the commissioner's paramount consideration. However, there are other important principles, including a requirement for the commissioner to have regard to the role of parents when deciding how best to carry out his or her functions.

The Bill proposes a comprehensive remit for the commissioner; it will cover all children and young people up to the age of 18, as well as young people up to the age of 21 who are being looked after by, or are in the care of, a public authority. We have sought to ensure that the commissioner's remit includes the full spectrum of public

authorities. That includes authorities that are responsible for devolved and non-devolved matters, including juvenile justice. That was achieved following lengthy discussions with the Northern Ireland Office, principally on the safeguards to be included in the Bill. Those discussions resulted in an agreed position without any significant reduction in the range or application of the functions that we proposed to invest in the Bill.

The Bill allows for a comprehensive, wide-ranging set of functions, more extensive than any exercised by any comparable body that we are aware of. Those include promoting the rights and best interests of children and young people; acting as a watchdog on public authorities; and ombudsman and advocacy functions. That set of functions will give the commissioner the flexibility needed to ensure that the rights and best interests of children are properly considered in situations ranging from individual cases to the development of policy and legislation. As a measure of the importance that we attach to these functions, many are proposed as statutory duties of the commissioner rather than merely optional functions.

The Bill sets out the powers at the commissioner's disposal, and, once again, those are comprehensive. They range from general informal powers, whose use carries few restrictions, to more formal and robust powers that may only be used in a limited range of circumstances — that is with appropriate checks, balances and safeguards.

For example, the Bill allows for three types of investigation. First, there is a general informal investigation, which can cover any subject and has no set procedures. It does not involve formal powers to compel the production of evidence, and it has no specific remedy process. Secondly, there is an intermediate level of investigation, which may be used for certain commissioner functions. It requires set procedures to be followed and is remedied in the form of a notice and a naming-and-shaming procedure, but it does not have associated formal powers to compel the production of evidence. Thirdly, there is a full, formal investigation. That will involve the same procedures and remedy as for intermediate investigations, but in a formal investigation the commissioner will have similar powers to those of the High Court — to compel the production of evidence, legal power of entry and legal sanction against any obstruction.

2.00 pm

The powers that have been proposed for the commissioner include more than simple investigative powers. Significant powers have been proposed in areas such as the investigation of complaints, the review of the arrangements for handling complaints, advocacy, inspection and whistle-blowing. That includes the handling of individual cases under such arrangements. Those powers will ensure that the commissioner can gain a comprehensive picture

of how authorities deal with matters that affect children's rights and interests.

The Bill also proposes to give the commissioner a key role in legal proceedings through providing assistance to children, bringing cases and intervening in cases, and also acting as an *amicus curiae* — a “friend of the court” or expert witness. In that respect, the proposals will give the commissioner significantly greater powers than the corresponding arrangements in the Republic of Ireland, Wales, Norway or any other international models that we considered.

Members might think, with some justification, that the provisions that set out the commissioner's powers are somewhat complex. The Bill that establishes the powers and role of the commissioner in Norway has one and a half pages of legislative proposals. The Northern Ireland Bill is much longer than that. Although we acknowledge that the Bill is longer and more complex, we believe that it is important to give the commissioner the full range of tools necessary to do his or her job effectively, ranging from the equivalent of a small screwdriver to a power hammer. That is what we have attempted to do in the Bill.

Having emphasised the powers that would be available to the commissioner, it is also important to emphasise the safeguards, checks and balances that are built into the Bill. There are key provisions to ensure that the commissioner could not usurp the proper role of parents in safeguarding the rights and best interests of children; nor could he or she duplicate the role of existing statutory authorities. Other provisions would ensure that the commissioner could not act in both an ombudsman's role and an advocacy role in the same case. That is necessary in order to maintain natural justice. It reflects the fact that an ombudsman's functions must be exercised in a neutral fashion, whereas advocacy functions are not neutral, but are exercised on behalf of the child or young person. There are also provisions to ensure that the strongest powers — the power of entry and the power to compel the production of evidence — are used only when there are clear grounds for doing so.

Our proposals will establish an office of the commissioner for children and young people for Northern Ireland that will be second to none. It will make Northern Ireland the focus of international attention, which will bring it prestige and a reputation. By setting high standards with respect to how the state should protect and safeguard children, the establishment of the kind of office that is proposed will be a catalyst for progress and change in other jurisdictions. The Assembly owes it to children and young people to provide them with a commissioner who will help make a change for the better in their lives. The Bill is the tool with which to make that happen. I commend the Bill to the Assembly.

**Dr Birnie:** I am pleased to give a broad welcome to the Bill. I hope — as I believe the junior Minister implied — that it can, and will, demonstrate the benefits and difference that devolution can make.

Since time is limited, I want to concentrate on two areas of concern that relate to the remit of the commissioner. My first concern is whether the commissioner will, in practice, be sufficiently sensitive to the role, authority and rights of parents. There is strong evidence to show that a stable family background is arguably one of the most important impacts on a child's welfare throughout his or her life. That was shown by the 1994 'Exeter Family Study' and many other pieces of social science research.

There are, of course, hundreds of thousands of families across Northern Ireland, but there will only be one commissioner. Therefore, it is vital that the commissioner does not cut across or undermine the good functioning of families or the relationships within them.

I am pleased that, according to clause 2(3)(a) of the Bill, in determining the functions of the commissioner there will be regard to

"the importance of the role of parents in the upbringing and development of their children".

However, I would have liked a more explicit balance between the rights of the child, on which the junior Minister spoke, and the rights and responsibilities of parents.

It is true that a tiny minority of parents abuse their children in some form or other, but we must also recognise that the vast majority of parents are good parents and want to be helped to be better. Therefore, I suggest a parents' forum to match the provision for a children and young people's forum.

I wonder why clause 2(1) talks of "the rights and best interests", yet clause 4(1) mentions "the rights or best interests". That may or may not be a significant difference. We want to be enlightened about that.

We must also consider the accountability mechanisms. Once the commissioner is in post, how will that person relate back to this House, and how can adequate democratic oversight of his or her functioning be ensured?

My second concern on the remit of the commissioner centres on the definition of "child". The preamble of the United Nations Convention on the Rights of the Child speaks of

"safeguards and care, including appropriate legal protection, before and after birth".

There is some recognition of that point in domestic law. For example, under section 25 of the Criminal Justice (Northern Ireland) Act 1945, it is an offence to intentionally destroy the life of a child capable of being born alive before it has an existence independent of the mother.

There is an abundance of evidence from health and scientific research that the mother's diet during pregnancy has a crucial impact on the well-being of the child, both at birth and thereafter. Given that, I want the commissioner's remit stretched to include provision of information to expectant parents, promotion of research on what encourages good fetal development, and general promotion of the health of expectant parents. Therefore, I urge that the commissioner's remit include all children living in Northern Ireland, from before birth until the age of 18, or 21 where a young person has been looked after by the public authorities.

Subject to those qualifications, I support the Bill.

**Ms Lewsley:** I welcome the Bill. We have been raising awareness of children's issues in various debates in the past two days, and it would be remiss of me not to mention yesterday's announcement by the Minister of Finance and Personnel on the children's fund, and the positive effect that that will have on children and their families.

I am especially pleased to see that a rights-based approach has been adopted, and that the Bill draws so much from the UN Convention on the Rights of the Child. That is a demonstration of the high priority given to the care and protection of young people in Northern Ireland. Judging by the favourable public reaction, there can be little doubt that the Bill has been widely welcomed across the length and breadth of Northern Ireland as a positive step.

The commissioner in Northern Ireland can be seen only as an investment in the future of our children and young people. Children's rights have for too long been overlooked in our society, and the commissioner will have a vital role to play in promoting and highlighting their rights and their best interests. I am particularly pleased that instead of "welfare" the term "best interests" was used. That term is right, since the commissioner must always seek to promote the best interests of the child.

Furthermore, it is vital that the commissioner helps children to cut through red tape and to find their way through the bureaucracy of public authorities. For that reason, I am pleased that the commissioner has the power to assist children and to provide advice in making complaints. Beyond that, an effective commissioner must have strong powers of investigation, together with the ability to uphold children's rights. I am delighted that the commissioner will be given such powers. The First Minister and the Deputy First Minister have made a commitment that the commissioner will be at the cutting edge of best practice.

This Bill confers unparalleled powers upon the commissioner to bring proceedings on behalf of children, which is essential in protecting their interests. The commissioner is also empowered to conduct investigations



— not just toothless ones, but real investigations with the power to call persons and papers, to enter premises and to seize documents. All those powers are necessary to ensure that children receive the protection that they deserve, and all of them are found in the Bill.

Moreover, I am pleased that the commissioner can name and shame public authorities that do not vindicate children and that do not place their rights and best interests to the fore. The commissioner's powers, therefore, are greater than those of the Children's Ombudsman in the South, of the Norwegian Commissioner and of any commissioner of whom I am aware. That clearly shows the emphasis that we in the North place on children's rights.

Many of us were concerned at the delay in introducing the Bill to the Assembly. The First Minister and the Deputy First Minister have explained that the delay was caused, in large part, by negotiations with the Northern Ireland Office and with other Departments. What were the issues and how were they resolved? What consequences will the delay have for the Administration's other work on the children's commissioner?

The commissioner must work with children's commissioners in other jurisdictions on child abuse and on protecting children from sex offenders. The children's strategy was mentioned by the junior Minister and we look forward to its completion soon. It must be in parallel with the commissioner for children to provide a holistic approach and to reflect the willingness of the Executive to award priority to children's issues.

The enhanced role of the new children's commissioner, as set out in the Bill, will be pivotal in renewing confidence for future generations of our young people. It will integrate child-friendly policies and cross-departmental co-ordination into the structure of Government on issues that affect children. The all-party working group on children, of which I am a former Chairperson, carried out its own consultation in which 60 children from all backgrounds were brought together. The junior Minister mentioned size, height, colour of hair and how much a commissioner should be paid. Alongside those, many children wished that one young person be on the interview panel for the commissioner for children. Perhaps that could be taken on board.

I owe a debt of gratitude to all the children who were involved in the consultation and to all the organisations in the all-party group, including the Members, for their contribution to the consultation on the commissioner for children.

The Committee for Finance and Personnel is meeting, and I apologise that I shall be unable to stay for the remainder of the debate.

I support the Bill.

**Mrs I Robinson:** I too welcome the opportunity to debate the Bill.

2.15 pm

Our young people are our greatest resource, and, as a mother of three and a grandmother of two, I am committed to do all that I can to protect them. I welcome the idea of a commissioner as a champion for children; it is long overdue. However, I also recognise that many of us, in households across the Province, are champions for children.

I do, however, have some concerns about the Bill. I fear that the definition of a child offered in clause 24(1)(a) is too narrow and ignores many children whose rights we must uphold. I am referring to unborn children — they too have rights:

“the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.”

That is not only my opinion; it is a quote from the preamble to the UN Convention on the Rights of the Child. The commissioner's remit should include all children in Northern Ireland from before birth to the age of 18.

It is accepted universally that unborn children deserve protection at the mother's workplace. If employees can be exposed to, for example, radiation, there is a legal duty on employers to provide information and training about health risks. Claims are taken against medical staff or third parties if a child injured in the womb is born with a disability. Cigarette packets carry warnings that smoking can damage the health of an unborn child. A mother's diet during pregnancy can also affect a child's health. Folic acid or iron deficiencies result in neural tube and brain defects. Lack of vitamins causes visual and skeletal abnormalities. A baby born at 40 weeks and weighing more than 2.5 kg is more likely to grow steadily and suffer less illness than others. Meanwhile, evidence suggests that heart disease, high blood pressure, obesity and diabetes might all be related to birth weight and to growth in the womb. Smoking is associated with smaller babies, miscarriages, infant death and illness and long-term learning difficulties. Toxic substances and chemicals affect unborn children. Examples include fumes from paint, insecticides and cleaning solvents. Caffeine and alcohol can also be dangerous. Foetal alcohol syndrome results in decreased growth and brain and facial abnormalities.

Those examples highlight areas in which a commissioner for children could prove effective in defending the rights of children, even before they are born.

In 2000, 93 children were stillborn in Northern Ireland, and 109 died in the first year of life. The cause given for almost half of the stillbirths was ill-defined conditions originating in the perinatal period. The commissioner should be able to take the lead in further



investigation and research to prevent such deaths. He or she could advise parents when, for instance, a disability is detected during pregnancy. In that situation, information and support is invaluable from the moment of diagnosis. Members will recall the recent birth of conjoined twins across the water. Should a commissioner for children not be given input to assist in such trying circumstances?

It is to be hoped that those examples illustrate how important it is that a commissioner for children's responsibilities extend to unborn children. It is important that we have a commissioner, and I do not want the Bill to fall. However, I believe strongly that the definition of a child must be broadened. I do not wish to amend the Bill now, but I encourage those involved to reconsider that issue before it is debated in the House again. I hope that changes can be made to reflect my concerns and those of many constituents. I shall monitor the Bill closely.

**Mr McElduff:** I welcome the Bill's introduction; it is a complex piece of legislation. Minister Haughey acknowledged and explained the delay, and he was perhaps too kind to those quarters that resisted the Bill's coming to the House both now and previously. I seek assurances that there will be no further delay in the establishment of the office, which will pay a pivotal role in protecting our children's rights and best interests.

My party has consistently supported the establishment of the office of a commissioner for children that has all the necessary powers and resources to deliver fully all children's rights, and to make a real difference to those children whose rights are denied. We welcomed the announcement by the First Minister and the Deputy First Minister on 29 January 2001 that they had the Executive's full support to appoint an independent commissioner. That would place the North of Ireland at the cutting edge of world practice on all our children's rights, and Minister Haughey repeated that standard today.

We are concerned to note that the Bill fails to fully realise the opportunity to meet the world-standard test in protecting children's rights and best interests. The Bill fails to afford equal protection to all our children; they deserve to be cherished equally, and all demand protection.

However, perhaps we have a special duty to protect the rights and best interests of those children who are in the state's care. They are often the most vulnerable children. The children's commissioner no doubt has the potential to be a strong champion for all our children. Unfortunately, it appears that children in the care of the state will not equally enjoy the commissioner's protection under the Bill. Children in the justice system are specifically afforded less protection, because the onus is on individual children to identify themselves so that they can be protected fully by the office. If children are being violated or bullied, if their rights are being abused while in the state's care, it is then unimaginable that they will expose themselves further by identifying themselves to the commissioner

through an individual complaint. Therefore, the question remains whether there is redress for the young person in the justice system.

I fear that the abuse of children's rights will be allowed to continue and will perhaps be extended to other children in institutions, such as those in the justice system. That is all the more poignant given that children whom society has already failed, such as those with disabilities and with special educational needs, are often over-represented in state care and the justice system.

In January 2001, the First Minister also emphasised the intention to establish an independent children's commissioner. I note that the legislation provides for the commissioner to be appointed by the First Minister and the Deputy First Minister. It is crucial that the appointment must be seen to follow an independent, transparent and accountable recruitment process that meaningfully involves children and young people to guarantee the independence of the commissioner's office.

Moreover, if we are to live up to international standards of best practice, we must ensure that rights and best interests are paramount considerations. That phrase must apply consistently in the Bill to all children. Members may return to the many resourcing issues later, but, as a member of the Committee of the Centre, I look forward to working with the Office of the First Minister and the Deputy First Minister to take the Bill to its conclusion. Ultimately, as Minister Haughey said, the commissioner will need the full range of tools to do the job, and it is crucial that the commissioner be truly accessible to all children, not sitting in splendid isolation.

**Mr Neeson:** I speak on behalf of Mrs Eileen Bell, who unfortunately cannot be present. I know that she and others have done much work behind the scenes on this vital issue. Like all Members, we became frustrated at the delay in bringing the legislation to the House.

I spoke to junior Minister Haughey at lunchtime, and he advised that protracted discussions with the Northern Ireland Office have contributed to the delay. The issue is of major importance to my party and me. When the structures for the Assembly were being created, we put forward, along with others, the idea of a junior Minister with responsibility for children. I am satisfied that the Bill goes a long way to deal with those issues. Junior Minister Haughey stated that the proposals are a unique Northern Ireland measure, and I welcome that. Once again it shows the importance of devolution to people in Northern Ireland.

At this time, 18 countries have children's commissioners — many countries introduced them in order to implement the UN Convention on the Rights of the Child. It is difficult to make comparisons as they operate within different legal structures and have varying roles, so I appreciate the uniqueness of the proposals before us today. The UN Convention on the Rights of the Child,

ratified in 1991, and the Children (Northern Ireland) Order 1995 must be the basis on which children's rights are implemented and safeguarded.

Children are citizens in their own right, and the support of the children's commissioner grows out of a framework for children's rights, rather than being an adult duty. Children are uniquely in need of special measures to safeguard their rights due to their lack of power and the fact that they do not have a vote.

What also pleased me is that the junior Minister referred to the commissioner as "he or she". The role of the commissioner is much more than a maternal one, and the commissioner's support and powers to deal with day-to-day issues are vital.

I ask the Executive to consider seriously the establishment of a children and young people's forum to relate to the work of the commissioner's office. That forum could play an important partnership role.

Monitoring, which is referred to in the proposed legislation, is important. However, the issue must be developed to show that the legislation will be effective and also to reflect the changing needs of society. The legislation deals with an equality issue, and each Department must attach as much, if not more, importance to that as to section 75 of the Northern Ireland Act 1998.

**Ms Morrice:** I am delighted to get the opportunity to speak on what is, without doubt, an extremely important piece of legislation. It has been a long time coming, but, along with much of the legislation that is being rushed through on this, the penultimate day of the session, it is welcomed.

I do not need to remind Members that it was the Women's Coalition that introduced the first, and so far, only, private Member's Bill, recommending that Northern Ireland set up a children's commissioner. I am glad to see that our initiative has helped to spur the Office of the First Minister and the Deputy First Minister into speedy action — that was the intention — although not as speedy as we would have liked.

This is a historic and symbolic event. We are sending a message out to kids, from our newly devolved Government, that we care. Parents too can look to the Assembly and know that a children's commissioner will protect the rights of children.

2.30 pm

It is a cliché to say that children are our future, but it is not a cliché to say that they are our present, which is something that we forget all too often. We have all watched the television campaigns, organised by the National Society for the Prevention of Cruelty to Children (NSPCC), Barnardo's, Fair Play for Children and Save the Children, that ask for help to prevent the abuse of

society's most vulnerable individuals. I take this opportunity to praise those organisations' tremendous work.

We have attempted to raise our children in a society that has been torn apart by conflict. We have tried to raise them in such a way that their innocence, their enjoyment of life and their ability even to play are not taken away from them. It is the right of the child, as proclaimed in the United Nations Convention on the Rights of the Child, to live free from fear and to be able to have fun.

According to studies by Save the Children, poverty has never affected so many children. That is something that we must tackle. Moreover, we heard this week about reports on sectarianism from the University of Ulster that show that children as young as three-years old are affected by the hatred in our society. A champion for children has never been more essential.

The welfare of all children must be protected and promoted. That is why we need a children's commissioner, and I welcome the Bill for that reason. I wish that I could say that the legislation is as extensive and potentially effective as that which inspired it. Unfortunately, I cannot. Phrases spring to mind such as "in name only" or "toothless tiger". Perhaps those words are too strong, but the legislation lacks some of the essential powers that we would like to see introduced.

I was interested to hear the junior Minister talk about the steps in the procedure, from informal investigations to naming and shaming and on to full, formal investigations. Although we are aware of the need to respect the role of the parents, I am slightly concerned that the children's commissioner's wings could be clipped. There may be so many checks and balances on the full, formal investigative powers that people will not come forward. It is good that the commissioner may have similar powers to those of the High Court, such as the ability to compel evidence to be presented. However, on what occasions can such powers be used? I am worried that the checks and balances do not ensure that the interests of the child are the priority that they should be.

While I was reading the Bill, I thought that there might be a page missing, because, without enforcement powers, the children's commissioner will not have as much credibility or clout as he or she should have. That may be because, during the consultation process, which was very valuable and to be welcomed, enforcement powers were not really offered as an option. That is a shame, because an important opportunity to provide the children of Northern Ireland with a real champion who has real powers and real teeth is being lost. Instead, they are being offered someone who may not even have the proper authority to defend their rights.

The interests of children must be promoted, and we want to ensure that that is done. They cannot be

replaced by good intentions that are diluted to produce legislation that sounds good but translates into little more than a title. We want to ensure that that is not the case. The Bill is inconsistent on what children are entitled to. The “rights and best interests” of children are mentioned in some parts of the Bill, but not in others.

In some instances, children’s welfare rather than their rights are referred to. Will the junior Minister clarify the difference between welfare and rights? I am concerned about the differential treatment of children in the criminal justice system whereby some do not enjoy the same rights as others. What are the junior Minister’s views on that?

The Bill provides for the commissioner for children and young people for Northern Ireland to be appointed by the First Minister and the Deputy First Minister. The Northern Ireland Women’s Coalition hopes that that appointment will take place after a proper, independent and transparent consultation. We believe firmly that the views of children and young people should be taken into account in the process. During the event at Stormont at which children’s advice was sought, the proposal emerged that a young person should be on the interview panel.

Yesterday’s interview on ‘Stormont Live’ with Peter Clarke, the Welsh Children’s Commissioner, was interesting, because it showed that the position was created as a result of the Waterhouse Report on child abuse but was extended to incorporate other factors. Those include the opinions of children and young people on schools, taking tests, bullying and how adults treat them socially, all of which we should take into account. It reminded me that children do not feel respected by adults; they feel that their voices are not being heard. I remind the Office of the First Minister and the Deputy First Minister that children must feel some ownership of the office of their commissioner. It is their commissioner, and they must feel that he or she will represent their views fairly and accurately. Children must have power to make people take account of their opinions and feelings.

A few concerns about the Bill were raised with the Women’s Coalition. One related to the need for joined-up government to ensure that, although the children’s commissioner and the children’s strategy are to be the dealt with by the Office of the First Minister and the Deputy First Minister, the responsibility of other Departments will not be diluted or reduced. Each Department must retain huge responsibility for its aspect of work — it should not be handed over to others.

Concerns were raised about the costs to non-governmental organisations (NGOs) of implementing the legislation. What sanctions will be placed on accredited childcare organisations if they fail to report or carry out suitability checking as required by the Bill? It is important to clarify the role of NGOs. We must remember that the Bill will help to protect children only in the context of improved practices and good multi-agency co-operation.

The Northern Ireland Women’s Coalition will not withdraw its private Member’s Bill until it is convinced that the Executive’s proposals have been strengthened to take into account some of those factors.

**Mr Armstrong:** I welcome the opportunity to have an input to the Bill, because the office of the children’s commissioner will have a significant impact on the lives of children. Clause 2 states that the principal aim of the commissioner will be to safeguard and promote the rights and best interests of children and young persons. Nobody could disagree with that noble aspiration.

It is well known that the nine months a child spends in the womb affect his or her well-being for life. That is recognised through the obligation on cigarette companies to attach Government health warnings to cigarette packets. However, the Bill does not recognise properly that children’s rights must be protected before birth.

It would be futile to safeguard children from physical harm after birth, if they have already have been seriously harmed in the womb. If the children’s commissioner is to fulfil the function of safeguarding and promoting the rights and best interests of children and young people, the rights of unborn children must come within his remit.

Children are among the most vulnerable people in society. Recent child abuse cases have been witnessed on a large scale that show how vulnerable they are. We must not overlook the fact that many children are carers themselves — minors looking after minors, or young people looking after an ill or disabled parent or grandparent. The Commissioner for Children and Young People Bill must reflect on these harsh realities and seek to lighten the load where it is heaviest.

I would also like the Bill and the commissioner’s role take into account the unique difficulties in Northern Ireland. For more than 30 years, children have been manipulated by paramilitaries and have been used to do their dirty work. Punishment beatings have mostly been carried out on children and young people. The children’s commissioner’s role must be to tackle some of these terrible, daily human rights abuses.

Services for children should be overseen and monitored by the commissioner. Children in care have often been viewed as easy targets, especially in their most vulnerable state. I hope that the Bill will rectify that.

I hope that the commissioner will safeguard those rights to education that are recognised by the United Nations Convention on the Rights of the Child. Powers should be available to combat bullying in schools and play areas and to promote the right to quality education.

We must not lose sight of our aim to protect. Seeking to empower children by making them more independent is no substitute for a loving, safe environment. Childhood is all about children developing into adults, and this



growing stage must be protected. A healthy family environment is vital for the healthy development of children. The commissioner will only be one office, whereas family units exist across Northern Ireland. The family unit will continue to be the most important factor in the lives of young people and children.

Section 2(3) places an obligation on the commissioner to have regard for the importance of the role of parents. I welcome that provision, and I hope that it will be upheld in every decision taken by the commissioner. No attempt must be made by this or any other piece of legislation to undermine the vital role carried out by parents.

It is to every child's benefit to be disciplined when deemed appropriate so he can be guided in the right way.

"Spare the rod, spoil the child."

However, the commissioner should be able to distinguish between parental discipline carried out in a loving way and physical violence that amounts to nothing less than abuse.

It is recognised that children thrive through the love and support of family life. I hope that the office of the children's commissioner can complement the positive influence that a family unit has on bringing up children. The new commissioner's office must demonstrate an understanding of all the needs of children — physical, mental, emotional, social and spiritual.

In addition to that, the office should express a commitment to promoting the rights of the disabled, perhaps the most vulnerable of young people. Children must be allowed to be children as they learn to grow up to be adults.

**The Chairperson of the Committee for Health, Social Services and Public Safety (Dr Hendron):** I welcome warmly the Bill's introduction, which will establish a children's commissioner in Northern Ireland. The Committee for Health, Social Services and Public Safety recommended the appointment of a children's commissioner to act as a watchdog and promote and protect children's interests in its inquiry into residential and secure accommodation for children in Northern Ireland. Some witnesses believed firmly that this would be the most important initiative to benefit children, especially those in care and leaving care.

2.45 pm

I have listened carefully to the various contributions and I am grateful to Ministers Haughey and Leslie for introducing the Bill.

I agree with Mrs Iris Robinson about the protection of the child in utero — before birth. Billy Armstrong also referred to that. I will not go into a detailed analysis of that debate other than to say that after conception a baby is genetically complete. Nutrition is the only extra

thing needed to aid development. Members know all the arguments about 22 weeks and 28 weeks.

I also agree with Iris Robinson about the commissioner for children. My Committee has put a lot of work into that, and the Bill can be amended later. However, I support that 100%, and many members of my Committee also do.

Minister Haughey made comments about respecting children's views. The whole question of human rights, the rights of the child and the unborn child and the participation of young children in matters that concern them are paramount.

The Health Committee produced a report on children in care and in secure accommodation. Its main recommendation was the appointment of a commissioner for children. There are two key points in the Children (Leaving Care) Bill that are relevant to the children's commissioner: the personal advisers and the care pathway. Personal advisers will be appointed by trusts for children or young people leaving care. Even if a young person goes to live in another part of Northern Ireland, or possibly elsewhere, his personal adviser will have direct responsibility for him. A personal adviser cannot take the place of parents, but that is the intent. The care pathway is a pathway for a young person who has been in care going through the education system.

The intelligence of a child starting school at the age of five is based on his or her genetic makeup, and there is nothing that can be done about that. However, the environment that a child grows up in also affects his intelligence. Members will agree that a child growing up in a large, poor family that cannot afford healthy eating, and in which some members of the family smoke, is at a gross disadvantage compared to a child of the same age from a healthier environment whose parents are better off. Those points must be taken on board.

The number of recent cases highlighting abuse of children by those entrusted with their safety and protection was instrumental in our Committee's decision to conduct an inquiry into the state of child protection services in Northern Ireland. Those cases fully vindicate the strong investigative powers that it is proposed be vested in the commissioner.

I pay tribute to all the childcare organisations that lobbied so effectively for a campaign for children, to all who contributed to the extensive consultation process and to Ministers Haughey and Leslie for introducing the Bill.

**The Deputy Chairperson of the Committee of the Centre (Mr Gibson):** I welcome this important and long-awaited Bill. The First Minister and the Deputy First Minister announced it in the Assembly on 29 January 2001. Its intention is to appoint a commissioner



for children in Northern Ireland. The announcement has been welcomed by Members from all sides of the House.

The proposals were welcomed as a step towards ensuring that children can grow up in a society in which they are safe from exploitation and abuse, in which their rights are protected and in which their needs are met and their responsibilities are known by themselves and their parents.

After the announcement, the Committee of the Centre undertook a comprehensive inquiry to examine the role of a children's commissioner. In June 2001, the Committee produced a report setting out several detailed recommendations. In the course of the inquiry, the Committee listened to more than 13 hours of oral evidence and questioned 51 individuals representing 26 organisations. I pay tribute to all those organisations and individuals, because they made their points sincerely and were obviously people of commitment and dedication. Those organisations included many statutory and voluntary bodies. We also heard the views of young people, and we invited representatives from Wales and Norway to tell us of their experiences.

The Committee concluded that there was an overwhelming case for appointing a commissioner for children, and it supported calls from the organisations consulted that a commissioner should be appointed as soon as possible. The Committee's report called for a strong, independent commissioner who could look into all aspects of children's lives and be a champion for them. A commissioner should, as it was described to the Committee, have a "helicopter view" — he should be able to see the big picture. By having that overview, the commissioner would be able to draw attention to problems, gaps and lack of proper co-operation.

The Committee was also clear that the commissioner should have a wide range of powers to investigate complaints, initiate inquiries, subpoena witnesses and compel disclosure. The Committee concluded that the commissioner must be able to support children in court cases or initiate cases, if necessary, on their behalf. However, the Committee was equally clear that although a commissioner needs powers to initiate or to intervene in legal proceedings, such powers should only be used strategically when all other means have been exhausted.

The Committee felt strongly, and was supported by the witnesses, that the role of the commissioner must extend to reserved matters. The commissioner must be able to ensure that the rights of children in the juvenile justice system are protected and that they can call on him if necessary. The Committee was pleased to note that most of the recommendations in its report were reflected in the model for a commissioner that the Office of the First Minister and the Deputy First Minister consulted about last September.

More importantly, however, the Committee welcomes the inclusion of those recommendations in the Bill. The Committee acknowledges that the Department has faced a difficult and complex task in getting the Bill to this Stage; it recognises that many provisions of the Bill cut across the remits of several Departments. That necessitated negotiation and agreement with other Ministers. The Committee welcomes particularly the inclusion of provisions to ensure that the role of a commissioner will extend to reserved matters. The Committee recognised that this was a major hurdle for the Department, and it supported the Department in its negotiations with the NIO to achieve that goal.

In considering the details of the Bill, we must not lose sight of what we are trying to achieve. In the course of our inquiry, we heard many shocking and dramatic statistics about the plight of some of our most vulnerable children. Particularly, we heard about the children who at birth were described as being "destined to fail". The appointment of a children's commissioner is a first and crucial step towards breaking that cycle.

We want to see a commissioner who will be universally recognised as a champion for all children, someone who will have a high profile, be easily recognisable and accessible to all children, wherever they live or whatever their circumstances. The Committee of the Centre will consider the provisions of the Bill in detail to ensure that it results in such a champion for children. It will seek and listen to the views expressed in the House and from interested organisations and individuals. Views expressed in the Chamber seem to fall under broad headings. There will be an examination of the role of the commissioner in relation to parents and the family. The rights, best interests and welfare of children will also be addressed, as will the rights and responsibilities of parents.

The commissioner's accountability has not been mentioned today, but it must be critically examined. Who will the commissioner report to? Who will he be accountable to? Terms such as "relevant body", which is sometimes used loosely in legislation, must also be defined. It must be made clear who the specific relevant bodies are. The care of unborn children was also mentioned forcibly in the debate. Those areas will be scrutinised by the Committee of the Centre, and it will note its concerns before the final presentation.

The greatest gift to children is to show them how much they are loved and enable them to enjoy a good, stable, secure and loving home background.

**Mrs Courtney:** The completion of the Bill involved wide consultation that included a substantial inquiry by the Committee of the Centre, of which I am a member. The report into the proposal to appoint a commissioner for children in Northern Ireland was comprehensive and thoughtfully considered. It took into account the expert advice and opinions of groupings as diverse as the Law

Society of Northern Ireland, Voices of Young People in Care, the Northern Ireland Guardian Ad Litem Society, the Assembly Ombudsman for Northern Ireland and the Derry Children's Commission. There were also contributions from legislative bodies, social workers, charities, the Equality Commission for Northern Ireland and many children's organisations and steering groups that already act as a voice for children in the voluntary sector.

Added to that extensive body of local knowledge was the voice of the Norwegian Children's Ombudsman and the chairperson of the Health and Social Services Committee from the National Assembly for Wales. The Norwegian Government have had a Children's Ombudsman since 1981, the first European country to have one. The lessons that they have learnt in those 21 years, and the pro-active approach that they have adopted because of their experience, were of immense value when drawing up the Bill. The National Assembly for Wales was the first Government in the United Kingdom to appoint a children's commissioner.

Defining the terms of appointments, resources, roles and responsibilities and the duties and powers to be available to the commissioner has been crucial. Other key areas of the commissioner's remit include independence, good practice, interfacing and accountability. The Bill is a welcome addition to the further protection of children and young people.

The commissioner will be appointed jointly by the First Minister and the Deputy First Minister. He or she will act as a champion for children. It is not intended that the commissioner will usurp the role of parents or duplicate or take over the functions of other agencies.

Initially, the appointment will be for four years, with an option to renew. The maximum term will be eight years. The commissioner will keep under review the workings of the legislation and make reports to the First Minister and the Deputy First Minister, who will in turn report to the Assembly.

The children's commissioner will act as an advocate for children's rights and monitor those rights in Northern Ireland. He will be the voice of young people and a champion for all young children.

3.00 pm

The principal aim of the Bill is to safeguard and promote the rights and best interests of children and young persons. The commissioner will have a duty to create and promote new and innovative opportunities for young people to make their views heard. That could include working through schools, youth clubs and other forums, and involve the use of information technology.

Another key responsibility, which is crucial to the success of the role, is the proviso that the commissioner should work to improve the means of communication

with children and young people through, for example, the promotion of language that young people understand, without jargon and formality. It is vital that children feel that they have somewhere to turn when they have an issue that they cannot discuss with parents or carers. It is also important that they receive clear answers and assurances that they are being heard. The western young people's steering group made the point that the commissioner must be easily accessible, physically and mentally, so that young people's minds are relaxed. The only way to do that is to communicate in a direct and equal manner that does not intimidate or confuse a child, especially one in an already vulnerable position. Therefore, it was necessary to ensure that the role of the commissioner was clear, unambiguous and transparent.

The Norwegian Children's Ombudsman related to the Committee details of Powerline, which exists for children in his country. It is not a hotline or a helpline, rather it is a service whereby children can discuss injustice or things that they would like changed. The Commissioner told the Committee that proposals to change legislation arise and that the material comes into the office for analysis, and it is responded to through the Internet channel. Again, that may be a useful tool to employ here.

The Committee of the Centre proposed that the interview panel should include young people, as happened in Wales. The Committee recommended that the children's commissioner should have adequate powers to investigate complaints or to initiate investigations or inquiries in respect of any aspect of children's rights, where other avenues of redress have failed. As the Ombudsman for Northern Ireland pointed out, there would be a legal problem if the children's commissioner determined complaints rather than investigating or supporting the complaint. However, the Ombudsman also highlights concerns regarding the potential for fragmentation, for example, in the commissioner's office and other bodies such as the courts, should the commissioner have too many powers. Therefore the important part of the Ombudsman's recommendation is that the powers be employed where other avenues of redress have failed.

The commissioner's main job will not be to upset the legislative apple cart, but he will need to have some course of action available to him where the normal procedures and systems have failed a child and further action is required.

The Bill recommends that the role of the commissioner should be to monitor the co-ordination of services between organisations that have a role in ensuring children's rights in all organisations, including public authorities. I agree that the definition of "a child" should also include those in utero. In other words, the child should be protected from before birth. The Bill recommends that the commissioner should be independent of all existing organisations and public bodies. That is in

line with proposals put forward by virtually all the organisations that gave evidence to the Committee of the Centre. That has been assessed in line with section 75 of the Northern Ireland Act 1998. The Committee of the Centre agreed that the commissioner should receive adequate resources to carry out the role. Many organisations that gave evidence to the Committee felt that if the necessary resources were not forthcoming, the limited resources allocated would be wasted and a vital opportunity missed. However, the financial cost has been estimated. It will be £1 million with ongoing annual costs projected to be in the region of £1.9 million. I welcome the introduction of the Bill.

**Mr Shannon:** I am a member of the Committee of the Centre, so I have a particular interest in the issue, and I have contributed to the work along with other members of the Committee. The evidence that children need a commissioner for their protection is not a requirement — it is a necessity. Someone needs to be officially on the side of children to give them the protection and the voice they need. The Bill seems to deliver that: it addresses some of the most important issues that parents fear, especially that someone unsuitable, with a past history of abusing children physically or sexually, would gain employment in schools, churches and youth organisations. The safeguards suggested in the Bill go some way to ensuring that that never happens.

However, as with everything, the safeguards must work. It instils fear into the heart of every parent, after the catalogue of priests, church officials, youth workers and even activists for child protection who have been discovered abusing children and carrying out their deviant agenda while working with children.

The Bill must ensure that those who wish to work with children are vetted. We must go further to ensure worldwide protection for children so that jurisdictions and departmental boundaries cannot be used as excuses to fail our children. In the case of Victoria Climbié that aspect proved fatal as doctors, social workers and police all felt that it was someone else's responsibility to act on the evidence of abuse. Little Victoria died because of petty matters of jurisdiction. It is also a convenient way to evade prosecution. People protecting children must get their act together and decide definitively that there are no boundaries when it comes to protecting children; they must help one another.

It is too convenient that some priests and church officials can hightail it to a diocese in America when parents in Northern Ireland guess that something is amiss. Those men — if we can call them men — are protected by the Church and are given carte blanche to re-offend elsewhere, and that is despicable. The Bill must address that issue as strongly as possible. I welcome the new whistle-blowing procedures as a way forward in addressing that.

It is vital that those working with children are vetted and have references that will be held on a central register. The Pre-Employment Consultancy Service register must be on a statutory base, and it should have a list of people prohibited from working with children so that child-centred businesses can assure parents that their children are safe. Even those who run voluntary childcare services must be legally obliged to check their workers and register them. That will ensure that no matter where our children go we will know that they are with registered workers who are not convicted abusers.

It would be advantageous if convicted child abusers knew that they would be breaking the law when they applied for a job working with children and that they could be punished severely by the courts. The protection of our children must be the highest priority no matter where they are or what they are doing.

The rights of the unborn child should be addressed in the Bill, and so far they have not. My Colleague, Iris Robinson, spoke about that, as did Joe Hendron. The preamble of the UN Convention on the Rights of the Child quotes the Declaration of the Rights of the Child defining child protection as:

“special safeguards and care, including appropriate legal protection, before as well as after birth”.

That is what we should be aiming at. If the United Nations has safeguarded the rights of children before birth, the Northern Ireland Assembly should do likewise. To date, the rights of unborn children have not been safeguarded in Northern Ireland, as unborn twins could not be officially counted among the roll of those murdered by an IRA bomb in Omagh. Whoever causes the death of an unborn child cannot be prosecuted for murder, yet the crime is as real as the murder of you or me. The parents will mourn just as long, and possibly harder, for the child that they did not get to know or see grow up. That is just one tangible reason for protecting the rights of the unborn.

Protecting the child before birth would ensure that unborn children have a voice in medical issues. The commissioner could ensure the best medical care for children, even if they are unborn. It would mean that unborn children are protected from toxic substances that their mothers may work with, and employers would have to preserve the health and the job of the mother in the interests of the child.

As each child is unique and special, each child holds the same fundamental value, and it is priceless beyond our wildest imagination. We must protect children against all dangers, whether medical, terrorist or sexual.

Greater protection from all dangers needs to be legislated for and improved so that bureaucracy and inactivity cannot fail children any more. Every child needs to be protected, even those to whom we cannot speak as yet.



We are the adults. We can make a difference. Let us start by ensuring that the legislation is perfect and without loopholes that those with a subversive attitude could use to their advantage. I commend the Bill to the House.

**The Chairperson of the Committee of the Centre (Mr Poots):** I have listened with interest to the speeches and comments that have been made. I welcome the Bill. The Committee of the Centre will scrutinise it closely. The Committee may make amendments to the Bill once it has heard others' opinions, and I guarantee that there will be full consultation. I assure those Members who have raised concerns that the Committee will take their views on board and will seek to incorporate them into the Bill through amendments.

I support the concept of a champion for children. However, I suggest that in most cases children's champions are their mums and dads. I would like to think that that is the case in my own home. I believe that it is the case in most homes around the Province. Unfortunately, however, some children's mums and dads are not their champions. Often, children are brought up by either their mum or their dad, with the other parent absent. In those cases, only one parent can be their champion.

Often, one or both parents are involved in activities that are not conducive to a stable family environment. Perhaps there are drink or drug problems in the home, or a parent has had to go jail because he or she has become involved in crime. Those are cases in which children's parents do not act as champions.

There are also cases in which a child's parents become separated, and a stepfather or stepmother comes on the scene who uses the vulnerability of the single parent to engage in paedophile activity. Once again, the child does not have a champion in the home.

I believe that in the vast majority of cases the champions of children will be their parents. However, a children's commissioner is needed for those children who do not have a parent to be their champion, or whose parents have let them down. That is where the role and remit of the children's commissioner must be concentrated. It must not be focused on prying into homes in which there is a good, stable family relationship where the child is loved and well cared for. The role of the commissioner must be to protect those children who are vulnerable and in need of protection.

Adults often think that they know about children's issues, whereas children and young people have a completely different concept of what those issues are. When the Norwegian Commissioner was in Northern Ireland, one of the key issues for children was that of school uniforms. I am not referring to what Members might think of as school uniforms, but to Nike shoes, Nokia phones and Reebok T-shirts. That was an issue for children whose schools had done away with school uniforms, and

whose backgrounds were such that they could not afford to wear the labelled T-shirts, trainers, jeans that the other children were wearing. Perhaps adults would not have identified that as an issue. However, young people did.

The Commissioner said that Norwegian politicians thought that it would be a good idea to reduce the age of consent. He asked young people what their views were. Those young people, particularly young girls, were opposed to it and the legislation was stopped. That was further evidence of adults thinking that they knew the issues affecting children and young people. Let us listen to what children and young people want — perhaps some things that adults impose upon them are not what they want.

3.15 pm

Several Members spoke on many issues, including the rights of parents and the extension of the legislation to cover unborn children. At least five Members talked about the definition of "child" and how it needed to be extended. I assure those Members that the Committee of the Centre will fully consider and examine the possibility of having the legislation amended, which will require the co-operation of the Office of the First Minister and the Deputy First Minister.

In a somewhat confused speech, Jane Morrice talked of the commissioner lacking powers. I am not sure whether it is appropriate for the same person to both investigate and decide the outcome of a case, which was a point that Ms Morrice made. She then expressed concern that non-governmental organisations might be fined if they did not meet the commissioner's requirements. On the one hand she was seeking more powers for the commissioner, but on the other hand was concerned that the commissioner's powers might damage some organisations.

Ms Morrice said that the legislation had only been introduced because of the pressure of the private Member's Bill tabled by the Women's Coalition. Without delving too much into that somewhat facile point, it should be made clear for the record that the current Bill was proceeding before that private Member's Bill was brought forward. Mrs Eileen Bell and I had previously tabled a motion in the House to appoint a children's commissioner, which the Executive had taken into account and, when the motion was debated, indicated their intention to initiate a Bill. The Women's Coalition's private Member's Bill came along some time after that.

It is unfair to say that the Executive and the Office of the First Minister and the Deputy First Minister are enacting the legislation on the basis of that private Member's Bill. However, we look forward to addressing all those issues and hope that the Bill will go part of the way to reducing the widespread problems and bad experiences that many children and young people face.



Although we cannot eradicate all the problems, we can do everything possible to ensure that the problems that children and young people face are as small as we can make them. Whether that is done through legislation or through a children's commissioner, we want to give them as much protection as possible.

**The Junior Minister (Office of the First Minister and the Deputy First Minister) (Mr Leslie):** I thank Members for their thoughtful contributions. I listened carefully to them all. I also thank many Members from all sides of the House for their support for the proposals in the Bill. As my Colleague, Denis Haughey, said at the start of the debate, the Bill offers a marvellous opportunity to establish a commissioner's office that would be a world leader in protecting the rights and best interests of children.

That is only the beginning. Appointing a commissioner does not absolve Government and society of their responsibilities towards children and young people. The next goal must be to promote a culture of respect for children's rights that permeates every aspect of society and a system of governance in which consideration of the rights, interests and views of children and young people is second nature, not second choice. That requires more than appointing a commissioner. It will require us to respect the commissioner's office and respond with diligence and imagination to the commissioner's recommendations.

We have learnt a great deal in the process of developing our proposals. We have learnt the value of taking the necessary time to have a comprehensive and inclusive consultation process. Some have argued recently that there is too much consultation. We may need to change the way in which consultations are conducted. The emphasis could possibly be shifted away from written documents towards active dialogue with key shareholders. However, under no circumstances must we lose the immense value that those consultations have. We have sought to do that with this Bill, and our proposals are much the better for it.

We have also seen the value of an exclusive partnership approach. Once again, like my colleague Denis Haughey, I pay tribute to the work of the non-governmental organisations forum. The forum complemented the work of the various Departments, providing a synergy that greatly benefited the process. In particular, the expertise of forum members allowed us to involve children and young people of all ages in the development of proposals and in the subsequent consultation in a way that otherwise would not have been possible. Lessons on the value of close co-operation with social partners can be applied more widely across Government.

We appreciate greatly the Committee of the Centre's commitment to the initiative, and we look forward to working closely with the Committee during the consideration of the Bill. Most of all, we have seen the value and

potential of the Executive and the Assembly. We set ourselves the ambitious target of leading the way on children's rights, and we now have the means to achieve that target. The Bill is clear evidence that we have a governmental system that delivers on key local issues, and that we have the political capacity and maturity to make the system work effectively.

I shall respond to as many as possible of the specific points made during the debate, and any points to which I am unable to respond will receive a written answer. I shall start at the end and thank Mr Poots for his thoughtful and measured contribution, in the course of which he answered several of the points that were raised in the debate. I am grateful to him for that. In particular, Dr Birnie, at the start of the debate, raised the issue of whether there might be a risk of the commissioner's activities conflicting with the rights of the children. Mr Poots focused on what the commissioner's emphasis should be, and an underlying point to remember when seeking a commissioner is that the person appointed must understand clearly that exceedingly important balance.

I assure the Assembly that our proposal aims to complement and not to oppose the rule of parents in protecting the rights and best interests of their children. I emphasise that it is not a zero-sum gain issue: recognising and upholding the rights of children does not detract from the rights of parents. There are two specific safeguards. First, as Dr Birnie noted, in deciding whether and how to exercise functions, the Bill specifically requires the commissioner to have due regard to the importance of the role of parents in the upbringing and development of children. Secondly, the commissioner is obliged to have regard to the relevant rights in the UN Convention on the Rights of the Child. The role of parents is central to the Convention, as evidenced in article 5, which states that

"States Parties shall respect the responsibilities, rights and duties of parents".

I hope, therefore, that Members will agree that the proposed role and remit are not in any way inimical to the rights and responsibilities of parents or to the contribution made by family life.

Several Members raised issues that relate to the rights of the unborn child. Those Members, in particular Dr Birnie and, earlier in the debate, Mrs Robinson, made points about providing information to expectant mothers. At this stage, we do not propose to extend formally the commissioner's remit to include the unborn child. Legislation exists on the matter and we do not intend to change that. It would have been inappropriate to legislate on that matter without full and careful consideration of the complex and sensitive issues involved. Because the issues are complex and sensitive, the amount of time taken might have held up the appointment process to an extent that would not have

been sensible. The issues involved turn on both civil and criminal law.

Not only would it cut across several Departments, it would include reserved matters. European jurisprudence does not define the extent to which article 2 of the European Convention on Human Rights, which addresses the right to life, applies to unborn children. The European Court of Human Rights gave member states a wide margin of discretion on that matter in order to reflect the wide variation in the laws of member states. However, clause 3(2) of the Commissioner for Children and Young People Bill makes provision to review the adequacy and effectiveness of the law relating to the rights of children. The commissioner could decide to consider that matter and to make recommendations.

I agree with Iris Robinson's points about information and research on factors that affect the health of unborn children. The commissioner may seek a role in those important matters, but the Department of Health, Social Services and Public Safety is primarily responsible and exceedingly active in that area. That is not to say, however, that we should not seek further activity.

Dr Birnie asked about the accountability of the commissioner. Annual reports will be published, so the commissioner's activities will be scrutinised in the Assembly, especially by the Committee of the Centre.

Dr Birnie referred to a parent's forum. The Office of the First Minister and the Deputy First Minister recognises the importance of ascertaining the views of parents, and the commissioner will decide how parent's views should be elicited. The Parents Advice Centre and Homestart, which are non-governmental organisations (NGOs) that work with parents, are members of the NGO forum and have ensured that, in drafting the Bill, we were cognisant of parents' views.

Ms Lewsley asked whether the commissioner would work with his or her counterparts in other jurisdictions. In schedule 1, the Bill empowers the commissioner to co-operate with

"other bodies exercising functions relating to children and young persons (whether in the United Kingdom or elsewhere)".

We thought that it was important that that power be included explicitly in the Bill.

Ms Lewsley also asked what implications the work of the children's commissioner would have for the children's strategy. We are committed to developing a comprehensive children's strategy and, as with the proposals for the children's commissioner, the consultation process will begin with the involvement of key stakeholders and other interested parties to develop the proposals for more formal consultation in spring 2003. Our focus hitherto was on bringing the Bill to the House. Having achieved that, we can move with more expedition to the children's strategy.

We intend to involve children and young people in the appointment process. We are establishing a young people's advisory forum, which will self-select 12 to 14 of its number to assist with our work. Those selected will receive special support and training to enable them to participate in the appointment process. They will help to draw up the job specification and the personal specification and will participate in the interview process. Young people were involved in the appointment process in Wales, and we will consult with Welsh officials to determine what useful lessons we can learn from that and then tailor the process to our circumstances.

Several Members referred to the time that it has taken to finalise the Bill and to the negotiations between Departments and with the Northern Ireland Office. We were attempting to legislate for a commissioner with a broad range of functions, covering a wide canvas, and, therefore, there were many interested parties.

3.30 pm

The commissioner's comprehensive set of functions and powers covers our aims. The Bill gives the commissioner a broad remit, including juvenile justice, a reserved matter that could not be included in the Bill without the Secretary of State's consent. As a result, long and detailed discussions with the Northern Ireland Office on the scope of the Bill's provisions and the necessary safeguards were required. I am pleased that those discussions culminated in an agreed position without watering down the proposals.

In response to Mr McElduff's question, the timing of the commissioner's appointment will depend on the Bill's progress through the Assembly Stages, but we hope to fill the post by early next year. Preparatory work on the appointment procedure will begin very soon.

I agree with Mr Neeson that the UN Convention on the Rights of the Child is important. That is why the Bill specifically requires the commissioner to have regard to it.

With regard to consulting young people and the creation of a forum, clause 3 imposes a duty on the commissioner to seek the views of children and young people on the exercise of his or her functions. The commissioner will decide the precise mechanism for doing that.

Ms Morrice asked about the use of the terms "welfare" and "rights and best interests". The inclusion in the Bill of "best interests" reflects the terminology of the UN Convention on the Rights of the Child. However, the term "welfare" must be used where the Bill refers to existing bodies of law that use that term. That is particularly applicable to clauses 10 and 11, because the term "welfare" is commonly used in legislation on related matters.

Ms Morrice also questioned why the children's commissioner and the children's strategy were the responsibility of the Office of the First Minister and the Deputy First Minister even though the issue cuts across other Departments' responsibilities. She answered her own question: it is precisely because the issues cut across several Departments' activities that it is appropriate that the centre Department should be responsible for them. The Office of the First and the Deputy First Minister will lead the Executive in setting the strategic direction and vision. However, that does not mean that other Departments are not involved — they clearly are, and we will work with them.

With regard to the commissioner's powers, he or she will have the necessary tools for the job. The commissioner is not there to replace the police or the social services authorities and so does not need those agencies' powers. He or she will have the power to take legal proceedings, but the primary purpose will be to change how public authorities interact with children. Where possible, that will be best done through collaboration and the dissemination of good practice. The commissioner will also have significant powers to investigate authorities and to recommend changes in policy, practice or law.

With regard to the concern about the commissioner and parents, I emphasise that the focus is on aspects of children's lives in which parents play no part, and that is for sound reasons. It will be difficult for authorities to ignore any recommendations that the commissioner may make. Departments and the Assembly can deal with the matter if public authorities respond inadequately.

The safeguards in the Bill will not hamper formal investigations. The test to be met as a condition to exercising the stronger powers contained in the Bill will be whether there are reasonable grounds for carrying out an investigation. I am sure that Ms Morrice would not object to that as a criterion, because it is common in legislation.

I echo Mr Poots's surprise that Ms Morrice did not tell us that, in view of the introduction of this Bill, the Women's Coalition would be withdrawing its Bill. I ask Ms Morrice and her Colleague, Ms McWilliams, to reflect on a few matters, such as how much consultation went into the wording of their Bill, what their Bill says about the appointment and accountability arrangements of the commissioner and what special functions and powers are included? Given the cross-departmental interest, the Northern Ireland Office interest and the issue of reserved powers, is Ms Morrice confident that her Bill will achieve the degree of agreement that we have achieved with those bodies in our Bill? I trust that the Bill being read today will receive widespread support and that the Women's Coalition will, on reflection, withdraw its Bill.

I welcome the comments of the Deputy Chairperson of the Committee of the Centre, Mr Gibson. In the Bill, we reflected the proposals that the Committee of the Centre produced as a result of its consultation, and we are grateful to the Committee for all the information it

provided. The differences are slight and may be matters of degree or emphasis rather than fundamental policy.

The Bill makes it clear that the commissioner will be accountable to the Assembly through the Office of the First Minister and the Deputy First Minister and to the Comptroller and Auditor General by means of annual reports.

Mr Shannon raised the need to ensure that child abusers could not gain access to children through employment. I agree with Mr Shannon on this key issue. However, that matter is not addressed in this Bill; it is addressed in the Protection of Children and Vulnerable Adults Bill, which was introduced by the Minister of Health, Social Services and Public Safety.

That deals with matters raised by Members; if I have left any out, I will ensure that Members receive a written reply.

I will finish with the words of one of the many children and young people who responded to the consultation paper. One young man put it very simply, as young people often do:

"This commissioner had better be good or this is all a waste of time".

We can assure that young man that the commissioner will be good, and, judging by the provisions for commissioners elsewhere, ours will be the best children's commissioner Bill on the statute books.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Commissioner for Children and Young People Bill (NIA Bill 20/01) be agreed.

**The Deputy Speaker:** The Bill now stands referred to the Committee of the Centre.



*(Madam Deputy Speaker [Ms Morrice] in the chair)*

## EDUCATION AND LIBRARIES BILL

### Second Stage

**The Minister of Education (Mr M McGuinness):** I beg to move

That the Second Stage of the Education and Libraries Bill (NIA 21/01) be agreed.

Go raibh maith agat, a LeasCheann Comhairle. This is the first Bill to be brought before the Assembly on matters relating to schools and the first piece of primary legislation on this matter since the Education (Northern Ireland) Order 1998.

The Bill is set out in four parts and contains three schedules with consequential and supplementary amendments and repeals. The most important issue in it is the allocation of funds for the local management of schools (LMS). I will take the opportunity to include provisions on other matters.

A LeasCheann Comhairle, the main purpose of the Bill is dealt with in part 1, which contains enabling provisions to allow the Department to introduce a single common funding formula for the calculation of schools' budgets for all schools funded under local management of schools arrangements.

Local management of schools was introduced here in April 1991. There are seven different LMS formulae in operation. Five of those are operated by the education and library boards — one by each of the boards. Those formulae are applied to all controlled and maintained schools in each board area. The remaining two formulae are operated by the Department of Education. One is for the voluntary grammar schools, and the other is for grant-maintained integrated schools. Although the formulae have many common features, there are differences in the factors used and in the values attached to them. There are also significant variations in the relative size of the budgets that they distribute. As a result, schools that are similar in size can receive quite different levels of resources, purely because their LMS budgets are calculated under different formulae.

I have stated on several occasions, and I am sure that Members agree, that it is indefensible, inequitable and nonsensical to have seven different LMS formulae for the allocation of resources to schools. I am committed to the introduction of a single common funding formula to ensure that schools with similar characteristics receive similar levels of funding, regardless of the area or sector in which they are located.

The principle of a common funding formula has already been agreed by the Executive and is an objective of the Programme for Government. It received widespread

endorsement in the major consultation exercise that I undertook last year and is supported by the Committee for Education. Although the make-up of the formula has yet to be agreed, there is general agreement that there should be a common formula.

Clauses 1 to 7 of the Bill will enable the Department to introduce a common funding scheme to prescribe the formula to be used, how each factor is to operate and the values or tariffs to be applied to each. The Bill will also provide the Department with the power to require education and library boards to adopt a common funding scheme. That scheme will be made up of two elements: the formula itself; and the arrangements for access to resources, held centrally by each education and library board for controlled and maintained schools and by the Department for voluntary grammar and grant-maintained integrated schools. This two-tier funding arrangement is a continuation of current practice, but a single formula will be used instead of the seven currently in use.

My proposals for the formula were the subject of a detailed, public consultation exercise that lasted for almost six months in 2001. In addition to more than 600 responses to the consultations, I received a very helpful report from the Committee for Education. Having regard to that report and the comments that I received during the consultations, I have written to the Committee setting out my proposals for the formula. I look forward to further discussions with the Committee on the matter.

The resources held centrally provide each funding authority with a budget from which it allocates additional resources to schools for certain purposes, such as assisting with substitution costs when a teacher is absent for a specified time or helping with the costs of providing additional support to a pupil with a statement of special educational needs. Significant progress has been made over the past few years towards harmonising the arrangements for the distribution of these funds, and there are unlikely to be any substantial changes in this area.

Clause 1 of the Bill also sets out arrangements for consultation on the scheme. I expect that, as is the case with the existing LMS schemes, the common funding scheme will need to be revised periodically, not only in the light of experience of its operation, but to take account of schools' changing needs. Therefore, it is important that all those affected by the funding scheme can put forward their views on the need for revision and the implications of that. The arrangements proposed in the Bill will provide for this ongoing consultation.

The Bill retains the provision set out in the Education (Northern Ireland) Order 1998 whereby responsibility for funding voluntary grammar and grant-maintained integrated schools will transfer to the education and library boards. This will be accomplished by means of an appointed day procedure, which I do not intend to initiate until the outcome of the review of public administration is known.



The main reason for this transfer is that there is little logic in having a different funding source for less than 10% of schools. The funding of these schools, alongside their controlled and maintained counterparts, will simplify the operation and ensure greater transparency.

The common funding scheme provides safeguards for funding voluntary grammar and grant-maintained integrated schools. Members will welcome these provisions, as they will remove the inequalities in the current system of funding our schools. I stress that nothing in the arrangements for the common funding formula will prejudice or pre-empt any decision about the most appropriate structures for post-primary education.

3.45 pm

Moving to the rest of the Bill, I am taking this opportunity to include a range of other provisions on education matters. Many are amendments to existing legislation, and the need for the majority of these has been identified over time. None is of sufficient significance to justify primary legislation in its own right. I do not propose to comment on each of the provisions, but I will outline some of the issues addressed. Of course, I will be happy to respond to Members' questions on the other clauses at the end.

Part II of the Bill contains provisions relating to how the five education and library boards will receive and account for resources allocated to them by their funding Departments. I should explain that although the bulk of the resources received by the boards comes from my Department, the Department of Culture, Arts and Leisure and the Department for Employment and Learning pay other amounts for certain services provided by the boards. For example, the Department of Culture, Arts and Leisure funds the public library service.

For the most part, these new provisions are technical changes required as a result of Government financial accounting's moving from cash to an accrual basis. However, I want to draw Members' attention to those provisions that will formally introduce best value in the five education and library boards.

When the Labour Party came to power in 1997, it gave a commitment to replace compulsory competitive tendering (CCT) with a new duty of best value in the delivery of public services. At that time, my Department introduced subordinate legislation to suspend the operation of CCT provisions for certain specified education and library board services until 31 March 2003. New arrangements need to be put in place before this period of suspension of CCT comes to an end.

I am proposing in this Bill to introduce a best value regime in respect of services provided by the education and library boards and to revoke fully the CCT provisions of the Education and Libraries (Northern Ireland) Order 1993. These actions are provided for in clauses 11

and 14 of the Bill respectively. The five education and library boards operate best value principles on a voluntary basis, but this part of the Bill provides a statutory basis for best value. The boards will be required to make arrangements for continuous improvement in the way in which they carry out their functions, having regard to economy, efficiency and effectiveness.

My Department has no wish to increase the burden on the boards by prescribing how they should carry out their duty in this regard. It is for the boards to decide for themselves. However, in deciding how to carry out their duty, it is important that they consult those who use, are likely to use or, indeed, have an interest in the services provided by them. The Bill provides for such consultation.

Article 20 of the 1993 Order specifies a list of non-commercial matters that should not be taken into consideration by an education and library board when awarding contracts for the supply of goods, materials or services. Such non-commercial matters include the terms and conditions of employment of a potential contractor's workforce and the country or territory of origin of supplies to be used in meeting the contract.

Clause 12 of the Bill provides my Department with powers to make subordinate legislation, subject to a draft's being approved by the Assembly, amending this list in the interest of promoting other key policy issues. That will allow a balance to be struck between avoiding discriminatory practice in awarding contracts and ensuring that all relevant matters are taken into consideration. That replicates the approach adopted in the Local Government (Best Value) Act (Northern Ireland) 2002 and the equivalent legislation in Britain.

To ensure that boards can deliver their duty of best value, provision is included in clause 13 of the Bill to enable my Department to make an Order to remove any obstacles preventing or obstructing boards from complying with their statutory duty in this regard or, if necessary, to give appropriate powers to boards to ensure that they can comply with their duty of best value. However, before any proposed Order is laid formally before the Assembly for approval, my Department will advance an explanatory document containing details of the draft proposals together with details of consultations that have taken place on them.

In determining how we would implement best value in the boards, I have had regard to the provision of the Local Government (Best Value) Act (Northern Ireland) 2002. Therefore, the approach that I have taken is similar to the way in which best value will apply in local government here. My Colleagues, the Minister of Culture, Arts and Leisure and the Minister for Employment and Learning, support this proposal for the services provided by the boards for which they have responsibility.

A LeasCheann Comhairle, in part III of the Bill I plan to introduce several provisions that are concerned directly with children's protection and welfare. In clause 15 I propose that the duty of care, which is already placed on a school's board of governors in respect of pupils who are boarders under the Children (Northern Ireland) Order 1995, be extended to include all pupils who attend the school.

In addition, my Department has power to direct a board of governors to comply with a duty set out in education legislation. I seek a further power extending this to include the Children (Northern Ireland) Order 1995 duty of care in respect of pupils in boarding departments. This will mean that should an inspection of facilities in a boarding department identify weaknesses that place pupils at risk, action can be taken by my Department to direct improvement.

Perhaps the most important provision in this part of the Bill is clause 16. It will introduce a requirement for all grant-aided schools to have a written child protection policy and to make a copy of the policy available to parents. While I am assured that, as a matter of good practice, all schools have a child protection policy, there is a widely held concern among those engaged actively in promoting the safety of children that reliance on good practice in such an important matter is insufficient. Other Members and I share that concern.

Consequently, clause 16 will impose a duty on boards of governors to ensure that there is a child protection policy at their school and that it is implemented. Furthermore, it will require that, in preparing the policy, schools must take account of guidance provided by my Department, the boards and the Council for Catholic Maintained Schools (CCMS). This will ensure that school policies are kept up to date and are based on the most recent advice available.

Clause 17 contains another significant provision. It will require schools to address the problem of bullying through their discipline policies. I have told the Assembly on several occasions of my intention to make this a requirement for schools. Members should note that for the first time here the legislation includes a requirement for schools to consult with pupils when developing their anti-bullying policies. This development is entirely consistent with our broader agenda to create an inclusive society. It will allow young people to participate actively in forming strategies to tackle a problem that directly concerns them. I am confident that the involvement of all pupils — those who are bullied, those who bully and those on the sidelines not knowing what to do — in the development of an anti-bullying culture will improve considerably the chances of tackling effectively this most pernicious and persistent problem.

A LeasCheann Comhairle, this part of the Bill also contains several other provisions, some of which I will

now outline. First, clause 20 contains a new power to allocate places in special schools to children from the South of Ireland or other jurisdictions for an appropriate charge. This will maximise the use of our special schools and allow the needs of more children to be met. The provision will also make it clear that places can only be offered to non-resident children if they are not needed for local children.

Secondly, in clause 21, I propose to introduce a new power to make regulations to enable the Department, in exceptional circumstances, to remove from office all voting and co-opted members of a school's boards of governors. However, it would not apply to the school principal, who is a non-voting member. It is expected that the use of this power will arise only rarely. It is designed to deal with circumstances in which a school is failing to provide an adequate education for the children, and the Department is of the view that the entire board of governors, either through its actions or inactions, is contributing in whole or in part to that failure.

Before a decision is taken to remove a board of governors, consultation will take place with the appropriate body, such as the local education and library board or the Council for Catholic Maintained Schools. Arrangements will also be made to advise and consult with the board of governors concerned about the decision and for any representations to be considered. Appointments to the board of governors are made by a range of bodies, and the new powers will allow those bodies that have authority to nominate individual representatives to a board of governors and to remove and replace their individual representatives.

Clause 22 will make it a statutory requirement that the person or body representing the school should consult with the board of governors, teaching staff and parents before the publication of a development proposal. Such a proposal is a statutory process, which is required when a school authority wishes to make a significant change to the education provision in a specific area — for example, a school closure or the amalgamation of two or more schools. The clause will ensure that all relevant interests are consulted fully about such changes.

In support of the initiative to ease the bureaucratic burden on schools, a provision will be introduced in clause 25 to allow the Department to consult a representative sample of schools, rather than all affected schools, before making regulations about provision of information on pupils and school performance targets. That will not affect the right of any school to express a view on any consultation, and all schools will continue to be notified that consultation exercises have been initiated.

Four of the provisions in part IV of the Bill, clauses 27 to 30, will reduce or remove entirely the need for education and library boards to seek the approval of my

Department on certain administrative matters. Clause 32 will allow education and library boards to make arrangements for education to be provided by an institution of further education for certain pupils, such as expelled or disaffected pupils who are over 14 years of age and not on a school register. There is already provision in existing legislation for the education of pupils at Key Stage 4 on link or work-related courses that are provided at further education colleges rather than at schools. This proposed change would extend that provision for an estimated 200 pupils each year.

Clause 34 will amend legislation introduced in 1987 to make corporal punishment unlawful in all schools, including the small number of independent schools here, and also in settings where education is provided other than at a mainstream school. That will bring the legislative provisions here into line with those in Britain, following a decision of the European Court.

The main purpose of the Bill is to introduce a common formula for calculating school budgets. That will remove the inequities in the present system, and the Assembly will welcome that commitment. The detail of the common funding scheme, including the formula, has yet to be finalised. I hope to work closely with the Committee for Education over the next few months on that important task.

The remainder of the Bill deals with a range of issues, some of a technical and minor nature and others of importance for young people. I have not covered every provision, but I have focused on those that are the most important. I shall be happy to respond to any points raised by Members.

**The Chairperson of the Committee for Education (Mr Kennedy):** In broad terms I welcome the Education and Libraries Bill. My Committee members are looking forward to the Committee Stage. The Committee appreciated the fact that officials from the Department of Education attended a recent meeting and briefed members on the purpose and detail of the Bill.

I intend to keep my comments brief, because it is important that the Committee for Education considers the Bill in great detail. The Committee expects to be given the opportunity for full and appropriate consideration of the Bill, and would be concerned were there to be a request for accelerated passage.

4.00 pm

As the Minister has said, the Bill's primary purpose is to provide enabling power to introduce a single common formula to calculate school budgets for all schools under local management of schools (LMS) arrangements. However, the Minister has confirmed that the Bill will not prescribe that formula.

The Committee expects that any new LMS arrangements would have to have widespread support and carry

the Committee's endorsement. I seek an assurance from the Minister that he will ensure that that consensus is worked for and achieved, and that he will not attempt to force his own proposals into the new arrangements. As in most matters, the devil is in the detail, and the Committee will expect to see the details and to be in a position to approve them.

The Committee for Education strongly believes that the current situation, in which schools in different sectors but with identical characteristics receive varying budgets, is neither satisfactory nor equitable. Therefore, we welcome the introduction of a common funding formula for grant-aided schools. The Committee spent a great deal of time examining in detail the proposals for a common formula for grant-aided schools. It produced a comprehensive report that included several key recommendations. We anticipate that those recommendations will form the basis of the new funding arrangements.

It is clear that the outcome of any changes will impact on the amount of money that every school in Northern Ireland will have to spend on providing the best education for our children. Therefore, we shall wish to give detailed consideration to the relevant clauses.

Part II of the Bill deals with the financing of boards and the duty of best value. That is an opportunity to place the present voluntary application of best value to education and library board services on a statutory footing, which is to be welcomed.

Part III of the Bill includes provisions for the Department to remove a school's board of governors. It is the Department's intention to invoke that power where it is convinced that it would be in the best interest of the school. However, that would be a court of last resort and should be viewed as such. The Committee looks forward to scrutinising that area in detail.

Those provisions of the Bill that require schools to have a written child protection policy and an anti-bullying policy reassure the Committee. Those policies will serve to strengthen the rights of children. All Members will agree that the welfare of our children is of the utmost importance.

Additional clauses that involve the abolition of corporal punishment will undoubtedly arouse interest and much debate, not least in the independent school sector.

I draw the Minister's attention — and he referred to this in his opening remarks — to the need for a cohesive approach, not only with regard to the local management of schools common funding formula, but also the proposals and possible implementation which will arise from the outcome of the Burns Report and the curriculum review. It would be nonsensical to move forward on any of those proposals in isolation of the other important issues. They are all interlinked, and good common sense



determines that to make progress we must be aware of the structural, financial and curriculum implications.

The Committee for Education looks forward to considering the Bill and examining the clauses in detail. It is committed to conducting a detailed scrutiny, and it intends to consult widely and take evidence from interested parties. The Committee will want to examine the detail of the proposals — not just the generalities — and it will want to be satisfied that there is a strong consensus in the Committee, the Executive and the Assembly for new proposals when they are brought forward.

**The Deputy Chairperson of the Committee for Education (Mr S Wilson):** Although many of the provisions in the Bill are necessary tidying-up measures which reflect changes that have occurred in the education system, some of the issues are insidious and Members should be concerned about them. The Bill should not be allowed to go through in its totality or without significant amendment.

Clauses 1 to 7 deal with the funding of grant-aided schools and the common funding scheme. The Minister's proposals have already caused considerable opposition, some from right across the board. There has been consultation, but the Bill makes it clear that it will be up to the Minister to determine what goes into the common funding formula.

Clause 1 goes through the consultation process. It is important to remember — as the Chairperson said — that the contents of the Bill affect the fairness of moneys available for the education of children in all school sectors in Northern Ireland. Clause 1(8) proposes that following all the consultation:

“The Department shall then—

- (a) adopt the scheme (with or without modifications); and
- (b) publish the scheme.”

Clause 11 then states that it will be the duty of each board to implement the scheme.

Given that there is already a degree of suspicion about the scheme as presented by the Minister and since on many occasions he has ignored the outcome of consultation and turned his back on the views of the Assembly and the Committee for Education, I am not happy about enabling legislation that allows him to implement, without first having presented it to the Assembly, a scheme which Members have not yet seen and which they will not be required to approve, according to the Bill.

That is a very dangerous way to proceed. I suspect that the enabling legislation was proposed because the Minister knows that parts of his scheme will be unacceptable to elements in the Assembly. A well-aired concern is the favourable treatment that he proposed and

that was recommended by a small minority to whom, I suspect, the Minister will pay great heed.

The Minister proposes to provide additional funding for Irish-medium education. If he adopted some of the recommendations of the Irish-medium sector, youngsters at those schools could receive nearly £1,000 more funding than pupils at controlled or maintained schools. That is one reason why the controlled and the maintained sectors opposed the scheme.

I could give other examples, but we are not discussing the common funding formula. I wanted to illustrate why Members should not empower the Minister to implement a scheme for which there is a consultation process that the Bill enables him to ignore. I have grave concerns about the current Minister of Education, but I would not want to grant that power to any Minister. Major decisions such as funding are crucial to schools' ability to carry out their functions. Members should not give a *carte blanche* to the Minister as regards school funding.

I hope that clauses 1 to 7 do not remain in the Bill. I have no difficulty with legislation to enable the Minister to introduce a common funding formula scheme that has been seen and agreed. However, I will not take a leap of faith by believing that the Minister will do the decent thing. The scheme must be seen and agreed. It will be important that the Committee for Education address clauses 1 to 7 in great detail.

I do not imagine that anyone opposes the imposition of a duty on boards of governors to safeguard and promote the welfare of pupils. However, Members must be clear about the implications. Given the onerous duties and burdens on boards of governors, it is often difficult to get people to serve on those bodies. They now have financial responsibility for schools, and that burden increases daily, especially given schools' funding deficit. Now we are to impose on boards of governors the duty to safeguard and promote the welfare of pupils registered at the school at all times, either when they are on the premises or in the lawful control or charge of school staff. What does that mean? What are its implications?

4.15 pm

If youngsters go on a school trip and something happens, such as the tragic accident in France last week, which may be due to negligence of an individual, will the board of governors be legally responsible? If school procedures break down and a child is injured, will the boards of governors be held responsible? If so, it will be even more difficult to serve on a board of governors. The Committee ought to be teasing out the implications of that.

Clause 16 (2) goes even further. Part of the child protection measures is that abuse



“includes sexual abuse and abuse causing physical or mental harm to a child.”

The board of governors is responsible for that, but how far does it go? It is a catch-all. If a youngster is under pressure at exam time, is that a form of mental abuse? Is the board of governors responsible for schools pushing youngsters too hard or pushing them over the brink? I do not know. However, those questions must be answered because a board of governors consists of people who give up their time for no remuneration. They ought to know that they are not placing their livelihoods in jeopardy by legislation that is vaguely worded and is therefore a lawyers’ paradise or which may even be designed to put more responsibility on the boards.

Clause 17, which the Chairperson of the Education Committee mentioned, refers to school discipline measures to prevent bullying. Some may think it ironic that the Minister of Education is concerned about bullying. I will not go down that route, although I could speak for quite a while on it. Our response is to present more paper documents. School policies on bullying will not solve the problem. Schools can write all the fanciful documents they wish, but that does not deal with the problem.

Schools and teachers must have effective sanctions to deal with bullies. Ironically, clause 34 abolishes one of the sanctions that teachers had to deal with classroom bullies. Schools will not be permitted under any circumstances to use corporal punishment. On one hand, it is foolish to say that we will tackle these problems — and teachers complain about that all the time — and on the other hand remove the means for teachers to tackle them. I notice that a few Members of IRA/Sinn Féin are laughing at that. One of the actions strongly advocated by IRA/Sinn Féin for dealing with bullies in the ghettos that it controls is corporal punishment administered with nail-studded baseball bats. Nevertheless, they seem to think it funny that we ask for powers of corporal punishment to be available to teachers.

In Part IV of the Bill, clause 32 deals with the provision of secondary education for pupils by institutions of further education. I understand why some schools might welcome that. However, I also envisage difficulties because of the way in which the system currently operates. Unless there are good reasons for a youngster who is under the age of 16 to be educated somewhere other than at school, he or she cannot be educated in a college of further education, although that can happen when local arrangements have been made. The Bill may simply be designed to regularise that. Many colleges of further education welcomed the fact that they no longer had to take in GCSE students. However, colleges with falling student numbers may welcome back those students.

One thing must be made clear. If a board arranges for secondary education to be provided by an institute of further education for youngsters who are registered at Key Stage 4 and who are over the age of 14, the grounds

on which that can be done should be specified. There will be all kinds of difficulties for boards and schools, such as when parents who are in despair about their child — or youngsters who are unhappy at school — put undue pressure on the board to move them to a college of further education, regardless of whether that is the most suitable place to educate them. The criteria on which that can be done must be made clear. It should not be open-ended. The Committee will examine that matter.

Parts of the Bill should be welcomed. However, certain sections of the Bill, such as the enabling legislation, should not be passed until Members know exactly what the Department will impose on boards. Until there is clarification from the Department, the Assembly should be wary of some parts of the Bill.

**Mr McHugh:** Go raibh maith agat, a LeasCheann Comhairle. Having listened to Sammy Wilson’s remarks, I am glad that he is not the Minister of Education. He seemed to know what my Colleague and I were laughing at, though he has to admit that he has been a figure of fun in the past — not least in the media.

There is much to be welcomed in the Bill, but there is still much work to be done. You would have thought that this was the main debate of the day. The battle lines have been drawn about how agreement is reached on various issues. However, I can see how that will work itself out.

The Minister’s past practice has always been to the benefit and best interest of all the children of Northern Ireland, and not any particular grouping. I welcome the consideration that lies behind the Bill and look forward to the Committee’s discussion of the final details, especially part I, clauses 1 to 7. I welcome the enabling legislation that will allow the Minister to introduce a common funding formula for schools, thus bringing to an end the disparity between similar schools in the board areas and the fact that there were seven different formulae. The issue was debated at length last year. Many schools, especially those in areas of high disadvantage, await the Minister’s final proposals with hope and some trepidation. I hope that the Minister will take advantage of the enabling legislation in order to introduce a fair and equitable funding scheme. Perhaps the fears that were mentioned will not unfold.

Clauses 11, 12 and 13 in part II of the Bill are based on the wording of the Local Government (Best Value) Act (Northern Ireland) 2002, which was passed by the Assembly earlier this year. Those clauses will allow the Department of Education to take steps to ensure that education and library boards comply with equality legislation in the functions that they exercise and in the contracts that they enter into.

Issues such as fair employment and equality can be taken into account, not just price. I welcome the departure from the purely monetary approach of the past.

I especially commend the Minister and his Department on part III of the Bill, which proposes to strengthen children's rights. I particularly applaud the proposed requirement for schools to have a written anti-bullying policy that complies with current departmental guidance. It is important that those policies be written down.

The present approach is very haphazard. Schools can decide to have no guidance or policy. Where policies are designed, they often depend on how people feel at the time, or on how individuals feel about dealing with bullying or any difficulties with young children. It is down to individuals, individual schools, boards of governors and whomever else they consult at the time. Guidelines must be written down in order for people to know exactly how to react to those difficulties.

Bullying is an especially complex issue. We want to find a way of resolving it because, as has been said, it has one of the greatest impacts on individuals and schools. Something must be done, because the problem has not been dealt with yet. Some form of approach is required, and written guidance would be no bad thing. Unless such a policy exists in writing and is of a certain standard, it is difficult for pupils and their parents to discuss bullying with a school that parents feel has failed to protect their children adequately.

It is unfortunate that, in those unhappy cases where a child has been left vulnerable, the legislation does not require written guidance. Recent research into mental health and the well-being of young people has listed bullying as a major factor in depression and suicide. Bullying is not only a matter of children's rights, but a matter of children's health.

I welcome part IV, which mentions a complete ban on corporal punishment, as proposed in clause 34. I will not comment on it as it has already been mentioned. However, I am opposed completely to Sammy Wilson's notion of corporal punishment and, indeed, his laughable comments on other issues.

Corporal punishment in schools is recognised widely as an assault on children. It can only be described as a physical assault on children. It is no longer seen as the hallmark of good education, but rather as an admission of a school's failure to establish good behaviour except through the use of force.

At a time when this society is moving away from the use of force to solve its political problems, it would be a very unwelcome step to go back or continue with corporal punishment for the benefit of education. I will continue to hold that view in this debate and at Committee level. There is no place for corporal punishment, and Members should not support it.

**Mrs Carson:** The Bill boils down to providing the Department with the power to require education and library boards to adopt the common funding scheme.

Clause 1 provides for widespread consultation, yet there does not appear to be any obligation on the Department to take note of any views expressed either by education and library boards or by boards of governors. Clause 13 refers to the power to modify statutory provisions, and subsection (9) of that clause requires the Department to consider any representations made. Can that obligation not be made clear with reference to the consultation in clause 1?

Clause I, subsection (10) gives the Department the authority to adopt and publish a scheme where the Department does not consider that it makes any significant change to the previous scheme.

4.30 pm

What consideration has been given to assistance for schools that may be affected adversely by the change of formula? How does the Department of Education propose to agree enrolment figures for the purposes of funding in respect of school intakes in September? At the latter end of the previous financial year, that could be highly speculative.

In part I of the Bill, clause 2(5)(b) states that the common funding formula

"may include provision for taking into account factors affecting the particular needs of any class or description of school."

The explanatory and financial memorandum refers to voluntary grammar schools and grant-maintained integrated schools. Why does the Bill not mention them? Will a common formula apply to all primary, secondary and grammar schools?

The implication in clause 2, subsections (5), (6) and (7) is that the preparatory department of a grammar school is likely to receive nil funding. Why is a preparatory school not permitted funding equal to that of a primary school? There are tiny primary schools and Irish-medium schools, all of which receive funding. In the name of equality I cannot understand why, if some parents choose a preparatory school, why funding should not be equal.

Clause 21 gives the Minister of Education the right, following consultation with

"such bodies and persons as may be prescribed"

to determine certain circumstances regarding the removal of members of boards of governors. The explanatory and financial memorandum refers to those bodies as the education and library boards and the Council for Catholic Maintained Schools (CCMS). Could that not be made clear in the Bill? In addition, why is this the only instance in which the Minister, and not the Department of Education, has been given the power?

When taking into account the common funding formula, consideration should be given to the exclusion

of teachers' salaries from the local management of schools budget. Teachers' salary costs should be centrally retained, thus removing a major cause of inequality.

**Mr M McGuinness:** Go raibh maith agat, a LeasCheann Comhairle. The main purpose of the Bill is dealt with in part I, which contains provisions to enable the Department of Education to introduce a single common funding formula for the calculation of budgets for all schools funded under LMS arrangements.

I repeat that to have seven different formulae is indefensible, inequitable and nonsensical. I am committed, as are almost all of us, to the single common formula. That will effectively ensure that schools with similar characteristics receive similar levels of funding, regardless of the area or sector in which they are located.

We must also remember that the principle of a common funding formula has been agreed by the Executive and is stated in the Programme for Government. It received widespread endorsement in the consultation exercise undertaken last year, and it is supported by the Committee for Education, apart from the individual comments of some Members. Although the make-up of the formula has not yet been agreed, it is agreed generally that there should be a common formula.

I am sure that Members in general will welcome these provisions for the simple reason that they remove the inequalities in our current system of funding for schools. It is important to emphasise that nothing in the arrangements for the common funding formula would prejudice or pre-empt any decision on the most appropriate structures for post-primary education. Danny Kennedy raised that point in the course of his contribution.

The main purpose of the Bill is to introduce a common funding formula for calculating schools' budgets. Here we can address an outstanding issue that many Members agree must be dealt with. The detail of the common funding scheme, including the formula, has yet to be finalised, and I hope to work closely with the Committee for Education in the coming months.

I thank those Members who contributed to such an important debate. Danny Kennedy's contribution was especially encouraging, as it was generally positive and helpful. I am always happy to discuss the need for change with the Committee. I welcome its views, and, although I may not agree with all of them, it is essential that those views be fed into the decision-making process. Decisions on funding levels impact on schools, and on the pupils and staff. In my response to the Committee's report, I stated that I am happy to discuss the relevant issues with it.

Sammy Wilson raised concerns about the level of support for the common funding formula. Most of the proposals commanded majority support, with a significant number attracting a high level of support. Not surprisingly,

some proposals attracted less support and my officials have reflected further on respondents' comments. Points that were raised include: the size of the budget; TSN; the treatment of teachers' salary costs; and the funding of Irish-medium provision. I expect those issues to be subject to further discussions with the Committee for Education as part of the development of the common funding scheme.

Sammy Wilson referred also to the approval of the scheme. The common funding scheme will be published by the Department and made available to Members as a matter of course. However, it is not the intention that the scheme will be subject to the approval of the Assembly, although, of course, the Committee for Education can continue to play an important role in its development and operation. Any Member can initiate a debate on the scheme at any time.

It is also important to point out to Sammy Wilson that existing LMS schemes are not set out in Regulations. The timetable for subordinate legislation would mean that any changes to the common funding scheme would have to be identified up to a year in advance of application, which would restrict the formula's capacity to react quickly to changing circumstances. Were Regulations a requirement, the common formula could not be implemented for the 2003-04 funding allocations.

**Mr Cobain:** Will the Minister give way?

**Mr M McGuinness:** No, I want to respond to all Sammy Wilson's points. He raised the issue of ministerial decision making. I note his concerns but I must take account of the practicalities. Schools must be informed of their budgets in advance of the new financial year. Decisions on the make-up of the scheme and the formula must be made on the basis of the information that is available on trends in schools. That highlights the need to avoid a cumbersome and bureaucratic approval process. I am conscious of the need to work closely with the Committee to achieve as much consensus as possible, and I shall continue to do so.

Sammy Wilson said that policies on bullying will not solve the problem and that effective sanctions are needed. I am abolishing corporal punishment, which has been outlawed in all grant-aided schools since 1987. New provision will extend that law to independent schools and is necessary to comply with a judgement of the European Court of Human Rights, so we do not have any discretion. The provision is necessary because bullying exists in our schools and can have a serious educational and emotional impact on the children involved. Many schools have already voluntarily developed an anti-bullying policy. However, I want to strengthen the legislation on school discipline to make it mandatory for every grant-aided school to have a written anti-bullying policy, and, more importantly, to implement it.



Duty of care is also important. The provisions that I am introducing simply make the *in loco parentis* duty explicit. That duty is existing common law, and the courts rely on it. It has existed since 1995 for boarders. There has been no evidence that that provision has been used mischievously — all children deserve the same safeguards.

The clause dealing with Key Stage 4 pupils who continue on to further education colleges allows education and library boards to make provision at a further education institution for any pupil over 14 who is not on a school register. A pupil will not be able to decide to leave school to go to further education. The clause will allow boards to provide for expelled and disaffected pupils for whom they are obliged to provide education; this they do by means of home tuition or education at places other than schools. Boards will now be able to do that by placing pupils in further education colleges.

Sammy Wilson and Joan Carson referred to removing boards of governors. The legislation allows governors to be removed for particular reasons, such as bankruptcy. The Department of Education also has the power to appoint governors to a board in certain circumstances. I expect this power to be used only in exceptional circumstances. It is designed to deal with situations in which, for example, a school fails to provide adequate education, and the Department holds the view that the entire board of governors, through its actions or inaction, contributes wholly or partly to that failure. It is not possible to prescribe all the circumstances in which that may arise, so it is intended that the Department should be able to invoke the power when it is convinced that that is in a school's best interests.

Mrs Carson also mentioned grammar schools' preparatory departments, and she asked whether further reductions in public funding are planned for them. My answer is "Not necessarily", but given the need to maintain firm control of public expenditure, it is simply impossible to give guarantees on any area of expenditure.

Mrs Carson also mentioned teachers' salaries. During the consultation there was no significant support for removing teachers' salaries from the local management of schools funding, and it is important to point that out.

Sammy Wilson referred to Irish-medium education. I do not propose to go into detail on that —

**Mr Kennedy:** The Minister will recall that in the consultation on the local management of schools funding formula on teachers' salaries, the clear suggestion was made that the actual salaries should be met rather than the average salaries, which is the present situation. Is the Minister prepared to accept that principle in his new arrangements?

**Mr M McGuinness:** It was clear during the consultation, and everybody accepted it, that there was no significant support for removing teachers' salaries from local management of schools funding. If there are other dimensions to that, there will doubtless be further dis-

cussions between officials, the Committee for Education and me.

It is important to point out that Irish-medium schools and units have additional costs. I will be happy to discuss that with the Committee for Education in future.

That is effectively all that I have to say. I welcome Mrs Carson's, Mr McHugh's and Mr Kennedy's positive and constructive comments. I am slightly disappointed that Mr S Wilson got involved in some of his usual grandstanding, but that is only to be expected.

4.45 pm

This is an important Bill that deals with important issues and removes inequalities. It is recognised that having seven different formulae does not make sense. The majority of MLAs recognise that reform is needed, and I commend the Bill to the House.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Education and Libraries Bill (NIA Bill 21/01) be agreed.

**Madam Deputy Speaker:** The Bill stands referred to the Committee for Education.



## **PRIVATE HIRE VEHICLE (CARRIAGE OF GUIDE DOGS ETC.) BILL**

**The Minister of the Environment (Mr Nesbitt):** I beg to move

That this Assembly endorses the application to Northern Ireland of the amendments to the Disability Discrimination Act 1995 contained in the Private Hire Vehicles (Carriage of Guide Dogs, Etc) Bill.

The Disability Discrimination Act 1995 requires public hire taxi drivers to carry disabled persons and their guide and other assistant dogs, and to do so at no additional charge to the owner, unless it is appropriate to exempt a driver from the requirement on medical grounds.

A Government-supported private Member's Bill at Westminster, tabled by Neil Gerrard MP, seeks to extend those provisions so that they apply to private hire taxi drivers and operators. In Northern Ireland, the 1995 Act became a transferred matter on devolution. There are, therefore, two ways in which legislation can be dealt with for Northern Ireland. First, we could amend the 1995 Act by means of a Bill, which would mean that the current Westminster Bill would only apply to Great Britain. On the other hand, we could seek, through this motion, to apply the Westminster Bill to Northern Ireland.

Amendments to the 1995 Act would have to be made through primary legislation in the Assembly and could not be completed until 2003-04 at the earliest. That would leave disabled persons in Northern Ireland disadvantaged in comparison with such people in the rest of the United Kingdom, so I am seeking inclusion in the Westminster Bill, which would mean a shorter timescale for implementation.

The position at Westminster is that the Private Hire Vehicles (Carriage of Guide Dogs etc.) Bill has completed its Committee Stage in the House of Commons and is due to receive its Third Reading on 19 July. Today, we have an opportunity to take advantage of the Bill and improve the transport options for disabled people here who depend on guide and other assistant dogs.

The Royal National Institute of the Blind (RNIB) recently contacted officials in my Department to express its wholehearted support for the motion. It conducted a survey recently that found that one in five visually-impaired people use taxis at least once each week, mainly because such door-to-door transport is more convenient for getting around. The RNIB is aware of instances in Northern Ireland of a disabled person with a guide dog being refused a taxi. The Bill addresses such discrimination. As there are approximately 100 guide dogs and other assistance dogs in Northern Ireland, we should not ignore the matter.

The Committee for the Environment discussed the proposal at a meeting on 6 June. I appreciate its prompt

consideration of what we are trying to achieve. The Committee gave an enthusiastic welcome to the proposal in a letter dated 10 June 2002, from the Chairperson of the Committee for the Environment, Rev Dr William McCrea.

I am pleased to confirm that, subject to Members' approval today, the Executive endorse this proposal, which will enable the provisions of the Disability Discrimination Act 1995 to be applied to private hire taxis. I commend the motion to the House.

**The Chairperson of the Committee for the Environment (Rev Dr William McCrea):** I welcome the motion. In March 2001, the Committee considered a consultation document from the Department of the Environment on introducing legislation to place a duty on licensed public taxi drivers to carry guide dogs and other assistant dogs without charge. In welcoming that proposal, the Committee pressed for the provision to be extended to private taxi drivers.

On 30 May 2002, the Minister of the Environment wrote to me to say that it was proposed to extend to Northern Ireland a Westminster Bill on the carriage of guide dogs and other assistant dogs in private hire taxis. The Committee considered the long-overdue initiative on 6 June 2002 and gave it a genuine welcome.

The Committee considered a further letter from the Department of the Environment last Thursday, when Members were updated on the Department's position. The letter also provided the precise terms of the proposed Northern Ireland amendments to the Westminster Bill.

Some of my Colleagues pressed me on whether a private Member's Bill was the best way to proceed. The Minister assured us that this was the most appropriate way to ensure that legislation would be passed during this session of the Assembly, not solely because it is a private Member's Bill, as often they do not see the light of day, but because it is one that has the support of the Government. If this procedure will speed the enactment of the legislation, I give it an enthusiastic welcome.

I do not accept that any disabled person with a guide dog should be refused travel in a public or private taxi. The matter is of great concern to disabled people. In particular, it affects blind people, and I endorse the Royal National Institute of the Blind's welcome of the urgent enactment of the Bill.

I urge the Minister to recognise that the Committee speaks with one voice in welcoming the initiative. I ask Members to support the motion, and I encourage them to make every effort to ensure that the Bill becomes law soon, so that disabled people here can enjoy the protection to which they are entitled.

**The Deputy Chairperson of the Committee for the Environment (Ms Lewsley):** I welcome the Bill, and I agree with many of the Chairperson's comments. This

Bill is long overdue, and the Committee is delighted to see it. I want to raise some issues with the Minister because, with legislation and its implementation, come responsibilities. The Committee asked officials about the number of disabled people who had complained about being denied access to private hire vehicles. They said that there were very few. I do not know whether there is a lack of communication within the Department, but some “not-so-high” officials agreed that there have been a number of complaints.

Following on from that, what procedures will the Minister put in place to allow people who are disabled, and who have been denied access to a private hire vehicle, to complain? Do they take their complaints to the Department, the taxi firm or their local disability organisation? Also, what type of educational information will the Department issue so that people know the right route to take? Who will be responsible for enforcement if a person is denied access to a taxi — the Department or the taxi firm? Who will then be liable for the penalty — the taxi company or the taxi driver? What penalties will be imposed on taxi drivers if they deny access to people with disabilities?

We also need to know about the health and safety aspect. Black taxis for public hire have a screen between the driver and the passenger in the back. What about the safety of taxi drivers when a guide dog is in a private vehicle? What type of training and help will the RNIB give to ensure that guide dogs are properly trained to be carried in that type of vehicle?

Those are just a few issues that have been raised by constituents and others. I hope that the Minister will take them on board.

**Mr Nesbitt:** I thank the Chairperson and Deputy Chairperson of the Committee for the Environment for their remarks. I was struck particularly by Dr McCrea’s comment that the Committee spoke with one voice. Only those with disabilities can appreciate fully the difficulties they face, so we should with all haste — but not with undue haste — move forward on this matter. Dr McCrea said that some Colleagues pressed him on whether a private Member’s Bill was the best way to proceed with this, and I thank him for accepting my assurance.

The Deputy Chairperson raised some very interesting points about protection of people, person, about education, about screens to protect drivers, about the training of guide dogs and about enforcing penalties. Those matters will probably have to be taken up in the Regulations. Those aspects, even when we are looking for accelerated passage for a Bill, are usually covered by Regulations separate from the Bill and go through full consultation with the Committee and others. I do not know whether the Regulations will encapsulate all the points that the Deputy Chairperson raised, but that is probably where

they should reside. We will look into that and ensure that all such issues are taken care of.

The first point that the Deputy Chairperson mentioned was the confusion about the number of disabled people denied access.

*5.00 pm*

All I can say is that the Royal National Institute of the Blind, which is the authority that has the most communication and knows what the situation is, is supportive of what we want to do. One in five people use private taxis because they are the best way to get from door to door, and if this is the case, it is up to us to ensure that nothing inhibits that. Even though there were some criticisms, we want those who are impaired in this way to feel that the law is on their side; they should not be seeking comfort in the hope that a taxi driver might allow them to be passengers as a concession. There should be a law, and they should be comforted by it. I see that the Chairperson of the Committee for the Environment endorses what I am saying.

I have covered most of the comments. We look forward to seeing the Regulations, and I hope that we will again speak with one voice. I commend the motion.

*Question put and agreed to.*

*Resolved:*

That this Assembly endorses the application to Northern Ireland of the amendments to the Disability Discrimination Act 1995 contained in the Private Hire Vehicles (Carriage of Guide Dogs, Etc) Bill.

**ASSEMBLY OMBUDSMAN FOR  
NORTHERN IRELAND  
(ASSEMBLY STANDARDS) BILL**

**First Stage**

**The Chairperson of the Committee on Standards and Privileges (Mr McClelland):** I beg leave to lay before the Assembly a Bill [NIA 25/01] to extend the powers of the Assembly Ombudsman for Northern Ireland to include certain matters concerning the conduct, interests and privileges of Members of the Northern Ireland Assembly and related matters; and for connected purposes.

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

**Madam Deputy Speaker:** The Bill will be put on the list of pending business until a date for its Second Stage has been determined.

**DRAFT ACCESS TO JUSTICE  
(NORTHERN IRELAND) ORDER 2002:  
REPORT OF AD HOC COMMITTEE**

**The Chairperson of the Ad Hoc Committee on the Draft Access to Justice (Northern Ireland) Order 2002 (Mr Campbell):** I beg to move

That this Assembly approves the report of the Ad Hoc Committee on the proposal for a Draft Access to Justice (Northern Ireland) Order 2002, established by resolution on 21 May 2002, and agrees that it be submitted to the Secretary of State as a report of the Northern Ireland Assembly.

At the outset, I thank the various bodies that came to the Committee to provide evidence. Even though the issue is somewhat complex, I intend to be as concise as possible.

I will begin by providing some background to the proposed Order in Council. On 19 February 1998, the Government announced a review into the provision and administration of legal aid in Northern Ireland. The announcement indicated that officials would undertake a review into arrangements for the administration and provision of legal aid in Northern Ireland, introducing recommendations for change where necessary. Officials would also consider, in the Northern Ireland context, the proposed reforms to legal aid in England and Wales.

As a result of that review, a consultation paper, 'Public Benefit and the Public Purse', was published on 14 June 1999. Publication of the consultation paper marked the start of the first substantive public discussion on legal aid for many years. The consultation paper set out the Government's objectives for, and commitment to, the modernisation of legal aid in Northern Ireland.

The objectives set by the Government in the consultation paper are summarised as follows: ensuring appropriate funding arrangements are in place to secure access to the most appropriate means to resolve legal issues for citizens; targeting resources to those in greatest need; ensuring that legal services are affordable and controllable; securing value for money from quality legal services; and establishing the most effective and efficient administrative structure to deliver legal services.

After consultation, the Government published a White Paper, 'The Way Ahead' in September 2000. The Government stated that the approach set out in the White Paper would provide a modern, transparent and accountable administrative structure to deliver quality assured legal services to all the people of Northern Ireland.

The White Paper showed that through the reform programme the Government were determined to take effective control of the public funding allocated for providing legal services and to ensure that the funds available were targeted at meeting the real needs of the most vulnerable.

To assist with its deliberations of the draft Access to Justice (Northern Ireland) Order 2002 the Committee heard evidence from the Lord Chancellor's Department of the Northern Ireland Court Service, the Law Society of Northern Ireland, the General Council of the Bar of Northern Ireland, the Northern Ireland Association of Citizens' Advice Bureaux and the Northern Ireland Human Rights Commission.

During the Committee's deliberations on the proposals for reform of the legal aid system in Northern Ireland, members considered a wide variety of issues. I will provide Members with details of the Committee's deliberations and recommendations.

The Committee welcomed the opportunity to consider the proposals for reform of the legal aid system in Northern Ireland and recognised that those proposals would be of major significance for many years. However, given the importance of those proposals, the Committee considered that a full, proper and meaningful consultation would be vital, as the proposals would affect the future of legal aid provision.

The Committee expressed concern about the time allocated to consider the draft Access to Justice (Northern Ireland) Order 2002, although it was within the 60 days allowed under section 85 of the Northern Ireland Act 1998. Due to the wide-ranging and complex areas for consideration, the Committee was of the opinion that there was a need for scrutiny of the draft Order and any subsequent implementation plan.

The Committee recommended that the Secretary of State continue to apprise the Assembly of any amendments to the legislation.

The Committee considered the establishment of a legal services commission. It will be responsible for the administration of the public funding of legal services; making new provision for the public funding of civil legal services; making new provision for the public funding of criminal legal services; providing for the registration of those seeking to provide publicly funded legal services; and making provision for alternative methods of paying for legal services, that is conditional fee arrangements and litigation fund agreements.

I said at the outset that some complexity was involved; I hope that Members can follow.

The Committee agreed with the principle of establishing an impartial legal services commission that would remove the administration of legal aid from the Law Society, a body whose members benefit from the present provision of legal aid.

When scrutinising the legislation, the Committee formed the view that many of the proposed major areas were seen as contingent legislation; they will provide fall-back positions if the proposals do not go according

to plan. The Committee had serious reservations about that procedure. The proposal to allow a legal services commission to implement much of the detail without many of the areas being defined clearly in the legislation is a cause for concern.

However, the Committee noted evidence from the Law Society. It stated that

"we do have considerable reservations as to whether another Commission of this type or size is necessary or appropriate for the administration of legal aid in Northern Ireland."

The Committee expressed concern over the lack of detail on the projected establishment of the legal services commission and its running costs. The Committee recommended, therefore, that the Secretary of State should deliver a more detailed and transparent implementation plan in parallel with the draft Order in Council.

I shall now move on to the provision of civil legal services. Under existing legislation, the Law Society administers legal aid to provide advice, assistance and representation to parties in certain civil proceedings, subject to a merits test and, in some cases, a means test. Civil legal aid is available under three schemes at present. The Lord Chancellor's Department has described those schemes and the means test as follows:

"Legal Advice and Assistance (Green Form Scheme)

Legal advice and assistance, otherwise known as the Green Form Scheme, is intended to cover preliminary advice and assistance from a solicitor including advice, writing letters, entering into negotiations, obtaining an opinion and the preparation of a tribunal case."

It continues:

"ABWOR

Assistance by way of representation (ABWOR) covers the preparation and presentation of civil cases in the Magistrates' Court. These cases include separation, maintenance and paternity proceedings and certain work in respect of children.

Civil legal aid.

The granting of civil legal aid is a matter for the Law Society through the Legal Aid Committee and the Legal Aid Department and is subject to certain statutory criteria."

The draft Order proposes to deliver civil legal services through advice, assistance and representation. Accordingly, the legal services commission will establish and maintain a new fund to provide civil legal services. The Lord Chancellor will pay such sums into the fund as he may determine and may impose conditions on those payments. The fund will be capped.

The legal services commission will prepare a funding code, which will set out the criteria for determining whether civil legal services should be provided in a particular case. That code will also set out the procedures for making applications for funding.

The Committee raised concerns about the level at which the fund will be capped, how that level will be



determined and what process will be used to review the cap. Indeed, in the evidence given by the Northern Ireland Association of Citizen's Advice Bureaux (NIACAB), a strong case was made for the retention of ABWOR as an independent service. The Committee noted that, at present, legal aid is payable in respect of time spent in preparing for a tribunal, but not for any representation at a tribunal. The statistical evidence provided by NIACAB displays the value of representation at tribunals. The Committee supported the extension of representation in tribunals, and noted the recent reforms in Scotland that make civil legal aid available in some situations.

The Committee, therefore, recommended that the Secretary of State should ensure that further quantitative and qualitative research into the need for civil legal services be carried out in advance of the application of any cap to the fund, and that he should consider extending funding to support all clients in preparation for and attendance at tribunals.

There is currently a potential unmet need in the civil legal aid sector. NIACAB deals with approximately 200,000 clients a year. However, the organisation estimates that there is an unmet need of an additional 200,000 clients a year. The Committee agreed that any funding set aside by the legal services commission will have to take account of the needs of the community and voluntary sectors. The Committee recommended that the Secretary of State should arrange for further research to be undertaken into the scale of the unmet needs of those sectors and should make appropriate funding arrangements to meet those needs.

The Committee noted the concerns of the Northern Ireland Human Rights Commission, which stated that

"the exclusion of election petitions from the range of available civil legal services... would mean that important electoral rights (protected by Article 3 of Protocol 1 to the European Convention on Human Rights, incorporated into our law by the Human Rights Act 1998) could not be vindicated with the assistance of publicly-funded legal services."

5.15 pm

The Committee supported the view of the Northern Ireland Human Rights Commission and recommended therefore that the Secretary of State revise the schedule to the draft Bill and that he make the appropriate amendment.

The legal services commission will prepare a funding code that will set out the criteria for determining whether civil legal services should be provided in any given case. The code will also set out the procedures for making funding applications. The Committee considered the proposed funding code and the set of procedures that will apply to it. Committee members and some witnesses expressed concern about the prioritisation of cases that will be covered by the fund. The Committee would welcome prior consultation on any proposals for the prioritisation of clients in that regard. The Committee

recommended that the Secretary of State publish the criteria to be used for prioritising clients who seek assistance from the civil legal aid fund.

Under current legislation, criminal legal aid is available to individuals who are charged with an offence, appear before a court or are brought before a court to be dealt with, subject to the applicant's satisfying the court that he has insufficient means to fund his or her defence and that it is in the interest of justice that he or she should receive legal aid. The draft Order proposes to replace that scheme. Accordingly, the legal services commission will establish and maintain a fund to provide criminal legal services. The Lord Chancellor will pay such sums into the fund as he may determine, and he may impose conditions on those payments. Unlike the civil fund, the criminal fund will not be capped.

The General Council of the Bar of Northern Ireland stated in its evidence to the Committee that the level of representation for the client should be determined by the court and not by the commission. It maintained that only the court can take an informed and objective view of the level of representation required in the light of the issues, substance, seriousness and complexity of an individual case. The Committee concurred with the General Council of the Bar of Northern Ireland in its view that article 30 of the draft Order is wholly restrictive of access to justice. It recommended that the Secretary of State maintain the existing situation whereby the level of representation is administered by the court.

The legal services commission will be required to prepare a criminal defence service code of conduct. It applies to employees of the commission such as salary defenders and employees of any body established and maintained by the commission in the provision of criminal defence services. The code is to be prepared or revised only in consultation with the Law Society of Northern Ireland and the General Council of the Bar of Northern Ireland and such other bodies or persons as the legal services commission considers appropriate. It must be approved by both Houses of Parliament.

The Lord Chancellor may, by Regulation, establish a registration scheme and code of practice. Only firms and individuals that are registered, comply with the code of practice and satisfy quality mechanisms and monitoring will be entitled to provide publicly funded legal services.

The Committee noted evidence from the Law Society of Northern Ireland in which it stated:

"No-one would wish to argue with the proposition that legal services must be of a consistently high quality."

The Committee supports that view; however, it requested further details on the quality standards that will be imposed and on how they will be applied to firms and individuals. The Committee recommended that the Secretary of State publish the draft criminal defence

service code of conduct and any details on the registration scheme and code of practice before laying the legislation.

The draft Order proposes a statutory basis for conditional fee agreements. They are also known as “no win, no fee” agreements and are intended to allow lawyers and clients to share the risks and possible gains of litigation. The draft Order provides that enforceable conditional fee agreements can be entered into between lawyers and their clients. They cannot be employed in criminal or family proceedings. The legal services commission would not be involved in conditional fee agreements; they are entirely private agreements between lawyers and clients. The Lord Chancellor, in consultation with the Law Society of Northern Ireland, the General Council of the Bar of Northern Ireland and others may, by regulation, define the proceedings in which such fees are to be permitted and prescribe their maximum size.

The Committee considered evidence from the Law Society and the General Council of the Bar of Northern Ireland. The latter stated:

“Conditional fees should not be introduced into Northern Ireland until such time has passed that would allow consideration of the advantages and disadvantages of their use in England and Wales and a study to be made to assess whether they are required in Northern Ireland.”

The Committee accepted the need for further research into conditional fee arrangements. It therefore recommended that the Secretary of State arrange for further research into that in advance of their proposed introduction.

The draft Order also provides a statutory basis for litigation funding agreements. They are made between an individual and those who represent a privately established fund — not with the lawyer taking the case, as occurs with conditional fee agreements.

The Lord Chancellor is empowered to make remuneration Orders setting out a range of fees, or mechanisms for calculating fees that the proposed legal services commission will implement and observe when funding criminal legal services and civil legal services. Remuneration Orders could set all-inclusive standard fees, the scales of fees, hourly rates, the rates for preparation and travelling time, and the methods for determining fees in exceptional cases.

The Committee considered a written submission from the Law Society of Northern Ireland which criticised proposals for privately funded litigation arrangements. It made proposals for a publicly funded contingency legal aid fund, which could be administered on a not-for-profit basis. The Committee recognised that there may be some merit in that proposal and urged that it be given further consideration. The Committee recommended that the Secretary of State arrange for further research into the feasibility of establishing a contingency legal aid fund.

Members will be glad to hear me conclude. I can confirm that the Committee recognised that reform of the legal aid system is welcome and overdue. However, it adjudged that the provision of a short consultation period on a draft Order in Council in an important, complex area is wholly inappropriate. The Committee noted that large sections of the Order are, at best, aspirational, and, at worst, lacking in any degree of detail. The absence of a time-bound implementation plan, and heavy reliance on the proposed new legal services commission for the delivery of many facets of the new system, caused the Committee concern.

The Committee would welcome further and extensive consultation with all interested parties before the laying of the Order in Council. Apart from the complexities that I have outlined, it was a piece of cake.

**The Deputy Chairperson of the Ad Hoc Committee on the Draft Access to Justice (Northern Ireland) Order 2002 (Mr A Maginness):** This is a good report, rightly and constructively critical of the proposed legislation. I declared to the Committee my interest as a member of the Northern Ireland Bar, and I do so again at the commencement of this address to the Assembly.

The report is balanced and critical, and it is made by people who are not intimately involved in the provision of legal services. They have brought their common sense to the scrutiny of the legislation, as they have judgement that is critical without being destructive. There is a need for a reform of the legal aid system in Northern Ireland. However, the Order is not the way to reform it.

The draft Access to Justice (Northern Ireland) Order would be more appropriately named the prevention of access to justice (Northern Ireland) Order. If it is passed into law, many people will be prevented from achieving justice and accessing legal services in Northern Ireland — and I say that without fear of contradiction or the accusation of exaggeration, such is the deficiency of the draft Order.

As I have said, there is a need for reform. The Government, in their consideration, purported to consult with those involved in the provision of legal services. They also had access to the report of the inquiry chaired by Judge David Smyth. That report examined the provision of legal services in Northern Ireland and identified the changes that would have brought significant and helpful reform to the current system.

Over the years, legal aid has been progressively eroded so that ordinary folk do not have access to it. In Northern Ireland, you must be either very rich or very poor to be confident of having access to legal services. For many years, the Government have been cutting back on the threshold that allows ordinary people to have sufficient access to legal aid. You may say that that is

too bad and that people should pay for the service. In effect they do pay through their taxes, but they also can, and do, pay for that service by way of contribution, and that is also fair. The Government have created a situation where many ordinary people whose income is not excessive, but does not verge on the poverty threshold, do not have an opportunity to access legal services. That is fundamentally wrong, and the Assembly should oppose it. We can have the best courts and the best legal system in the world, but if they cannot be accessed through legal practitioners, there is no point in having that “Rolls Royce” system of justice.

We must look at the system afresh. We have to frame a new system that takes account of the nature of legal services in Northern Ireland, which is quite different from that in England, Wales and Scotland. Some 90% of legal practitioners here are small businesses with three or fewer members. They are run throughout Northern Ireland, and most people can go to a local solicitor if they wish. However, it is difficult and expensive to embark on litigation because not only do you have to provide the payment for the lawyer of your choice but, in the event of your failure, you also have to pay for the other side’s lawyer. You have to tread warily. Therefore, it is important to have a system that is accessible.

5.30 pm

The Bar Council in Northern Ireland is also much more accessible than that of England, which tends to be much more élite and removed from the ordinary punter. The system in Northern Ireland provides much greater accessibility; that is good and should be preserved. The Law Society and the Bar Council have told the Government to preserve what is good and not to impose an English solution on an Irish problem. The Government said that they would not impose a solution. However, the Order shows that the English system is being superimposed upon the system here. If devolution means anything, the Westminster Government should listen to what the Assembly says about the local system. The Order’s proposals do not suit local circumstances.

The “no win, no fee” approach, which is envisaged in that system, would create a new legal culture that I and many others believe would damage the system here. Lawyers would start to cherry-pick cases. They would simply select good cases that they know they would win and would abandon those that they believe would not be successful. That would mean that those with marginal cases, who deserve a chance, would not be given an opportunity. Those who win their cases would pay more to their legal representatives. That is fundamentally wrong.

The Law Society and the Bar Council of Northern Ireland agree that that is wrong. The Assembly should listen to them. The Bar Council proposes a contingent legal aid fund, and that should be considered. The report asks for further research on that. The Ad Hoc Com-

mittee wants a local solution to a local problem. The Bar Council and the Law Society have shown us a direction that the Assembly should examine further. A new system is needed — not one based on profits, but one that preserves the basic integrity of the legal service.

Our legal aid bill is not high; it is not as high as in England and Wales. It is on a par, roughly, with the service in Scotland. Legal aid can be kept at a level that does not place an unfair burden on taxpayers in Northern Ireland. The Smyth Report showed that. It examined it carefully, compared it to what happens in other parts of the United Kingdom and came to that conclusion. That is a fact. The Government are undermining a fairly successful system that gives taxpayers good value for their money by trying to introduce a system that can only be described as “justice on the cheap”. It will not work. It will cut corners, and it will do a grave disservice to society.

There is a grave danger in permitting the legal services commission effectively to determine the appointment of defence counsel in criminal trials. That will adversely impact on our criminal justice system. I believe, as do the professional bodies and any right-thinking people, that the court should be the arbiter in determining counsel for those involved in criminal trials.

It is wrong for the new body to have that responsibility. A judge is in the right position to make a judgement. He is independent, experienced and skilled and knows the nature of the trial and the criminal offences of which a person is accused. In those circumstances, it is fundamentally wrong and an erosion of human rights not to allow the court to determine that.

The appeal system under article 31 of the Order is, in many ways, so cumbersome and bureaucratic that it will undoubtedly be of no practical use and will further erode the rights of the accused.

Members of this House seek to promote the interests of the people of Northern Ireland. The Government, on justice issues, have been blind to those interests. We have witnessed the Government’s contemptuous rejection of the ‘Report on the Proposal for a Draft Injuries Compensation (Northern Ireland) Order 2001’, which was unanimously approved by the Assembly. The Government seem to be totally insensitive to the concerns and needs of the people here as expressed by this House.

I hope that the Government will take more careful note of this report, because this House cares about the fundamental interests and welfare of the people of Northern Ireland, irrespective of their religion or political opinion. The Government should, for once, listen to the views of the people here.

Reform is good, but this Order does not constitute reform, and, therefore, it is not good.



**Mr McHugh:** I have a particular interest in this because I regularly deal with people who need legal and advice services and am aware of the particular difficulties.

I concur with Alban Maginness. We both sat on the Ad Hoc Committee on Criminal Injuries Compensation and did much work on that report, as the members of the Ad Hoc Committee on the proposed Draft Access to Justice (Northern Ireland) Order 2002 now have. It was with contempt and arrogance that the Government dismissed the report of the Ad Hoc Committee on which I sat, and it seems that this report will receive similar treatment. It is an almost immaterial exercise.

Because our circumstances are entirely different, we want to introduce something here that is different from what England and Wales have. We also want to work on behalf of the people who are most in need, and their situations can be very different from those of people in England and Wales.

The report says that reform is overdue. People often imagine, falsely, that Government reviews will improve things. Unless care is taken, reviews can do more harm than good. Sometimes Government officials push for changes that are contrary to a Bill's perceived aim and which do not benefit the public. As Alban Maginness said, under the draft Access to Justice Order, which is designed to give access to legal aid, the opposite will happen. Legal aid has been eroded, but many still need it, especially working families and small business owners who cannot defend their position because they cannot risk incurring the costs.

The proposed introduction of a new legal aid scheme by an Order in Council is neither satisfactory nor democratic. Moreover, the consultation process was unsatisfactory. The decisions paper lacked sufficient detail to enable a meaningful assessment. Once the draft Order was made available, inadequate time was given for scrutiny. Although I welcome the Committee's recommendation for ongoing scrutiny of the Order and the subsequent implementation plan, I will be interested to note the response of the Northern Ireland Office to that proposal.

As is often the case, the draft Order does not deal with the specific circumstances of the Six Counties; it is identical in every material respect to the legislation in England and Wales. The major difference is that the British legislation received full parliamentary scrutiny. The key problems of cost and access to justice that were identified in England and Wales have not been recognised in the Six Counties.

A main proposal of the Order is to transfer administrative responsibility from the Law Society of Northern Ireland to a new body to be called the Legal Services Commission. There is nothing to suggest that that model is the most appropriate one. According to the Law

Society, the new body will impose a much higher burden on public funds than does the present scheme. Although the Bar welcomes the proposed Legal Services Commission, it does not accept that its powers, duties and responsibilities will meet the demands or the needs relating to access to justice.

Part III of the Order contains the mechanism that led to the unregulated operation in England of claims management companies such as Claims Direct and the exploitation of litigants, et cetera. There has been widespread concern about the operation of part III of the provisions in England and Wales. The British Government's solution to the issue of legal aid is primarily driven by cost consideration, as was the case with criminal injuries compensation.

It is our contention that legal aid provision was severely underfunded and that restricted access to legal services arose because of the continual lowering of the threshold below which an applicant could qualify for it.

I am also concerned about the lack of independence of the Legal Services Commission, given its relationship with the Lord Chancellor. I welcome the Committee's proposal that the commission be impartial. In short, I am disappointed that the British Government are imposing a solution for a problem that we believe does not exist.

**Mr Paisley Jnr:** At the outset, I express my thanks to the Committee Clerks and to those who assisted the Committee in drawing up the report.

There has been no meaningful consultation. I agree with Alban Maginness that, although the Committee scrutinised the provisions of the Order and heard evidence from experts, its findings will be ignored, as has happened in respect of meaningful consultation on other pieces of legislation.

That is an indictment of the Government's attitude to consultation because it pours contempt on the meaning of consultation; on this place; and on the Government's attitude to the people whom we represent.

5.45 pm

It is also important to note that not only have the Government shown contempt in the way in which they consulted with the House but they have also shown contempt for the professional bodies with which they should consult and contempt for those people who represent the organisations that use the justice system on a daily basis. After the Committee ordered the publication of the report, it received more information that, unfortunately, could not be included. However, that information must be put on record because it deals with issues that were pertinent to the Committee's inquiry.

The Committee received a letter from the chief executive of the Law Society of Northern Ireland, Mr John Bailie, which outlines the activities that Govern-



ment were engaged in during the consultation process. Not only did the Parliamentary Secretary in the Lord Chancellor's Department give the society an undertaking that a decisions paper would be forwarded to it, but he gave it a commitment on how the consultation process would run, with a view to considering the elements of the decision.

In his letter, Mr Bailie outlines what Mr Lock of the Lord Chancellor's Department said with regard to his commitments, and it is important that his remarks are placed on record. Mr Lock said:

"I will pay particular attention to the views of the Northern Ireland Assembly. An Order in Council will then be laid before the Westminster Parliament. The reforms I have outlined here are set out in more detail in the Decisions Paper which I am publishing to-day. There will be a further opportunity to comment on the detail of what we propose at that stage. Much of the detail remains to be worked through."

He also said:

"I will be writing shortly to seek agreement to establish working groups to consider some of the key areas which require to be resolved before primary legislation is brought forward."

Mr Bailie informed the Committee in writing that, with the exception of the working group chaired by Judge Smyth, none of Mr Lock's commitments were realised. If that is the way in which consultation is conducted with professional bodies that could influence the improvement of the legislation, I fear that the Government will ignore the Committee's report. Mr Bailie also stated that

"a period of some 21 months elapsed before the appearance of the promised Proposal for this Order in Council; the fact that the draft Order remains a framework which does very little other than to give effect to the outline proposals set out in the Decisions Paper, without the detail being provided to facilitate proper consultation; and the fact that very considerable expenditure has already been incurred by the Government in preparing for the implementation of these proposals".

Those remarks show the Government's attitude to real and meaningful consultation.

Members must address the probable outcome if the draft legislation were endorsed by the House and by Westminster. Given that the draft legislation is vague, we would introduce bad law. It is vague on the big issues; on its purpose and intentions; on what it seeks to reform; on the make-up of the commission that it seeks to establish and the role that it should have; on the capping system that it wishes to implement; and on the code of conduct required to make it effectual. We must send a clear message to Government that, if they are vague on such big issues, they should go back to the drawing board and formulate draft legislation that addresses the access to justice issues that they claim to want to address. The draft legislation would also be bad law because it would hand the Government a blank cheque with which to run the legal system as they wish.

First, we may hear the cry across Ulster "Oh no, not another quango!" with regard to the proposed commission.

Another quango is exactly what would be established. Who will carry out that work? The head of that quango would have to be vested with such powers and skills as to overcome the competing sides; I do not believe that such a person exists. The Government have completely failed to come to terms with the underlying issue of alleged abuse of legal aid. By ignoring that abuse, the Government are not properly addressing what they ought to. In recommendation 2 we require that

"The Secretary of State delivers a more detailed, transparent implementation plan in parallel with the draft Order in Council."

That could not be any more important for the Government to consider.

There are important issues regarding the need for legal aid. The information that the Committee was given to work with was equivalent to a grope in the dark. It was sparse, and a lot of it was based on anecdotal evidence. Thus, recommendation 3 reads:

"That the Secretary of State ensures that further quantitative and qualitative research into the need for Civil Legal Services, is carried out in advance of the application of any cap to the fund."

Next, we recommended

"That the Secretary of State considers extending funding to support all clients in preparation for and attendance at Tribunals."

We must know exactly what the Government mean by "capping" and the level at which they intend to set it. We also need to know the formula that they intend to devise to address that. They could not produce a formula for us; they merely said that it was a moveable feast for which they must have a certain amount of money because the legal system changes each year. That is not good enough. One could not organise and run any Department in that way, and the legal system should not be run in that vague and unaccountable manner.

Funding must be provided for continued attendance and representation at tribunals. The table on page 114 of the report illustrates that

"independent representation for the public at a tribunal lifts the success rate from 1 in 4 to 1 in 2".

Proper representation gets a true and just result; it is important that we facilitate that representation. Other Members have expressed the fear that representation would be denied to those in need; I agree.

We must address the level of need fairly. None of the information given us by the Northern Ireland Association of Citizens Advice Bureaux — or any of the other organisations that presented evidence — could quantify the extent of that need. They guessed that it is currently 200,000 cases a year, but it could be as many as 400,000 cases each year. However, that was only a stab in the dark, and adequate research must be carried out to ascertain the level of need. We cannot make legislation, and we cannot recommend, or, indeed, fairly criticise

legislation if we are unaware of the facts. As stated in recommendation 7, we need clarity on the criteria used to prioritise cases.

I refer Members to some of the Northern Ireland Court Service's answers on the code of conduct. During their evidence sessions, I asked Mr Hunter of the Northern Ireland Court Service:

"What will the code of practice mean in real terms?"

Mr Hunter replied:

"I cannot say."

When asked if there were a timescale for the implementation of the code of practice, Mr Hunter went on to say:

"We do not think that the code of practice will be at the top of the agenda."

It is important that that is at the top of the agenda, because the public will then have the confidence to gauge whether the reform will work for the efficiency and effectiveness of a better system.

I take some exception to Alban Maginness's comments. He said that the right of access to legal aid is being eroded. If the public takes a look at the yearly legal aid bill, they will treat it with great scepticism, as millions of pounds are being spent, and claimed, on legal aid. The profession must be funded, and civil aid has risen by 176% in the past 10 years while criminal aid has risen from £6 million in 1990 to £25 million in this financial year. People will say that that is a heck of a lot of money. To assume that people are not being provided with access to justice is wrong.

There is abuse in the system, and that should be addressed. If it takes £25 million or £55 million to run a fair and transparent legal aid system, the money should be spent. However, we should not say that people cannot access the justice system.

It is also wrong to say that lawyers will cherry-pick cases — some probably will, but many do, and would, give of their time if proper resources were provided to help people in real need. Alban Maginness is more entitled to criticise a profession from which he comes than I am. However, we must not tar the entire profession with the same brush.

If the House backs the draft Order, we are endorsing a blank cheque based on the exchequer of uncertainty. We must say to the Government, "This is bad law; take it away and consider the issues we have addressed, and

attend to the vagaries so as to allow us to have a draft Access to Justice (Northern Ireland) Order that is appropriate to the needs of the people of Northern Ireland".

**Mr Campbell:** I took a considerable time to introduce the motion, so I do not propose to take anything like as much time now.

I thank those who contributed to the debate. A general trend that ran through the comments reflects the Ad Hoc Committee's deliberations and the questions that were posed to witnesses. Mr Alban Maginness described our approach to the draft Order as critical, but not destructive. That accurately summarised the Committee's attitude.

The essential affordability of legal services was referred to and was a continuum throughout the consultation process — such as it was. There is no doubt that the Committee's overriding concern, which I hope and suspect is shared by the House, was the lack of a comprehensive consultation period. Mr Paisley Jnr spoke about the Parliamentary Secretary in the Lord Chancellor's Department who said:

"I will pay particular attention to the views of the Northern Ireland Assembly."

Now will be the testing time to see whether that is the case. We await the Government's response to our representations.

There was a consensus in the Committee on the "no win, no fee" tenet and what it means to the level of representation.

The useful figures that the Committee received from the Northern Ireland Association of Citizens Advice Bureaux show that the success rate for those who have representation at tribunals is double that of those who do not. That is a clear demonstration of the advantage of having representation. All those issues have been addressed in the report.

I thank Members for their contributions, and I hope that the report will receive unanimous support.

*Question put and agreed to.*

*Resolved:*

That this Assembly approves the report of the Ad hoc Committee on the proposal for a Draft Access to Justice (Northern Ireland) Order 2002, established by resolution on 21 May 2002, and agrees that it be submitted to the Secretary of State as a report of the Northern Ireland Assembly.

*Adjourned at 6.01 pm.*

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# NORTHERN IRELAND ASSEMBLY

Wednesday 3 July 2002

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

*Members observed two minutes' silence.*

## HOUSING BILL

### Second Stage

**The Minister for Social Development (Mr Dodds):** I beg to move

That the Second Stage of the Housing Bill (NIA 24/01) be agreed.

It is 10 years since the introduction of any primary legislation in the social housing field, and 30 years since a Northern Ireland Assembly considered housing legislation. Therefore it is not surprising to find that the Bill is a fairly lengthy document that covers many important issues.

Before I consider the detail of the Bill, I wish to mention that extensive consultation has taken place over several years on its provisions. That consultation culminated in the publication of the draft Bill and its explanatory memorandum for comment in March 2002. More than 400 copies of the Bill were issued, and more than 250 responses were received. I am pleased to report to the Assembly that a significant majority of respondents welcomed the provisions. I thank all those who provided comments and helped to finalise the provisions before us.

The Bill contains 150 clauses and five schedules, and covers a wide range of issues. Members will be glad to hear that I do not intend to go through all of the provisions now. However, I shall mention those that have attracted most comment and discussion. The Bill contains measures to help deal with antisocial behaviour in social housing. Such behaviour is a blight on the lives of far too many people today, yet landlords and neighbours can do little to put an early stop to any nuisance or annoyance that affects them. I wish to give social housing tenants and landlords greater powers to help them to deal with the problem.

The Bill includes provision for introductory tenancies; increased powers to seek repossession of dwellings; the power to seek injunctions against perpetrators of antisocial behaviour; and the power to treat applicants as ineligible

for social housing if they have been found guilty of unacceptable behaviour.

Introductory tenancies will give social landlords the opportunity to assess the suitability of new applicants. Conversely, they will also allow prospective tenants the opportunity to prove themselves worthy of a secure tenancy. If tenants prove to be unsatisfactory, repossession can be sought swiftly through the courts.

The other measures that I have just mentioned will enable social landlords to take effective action against persistent antisocial offenders. The grounds of nuisance and annoyance are being extended to cover any such behaviour by visitors to a dwelling, and unlawful activity by persons in the locality.

That will allow officials, such as Housing Executive staff, to give evidence in court about nuisance or annoyance in cases in which neighbours might be intimidated from giving such evidence. The Housing Executive, or a registered housing association, will be able to seek an injunction prohibiting a person from engaging in conduct likely to cause a nuisance or annoyance in the area, and persons found guilty of unacceptable behaviour may not be eligible for an allocation of housing.

Together, these measures will form a strong package of remedies to help deal with antisocial behaviour. However, I emphasise that repossession is a last resort; prevention is better than cure. The main emphasis will continue to be on mediation to help eradicate antisocial behaviour at an early stage and avoid the need for repossession.

The Bill also replicates to a large extent the existing scheme of grants to help with the renewal of private-sector housing. These grants continue to play a vital role in helping to improve standards in the private rented sector. Because the demand-led nature of the existing mandatory scheme inhibits the effective concentration of resources in areas of greatest need, the Bill replaces the current scheme with one that is largely discretionary. However, due to the essential nature of the disabled facilities grant, it will remain mandatory, with a discretionary option to grant-aid for additional facilities.

The provision of accommodation for travellers has been a contentious issue for some time. That is not helped by the blurring of responsibilities for providing traveller accommodation between district councils on one hand and the Housing Executive on the other. There should be a single authority with specific responsibility for dealing with all the accommodation needs of travellers. The Bill places that duty on the Housing Executive. In future, the Housing Executive will have sole responsibility for providing such sites as appear to it to be appropriate for the accommodation of travellers' caravans. To assist in the transition, existing sites that are provided and managed by councils in Northern Ireland will be transferred to the Housing Executive.

Members will be well aware of concerns over the safety standards in houses in multiple occupation (HMOs). Those houses form part of the private rented sector, and they provide accommodation for up to 30,000 people, mainly students. The Bill requires the Housing Executive to prepare and administer a registration scheme for those houses with the objective of improving their quality and safety.

Under the scheme, persons running a house in multiple occupation will have to register the property with the Housing Executive and comply with control provisions as to the number of persons occupying it. The registration conditions may include conditions relating to the management of the house or the behaviour of its occupants. There will be further consultation on the scheme's details as the Housing Executive develops its proposals.

The Bill deals with a range of miscellaneous matters, including a house sales scheme for tenants of registered housing associations; legislative cover for existing extra-statutory Housing Executive schemes to compensate tenants for improvements and repairs that they have carried out to their homes; and other provisions to bring our legislation into line with that in the rest of the United Kingdom.

I want to mention briefly some issues that are not in the Bill. Processing legislation is a lengthy business, and the provisions in this Bill were finalised last year. Since then several further areas have been identified for which legislation is, or may be, required. The private rented sector and the role of the Housing Executive are likely candidates. However, they are not ready for inclusion in this Bill, and to try to make provision for them now would delay the Bill beyond next year's elections, and it would undoubtedly fall. We have waited long enough to bring the provisions in this Bill before the Assembly. Let us now make the further effort to get it onto the statute book and leave the way clear for new legislation, if necessary, to cater for further provisions.

It is clear to me as the Minister responsible for housing that housing legislation is going to be a regular feature in the coming years, whether in this Assembly or elsewhere. This is an important Bill that many people are waiting to see enacted.

**The Deputy Chairperson of the Committee for Social Development (Mr G Kelly):** The Chairperson of the Committee, Fred Cobain, has business elsewhere and wishes to apologise to the House for his absence. I may make some personal comments at the end of my speech, but I am speaking now as the Deputy Chairperson of the Committee.

The Minister has outlined the principles in the Bill, and we have waited a long time for this day. It is long overdue, and it is unfortunate that it has taken until now to

deliver to the Assembly a Bill that has been in the legislative programme for the last three years. It was even about to be considered in another place before the establishment of the Assembly.

The Committee for Social Development has been calling for this legislation almost since the Assembly was formed. It was promised to us, and promised to us and promised to us. Now, with the mandate for the Assembly due to run out early next year, the Committee is faced with an enormous task over a relatively short period. Indeed, immediately after this debate the Minister will outline the principles of another piece of housing legislation, the Housing Support Services Bill, which will also have to be scrutinised by the Social Development Committee.

There are 150 clauses in this Bill. Thankfully, the Committee's housing inquiry has given us a good grounding on the issues we can expect to face when we scrutinise it. We have visited the problems of the private rented sector, houses in multiple occupation, the rights of housing association tenants to buy their own homes and homelessness. All those subjects are covered in the Bill to a greater or lesser degree.

Unfortunately, we were unable to conduct the third element of our inquiry, which concerned antisocial behaviour. Getting the Bill through the Committee Stage will be difficult and may be contentious — in my view it will be contentious. We know that some people involved in the housing sector are critical of at least some of the Bill's provisions. Similar legislation in England and Wales stands largely discredited. However, there is a different proposition in the North on this.

The Committee's responsibility is enormous. It is conscious of the need to consult on legislation, and that should help to get it right. The Assembly has an obligation to be open and transparent in its business. However, we must avoid overconsultation, and a balance must be struck. All Members agree that we need action. The Committee has been pragmatic in this matter, and it sought and secured a practical commitment from the Minister. He agreed to the Committee's request to release all the submissions his Department received in the course of the recent public consultation on this Bill, and the Committee has been studying them carefully.

10.45 am

At one time Committee members considered voting down the Bill at Second Stage by way of reasoned amendment because, in our view, it fails to keep pace with the changing housing situation. After much soul-searching, and being mindful that we represent all the parties, it was decided that there was enough in the Bill to make scrutiny worthwhile. However, the Committee does not underestimate the enormity of the task ahead. I am confident that members will rise to that task.



Unfortunately, there is precious little time to ensure that the Committee's scrutiny is as comprehensive as it should be. If the Minister contends that that scrutiny is a matter of tying up loose ends, I say to him: if the Bill is not a radical overhaul of housing law, I am at a loss to know why we have waited so long. Perhaps the Minister will tell Members why that has been the case.

Undoubtedly, the Committee will want amendments made to the Bill. I ask the Minister to be responsive to those views. He should not be stubborn and stick rigidly to the Bill as introduced. The Committee has completed a report into the growing and worrying problem of homelessness, and the report's recommendations had cross-party support in the House. I welcome yesterday's announcement that more funding will be made available to tackle homelessness. That underlines the fact that there is a serious problem which may require legislative change as well as additional money.

Preventative measures are required in the strategy for tackling homelessness, and legislative provision must be made for that. If that cannot be achieved, I hope that the Minister will immediately set in motion arrangements for further housing law.

The Committee intends to agree quickly those provisions that are not contentious and to concentrate on areas where there is disagreement with the Minister's position. The Committee will write to those who are interested in housing matters to establish the provisions that should be amended and what form those amendments should take. In the belief that housing impacts on poverty, health and education, the Committee will consult other Statutory Committees on those issues. I hope that those Committees will be able to respond quickly, so that the Committee for Social Development can report back to the Assembly. The Committee will do its best to do the Bill justice on the Assembly's behalf.

Between now and May 2003, the Committee for Social Development will have to consider five Bills. If that situation is replicated in every Department, it will be a gargantuan task to progress legislation in the time allotted. However, the Housing Bill is important. The Committee believes that the existing legislation is outdated and copies British models instead of dealing with the specific issues that we face here. Although Committee members agree that the legislation must be approved before May, we must get it right and we must not rush the Bill through, because it will impact on generations to come. I hope that the House will bear with the Committee, and that Members will make their views known when the Bill is being scrutinised.

Many people have expressed their views on antisocial behaviour. The provisions on antisocial behaviour in the Bill are inadequate. The Committee has had many briefings and heard many presentations on homelessness that have been critical of the Bill. I hope that the Committee

will be able to present those views later, and to proceed in a considered way and get things right.

**Sir John Gorman:** I am the leading advocate of those who are prepared to go so far as to turn away from the Bill as it stands. I totally support the view expressed by the Deputy Chairperson of the Committee for Social Development, Mr Gerry Kelly, that we ask the Minister and his advisers to take account of the huge changes that are being made in UK housing legislation.

In recent years three ministers in the United Kingdom have had responsibility for housing; Lord MacIntosh, Stephen Byers — God bless him, if He can — and Lord Rooker. This is probably a symptom of the fact that there is much dislike of what has gone on in social housing. Social housing is the reason the Housing Executive was introduced. Its role was to ensure housing for those who were unhoused, badly housed, poor and whose chances of bringing up a family in decent surroundings were quite bad. When I joined the Housing Executive many years ago there was a daunting task to be done, but it was done well.

The Housing Executive now sells 5,000 houses a year — it has done so for years and will do so for years — from its stock of 120,000. That stock used to comprise just fewer than 250,000 houses for social housing. The Housing Executive now produces, with a struggle, about 1,000 houses a year, so the loss to the Province a year is 4,000 houses for letting. That cannot go on. We have the highest level of homelessness in the United Kingdom, and it is increasing by 15% a year. I beg the Minister to pay as much attention as he can to the big changes that are taking place. Progress can be made in the time available to him.

I was at Harrogate two weeks ago listening to 2,400 housing specialists. The First Minister made the opening speech, and those who were listening to him were very impressed. However, Northern Ireland needs some radical re-thinking in respect of antisocial behaviour, for instance. Members should consider the private Member's Bill tabled by Mr Frank Field in the House of Commons last week. He talked about the serious action to be taken against "neighbours from hell" who make life in some housing estates intolerable for others. Look at what is going on in north and east Belfast; neighbours from hell exist there, and the situation may get worse.

Given what the Deputy Chairperson said about the new attitude to funding — something which was also expressed by Lord MacIntosh in his Green Paper in December — I wonder if the role of the Housing Executive does not require a radical re-think. The Green Paper showed that the need for social housing in the United Kingdom generally is becoming more pronounced than it is in Northern Ireland.

I admire the Minister; I think he is one of the best Ministers that Northern Ireland has ever had, and I am

sure that the whole Committee and the Chairperson, if he had been able to attend, would agree. The Minister is desperately trying to put housing here into its proper place in the twenty-first century, and the Committee supports him in that. However, the Committee does not believe that everything that is needed for housing is covered in the Bill. I hope that the Minister heeds that and uses his time in office as best he can.

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

The Minister is right to say that something must be done now. Members cannot let the best be the enemy of the good. The good is bringing the Bill into existence quickly, but modified as much as it can be in the given time and with some herald of changes by way of another piece of legislation in due course.

**Mr O'Neill:** My Colleagues in the SDLP and I have examined the Housing Bill against existing commitments made by the Minister, against key principles that the SDLP is committed to, and against the serious housing needs of the community. It is a serious disappointment.

Members are aware of the North's high levels of homelessness, unfit housing and shortage of public-sector housing. It was hoped that the Bill would begin to seriously tackle those issues, informed by the experiences of recent legislative change elsewhere to prove that devolution will make a difference to the people in Northern Ireland. However, that opportunity has been wasted.

Instead, we are dealing with a minimalist house-keeping exercise, a rehash of the dusty old reports compiled over the last decade — or, as the Deputy Chairperson put it, the last century — with little or no fresh thinking on today's problems and little vision for the future.

Several issues will illustrate the points that I am trying to make. The proposal for introductory tenancies is unacceptable. It is not justifiable for the public sector to impose such status on tenants. To my knowledge, there is no evidence that such a measure would satisfactorily deal with problems such as antisocial behaviour.

The SDLP views housing as a fundamental right. It takes minimum international standards as its starting point and looks higher, to best international practice, as its aim. Article 25 of the Universal Declaration of Human Rights commits us to recognition of everyone's

"right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care".

Moreover, the Executive's priorities in the Programme for Government include tackling social need and social exclusion; ensuring that everyone has the opportunity to access decent, affordable housing; and securing permanent tenancies, within three months of application, for 70% of applicants accepted as statutorily homeless. That has been unanimously adopted by the House. Yet the Housing Bill sets out a method by which people can be evicted

from public-sector housing and left without assistance if they are homeless as a consequence. Even worse, they are likely to remain ineligible for state assistance for an indefinite period.

The Universal Declaration of Human Rights states that the right to shelter ranks alongside the right to food and medical care. It is not a luxury, to be denied as a punitive measure — it is a right. Antisocial behaviour is a problem to be acknowledged and tackled, particularly given the scarce public resources available. It is a complex issue, of which housing is only one element. Just as the Universal Declaration of Human Rights refers to housing in the context of an essential standard of living, so must the solution to the housing problems be found in acknowledging the linkage with wider issues.

In other words, tackling antisocial behaviour is a societal issue that must involve, among others, the agencies responsible for employment, education, health, social services, criminal justice and social security. The Minister must introduce a positive and co-ordinated initiative such as that, rather than merely punitive measures to relocate and replicate the problem.

*11.00 am*

Once again, the Bill is found wanting strategically. Although the homelessness figures continue to rise, no clear plan exists to alleviate homelessness, and there is no duty on the state housing authority to assist the homeless. Instead, the Bill focuses on withdrawing support from some individuals, such as those evicted from public sector housing or people who are considered to be intentionally homeless. There is a danger that if the latter category is not carefully defined, not everyone who requires help will get it. If a homeless person is lucky enough to receive assistance, he or she will be granted an unsecure tenancy for an unlimited period. That happens in spite of the Programme for Government's aim of granting secure tenancies within three months of a person's presenting himself or herself as homeless. In that way, the most vulnerable people will be disadvantaged. The Committee for Social Development hopes and expects that, given his welcome and support for the Committee's report, the Minister will ensure that the recommendations are reflected in the Department's amendments to the section on homelessness.

The lack of traveller accommodation has been highlighted regularly; it is time to tackle the problem comprehensively. The Committee acknowledges the duty of the Housing Executive to provide sites. However, we wish to see that extended so that the Housing Executive would be required to meet travellers' accommodation needs, which include group housing, service sites and transit sites. We trust that steps will be taken to ensure that the Housing Executive can fulfil that obligation through the purchase of land or sites as required.

The Bill contains some welcome provisions for houses in multiple occupation (HMOs). *[Interruption]*.

I am glad to hear that Members recognise my generosity.

Many students and others have endured substandard accommodation over the years. Therefore it is vital that a compulsory registration scheme be established to raise standards and eliminate safety hazards. All types of HMOs must be covered right across the North. The status of nurses' accommodation, as well as accommodation that belongs to charitable organisations, is unclear. That is interesting. As we work through the stages of the Bill, we may achieve clarity on that.

Antisocial behaviour must be dealt with in a co-ordinated fashion, regardless of the status of management-type accommodation. Moreover, it is necessary to protect the list of private landlords from exploitation, criminal or otherwise.

The sale of properties by registered housing associations is a difficult issue. The SDLP has always supported Housing Executive tenants' right to buy their property, and we endorse the equality argument in the proposed right to buy for housing association tenants. However, it is a cause for concern that there is no clear strategy to address the shortage of homes under public sector ownership. Sir John Gorman made the point that we can continue to sell homes to tenants only if we build replacements to house new families who will be afforded that same right. Otherwise, the right to buy homes will only be a right for the present generation. The SDLP firmly holds the view that there continues to be a need for publicly owned housing that is available to rent at a modest price and that the right to live in a home will always outweigh the right to buy a home. Therefore, the right of a low-income family to rent affordable accommodation will outweigh the right of a better-off family to buy up that affordable rental accommodation.

There are further concerns about the supply of specially designed or adapted homes, such as sheltered accommodation designed for pensioners, or houses adapted for people with disabilities. Clearly, we would not want pensioners and people with disabilities to be discriminated against. However, if such homes are not replaced those people will suffer from the lack of sufficient accommodation. Some of the regulations regarding the sales policy being operated by the Housing Executive need to be examined carefully, because they include good practice.

I referred to the need for greater investment in housing. Clause 125, which is aimed at leveraging in private money, would allow the Housing Executive to sell off a group of houses to a landlord if a majority of tenants agreed. The SDLP has concerns about the long-term value-for-money implications of such an initiative, and it seeks reassurance on the issue as well as on the accountability and transparency of the operation. Public

sector investment must be guarded and consistent with Mark Durkan's input to yesterday's announcement regarding the reinvestment and reform initiative. The SDLP wants long-term investment in public services, rather than having them sold off.

We had hoped that the Bill would demonstrate a serious commitment to tackle the housing problems in Northern Ireland. With rising homelessness and housing shortages forming a central part of overall deprivation statistics, the Assembly and the Executive must work together to address the glaring social needs of the community. It is hard to believe that in the year 2002 we are having to campaign on issues that were alive in the 1880s — free sale, fixity of tenure and fair rent — “the three fs” of the land war. It is interesting to consider how far we have come.

Communities with housing shortages and homelessness often suffer the related problems of unemployment and poor literacy together with health difficulties. That is another reason why the Minister's brief cannot be separated from the good work that is done in other Departments, for example, Carmel Hanna's task force on employability and long-term unemployment, and the work to deliver Executive programme funds to tackle disadvantage. One cannot help but wonder how much better the Bill would have been if the Minister for Social Development had been more fully involved in the efforts of the Executive to address those community issues on a partnership basis.

**A Member:** Must the Member take every opportunity?

**Mr O'Neill:** I never miss it.

The SDLP seriously considered voting against the Bill in the hope that the Minister would come back with a more comprehensive and up-to-date attempt to tackle housing issues. However, as is consistent with our constructive approach to politics, the party has decided that it will give the Bill its reluctant support. We do so on the basis that there are modest improvements to the Bill that we would not wish to delay, and also because there is considerable consensus on amendments that need to be made. In fairness, I believe that the Minister is genuine in his commitment to some of those.

The issue is one of Members' time and commitment. The SDLP is willing to work with its Colleagues on the Committee for Social Development to bring forward a wide range of amendments to the Bill. We trust that in so doing, the Minister will recognise and support the changes proposed, given the broad support for them.

**Mr Morrow:** I am not sure how to follow all that — it was more like a wake than a celebration. It is astounding that someone who claims to have a social conscience could be so negative. In fact, the Bill augurs well for the future. It amazes me that certain Members can put so much misinterpretation and spin on issues when they



stand in the Chamber, yet their press statements paint a different picture.

I welcome the Second Stage of the Housing Bill. It has been a long time coming and a long time in the making. However, I do not lay any blame at the feet of the Minister or, indeed, his Department. Rather, that blame rests elsewhere. Had there been co-operation from the Executive early on, we would have been debating this Bill 12 or 15 months ago. We should lay the blame where it belongs.

The Bill is comprehensive, but it will not be the panacea to all housing troubles. It is the basis on which to build and go forward, not, as we have heard, to be negative and keep looking back.

I particularly welcome the Bill's provisions for dealing with antisocial behaviour. I suspect that the Member who has been most critical of the Bill to date will also be most critical of antisocial behaviour. For far too long, we have had to tolerate a situation whereby good tenants have been unable to live in their homes and have been at the mercy of the thug, the hood and the corner boy; but there is not, as yet, any legislation to deal effectively with that problem.

We have an opportunity to correct the situation today, but Members say one thing in the House and another to the public. I work with that Member's colleagues in Dungannon and South Tyrone Borough Council. I know their views on antisocial behaviour and thuggery. Therefore, it behoves the Assembly to give its full support and for Members not to take a negative, inward or backward attitude followed by a little comment that we will go forward.

**Mr O'Neill:** What is backward-looking about the human rights standards that I quoted from the Universal Declaration of Human Rights?

**Mr Morrow:** Feedback from Housing Executive tenants shows that the Bill meets their needs. The Bill reflects what tenants have been telling the Housing Executive. It is amazing that Members should say that the Bill is repressive and should not be enacted.

I categorically stand with those who have fought for years to keep and maintain their homes, yet who have had to compete with the thugs, hoods and corner boys who systematically try to destroy their homes. Have any Members visited estates in Northern Ireland? Have they witnessed the aftermath of individuals' taking control of estates? Had they done so, they would not have said what they did about methods to tackle antisocial behaviour.

I welcome the Bill. It is comprehensive, extending to almost 200 clauses. It is not the be all and end all. Rather, it is the basis on which we can start to go forward.

A good home is not a privilege; it is a basic human right. Housing in Northern Ireland over the past 25 years

has changed dramatically. In this so-called terrible place in which we live, where we are supposedly underprivileged, it is ironic that 72% of homes are privately owned.

I could not agree more with Mr O'Neill that good social housing is required and there must always be provision for it in Northern Ireland for those who cannot afford their own homes. However, I must also acknowledge that there are methods in place whereby people can purchase their own homes. I am thinking in particular of the Northern Ireland Co-ownership Scheme Ltd, which provides excellent facilities to assist those who want to purchase their own homes. That helps them to get onto the home ownership scheme. The Housing Executive introduced house sales approximately 25 years ago. I was the first to propose Dungannon and South Tyrone Borough Council's support for that, because it adopted a good, healthy environment where social and private housing sat together. From that springs a good environment, and people's lives have been enhanced immensely by it over the past 25 years. However, much remains to be done.

*11.15 am*

I also welcome the provision to give housing association tenants an equal footing so that they will be able, eventually, to purchase their homes. Anything different is incomprehensible. Every tenant, whether of the Housing Executive or a housing association, should have an equal right to purchase his or her home.

Homelessness is, unfortunately, on the increase in Northern Ireland. I have no doubt that the Minister and his Department are sincere and that they are capable of tackling the problem. I suspect that the Minister needs no lectures on deprivation and people's needs. His constituency has the worst housing in Northern Ireland. He is therefore well positioned and well able to tackle the problem of house disrepair that exists throughout Northern Ireland. I am pleased that he is in that position, because he has first-hand knowledge of deprivation, and I do not doubt his determination to deal with it.

The Bill is but a start, albeit a good one, and the Assembly should give it its unqualified support. To be negative about some aspects of it is perhaps to play to the gallery. Could anyone say that the Bill is not a progressive step in the right direction and a vast improvement on current provisions? The negative perceptions of some Members exist only in their own heads. The public has been crying out for these provisions for 30 years, and, at long last, we have legislation to tackle the issues that affect every Member.

I welcome the introduction of the Bill, and I wish the Minister well with it.

**Mrs E Bell:** I welcome the Bill. It is long awaited and reflects more flexibility in the housing rules and regulations. It is not perfect, but it is a good first step in



prioritising the need to bring the law into line with social change.

Housing is as important as good health and, therefore, must be handled with equal urgency. There is a facility to amend the Bill — and all of us will use that — but the basic legislation must be there first.

Other Members outlined some of the provisions that the Alliance Party welcomes in the complex and comprehensive Bill. Members encounter problems daily with people who want to transfer, and I am glad that the transfer process was considered in line with other regulations that were introduced in the past. That the right to veto can be dealt with by housing associations and the Housing Executive is a step forward.

There is a problem with unacceptable and antisocial behaviour. I would like confirmation that the Bill will help those families in housing estates who find themselves the targets of the nuisance behaviour of people who were transferred from other estates due to their antisocial behaviour. Such problems are experienced in north Down and in other areas. People are transferred to estates in north Down because their neighbours in Belfast would not accept their antisocial behaviour. I am not sure that the legislation provides solutions for such problems.

Apart from the situation in north and east Belfast, the daily problems faced by councillors and tenants show that antisocial behaviour and nuisance levels are unacceptable, and I welcome the solutions provided in the Bill. However, several measures must be clarified. Legislation in England and Wales stated that housing should be made available to eligible persons. I would like that criterion clarified to show whom the eligible persons are.

The Bill refers to immigration. Immigrants in Northern Ireland must be provided with good accommodation. As the Minister stated, it is wise to make one agency responsible for the needs of travellers. It is to be hoped that the Bill ensures that travellers are dealt with in a fair and clear manner, which will acknowledge that they have the right to live in safety and comfort.

Many Members referred to homelessness in the debate; only last week, we debated the definition of homelessness. As stated in paragraph 36 of the explanatory and financial memorandum

“the Housing Act 1996 (which applies in England and Wales) subsequently provided for persons to be treated as homeless if they had no accommodation available for their accommodation in the United Kingdom or elsewhere. It is proposed to adopt the same definition for Northern Ireland. The policy objective is to ensure that applicants cannot be accepted as homeless by the Executive if they have accommodation available for their occupation outside Northern Ireland”.

Do Members seriously believe that it would be easy to implement such measures in Northern Ireland? I do not. That provision must be reconsidered. The Minister is

aware of Members' feelings on homelessness, and I am sure that he is committed to improving the situation.

The regulations relating to unfit housing are welcome. In certain situations, people must be moved quickly, and the Housing Executive must allocate a house. However, I know a woman who is living in a Women's Aid refuge because the house that the Housing Executive allocated is unfit. Safety measures must be considered, but allocated housing must be fit for occupation. The process takes a minimum of four weeks, and although Women's Aid refuges are good, they are unacceptable if children are involved. Those are our principal feelings about the Bill.

Like other Members, I welcome the provision for housing association tenants to purchase their own houses. I also welcome other criteria contained in the Bill. Many issues must be reconsidered, but I will not go into those in any more detail. The Deputy Chairperson of the Committee for Social Development stated that that Committee will consider those concerns. I am sure that it will scrutinise the Bill thoroughly. The Alliance Party will certainly scrutinise it and make a submission to the Committee. I hope that my party's deliberations and those of the Committee will be considered thoroughly so that the legislation is strengthened to make it more relevant to society.

It is important to reiterate that the legislation should proceed quickly so that ratepayers, travellers and homeless people will benefit. The Bill should uphold everyone's right to a decent and comfortable home. It should improve access to such accommodation and make tenants confident that they can live in safety.

I may harbour the vain hope that the Northern Ireland Housing Executive and the housing associations will be able to use the legislation to help people who want to live together in an atmosphere of peace and tolerance to find accommodation in integrated housing estates. That will in turn militate against ignorance, intolerance and sectarianism.

I welcome the Bill as a serious first step, and I wish the Minister well in its passage through the House.

**Ms Lewsley:** The Bill must consider the complexities of travellers' accommodation, because any structural weaknesses will have a negative impact on the overall housing programme. I am concerned at the lack of consultation with local authorities during the preparation of the Bill. The Bill does not take a holistic approach to travellers' accommodation; for example, there is no guidance on the management or control of illegal encampments, transit sites or traveller traders. Those issues must be addressed positively and proactively. If responsibility for control or management of transit sites, unauthorised encampments or traveller traders rests with another agency, there is no legislation to empower effective management of those situations. The result is a

time lapse of up to three years to permit new legislation to be drafted, consulted upon and enacted.

The wording of the Bill is unclear on the Housing Executive's role in the provision of sites for travellers. It is unclear whether that responsibility will be statutory or non-statutory. The references to traveller sites are outdated, because they are based on the Caravans Act (Northern Ireland) 1963. Identification of a traveller refers to the Race Relations (Northern Ireland) Order 1997, and again there is no reference to the problems of distinguishing traveller traders from nomadic traders. The issue of compatibility is also unclear.

The Bill deals effectively with many aspects of antisocial behaviour, which the Minister mentioned in his opening remarks and to which other Members have also referred. Local authorities would support action on antisocial behaviour, but there are concerns that those travellers who fall foul of the antisocial behaviour clauses and who find themselves outside the Housing Executive's remit may resort to roadside existence again. That would have a negative effect because if no agency is responsible for the relocation of travellers, there will be no effective management control system.

11.30 am

A holistic approach to travellers' accommodation is commendable and should be delivered by a single agency. That approach must include the provision of transit sites that deal with traveller traders and illegal and unauthorised encampments. That single agency should be the Housing Executive. It should be supported by legislation and powers of enforcement that promote effective management and control of those issues. Ring-fenced funding to provide specific accommodation for travellers is also necessary.

Specific management control mechanisms exist in the rest of the United Kingdom and in the Republic of Ireland, where the Housing (Miscellaneous Provisions) Act, 2002, which has far-ranging powers to deal with trespass and illegal encampments, has recently been introduced. In England and Wales, the Criminal Justice and Public Order Act 1994 has been reasonably effective, but two Bills are going through Parliament that address perceived weaknesses in the 1994 Act. Therefore, it is essential that the Assembly takes note of all the relevant information available before it makes a final judgement on the matter.

The Bill's definition of disability is taken from the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978, rather than that used in the Disability Discrimination Act 1995. I ask the Minister to consider that discrepant factor. In the interests of inclusion and targeting social need (TSN), the definition should be widened to include all disabled people.

The Housing Executive needs to examine its provisions for the allocation of public housing to help disabled people who are trapped in areas of civil unrest. Their position on waiting lists is often put back because higher priority is given to other unsettled families. It would be advisable for the Housing Executive to obtain the relevant information from other bodies in order to satisfy itself that an applicant has a disability. I wish to see an end to the imposition of the Housing Executive's own criteria as the only means of allocating local authority housing to people with disabilities.

The Housing Executive is to be congratulated on its provisions to enable disabled people to live an independent life. It has earmarked additional money to address the situation, and it is important that those people have the choice of living independently in suitable housing.

What provision is there to allow a disabled person to be a member of the Housing Executive's board? Will the Minister provide details of disabled people who have served on previous boards?

Families with disabled children that seek a disabled facilities grant have often struggled for a long time in homes that are neither accessible nor suitable for their child's needs. Difficulties arise through the means-testing system, in which no account is taken of the real income and expenditure or of the additional cost of disability. Means-testing has a devastating effect; it penalises families whose income is just above benefit level. Means-testing for families with disabled children should be discontinued and grant aid made mandatory for anyone with a disability. The legislation does not adequately explain TSN provision.

Introductory tenancy may cause reduced security of tenure and directly impact on disabled people. Linked to that is the fact that 68% of evictions are for rent arrears or non-payment of rent. Many disabled people are dependent on benefits and therefore live on the poverty line. As a result, introductory tenancy could have a disproportionate impact on disabled tenants. The benefits trap also means that disabled tenants are denied access to the financial service that they need to buy their homes.

Many aspects of the Bill do not deal with the issues that impact negatively on travellers and the disabled. We need housing legislation that is tailored to the needs of our people.

**Mr Shannon:** I welcome the Bill, and I thank the Minister and the Committee for Social Development for their work. Although the Bill is not perfect, we must recognise its many good points.

My Colleague, Maurice Morrow, and other Members have spoken about antisocial behaviour. I am concerned about the timescale for addressing antisocial issues. What is the timescale for dealing with such behaviour, from the time a complaint is made to the time that it is resolved? Will action be taken against those responsible

following one complaint, or will a number of complaints have to be made before the process is initiated?

I am concerned that the process takes too long. The Bill must provide for an immediate response to the problem. We need provisions that have the teeth to deal with people's needs and concerns quickly, rather than six months or more down the line. During the seventeen-and-a-half years that I have served as a councillor on Ards Borough Council, this issue has arisen time and again. People should not have to endure any longer than necessary the disruption of their lifestyles through despicable conduct and persistent antisocial behaviour. It is our responsibility to protect the vulnerable, look after the needy, and ensure that good tenants feel that the legislation caters for their needs. Will the Minister describe the timescale and explain how the process works?

With regard to succession on the death of a tenant, most of my concerns arise from constituency issues. I respond to those issues and bring them forward for consideration in the context of the Bill by the Committee and by the Minister.

Some cases involving the death of a tenant are very tragic. In many cases, the tenant who has passed away is a parent or relative of the person who will be succeeding them. Often, the death is very sudden; a tenant can pass away within six months of being diagnosed as terminally ill and they often need someone to look after them on an almost 24-hour basis during that time. The Bill provides for succession of tenancy when a person has resided with the tenant for 12 months ending with the tenant's death. Can that be made flexible so that a person who has resided with a tenant for six months could succeed them?

I welcome the change to the legislation detailed in paragraph 9 of the explanatory and financial memorandum. It will clearly address the problems that many of us have experienced while looking after constituents. A social landlord will now be able to take action when a non-tenant causes nuisance to his tenants. In the past fortnight, I have heard from several constituents affected by such a situation. The problem falls into a grey area, and the change to the legislation will enable us to address it quickly.

Clause 17 deals with nuisance or annoyance to neighbours, and the proposed change will be helpful. The clause deals with those

“guilty of conduct causing or likely to cause a nuisance”.

How long it will take to deal with such people? It is important that we have a process to resolve such problems so that I can tell my constituents when issues will be sorted out. Will the Minister address that so that the problems that constituents bring to us can be dealt with quickly?

I congratulate the Minister and the Committee on their hard work. Let us focus on the positive points of the Bill and be flexible in operating the system for our constituents.

**Mr Dodds:** I have listened carefully to all points made by Members during this debate. The breadth of those comments illustrates the range of issues dealt with in the Bill. I have noted the comments about constraints on the Committee for Social Development, but our first priority as Members must be the needs of our constituents, rather than ourselves. I am conscious of the efforts that the Committee is making on this. While it is a lengthy Bill, many of the provisions are not contentious. They have been sought for a long time and will be widely welcomed. We should not judge the amount of work required by the size of the Bill — that would be naive. Sometimes the most contentious Bills, which take the greatest length of time on legislation and policy, are quite small.

I want to deal with issues that have arisen, though clearly I will not be able to deal with them all. If other issues arise, I will follow them up. There will be further opportunity in the remaining stages of the Bill to go into more detail, and I look forward to considering these matters further at a later date. I welcome the Assembly's support for the Second Stage.

Several Members talked about how long it has taken to get to this stage, and I share those concerns. I put them to others outside my Department who were delaying this day. Mr Morrow, the Member for Fermanagh and South Tyrone who dealt with this matter previously as Minister, and other interested Members know that the timescale would have been shortened had issues that were not central to the Bill not been raised by others. That delayed it considerably. That is in the past now, and, as people are fond of saying, let us draw a line under it. However, we should not be critical of those who were pushing to have the Bill introduced much earlier. For instance, if OFMDFM had expedited the Bill, perhaps we would have dealt with this three months ago, and the Consideration Stage would almost be complete. That is a matter for others. I am keen to ensure speedy progress.

I am disappointed that more Members did not take part in the debate. I read the newspapers and comments from party Colleagues across the Province of Members who have spoken. By and large, the comments from all sections and all parties represented here have been welcoming. I will be extremely interested to hear how some of Mr O'Neill's comments on antisocial behaviour are received by his party Colleagues who have warmly supported the measures introduced in the Bill as long overdue and much needed. Sir John Gorman quite rightly referred to “neighbours from hell” and the difficulties they cause, and other Members made comments about certain housing estates, so I think Mr O'Neill's comments will come as a surprise, not least to some of his party Colleagues.

Some Members wondered if the Committee will have sufficient time to give proper consideration to the Bill. I



know that the Committee has a fairly busy programme of legislation, never mind other issues. I also know that this will require much hard work.

11.45 am

I appreciate the efforts that the Committee will make to ensure that this Bill and the Housing Support Services Bill reach the statute book; indeed, it behoves us all to work hard to achieve that outcome. After all, that is what we are sent to the Assembly to do. There is no point in complaining about hard work; let us roll up our sleeves and do it.

The criticism has been made that the Bill is simply a catch-up with legislation in England and Wales, rather than a consequence of trying to find local solutions to local problems. While some provisions may reflect policies and legislation elsewhere, it is not fair to suggest that we are merely following suit for the sake of it. Naturally, developments elsewhere must be given consideration; it would be madness to ignore them. However, it is only if they are considered appropriate for Northern Ireland that my Department decides to adopt policies locally and to legislate if necessary.

It is clear from responses to policy proposals and consultation on the Bill's provisions that, for example, there is broad support for a discretionary grants regime. There was little mention of that issue today. That surprised me, because many Members, particularly those from rural areas, have raised the issue of unfit housing. This instrument is critical to allowing the Housing Executive to deal with the problem. I am sure that it was widely welcomed, though it was not mentioned often. It is one of the Bill's main issues. That is why I, and all those seeking such policies — to tackle antisocial behaviour and so on — would have been staggered at any notion that somehow the Bill might have been voted down.

There is broad support for the discretionary grants scheme, and the Housing Executive itself has observed that such a scheme will provide flexibility to develop local solutions to local problems. That is why we are introducing this change. The Bill will grant the Housing Executive's request for that authority and power.

There is also broad support for the package of measures that seeks to deal with antisocial behaviour as it occurs in Northern Ireland; for the extension of tenants' rights, as proposed by the Bill; and for a single authority to deal with travellers' needs. I was impressed by the general welcome given in the 250 responses received during the consultation period after the Bill's publication.

Sir John Gorman asked whether I would take account of the significant changes that are occurring in social housing across the United Kingdom. That is a relevant point. I can give a categorical "yes" to that. My Department and I will monitor closely any changes and will take those on board.

Homelessness is of great importance, and I welcome the fact that it has been given such attention in the Assembly and wider afield. It is a critical issue that does not only require legislation; it requires an accompanying strategy and funding. I am glad to say that we are making progress on both those fronts. Most of the Bill's provisions are necessary so that Northern Ireland's position on homelessness under asylum and immigration law is consistent with the remainder of the United Kingdom.

As Members well know, the Housing Executive has recently carried out a homelessness strategy and services review to help develop a more strategic approach to homelessness. In addition, the Committee for Social Development has just finalised its report into homelessness. The Department is also to take the lead in a cross-departmental, cross-sector review of homelessness, which will build on the Housing Executive's strategic review and the Committee's report. Legislation did not have to be passed to do that; that work is happening now. Some Members must remember and focus on that. These issues are being addressed and taken seriously. It is envisaged that all the necessary strategies, plans and programmes will evolve from these initiatives without the need for statute.

In the final analysis, my Department can invoke existing powers of direction on the Housing Executive to bring about any desired outcomes, without the need for specific provisions in the Bill. Members should study the powers that we already have, look at the fact that the Housing Executive is introducing a strategy and recognise that the Department is taking a lead in the cross-departmental initiative. They should also recognise that we have been successful in securing an extra £5 million for dealing with homelessness only this week. To get up and say that there should be more in this particular Bill is not the be-all and end-all of the matter; far from it.

As he frequently does, Sir John Gorman raised the issue of house sales and the impact on new building. I dealt with a similar question at Question Time on Monday. Mr Morrow stressed the value of tenants' being able to purchase their own homes. The importance and value for those tenants and for society in general in Northern Ireland has been broadly welcomed.

We should consider whether social housing providers are hindered from meeting housing need by the policies on house sales and the new-build programme. New build and the number of re-lets are key factors. Those in housing distress are still being housed in a reasonable time, although we should always be trying to improve that situation. We could build more houses if we had unlimited funds.

Members have referred to tenants' purchasing their own homes, saying that that takes those homes out of the stock for re-let. However, the people who purchase



those homes would remain as tenants if they did not purchase their own homes. Those homes would not be on the market for re-let if they were not purchased: the vast majority of people who purchase their homes would have remained in those houses as social tenants.

Mr O'Neill and other Members talked about the antisocial behaviour provisions in the legislation, especially in relation to introductory tenancies. The Council for the Homeless in Northern Ireland has lobbied on that, and I recognise that Mr O'Neill's arguments correspond with those of the council.

The provision for introductory tenancies was included at the request of the Housing Executive, and I am satisfied that there are circumstances in Northern Ireland in which the use of the facility to terminate an introductory tenancy without delay would be entirely justified. If it is justified in certain circumstances, it is right that, as a last resort, provision be made for people to be evicted from a home for serious antisocial behaviour, and it makes sense that we should have a provision that allows that to happen quickly when such behaviour comes to light. We would not have to go through a long, drawn-out process, and that was widely welcomed in correspondence and responses we had on the Bill. Some of the comments made today are very much at odds with the feedback that many of us hear all the time in our constituencies.

People want action to be taken against serious antisocial behaviour in housing estates, and we must respond to that. Sir John Gorman rightly mentioned that private Members' legislation was being introduced in the House of Commons to deal with that sort of issue. We do no service to tenants and to our constituents by turning a blind eye, or saying that the problem cannot be tackled in the way that the Bill suggests.

I share Ms Lewsley's concern about the termination of introductory tenancies for rent arrears, as happens in England. I intend to advise social landlords who choose to operate such a scheme that introductory tenancies should be terminated only in cases of serious antisocial behaviour. I hope that the Member is reassured that, unlike in England, introductory tenancies will not be terminated simply on the grounds of rent arrears. That is important and shows that we intend to deal with the serious problem of antisocial behaviour. We are not seeking to act in a punitive way, if there are other means at our disposal. The question of rent arrears must, of course, be dealt with as well, but we should reserve the proposed powers as a last resort against antisocial behaviour.

Mr Shannon referred to the time taken to deal with some of those issues. I do not want people to get the idea that there will be a raft of evictions, come what may. The powers outlined in the Bill are a measure of last resort. Where an order of possession is sought, there may be a risk of harm to individuals until the order is

granted. It is important, therefore, that a court has the discretion to expedite the granting of an order in such cases. There is no evidence that that proposal would have an adverse impact on vulnerable people. Mr Shannon also asked about timescales with regard to several other issues, and I shall write to him on the details of those matters.

With regard to introductory tenancies, the fundamental point is that social landlords currently have to award secure tenancies without any knowledge as to whether the tenant is likely to prove suitable. If a person subsequently proves to be unsatisfactory, the landlord faces a lengthy process to gain possession of the dwelling. Introductory tenancies will allow social landlords to award new tenancies on a trial basis. If, during that time, a tenant proves unsatisfactory for the reasons I have given, repossession can be obtained quickly through the courts. Introductory tenancies are in no way detrimental to the rights of those who keep to their tenancy obligations. They will have the same rights as those with secure tenancies. I hope that I have dealt with that point and emphasised the need for it.

Mr O'Neill asked whether specialist housing for the elderly or the disabled would be covered by the house sales schemes. He knows that the Housing Executive has undertaken a review of its house sales policy, which has been submitted to the Department. Mr O'Neill and other Members will be aware of the details of that review. I accept that the right of tenants to buy must be balanced against the expectation of others to be able to rent such accommodation. It is proposed that registered housing associations should follow closely the Housing Executive scheme that is currently with the Department for consideration.

General comments referred to "an opportunity wasted". I said to Colleagues that I wondered how long it would be before that phrase was used in the debate — I have heard it many times before. As I said in my introductory speech, having been the Minister for Social Development for some time now, I recognise that there will be a need for further policy initiatives and, probably, legislation.

Members should not regard the Bill as the be-all and end-all of housing legislation or the only opportunity for such legislation. It is a major piece of legislation because it deals with important issues that affect social landlords, tenants, et cetera. Not everything can be done at once. If the Department had introduced some of the more radical measures that were suggested, and which cannot be introduced because it has not carried out the necessary consultation, complaints about the Committee's workload would be stronger than they are now. However, I am determined to involve the Committee and Members in that process which will lead to further legislation. The Bill should not be viewed as a one-off or the only opportunity to deal with housing matters.

12.00

Ms Lewsley, Mr O'Neill and others referred to the accommodation needs of travellers. The Housing Executive will have sole responsibility for meeting all travellers' appropriate accommodation needs. There is already considerable pressure on housing budgets, and extra funding will be needed to enable the Housing Executive to meet its new responsibilities, so I hope that Members will remember that — particularly those who have spoken so eloquently about travellers' needs — when a request for extra funding comes before the Assembly. The Department will need Members to vote in favour of the extra resources if the Housing Executive is to meet its obligations. The Housing Executive is carrying out a travellers' needs accommodation survey. That will determine the need for various schemes, including group housing, service sites and transit sites, and play an important role in helping to identify and prioritise them.

In response to Ms Lewsley's question, there will be a statutory duty on the Housing Executive to provide such sites as appear to it to be appropriate for the accommodation of travellers' caravans. Unauthorised campsites is an important issue, and reference has been made to legislation on the subject in other jurisdictions, particularly the Irish Republic. The Department for Social Development, in conjunction with other relevant Departments, including the Northern Ireland Office and the Department of the Environment, is considering ways of dealing with unauthorised campsites, and I undertake to bring forward proposals on this.

There may be little difference between a transit site and a service site, since both are likely to have services and facilities. Transit provision could be made on a section of a service site where travellers could spend a few days before moving elsewhere. The Bill provides for the Housing Executive to provide such sites as appears to it to be appropriate to accommodate travellers' caravans, and that will enable the Housing Executive to provide whatever type of site is required.

Mention was also made of the lack of consultation with local authorities. Local authorities and district councils across Northern Ireland were in contact with the Department for Social Development during the period of consultation on the Bill, and most of them are satisfied with it and with the Housing Executive's taking on responsibility for meeting the social housing needs and other accommodation requirements of travellers. I am conscious of the time, but I want to deal with as many of the points that were raised as possible.

Ms Lewsley asked why the wider definition of disabled persons cited in the Disability Discrimination Act 1995 was not being used. I will consider carefully her point. The thinking is that in deciding what facilities and help can be provided to a person with a disability, the Housing Executive works closely with, and is guided

by, social services departments. Those departments operate according to the definition of disabled persons used in the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978. The Housing Executive follows suit; otherwise, social services departments would not consider to be disabled everyone that the executive refers to them. I hope that explains the rationale behind our position.

Sometimes issues appear straightforward at first glance. However, we want to make life easier for people with disabilities. We do not want to get into a situation in which some Departments recognise people as being disabled while others do not — that would lead to a worse situation. I will consider Ms Lewsley's point, but I hope that she will understand the reason for our position.

Although there is no provision for the representation of disabled people on the board of the Housing Executive, the Bill requires me, as Minister, to ensure that, as far as practicable, the Housing Executive is representative of the community in Northern Ireland. Therefore there is no need to identify any component group within that definition, and we have not done so. However, people with disabilities are already included in the term "representative of the community." I think that I am right in saying that there has been — and may still be — someone on the board of the Housing Executive who has a disability. Mr McKee from Larne has served with distinction on the board. I hope that that reassures Ms Lewsley.

I thank Members for their contributions and, in spite of their reservations and concerns about detail, they have stated unanimously that they are content to allow the Bill to have a Second Reading. They have said that issues need to be examined in more detail — I am happy to do that. However, Members should recognise that the Bill is a major building block in housing legislation. We should examine it constructively and positively along with the announcements made earlier this week for securing extra funding to deal with homelessness, supported housing and fuel poverty. This has been a positive week for dealing with issues that affect the most vulnerable and needy people in society.

I thank Sir John Gorman for his warm remarks about my role. I also thank other Members who have spoken about the Department's commitment to social housing. I am committed to ensuring that the needs of tenants and the most vulnerable people in society are met, but I need the help and support of Members. It cannot be done alone, and the Department for Social Development should not do it alone. It needs the help and co-operation of others. I commend the Bill to the Assembly.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Housing Bill (NIA 24/01) be agreed.

**Madam Deputy Speaker:** The Bill now stands referred to the Committee for Social Development.

## HOUSING SUPPORT SERVICES BILL

### Second Stage

**The Minister for Social Development (Mr Dodds):** I beg to move

That the Second Stage of the Housing Support Services Bill (NIA 23/01) be agreed.

Supported housing is an effective and valuable service for many people in Northern Ireland. It helps them to live independently and often complements community care provision. Many people depend on it, the two most obvious examples being the elderly and those with learning difficulties. However, there are many others, such as victims of domestic violence, vulnerable young people, including those who are homeless, and those who suffer from alcohol or drug addiction.

Support comes in many different forms. It may be practical support, such as helping someone to set up and maintain a home or develop domestic and practical skills, or simply giving advice on financial management, such as paying bills or making benefit claims. Equally, it could be personal support, such as helping someone to develop social skills, giving emotional support and advice, or simply befriending someone who is lonely. It could be aimed at ensuring that vulnerable people feel safe in their homes by helping them to establish personal safety and security or providing community alarms.

A wide range of groups depend on housing support services and, equally, a wide variety of support services is available. Therefore, it is important to remember that not everyone has the same needs, so support must be tailored to meet individual requirements.

Needless to say, it costs a lot of money to provide support services, and a major source of income for the providers of the services is housing benefit. However, the courts have decided that, from 1 April 2003, housing support services will no longer be an eligible charge under housing benefit. Unless it is addressed, that situation will create a major reduction in the level of funding available to the providers of supported housing schemes. It could result in the closure of some schemes or, at least, force providers to reduce significantly the level of service available to vulnerable residents. For that reason, my Department is taking the lead in establishing a new fund that, primarily, will fill the void left by the removal of housing benefit as a source of income for housing support services.

Rather than deal with the issue in isolation, it was decided that we should adopt a holistic approach. The current funding arrangements are complex and fragmented, as funding comes not only from housing benefit, but a variety of other sources. In some cases, that has helped to create a situation where the type of service provided

has been determined by the funding available and the source of the funding, rather than the need of the resident. Therefore, it was proposed that all sources of funding for housing support services should be combined in a single fund to be operated centrally by the Housing Executive.

Our proposals were developed by an interdepartmental working group, comprising representatives from the Department for Social Development, the Department of Health, Social Services and Public Safety, area health boards, and the Housing Executive. They have been endorsed by an external reference group that includes representatives of interested bodies, including voluntary organisations, which play an important role in delivering services at the coalface. The proposals have been subject to widespread consultation in the document 'Towards Supporting People' and have been broadly welcomed.

The new arrangements that the Bill will allow us to introduce will bring many advantages. They will allow the Department to impose conditions on those receiving financial assistance for providing housing support services. They will allow us to place greater emphasis on the quality of service provision, ensuring that those providing it are properly accredited, and thereby ensuring that vulnerable residents receive the level of service that best meets their specific needs.

The arrangements will eliminate fragmentation of funding, improve the quality and effectiveness of housing-related support services, and allow the Department to place the future of the supported housing sector on a more secure and co-ordinated basis. It is an important Bill that many people want to see enacted.

*12.15 pm*

**The Deputy Chairperson of the Committee for Social Development (Mr G Kelly):** For the second time today, I acknowledge on behalf of the Committee for Social Development, the introduction of housing legislation. Once again I place on record that the Chairperson, Mr Fred Cobain, is unable to be present for today's proceedings due to business elsewhere. He sends his apologies to the House.

The Housing Support Services Bill has just eight clauses. Therefore, it may appear insignificant compared to the Housing Bill debated earlier, which has 150 clauses. The Minister said that the size of a Bill does not matter, and I agree with him. However, any differences between us may take a long time to iron out, or be agreed upon. The Bill is a significant piece of legislation. Members should not, therefore, be deceived by its size. The intentions behind it are serious.

The Committee for Social Development sponsored a debate in the Assembly on 19 March 2002 to draw attention to the planned introduction of the Bill. It will have far-reaching consequences for those who rely on



supported housing — the most vulnerable and needy in society. It will come as no surprise to the Minister that the Committee is concerned about the financial effects of the Bill, and the fact that finances are no longer ring-fenced, as the Committee believes they should be. The Committee will consider that issue carefully when considering the Bill.

It is unfortunate that the Department chose not to publish the Bill for public consultation, though I readily acknowledge that proposals for the Bill were subject to consultation in May 2001 by virtue of the consultation document 'Towards Supporting People'. However, the Committee finds itself in an invidious position. In my speech during the Second Stage of the Housing Bill I referred to the time pressures faced by the Committee in completing its scrutiny of legislation. I also said that the Assembly is obliged to be open and transparent in conducting business. However, I repeat my concern that in our determination to legislate, we may rush through law that we will later regret.

The Committee Stage is important. However, the Committee needs time to do its job properly. The Minister said that we have a duty to the people, and I agree. However, we also have a duty to bring in proper legislation for the next generation. Introducing legislation so late in the life of the Assembly will undoubtedly cause problems. However, on behalf of the Committee for Social Development I assure the House that it will take its role seriously. It is committed to exercising the powers delegated to it as regards the consideration of primary legislation. We look forward to the Committee Stage of the Bill.

**Mr O'Neill:** There is much to recommend in the Bill as regards efficiency and the service that it might provide. However, there are always concerns about how provisions will be administered and whether sufficient preparations have been made.

Given the diverse nature of the funding from different sectors that has made up the "pot", and the demands that might be made of that funding, I ask the Minister whether sufficient thought will be given to ensure that it will be big enough to provide for the potential growth of needs. During the recent debate on homelessness, it was generally recognised that there would be an increased need for additional support for people, from the social development and health and social services standpoints. Both Departments will have to contribute money to the funding pot. Will enough thought be given to planning ahead to ensure that there will be sufficient resources so that the pot is large enough? If the pot is not big enough to cope with such development, we will encounter problems. Once the pot runs out, so does the benefit support, and the scheme will be in serious trouble. We must be assured from the outset that the pot is large enough.

Charging for support services is an interesting side element. Charges currently exist in the system, especially

in sheltered accommodation, where people can, and do, pay for services. What will happen under the Supporting People scheme is that, because we do not charge for domiciliary care, the pot may be short of the desired amount by around £2 million. That must be included when the size of the pot is determined.

Those are cautionary comments about how we decide what will be put in the pot at this stage. If we do not get it right now, all the efficient operational benefits that might come from this scheme could be in jeopardy. We must mark at an early stage how that will be done. There have been complaints about parity, as the Minister knows. The Bill could be an opportunity to reap some benefit. It is very much in the interests of our people to ensure that the pot is of maximum size.

I want to raise a couple of points on the administration of the scheme so that the Minister can amplify them more clearly. There is a need for detailed advice notes. There seems to be a big gap between the Bill and the Housing Executive's current practical approach to the administration of the scheme.

Will the Minister ensure that, when the regulations are drawn up, there is sufficient detail to reflect what is already in place in the Housing Executive? That may seem a moot point but, because of transitional housing benefit and so on, much good work has been done in preparation for the scheme, and good practice should be supported. I want the Minister to give an undertaking that that will be the case. Drawing up those regulations should involve the external reference group to which the Minister referred.

Quality needs to be considered in the regulations and advice notes. I hope that that will be assured. If this were to come before the Committee, it would help to overcome some of the problems that the Deputy Chairperson mentioned — time elements and so on. If the Committee received the regulations early, it might placate some of its bigger concerns.

**Dr Hendron:** I have watched the introduction of this Bill with interest. As Chairperson of the Health, Social Services and Public Safety Committee, I led the Committee Stage of the Children (Leaving Care) Bill, which addresses the needs of young vulnerable people leaving care and covers their need for adequate support and financial assistance, including housing support.

The Health Committee's inquiry into residential and secure accommodation for children highlighted many of the problems of those vulnerable and inexperienced young people, who must establish independent living early in their lives. I therefore welcome the Bill, especially if it improves the availability and ease of access to funding for housing support for that group of young people. I await with interest the Social Development Committee's report on the Bill.



**Mr Dodds:** I, too, shall be brief. I thank Members who contributed to the debate. The Bill may be short, but it is important. I realise that Members have concerns about the details to be finalised before it becomes law, and I assure them that my Department, the Housing Executive and other interested bodies are dealing with that.

The Committee made the point that the Bill was not subject to consultation; however, it is recognised that it is closely based on 'Towards Supporting People', on which there was consultation. In this instance, consultation on the Bill's provisions could have been perceived as overkill.

I accept that funding is a crucial issue which we must get right. For that reason the Housing Executive works closely with providers to ensure that they accurately assess their housing support costs, and my officials provide their counterparts in the Department of Finance and Personnel with the information necessary to facilitate their discussions with the Treasury.

The Housing Executive has been preparing providers for the implementation of the new arrangements. Seminars have been held, and funding is available to allow the voluntary sector to appoint new staff to work specifically to prepare the providers for the changes. The Housing Executive, as mentioned earlier, has established a large Supporting People team, which includes secondees from the voluntary sector, to work on such issues as supply-and needs-mapping.

Mr O'Neill's point concerned the amount of work to be done by the Housing Executive prior to the implementation of 'Towards Supporting People', and I am aware of that. Most of the work so far has been done with no additional resources, and I was pleased to secure this week an additional £1.6 million for the Housing Executive to ensure that it completes the project. I spoke to the chairman and the chief executive on this, and Members will not be surprised that they are very pleased.

The new arrangements enable the Housing Executive to work with the health boards, trusts and voluntary agencies to assess the need for specific schemes in Northern Ireland. A major exercise is already under way, the aim being to develop a comprehensive database which will set out the details of available schemes and services and where they are situated. That will ensure that there will be no gaps in the provision of service.

Mr O'Neill raised the need to take growth into account when determining the size of the funding pot. As I said earlier, supported housing has a vital role. Each year, a certain percentage of the new build programme is reserved for schemes of that type, and it is important that that is taken into account when determining the future demands of the fund. I assure Mr O'Neill that that will be so.

I welcome the support and interest of Members in this very important issue, which will be pursued vigorously. We have no choice but to act on foot of court decisions

that made it impossible to continue with current funding arrangements. We decided to act rather than allow schemes to go to the wall, or not allow funding to go to the right people at the right time and in the right place. In acting, we have taken the opportunity to bring all the funding sources together to create a better service for the most vulnerable and needy in society.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Housing Support Services Bill (NIA 23/01) be agreed.

**Madam Deputy Speaker:** The Bill now stands referred to the Committee for Social Development.

## POINT OF ORDER: MINISTER OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

12.30 pm

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** On a point of order, Madam Deputy Speaker. I would like to clarify a point raised by Ms Patricia Lewsley during Question Time [AQO 1694/01] on Monday 1 July. Ms Lewsley named me in the course of a supplementary question to the Minister for Employment and Learning, Ms Hanna. Is it possible for me to do that at this point?

**Madam Deputy Speaker:** Please make the point, Minister.

**Ms de Brún:** Ms Lewsley was asking a supplementary question. Minister Hanna had explained that she would be meeting Martin McGuinness and me. Ms Lewsley told Members that, some weeks ago, she had asked me whether I would take that matter forward. She went on to say that the Minister for Employment and Learning is now taking it on. For the information of Ms Lewsley and other Members, the meeting was arranged through our respective private offices. There may have been a mistaken impression that the Minister of Education and I had not taken the matter forward, but I assure Ms Lewsley that that is wholly incorrect.

**Madam Deputy Speaker:** The Minister's point is on the record.

(Mr Deputy Speaker [Mr McClelland] in the Chair).

## PROTECTION OF CHILDREN AND VULNERABLE ADULTS BILL

### Second Stage

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Go raibh maith agat, a LeasCheann Comhairle. Molaim go dtugtar a Dhara Céim don Bhille um Chosaint Páistí agus Aosach Leochaileach.

Tá cuspóir an Bhille soiléir. Is é is aidhm dúinn páistí agus aosáigh leochaileacha a chosaint, agus déanfaimid sin trí na coimircí a neartú a ceapadh le daoine mí-oiriúnacha a chosc ó bheith ag obair leis na grúpaí leochaileacha seo. Tá na coimircí seo, faoin tSeirbhís Chomhairliúcháin Réamhfhostaíochta, nó SCR mar a ghairtear di fosta, ag feidhmiú le fiche bliain. Bhí SCR ina cheannródaí ar mhórán dóigheanna, ach is léir go bhfuil bearta i bhfad níos láidre de dhíth orainn a bhfuil cumhacht an dlí leo. Caithfimid a chinntiú go bhfuil daoine atá ag iarraidh oibriú le grúpaí leochaileacha faoi réir seiceálacha lena chinntiú nach baol iad dóibh sin atá faoina gcúram. Caithfimid ceanglais a chur ar eagraíochtaí seiceálacha a dhéanamh agus an Roinn a chur ar an eolas fúthu sin a d'fhéadfadh a bheith ina mbaoil. Caithfimid a chinntiú fosta go bhfuil pionóis éifeachtacha ann dóibh sin ar baol iad.

I beg to move

That the Second Stage of the Protection of Children and Vulnerable Adults Bill (NIA 22/01) be agreed.

The Bill's purpose is clear. It is our intention to protect children and vulnerable adults by strengthening the safeguards that prevent unsuitable people working with those vulnerable groups. The existing safeguards, in the form of the Pre-Employment Consultancy Service (PECS), have been in operation for 20 years, and although PECS was ahead of its time in many ways, it is clear that we need more robust measures backed with the force of law.

We must ensure that those who seek to work with vulnerable groups are subject to checks to confirm that they do not pose a risk to those entrusted to their care. We must place requirements on organisations to carry out checks and to alert the Department to those people who may pose a risk. We must also ensure that there are effective penalties for their employment.

The protection of children and vulnerable adults is a duty of the highest importance. Issues relating to the protection of children are highly emotive. Like other Members, I am determined to do all that is possible to improve current arrangements. The Bill will make a

significant contribution to that. However, it is not intended to provide solutions for all the problems faced by vulnerable groups, and the Department is considering other measures that will address some of the difficult issues associated with the protection of children.

The Bill is complex, and some of the issues are difficult. Although the subject matter is emotive, I urge Members to take a considered approach to the issues. We must ensure that our legislation not only addresses the real concerns of parents, relatives, carers and others involved with those vulnerable groups, but provides effective and practical safeguards. In that regard, the Bill strikes the right balance.

To explain the need for the changes that will be brought about by the Bill, I will say a few words about PECS. The service is operated by my Department, and it enables prospective employers to check the suitability of those applying to work with children or with adults with a learning disability. On the basis of information provided about those seeking to work with children or with adults with a learning disability, several checks are carried out, including checks against criminal records and the PECS register.

The PECS register is maintained by my Department. It is compiled from the names of people referred by voluntary and statutory organisations as posing a risk to children or to adults with a learning disability. To be referred, an individual must have been dismissed, transferred to other work or have resigned, in circumstances in which it is considered that he or she posed a risk. If an organisation requests that a check be carried out on a prospective employee, and the person's name is on the PECS register, the organisation is advised to contact the body that made the referral. The decision to employ a listed individual is entirely a matter for organisations; there is currently no prohibition on employing a listed individual.

There are four basic weaknesses in the present arrangements. First, there are no duties placed on organisations to carry out checks; secondly, there are no requirements placed on organisations to make referrals; thirdly, it is not an offence to work with children or vulnerable adults while on the PECS register. Finally, people whose names are on the PECS register have no clear right of appeal against the Department's decision to place them on the register. The Bill addresses all of those issues.

As the Bill contains 50 clauses, I shall simply outline the main provisions. Childcare organisations will be required to carry out checks on prospective employees seeking childcare positions. Those checks will be carried out against a new statutory list of those who are deemed unsuitable to work with children. Childcare organisations will also be required to make referrals to the list, which will be maintained by my Department. For a referral to be made, the individual concerned must

have harmed, or placed a child at risk of harm, and have been dismissed, or have resigned or retired in circumstances in which he or she would have been dismissed. Other grounds for referral will include cases in which the individual has been transferred to a non-childcare position, or has been suspended pending a decision on dismissal or transfer.

I said that organisations are not prohibited from employing individuals who are on the PECS register. The Bill provides that it will be a criminal offence for an individual to apply for work in a childcare or other regulated position while on the new statutory list. It will also be an offence for a listed person to offer to work in such a position. Employers who knowingly offer work in a regulated position to a listed individual, or who fail to remove such a person from a regulated position, will also commit an offence. In broad terms, a regulated position will be one that involves work with children or the management of children's services.

In addition, the Bill introduces disqualification orders, which will also prohibit an individual from working in a regulated position. Courts will be empowered to make disqualification orders in cases where an individual has been detained or convicted on indictment of certain offences and has received a specified sentence or term of detention.

The Bill also makes provision for the Department of Education to make Regulations that will prohibit an individual from working as a teacher, or in certain other education-related employment, if he or she is on the list maintained by my Department. The Department of Education will also be able to make Regulations prohibiting an individual from working in teaching or in other education-related employment in which the individual is considered to pose a risk to children. A person subject to such a prohibition under Regulations made by the Department of Education will also be prevented from working in a regulated position.

Although the primary purpose of the Bill is to afford greater protection to vulnerable groups, extensive provision is made to safeguard the rights of listed individuals. Before a person is placed on the new statutory list, he or she may make representations to the Department, and will have the right of appeal to an independent tribunal.

The Bill has been the subject of extensive consultation. Two measures have been included in response to comments received.

First, provision is made for a member of staff or other person associated with an organisation to report any failure of that organisation to carry out a check or make a referral where it ought to have done so.

Secondly, provision is made for an accreditation scheme to allow organisations that do not fall within the definition of a "childcare organisation" to apply for

voluntary accreditation. To achieve that, an organisation will be required to carry out checks, make referrals where appropriate, and have child protection policies in place. The Department intends that that accreditation, alongside better public information on child protection, will provide greater assurance for parents and other carers.

The Bill is also intended to pave the way for greater collaboration with England, Wales, Scotland and the South. Attempts to place restrictions on individuals who pose a risk to vulnerable groups will be undermined if those individuals can evade detection by moving to another jurisdiction.

Accordingly, the Bill is designed to ensure that, for circumstances in which prohibition or disqualification from working with children has been imposed elsewhere, the Department will have the power to apply the prohibition or disqualification here. It is also intended that my Department will facilitate checks against the new statutory lists by organisations in England, Wales, Scotland and the South. In advance of the legislation, the Department will provide checks against the existing Pre-Employment Consultancy Service (PECS) register for organisations in the South and elsewhere, where that is necessary to protect children.

Everything that I have said so far essentially relates to work with children. With reference to vulnerable adults, many of the same principles will apply. For example, the Department will maintain a list of individuals who are considered to be unsuitable to work with vulnerable adults, compiled from referrals from employers, employment agencies and certain other bodies. Where a provider of services to vulnerable adults proposes to offer an individual employment in a care position, the provider will be required to carry out checks against the list held by the Department. Providers will also be required —

**Mr M Murphy:** On a point of order, Mr Deputy Speaker. Is it proper for Members to conduct conversations while the Minister is speaking?

**Mr Deputy Speaker:** Thank you for drawing that to my attention, Mr Murphy. I was about to speak to Mr Roger Hutchinson. Minister, please continue.

**Ms de Brún:** Providers will also be required to make referrals where an individual poses a risk to vulnerable adults and has been dismissed, or retired or resigned in circumstances where he or she would have been dismissed.

Additional grounds for referrals will include cases in which the individual has been transferred to another post, or has been suspended pending a decision on dismissal or transfer. It will be an offence for a person to work in a care position while listed. It will also be an offence to offer work in a care position to a person on the list, or to fail to remove a listed person from such a post. Provision is made for an individual to have a right of appeal against listing to an independent tribunal.

Although the provisions relating to work with children and vulnerable adults are similar in many ways, there are particular issues to be addressed in relation to vulnerable adults. For example, what positions should be subject to checks and referrals? Which adults are to be considered vulnerable, and thus afforded the protection of the new legislation?

The Bill terms positions that involve work with vulnerable adults as “care positions”. In broad terms, those are positions that involve regular contact with adults in a residential care or nursing home, and positions that involve regular contact with adults to whom prescribed services are provided by a health services body or private hospital. Those who provide prescribed services in their own homes for persons who, due to illness, infirmity or disability, are unable to provide them for themselves are also included. People in receipt of such services are considered to be vulnerable. Those responsible for employing the individuals who provide such services will be required to carry out checks and to make referrals where the relevant criteria apply. Employment agencies, nursing agencies and employment businesses will also have a duty to make referrals under certain conditions where an individual has harmed, or placed at risk of harm, a vulnerable adult.

12.45 pm

I have touched only on the Bill’s main provisions. The Bill is complex, and the Committee for Health, Social Services and Public Safety will pay particular attention to the details. I wish to leave time for Members to comment, and I am keen to hear their views at this stage. The Bill will significantly improve arrangements for the protection of children and vulnerable adults, and will form the basis of a very comprehensive and practical system of safeguards.

**The Chairperson of the Committee for Health, Social Services and Public Safety (Dr Hendron):** The Committee warmly welcomes the introduction of the Protection of Children and Vulnerable Adults Bill. The Bill coincides with the Committee’s inquiry into child protection services in Northern Ireland. The Committee notes that all 58 responses to the Department’s consultation process supported the proposals to strengthen the current arrangements. My Colleagues and I look forward to Committee Stage, when we shall scrutinise its provisions in detail and recommend amendments, if necessary.

The Barnardo’s case and the Fleming Fulton Special School case that were highlighted in the media recently have graphically demonstrated the danger of abuse that children face at the hands of those professionals entrusted with their care and protection. Therefore, it is vital that all reasonable steps be taken to safeguard children and vulnerable adults from the risk of harm and abuse.

The Committee accepts the need for a statutory list of those deemed unsuitable to work with children and



vulnerable adults, and for the requirement for childcare organisations to carry out checks on prospective employees against that list. Further clarification will be sought at Committee Stage on the extent of the criteria for listing individuals, the application of the criteria equally across other jurisdictions and how the new requirements will be enforced.

The accreditation system for groups that work with children but do not fall within the legal definition of a childcare organisation is also important, as it is an indication that those groups follow the proper standards for the protection of children and vulnerable adults. The Committee will wish to consider whether that provision fully satisfies concerns that the requirement to carry out checks or to make referrals should be extended to all organisations that work with children or vulnerable adults.

The fact that there are two jurisdictions on the island of Ireland, coupled with the ease with which workers can move between European Union countries, makes the provision for disqualification in other jurisdictions especially relevant to Northern Ireland. Close collaboration will be needed between North and South to minimise the potential for exploitation of the system by those who are intent on harming children and vulnerable adults. In the absence of a similar list in the Republic of Ireland, the Committee will want to know what steps can be taken to determine the suitability of individuals moving from there to take up employment in Northern Ireland.

To protect human rights, it is important that an independent tribunal be established to hear appeals against any decision by the Department to list a person as one who poses a risk to children or vulnerable adults. The Committee will want to consider carefully whether this right of appeal adequately protects the human rights of the individual.

As always, there will be questions on the financing of the new arrangements and how they will be managed. We will need effective cross-departmental co-operation for access to information and an information campaign to heighten awareness of the need to protect children and vulnerable adults. Guidance will also be needed on how organisations use information gleaned from checks.

This is a substantial Bill with 51 clauses and a schedule. The Committee for Health, Social Services and Public Safety will want to consult widely and take evidence from organisations dedicated to the well-being of children and vulnerable adults. My Colleagues and I look forward to the Committee Stage of the Bill, when we will be able to consider its provisions in detail.

**Rev Robert Coulter:** I welcome this Bill. As a member of the Committee for Health, Social Services and Public Safety I take a close interest in the need to ensure that the statutory and voluntary arrangements for protecting children are as robust and comprehensive as

possible. How we provide and care for children is a measure of how civilised we are. While children continue to be abused, we must examine how we protect them. Failure to do so indicts us all as a society, so I welcome the Bill.

Setting the pre-employment consultancy service, which is a voluntary arrangement to vet those working with children, on to a statutory basis is a positive move that will strengthen the safeguards for children. The Bill also seeks to tighten arrangements for checking the suitability of people working, or seeking to work, with vulnerable adults. I am pleased that the needs of this often-neglected group are being addressed. Children are automatically deemed vulnerable due to their young age, so it is important that older members of society, who are infirm or require care, are also protected. It is vital that the carers of vulnerable people, who may not have close relatives caring for them, should be vetted as children's carers are. This is another sign of a caring society. The providers of care services, including private and public healthcare agencies, will now have to refer the names of harmful individuals for inclusion on a list of those deemed unsuitable for working with vulnerable adults. That is good.

The Bill is important and will help to protect the most vulnerable members of our community. However, those people affected by it should be able to appeal against inclusion on a list. This is not a perfect world, and people may be incorrectly listed. The Bill allows those who have been disqualified from work with children or vulnerable adults to seek to have that disqualification reviewed. The Chairperson of the Committee for Health, Social Services and Public Safety referred to this when he spoke about protecting human rights. A fair society must give everyone the right of appeal, and this provision has been included. This measure will place a heavy burden on the social care tribunals, and the Committee will want to see how this works in practice.

I am pleased that definitive statements have been made on offences against children and on those who commit the offences. For instance, it is clearly set out that those who supply, or offer to supply, class A drugs to a child, or are concerned in the supplying of such a drug to a child, or are concerned in the making of an offer to supply such a drug to a child, will be included under this Bill. I am sure we all agree that those vultures who tear apart the lives of young people and feed on them for their personal gain will now be targeted in a very special way.

I look forward to considering the detail of the Bill at the Committee Stage.

**Mrs E Bell:** This is another complex Bill, but the Health Committee will scrutinise it closely and propose

relevant amendments. The Alliance Party supports the Bill's broad principles, which will put the PECS register on a statutory basis. As the Minister said, it will strengthen existing arrangements and safeguards.

I hope that the Bill will go a long way toward preventing those who would be deemed a risk to children and vulnerable adults from coming into contact with them as part of their employment. The Bill alone will not do that, because clearly not all those who are a risk to children are on the register. According to children's charities such as the National Society for the Prevention of Cruelty to Children (NSPCC), there are currently only 22 people in Northern Ireland on that register. At least the Bill will make a start. Perhaps the fact that there are only 22 people on the current non-statutory register highlights the need for this piece of legislation. Charities and childcare organisations will work closely with the Minister to ensure that the legislation is implemented properly.

We welcome the system of disqualification on offences, but we also welcome the fact that the Bill provides for the right of appeal for those included on the register. That is important in protecting individual rights.

We also welcome the list of organisations required to carry out checks on prospective employees. We welcome the fact that those organisations will also be required to submit to the Department the name of anyone in their employment who they have reason to believe may be a danger, or whom they may have dismissed because of conduct that could raise doubts about their suitability to work with children. This is a practical attitude to a sensitive area.

However, I am concerned by the plan to create two separate lists — one for those unsuitable to work with children and one for those unsuitable to work with vulnerable adults. I would like to see the mechanism for deciding which register someone should be placed on, or for deciding if someone should be placed on both. Will it be possible to allow someone who has been assessed as a potential risk to children to get a job that might put them into contact with vulnerable adults, or vice versa? How can we be sure that the safeguards are sufficient? I would like that clarified.

I mentioned the important right of appeal for those on the register. The Bill states that if someone is put on the register before becoming an adult, they will be on the list for five years and can then appeal. If that is unsuccessful, they can appeal again after a further five years. However, someone who is put on the list as an adult can appeal only after 10 years, and then must wait another 10 years if that is unsuccessful. That seems to be a disparity, and I would like that clarified. Perhaps the timescale after an unsuccessful appeal should be five years for both; the Committee might look at that when considering the Bill in detail.

In clauses 9 and 40, which deal with appeals against inclusion, there appear to be some more anomalies. Clause 9(3) reads "either of the following", when it probably should say "both of the following". There are also two other places where the Bill uses the term "or" when it probably should read "either ... or". I hope that the Department or the Committee will tidy up those points, as they could affect human rights.

There is merit in the suggestion, supported by the NSPCC and others, that the list of organisations required to refer people to the Department for possible inclusion on the register should include all organisations working with children, including voluntary and uniformed organisations. The concept of the accreditation of organisations proposed in clause 16 will help the situation. We hope that that will lead to a more proactive approach and more confidence in child protection standards generally.

As a probation board member, I have seen many vulnerable children and adults, and recognise the necessity of strengthening the legislation in that regard. I have known several people whose lives and reputations have been severely undermined because of the absence of proper legislation.

They were tried and persecuted by fellow citizens who made their own judgements.

1.00 pm

The Bill should require the North/South Ministerial Council to keep an eye on the processes for vetting and monitoring citizens from other EU states, where they may have been disqualified from working with children by equivalent vetting systems. The Chairperson of the Committee for Health, Social Services and Personal Safety has mentioned that point, so I am confident that it will be dealt with.

The Assembly has a duty to be seen to provide legislation that supports the vulnerable and unprotected in society. We have seen the trauma and anguish caused by drawing up lists of paedophiles and homosexuals, and I hope that that anguish will be mitigated by the Bill, which must be seen by all as balanced and transparent. Its implementation should be monitored constantly.

We welcome the introduction of the Bill if it is in tandem with education and training that will protect children and vulnerable adults. We look forward to considering the Bill at Committee Stage.

**Ms Lewsley:** I commend the Minister and her officials for introducing this legislation. It will play a part in protecting children and vulnerable adults from unsuitable people who would abuse positions of trust.

People who criticise this Administration for simply enacting catch-up legislation should look at some of the innovative aspects of the Bill, which, while ensuring

consistency with other jurisdictions, also deals with some of Northern Ireland's particular needs.

The Protection of Children and Vulnerable Adults Bill does not sit in isolation or in a vacuum. Last year, almost to the day, I sponsored a private Member's motion on vetting arrangements and the need to take measures to promote the Department's PECS arrangements.

I am pleased to note that the Department has made considerable progress on a range of issues to raise awareness of the need to carry out suitability checking and promote good employment practices. That will continue to run in tandem with the Bill. It will take on a new imperative and be as important as the legislation.

The Bill is part of a range of measures for protecting children, such as the regulation of the social care workforce and new assessment and management arrangements for sex offenders. However, other measures are urgently required, and the Minister will be aware of the need for her Department to develop a comprehensive child protection strategy that will interface and dovetail with the children's strategy being developed by the Office of the First Minister and the Deputy First Minister. That must entail much greater investment in the family of childcare services in the statutory and voluntary sectors. The Minister will be acutely aware that we are running at average investment levels of 40% below equivalent regions in other jurisdictions. Additionally, there are several policy developments, which, if implemented, could make a difference, and we need to move away from seeing measures in terms of cost.

The need to improve our record on child protection is one reason why I intend to introduce a private Member's Bill in the next session. It will improve the functioning and status of area child protection committees. In addition to their many responsibilities, area child protection committees will also have an important role in implementing aspects of this Bill, such as reporting, regulation, and public awareness raising, through their key strategic child protection role in each of the boards.

The Protection of Children and Vulnerable Adults Bill is one of the most important and far-reaching pieces of legislation to be introduced by the Executive. The Minister has outlined some of its key components, and I want to expand on several issues.

First, accreditation is a fundamentally important provision and highly significant in promoting and developing improved child protection standards in many uniform and sporting organisations. It will build on much of the good work of organisations such as the Volunteer Development Agency, the National Society for the Prevention of Cruelty to Children (NSPCC) and others. A requirement to carry out suitability checking will be added, and those who have been dismissed for harming children will be reported.

Accreditation is a much more proactive concept, akin to the Kitemark, and it will be welcomed by both parents and carers. Accreditation will require considerable further investment, which will have several implications. I hope that the Minister will provide resources for her Department and, in particular, the childcare unit, to meet those new requirements. The resources made available by other Departments will be a key issue.

The protection of children is everyone's responsibility. Accreditation will have costs for organisations that fall under the remit of the Department of Education, the Department for Social Development and the Department of Culture, Arts and Leisure. I hope that other Departments will embrace the Bill's requirements, and that the Executive will make funding a priority.

The Bill makes provision for accreditation and access to the Department's list for payment of fees. I understand the Department's need to charge for that service; however, fees may have implications for small voluntary organisations, especially those that have many volunteers. The Home Office and the Scottish Executive have waived fees for suitability checking for those types of organisations. I hope that the Minister will consider doing the same in this jurisdiction.

The Bill rightly places the issue of vetting in a wider European context. It has the capacity to recognise equivalent listings in other jurisdictions and provides for access to those from outside Northern Ireland. The position with regard to the Republic is that there is still fluid movement of personnel, yet there are radically different standards of vetting on both parts of the island.

The situation in the Republic is unsatisfactory. Although it has a criminal records office, there is no equivalent consultancy register of people who have been dismissed from their posts for harming children. Most of the time, for various reasons, individuals are not prosecuted. That disparity is of much concern to organisations such as the Irish Society for the Prevention of Cruelty to Children (ISPCC) and the NSPCC, as well as Barnardo's, both North and South. I hope that the Minister will ensure that that matter is placed on the North/South Ministerial Council's agenda as a matter of urgency. Attempts to improve the system of suitable vetting are made more problematic by that state of affairs.

The decision in clause 2 to list an individual as unsuitable to work with children is a serious one, and must follow careful consideration under a due process. I welcome the inclusion, in clause 9, of an appeal to a social care tribunal, as that recognises the rights of those referred. However, the process outlined in clause 2 raises several issues. Protecting children is a multi-agency issue and often involves complex decisions. Listing those unsuitable to work with children and adults will also call for good assessment and clear decision making. I hope that the



Minister will consider using experts inside and outside the Department to carry out that important task.

Clause 17 provides a clear mechanism for whistle-blowing by a person connected with a childcare organisation or any other accredited body. The process is dependent on individuals in childcare organisations reporting a failure to comply with the requirements of clause 2. The Minister may wish to consider situations in which that information is referred to the Department anonymously, or where individuals feel unwilling to reveal their identity. There may be situations in which an individual is unable to report information out of fear of reprisal. Therefore, there may be merit in altering slightly the wording of clause 2 to reflect those situations.

I welcome the provision made for vulnerable adults, who often suffer considerable social disadvantage. They rely on others to speak for them, because they are unable to speak for themselves. It is essential that they be afforded the same protection regardless of their age. However, the definition of vulnerable adults does not include adults who have suffered brain injury. Those people have had damage to their cognitive processes and should be regarded as vulnerable. Adults with physical disabilities must also be included in that category.

The SDLP welcomes the Bill. It is an important building block in the measures required to protect children. It contains some innovative thinking and is an improvement on the Protection of Children Act 1999. The idea of accreditation is far-reaching and could improve safeguards for children in organisations through encouraging the improvement of standards — something that any reputable organisation should be happy about.

The Bill is only one measure to protect children and must be seen in the context of a broader strategic approach by the Department. The disparity with other jurisdictions as regards child protection and registration rates is growing, as is chronic underinvestment. The implementation of the Bill will require investment in the Department of Health, Social Services and Public Safety by other Departments and agencies. I support the Bill.

**Mrs Courtney:** I support the Bill; it is long overdue. All Members who spoke in the debate are in favour of its provisions. It is natural for Members to press for stronger childcare regulations. It is good that the Bill also applies to vulnerable adults. I congratulate the Minister for introducing it, and I am sure that it will have the support of the Health Committee when its members consider it at Committee Stage. Even though I welcome the Bill, I am conscious of the need for us to ensure that it does in practice exactly what it was said it would do on paper.

I particularly welcome its provision for whistle-blowers. That is vital. People who work in organisations dealing with children and vulnerable adults must be

protected if they become aware of potential abuse or unsuitable staff. They must be confident that they can bring information to the authorities without any danger of losing their jobs or being discriminated against.

I also welcome the right of appeal, through an independent tribunal, against inclusion on the register. Any organisation working with children and vulnerable adults that fails to carry out checks or make a referral to the protection register is guilty of a serious breach of its duty to protect these vulnerable people. The Assembly must therefore ensure that staff know that they can alert the authorities without fear of any consequences.

As the SDLP's spokesperson on health, I welcome and support the overall aim of the Bill.

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** I have listened to Members' comments with interest, and I thank those who spoke. I am particularly grateful for their welcome of the Bill and their recognition that it contains innovative measures to meet local needs. I will attempt to respond to the points that were raised, but I will not deal with each in detail, because some Members said that they would be voicing their concerns during the Bill's Committee Stage.

There is no doubt that we need continued collaboration with the South, and, as I said at the outset, this Bill is only part of a wider set of work. Child protection is being dealt with in the education sectoral format of the North/South Ministerial Council, which will be very interested in the progress of the Bill.

The Department of Health, Social Services and Public Safety has been working on a comprehensive children's strategy that will dovetail with the work of the Office of the First Minister and the Deputy First Minister. The Department's children's strategy would have been produced earlier had the Office of the First Minister and the Deputy First Minister not announced that it was to produce its strategy. Officials intend to make draft suggestions to children's organisations and to seek their comments before bringing the matter to me when it has been further developed.

1.15 pm

It was asked whether whistle-blowing should be done anonymously. An individual who avails of whistle-blowing arrangements may fear reprisals and may be reluctant to disclose his or her name. It is a difficult matter, as the Department must guard against spurious or malicious reports. However, the Department wishes to make it possible for individuals to report failures by organisations to carry out checks or to make referrals. The Department wishes to consider that further to see what might be done.

We must get the appeals process right. The Department will have to develop and operate detailed criteria



for deciding whether a person should be included on the list, as will the tribunal when hearing appeals.

There will undoubtedly be difficult decisions on whether some individuals pose a risk sufficient to warrant listing. It would be counterproductive if the Department were to list people only to have its decisions routinely overturned by the tribunal. The Department will develop this as an important part of implementing the new legislation.

The use of the words “and” or “or” is a drafting matter. The Committee for Health, Social Services and Public Safety will study the provisions of the Bill; that process will involve close scrutiny of its drafting. An individual may be placed on a list relating to children and also on one list relating to vulnerable adults. A person who is considered a risk to children will have to be regarded as a risk to vulnerable adults also. Detailed criteria will be developed to assess risk in all cases.

The imposition of fees dovetails with the question of whether there would be sufficient money for implementation. In some instances, it is not envisaged that there will be major resource implications as checks and referrals are part of an established system for children and for adults with learning disabilities. However, provision exists for the Department to prescribe fees to offset the additional costs.

Some are concerned about the imposition of charges. Including powers to prescribe fees recognises that an increase in demand for services may make it impossible for the Department of Health, Social Services and Public Safety to continue to provide them free of charge. By introducing costs, the Department would be able to bring about service quality improvements by greater use of technology. The Department has yet to decide the charges that are to be imposed on small voluntary organisations. Charges will not be imposed for checks on volunteers in England, Wales and Scotland, and I am sure that the Department wishes to take a similar position.

The difficult decision to list a person will rest with the Department. It is willing to see what can be done by drawing on outside expertise. The person to be listed will have the chance to make representations against the decision to list.

Members have welcomed the accreditation system. It is intended that it will go some way toward allaying concerns about the breadth of the requirement to carry out checks and make referrals. It is also intended that the promotion of the accreditation scheme among parents and carers will help to drive up standards and lead to greater protection of children. It has already been pointed out that the accreditation scheme is innovative.

The disqualification order is subject to certain conditions, including a requirement that a suitable period must have elapsed since its imposition. The intention behind that is to avoid repeated applications, and I understand that the

Committee will want to look at the detail of that during the Committee Stage.

The Bill creates real opportunities to improve protection for some of the most vulnerable members of society. My Department will wish to work closely with the Committee for Health, Social Services and Public Safety on the detail of the provisions as the Bill progresses.

In case any Members feel that they have not had their questions answered during today’s debate, and are hoping for an answer before the Committee Stage of the Bill, my officials will study the Official Report, and I will respond in writing.

*Question put and agreed to.*

*Resolved:*

That the Second Stage of the Protection of Children and Vulnerable Adults Bill (NIA 22/01) be agreed.

**Mr Deputy Speaker:** The Bill stands referred to the Committee for Health, Social Services and Public Safety.

## HEALTH AND PERSONAL SOCIAL SERVICES BILL (NIA 06/01)

### Further Consideration Stage

**Mr Deputy Speaker:** No amendments to the Bill have been tabled. The Further Consideration Stage of the Health and Personal Social Services Bill is, therefore, concluded. The Bill stands referred to the Speaker.

## RAILWAY SAFETY BILL

### Final Stage

**The Minister for Regional Development (Mr P Robinson):** I beg to move

That the Railway Safety Bill (NIA 3/01) do now pass.

The Bill was introduced to the Assembly on 18 February 2002, and the Committee Stage commenced on 27 February. During the Committee Stage, evidence was taken from the main interested parties and my Department. The Committee's approach has been thorough, and I am grateful to its members for their attention to the detail of the Bill. I thank the Committee for its support, as evidenced by its published report.

In my statement to the House on 10 June 2002 on the accident at Downhill on 4 June, I outlined how important the Bill is to the enhancement of railway safety in Northern Ireland. The crash at Potters Bar and the recent collision between a freight train and a lorry in Great Britain continue to emphasise the need for a focused legislative and operational approach to modern and safe travel by railway. The Bill, together with the secondary legislation that I outlined to the House during the Consideration Stage, seeks to achieve that. I reaffirm my intention to consult the departmental Committee and interested parties on those Regulations, and that process will commence in the next few weeks.

I thank Members for their attention to this important Bill during its progress through the House. I commend the Bill to the Assembly.

*Question put and agreed to.*

*Resolved:*

That the Railway Safety Bill (NIA 3/01) do now pass.

## REGIONAL TRANSPORTATION STRATEGY FOR NORTHERN IRELAND 2002-2012

**The Minister for Regional Development (Mr P Robinson):** I beg to move

That this Assembly approves the strategic direction and underlying principles of the Regional Transportation Strategy for Northern Ireland, 2002-2012.

I am pleased to present the regional transportation strategy for Northern Ireland, 2002-12, and to invite Members to approve its strategic direction and underlying principles. I hope that Members have received their copies of the strategy, which was made available on 27 June 2002. They will, of course, receive the properly printed, hardback shelf copy during the summer. I hope that it will bear the imprint, "Approved by the Assembly on 3 July 2002".

I want to thank the Members, local councillors and other key stakeholders who contributed to the development of the strategy through their participation in the consultative process — most recently, in response to the proposed strategy that I launched in the Chamber five months ago. In particular, the active engagement of the Committee for Regional Development during the past two years has been extremely welcome. I acknowledge the significant role that Committee members have played in helping to shape the final document. There are other key individuals to whom I want to record my appreciation. I intend to do that in my winding-up speech.

During the debate on the proposed regional transportation strategy in February, I was heartened by the broad indications of support for the direction that the draft strategy was taking. I was also struck by the high level of interest and the quality of the debate. Transportation is clearly an issue that affects everyone and impacts on all the Assembly's priority policy areas. I will outline shortly the key differences between the earlier draft — with which Members are familiar — and the final strategy. I hope that it will be clear how I have responded to remarks that were made in the previous debate, and to the feedback to the consultation exercise that was launched that day.

Two years ago, the House acknowledged the poor state of Northern Ireland's transportation assets and called unanimously for increased funding for public transport and roads. I am pleased to note that there has been progress since then, which includes a decision made by the Assembly in September 2000 to invest £103 million in improving the rail network following the report of the railways task force. Significantly, transportation is now a priority area for investment, alongside health, education, water and sewerage.

I want to acknowledge the contribution to transportation in the initial allocation of funds for the reinvestment

and reform initiative. It will kick-start the strategy through highway improvements in key transport corridors, a reduction in the road maintenance backlog and a start to the bus replacement programme. It is a welcome investment, and I hope that it is a sign that the Assembly is determined to tackle the decades of neglect and underinvestment in the transportation network. However, I emphasise to the Minister of Finance and Personnel that I trust that it will be a harbinger of things to come.

In contrast to the preceding decades of underinvestment and the ad hoc approach of transportation planning this strategy provides the framework for the development of Northern Ireland's transportation system in the next 10 years. The £3.5 billion strategy establishes strategic transportation priorities, identifies the measures that are required to meet its objectives, and considers the potential additional sources of funding that will be explored in the Department's endeavours to develop the initiatives in the strategy.

There are several exciting initiatives in the regional transportation strategy that I will come to shortly. However, before doing so I want to draw Members' attention to the strategic direction and underlying principles that they are being asked to endorse. The strategy identifies a requirement for additional investment in transportation in the next 10 years of £1.37 billion. That is, of course, £1.37 billion over and above what public transport and roads would receive if current levels of funding were to continue during that period.

In setting the total figure of £3.5 billion, I wanted to strike a balance between the level of resources that would be required to significantly modernise our transportation network and the budgetary pressures that arise from other priorities. The figure of £3.5 billion is not on a par with the level of investment in Great Britain or the Republic. However, if secured in full, it will enable the Department to tackle deficiencies in the current transportation system, make best use of existing assets, and begin to make several important enhancements to the infrastructure and services.

The level of additional investment required in the regional transportation strategy will support the 'Shaping Our Future: Regional Development Strategy for Northern Ireland 2025' document, which the Assembly approved last September. Moreover, that additional investment will help us significantly towards achieving the regional development strategy's 25-year transportation vision during the 10 years of the regional transportation strategy. The regional development strategy's objective was to have a modern, sustainable, safe transportation system that benefits society, the economy and the environment, and that actively contributes to social inclusion and everyone's quality of life.

1.30pm

For many reasons, it would be entirely inappropriate to seek the Assembly's approval for expenditure of that magnitude, which will stretch over the decade. I make it clear from the outset that the level of public expenditure for the strategy will be determined through the normal budgetary process. The strategy initiatives will be subject to economic appraisals, as well as the various statutory processes.

However, it is entirely sensible — indeed, it is essential — to secure endorsement of the strategic direction and underlying principles of the regional transportation strategy. That will create a clear and credible framework for the planning and delivery of our transportation systems throughout the decade.

The regional transportation strategy's main features include providing a transport system in which walking, cycling and public transport will be more viable, attractive options on many trips. The focus is on moving people and goods, rather than vehicles. It focuses on making people more aware of the full cost and impact of their transport choices and on reducing the need to travel. It will start the strategic move away from a transport system that is dominated by car use towards a more balanced and integrated system.

A second feature of the strategic direction is a significant shift in the level of funding towards public transport to make it a more attractive travel option, especially in the Belfast metropolitan area, where there is a greater population density and, therefore, the greatest potential to make a noticeable difference in the numbers of people using bus and rail.

At the same time, the investment plan for public transport in rural areas will initiate new and flexible services. Those will not necessarily be traditional bus services. Rather, we shall work in partnership with local communities to respond to residents' travel needs.

One outcome of the level of investment in public transport will be the upgrading of the existing rail network. The enhanced level of funding for public transport will also provide modern trains and increased railway capacity, improved bus services, and quality bus corridors on all main Belfast commuter routes. A rapid transit network in the Belfast metropolitan area will be introduced and new bus services provided in towns.

Tackling the road maintenance backlog would result in fewer roadworks, better quality roads, safer roads and improved journey times throughout Northern Ireland. The level of investment will remove about three quarters of the backlog, about two thirds of which will be on rural roads.

The focus on strategic highway improvements is aimed at removing bottlenecks, reducing journey times

and improving reliability of travel, which benefits freight and buses as well as private car users. Investment in the strategic highway network will enhance economic development and accessibility to key services throughout Northern Ireland.

I do not propose to go through the details of all the strategy's initiatives and schemes. However, Members will find it helpful if I draw their attention to the changes that have been made since February. Those changes are directly linked to the constructive feedback that I received in response to the consultation paper.

Consultees were asked for their views on the split of funding by area and mode, relative priorities, funding sources, targets and implementation proposals. One overarching message that I took from the feedback was that the proposed strategy did not take us far enough towards achievement of the regional development strategy transportation vision. Even the proposed additional funding was seen to be inadequate to give us a transportation system that we need to meet our economic, social and environmental objectives. I was impressed by the mature nature of the debate, which, by and large, did not seek to score one mode off against another. There was a call for increased investment, for example, in both roads and public transport.

Furthermore, people were strongly of the view that the proposals could be even more ambitious, particularly on public transport. In a nutshell, as Prof David Begg, chairman of the Commission for Integrated Transport, reminded me:

"The danger is not to aim too high and fail but to aim too low and succeed."

I set out to address the messages sent to me, including calls for improvements to the strategic road network, more visionary public transport and further measures to improve transport opportunities for people with disabilities. The changes represent an additional £76 million for the pilot rapid transit system; an additional £20 million for quality bus corridors in the Belfast metropolitan area; a further £12 million for bus-based park-and-ride; and £10 million for additional Goldline services on key transport corridors not served by rail.

The rapid transit system funding now includes an additional £24 million to increase railway capacity in the latter period of the strategy. That will depend on successful results from our earlier investments.

Proposals for investing in the railways were already in the proposed strategy, and Members will note that it has been necessary to include a further £74 million to fund them. That amount is due to inflationary cost increases in the rail industry, supply difficulties and ever-rising standards in railway safety.

I have also included a further £12 million investment in capital to allow services to continue on the Antrim to

Knockmore line. We must, however, await the outcome of the spending review on that issue.

I have added a further £163 million for strategic highway improvements on the regional strategic transport network. Figure 5-5 of the strategy shows the illustrative schemes that could be delivered. I use the word "illustrative" because commitments cannot be given before the application of the proper statutory procedures and the securing of the necessary funding from the budgetary processes.

I have substantially increased the provision for the transport programme for people with disabilities to £12 million; £14 million is required to fund an extension of the concessionary fares scheme to include them. The detail of how that will apply will follow the review of the scheme, which is scheduled for October 2002. Moreover, I have given a commitment to prepare a transport strategy to examine the scope for a more co-ordinated approach to the planning and provision of transport services for older people and for those with disabilities. That will take place across the statutory, private and community sectors. Similar strategies elsewhere in the United Kingdom showed that such a study could make a tangible difference in the medium to long term for people who have difficulties in accessing transport services and facilities.

A further addition is the earmarking of £10 million over 10 years to establish a regional planning and transportation division, together with a technical data monitoring and modelling unit in my Department. That will ensure an integrated approach to land use and transportation planning. The new division will undertake research and initiate policy developments as well as monitor and review the implementation of the regional development strategy and the regional transportation strategy. The new technical unit will further the knowledge-base in transportation issues, and the opportunity will be taken to increase access to transportation planning and other relevant skills.

I intend to establish an external advisory body with representatives from the private, voluntary and community sectors to assist the Department in the effective implementation of the regional transportation strategy.

I take this opportunity to announce my plans to review the planning, delivery and governance of public transport. I want a new start for public transport in Northern Ireland. The regional transportation strategy can provide that. However, we must realise that the scale of investment for public transport envisaged in the regional transportation strategy is unlikely to be provided by public expenditure alone. We must attract private sector finance, management skills and innovation in delivering public transport. In September, I shall issue for consultation a broad outline of my proposals in a paper called 'A New Start for Public Transport in Northern Ireland'.



One key element will be the establishment of an independent public transport regulatory body. Moreover, the Northern Ireland Transport Holding Company and Translink will be developed into a new, dynamic, publicly owned operating company, to be known as Transport Northern Ireland. I am not advocating privatisation or unfettered deregulation, but a model that retains a publicly owned, public transport company that operates in a public transport market, which would be progressively opened up to private sector participation.

In advancing new partnerships with the private sector, I want to ensure that the proposed arrangements make sound commercial sense and are acceptable to the wider community. With prudent planning, we can accelerate the rate of investment in transportation by securing private sector expertise and finance.

Funding is difficult and complex. We know the amount that is required for our transportation vision. The strategy cites potential sources of additional funding, which, professional advice has shown, are not unreasonable to plan for. Alternative sources of funding are identified in chapter 6 of the strategy. The strategy may be regarded as ambitious, but it is achievable. It may be regarded as a major challenge, but I am convinced that the collective determination of the stakeholders is more than equal to that challenge. It may be regarded as a massive undertaking, but, given the enormous infrastructural deficit in Northern Ireland, no lesser strategy would deliver the out-turn that our people deserve.

I commend the strategy to the Assembly. It is a product of almost two years of work by my Department. It is based on extensive consultation in the community, rigorous analysis and a robust methodology. It was independently quality-controlled by the panel of experts, whose advice was invaluable to its development.

In contrast to the preceding decades of underinvestment and the ad hoc approach to transportation planning during direct rule, this is a strategic framework for the future planning, funding and delivery of transportation in Northern Ireland. As Northern Ireland continues to develop, the strategy has the potential to facilitate economic development; to promote accessibility; to overcome social exclusion; and to enhance the quality of life of all our citizens. The strategy remains faithful to the goal of balanced regional growth and development as set out in the regional development strategy.

To strike the right balance between public transport and roads, and between areas — east versus west and rural versus urban — will always be a challenge and give rise to competing perspectives. Members have their preferences for individual schemes and constituency priorities. However, it is important that we assess the strategy holistically or, as a former Secretary of State might have said, in the round. We must accord importance to the interdependencies in Northern Ireland, whereby

accessibility to key regional and sub-regional health, educational, leisure and employment services is dependent on a strategic transportation network that serves the whole of Northern Ireland.

I invite the House to offer its view of the strategy, and I am eager to hear Members' opinions. If Members support the strategic direction and underlying principles of the strategy, I assure the House that it will be my intention to treat it not as a dream or vision of what could be, but as a pragmatic business plan that delivers a modern, safe and sustainable transportation system for our region. I look to the House for support in reaching that goal.

**Mr Deputy Speaker:** The Business Committee allocated two hours for the debate. I shall not put a time limit on the first round of Members who wish to speak. However, given the large number of Members who have an interest, I shall review the situation after the first round.

**The Chairperson of the Committee for Regional Development (Mr A Maginness):** I thank the Minister for presenting the Assembly with a major transportation strategy that is properly ambitious, imaginative and rooted in a realisable financial context.

1.45 pm

The strategy is challenging, but I agree with the Minister that it is always tempting to set low and easily attainable targets that do nothing for long-term radical development.

No one could suggest that the Minister for Regional Development and his Department have taken the easy route and developed a strategy that fails to challenge our hopes and expectations. The regional transportation strategy clearly sets out the steps that must be taken if the objective is a reliable and well-maintained transportation infrastructure supported by efficient and high-quality public transport.

There is no denying that some of the targets are ambitious, but that is positive and legitimate. If the Assembly wishes to make a positive impact on society, it must not shirk from the challenges that must be acted on to improve social and economic well-being. The regional transportation strategy is one such challenge. With commitment, belief and determination, the strategy can be delivered within the proposed timescale.

On behalf of the Committee for Regional Development, I would like to thank Dr Malcolm McKibbin and Ms Aileen Gault for their numerous and, for them, exhausting presentations and briefings. The Department has been co-operative throughout the lengthy consultation process, and although there were many contentious issues, those have been resolved to the Committee's satisfaction.

The Committee welcomes and supports the broad thrust of the regional transportation strategy. It believes

that if the necessary funding is made available, the strategy will ensure that Northern Ireland has a modern and viable transportation network that will serve to develop a modern and efficient economy.

There has been massive underinvestment in infrastructure over the past three decades. However, the Government have several other pressing priorities, especially the Health Service and the education system. Nevertheless, one cannot underestimate the potential benefits that the strategy can deliver to the economy.

The economy will benefit from less traffic congestion, which will make the transportation of goods and services quicker and cheaper, which will in turn make the local economy more competitive than it is now, both on this island and internationally. That is significant, given that 99% of freight is transported by road. An improved, efficient and attractive public transportation system will have a positive impact on the tourist industry. It will also make a significant contribution to improving social inclusion, which is a key priority for the Government. That is important because many people in rural and urban areas do not have access to private transportation, and 30% of families do not have access to a private car. The strategy will also bring net health benefits.

I have taken some time to outline the long-term benefits of the strategy, and I do not apologise for that. It is important that we remain focused on the long-term objectives. It will take time to deliver the results of many of the strategy's proposals.

Rome was not built in a day, and the strategy for our transportation infrastructure cannot be expected to produce results overnight. We must remain focused and patient, but, most of all, we need to commit resources to the problems. The benefits of such expenditure will not be immediately recognised, as it takes time to undo the effects of some 30 years of underinvestment in our infrastructure.

I accept that it is not possible for expenditure of this magnitude, stretched over a 10-year period, to be approved by the Assembly today. Resources will have to be determined through the normal budgetary process. The estimated additional funding of £1.4 billion is a sizeable amount, but it is attainable.

Sadly, although this is a comparatively high level of investment in our transportation infrastructure, it is still lower than that in Britain and the Republic. I accept that the allocation of resources must be subject to the normal budgetary process. Nevertheless, that process is sometimes subject to short-termism. There is a tendency to respond to emergent pressures and to seek immediate solutions, often at the expense of long-term goals such as the transportation infrastructure. We can all be guilty of that.

If the regional transportation strategy is to avoid that fate, it is critical that transport infrastructure is one of

the top priorities in the Programme for Government and that it will remain so for an indefinite period. The Executive have already acknowledged that, with investment in infrastructure listed as one of the top four Government priorities.

The reinvestment and reform initiative, with its focus on the infrastructure-funding deficit, is another major step to addressing our transport needs. I pay tribute to the former Minister of Finance and Personnel, Mr Mark Durkan, and his successor, Mr Séan Farren, for successfully negotiating that important initiative. The Executive's position report states that

"The reinvestment and reform initiative provides a real opportunity for us to invest substantially in improving and modernising our infrastructure."

The reinvestment and reform initiative has provided a timely promise of future financial capacity to see realistically the implementation of the strategy. However, it was disappointing to note that in yesterday's allocations from the reinvestment and reform initiative, transport and roads received only 16% of the total. Some comfort can be taken from the fact that the allocation of resources is over and above the £40 million earmarked for the trans-European network between Belfast, Larne and the border, south of Newry.

I now turn to some of the key elements of the strategy. The consultation document outlines the funding to be made available in the four areas over the next 10 years. There is a pressing need for major investment in our regional strategic transport network. This is critical to ensure that our key towns and cities are easily accessible, while allowing the efficient and timely transportation of people and freight. That is a major challenge given the extent of our road network. Northern Ireland has two and a half times more roads per head of population than England, although funding does not reflect our level of need.

Efforts are being made to improve the regional strategic transport network. A major step forward was the announcement on 24 September 2001 by the then acting First Minister, Sir Reg Empey, of an additional £40 million, which I have already mentioned, for the trans-European network route from Larne to Belfast and Newry to Dundalk.

However, it is important that the transport needs of other key parts of the region, such as the north-west, are not ignored. Derry is a key economic hub, with a catchment area that extends to Strabane, Limavady and Donegal. The area is also the main economic corridor between Derry and Dublin and Derry and Belfast.

The strategy recognises the importance of improving the regional strategic transport network, not just in the west of the region but across Northern Ireland. That is demonstrated in figure 5.5 on page 78 of the document,

which illustrates the improvements that are being made and what could be achieved in the next 10 years if sufficient funding were made available and planning approval granted.

The breakdown of anticipated expenditure over the next 10 years shows a major increase in expenditure on public transportation, and we can take comfort from that. It will amount to an estimated 35% of the total expenditure. We have reached a consensus that public transport has a vital role to play in delivering a strategy. That is now conventional wisdom — although that was not the case 10 or more years ago. That is to be welcomed, as is the strategy's emphasis on public transport. Many will carp that there is not enough emphasis on public transport in the strategy. They are wrong: the strategy strikes the right balance. Public transport has a key role to play.

**Ms Morrice:** I am interested that the Member thinks that public transport funding is sufficient. Investment in public transport per capita is £73 in the Republic of Ireland, £47 in the rest of the United Kingdom, and £16 in Northern Ireland. Surely the Member cannot say that we are spending enough on public transport?

**Mr A Maginness:** The finances available to us for delivering services are much more limited than in those places. Therefore critical choices must be made between a purely roads-based transportation strategy and one based on public transport. We must make judgements according to our scarce resources. If we had more resources the disparity would be smaller, but in the circumstances the strategy is a significant contribution to reviving public transport in Northern Ireland. I welcome that, and the Committee supports the general direction of the strategy.

Investment in public transport will reduce congestion in urban centres, make the transportation of freight and goods quicker and cheaper and help to make Northern Ireland a more inclusive society. Thirty per cent of families do not have access to private cars. That is a particular problem for families in rural areas.

2.00 pm

As a result, mobility is greatly restricted. This will help to create greater mobility and social inclusion. Increased public transport will make less well-off people more independent and mobile, enabling them to avail of local employment opportunities and public services. I note and welcome the inclusion of £31.5 million in the strategy for demand-responsive transport for more remote areas. I hope that this will provide a new beginning for the provision of quality transport in rural areas.

The Committee welcomes the commitment in the strategy to providing quality bus corridors on all the main Belfast commuter routes. There has already been some success on the corridors currently in operation,

with a notable increase in patronage and shorter journey times into the city centre. The prospect of a rapid transit system in the Belfast metropolitan area is also exciting and I look forward to Belfast Area Rapid Transit "BART" becoming a reality.

During its visit to Europe to examine best practice in public transport, the Committee for Regional Development saw at first hand the benefits of an efficient, reliable, integrated and quality public transport network. Cities such as Karlsruhe in Germany epitomise what can be achieved, and Belfast can achieve similar results and standards. To do so we must remain committed and dedicated and allocate the resources necessary to make the vision of the regional transportation strategy a reality.

The Committee firmly believes that preserving and enhancing the railway network is an important element of providing an integrated, modern public transport system. There is no denying that our rail network is under pressure. Indeed, had the Assembly not allocated £103 million after the railway task force report, the network would have collapsed. When the Committee visited Derry and the north-west, it saw the poor state of our trains at first hand. We cannot expect to increase train patronage if the service is low quality and unreliable.

A recurring theme in the European cities that we visited is the high priority that is given to providing an aesthetically attractive and clean public transport system. We will not attract people back to public transport unless it is seen as a viable, efficient and reasonably priced alternative to the car. One has only to look at the success of the Belfast to Dublin Enterprise to see what is possible. The regional transportation strategy will bring a new beginning for our rail network, and the Minister is to be commended for his clear commitment to maintaining the existing network and seeking to increase patronage by over 60% over the next 10 years.

The Committee was grateful to the Minister for attending our meeting on 19 June to explain his intention to review the delivery and governance of public transport. We do not want to pre-empt the findings of any consultation, but we are broadly in favour of such a review. However, the Committee is concerned that services could be adversely affected, particularly if delivery is opened up to private-sector competition. One has only to look at the problems that arose with deregulation and the fragmentation of public transport in England and Wales. Even locally, concern has been expressed at private bus operators targeting the more profitable routes, which, in turn, has reduced Translink's profits and is hindering its ability to subsidise the unprofitable routes, most of which are in rural areas. I am not ruling out private-sector involvement, but it is critical that whatever model is arrived at, safeguards are built in to ensure that the public service commitment is maintained.



The Committee for Regional Development is fully aware of numerous pressures facing the public purse and that infrastructure is but one of those many competing pressures. In recognition of that, it believes that every possible source of funding must be explored. Fundraising from any source is undoubtedly a thorny political issue, but it is one that we must accept.

The Committee's experience in Europe highlighted some novel ways to raise finance. In France, employers with more than 10 employees pay a levy that is ring-fenced for public transport. There is a scheme in Germany whereby employers can contribute to meeting the cost of employees' public transport fares. In the Republic of Ireland, increasing use is being made of tolls to pay for new major road schemes. In Britain, there is a growing debate on congestion charging as a means of stemming the growth in car traffic. Traffic in Britain has grown by 80% over the last 20 years. The gridlock on the M25 around London, only 16 years after opening, is testimony to the fact that building more roads is not the answer to traffic congestion. I am not necessarily advocating such methods, but I am simply highlighting the range of initiatives that should be explored fully.

We all face many challenges. Nevertheless, our vision must be clear and sustained. Much of what is envisaged in the regional transportation strategy will require time and commitment. Many of the benefits will not be immediately tangible, so we will have to remain focused on the long-term goals. We are seeking to create a major cultural shift in attitudes to car usage and public transport. That, in itself, will require time. It places a burden on the Government and elected representatives at all levels in Northern Ireland to support and promote our vision. Understandably, people's approaches will not change unless there is a visible commitment from Government, the Executive and the Assembly.

On behalf of the Committee for Regional Development, I welcome the public launch of the regional transportation strategy.

**Mr Deputy Speaker:** I indicated earlier that the Business Committee has allocated two hours for the debate. It is now becoming obvious that not all those who have indicated a desire to speak will be called.

**Mr Morrow:** On a point of order, Mr Deputy Speaker. I do not wish to make your task more difficult, but it seems ironic that some Members had unlimited time to speak, yet others who have a considerable interest in the subject are now told that they cannot say anything.

**Mr Deputy Speaker:** That is a matter for the Business Committee, but it is useful that the Member raises it now. I do not want to take up any more time now, because time is pressing.

**Dr Birnie:** I congratulate the Minister on the production of this document, which is generally welcome. Regardless

of what might be said about our bus and rail timetables, it is perhaps good that the Assembly is ahead of time in comparison with the indicative timings.

Another interesting point about the strategy is that it is a 10-year plan, and it refers to 2012. The Minister, who also happens to be the deputy leader of the Democratic Unionist Party, has clearly accepted that the Assembly will still be in place in 2012. Perhaps the strategy is something of a backhanded compliment to devolution, and I hope that similar political realism and courage will be shown in all quarters when it comes to bearing the burden of the cost of this expensive strategy at more than £3 billion.

I broadly support the strategy, but I have four main reservations. The first is residents' car parking. There seems to be some provision for improved off-street car parking in the plan, and £48 million has been allocated to that and related areas. I welcome the recently announced decriminalisation of parking offences. We have yet to see any move towards residents' car parking schemes, and as far as I can determine the strategy is silent on that. In many parts of inner Belfast residents have been crying out for such provision for years.

The 1995 Department of the Environment document 'The Way Forward' hinted at that requirement so why, if you pardon the pun, has the issue been parked yet again? There would be social, environmental and health gains if the use of residents' streets as open car parks for commuters during the day could be reduced. It might also reduce car theft, as police records show that the majority of such crime in the Belfast is committed in unattended, on-street car parking areas.

In the medium term, a residents' car parking scheme might be broadly self-financing, through fines on motorists who infringe the scheme coupled with a reasonable permit charge on residents. That approach is used in some cities in England and elsewhere.

My second reservation relates to railways. Today's regional transportation strategy has a target growth of 60% in passenger numbers; but the figure was 50% in the draft strategy document. Where do the figures come from? On the one hand, the methodology outlined in this document seems incredibly complex — there is the formidable acronym "GOMMMS"; guidance on the methodology for multi-modal studies. On the other hand, the Northern Ireland target is suspiciously similar to that which has already been adopted for the next 10 years in Great Britain — 50%. Is there an independent reason for the target adopted here, or is it a read-across, albeit now slightly uplifted, to Northern Ireland?

My third reservation relates to walking and cycling. I welcome the funding of £40 million, but is that enough? It would be enough if targets in the strategy were realised: for example, cycle usage would quadruple over



the next 15 years. However, even if that were achieved it would still leave us behind Dublin, some English cities and continental Europe.

There is the national cycle network, but a cycle lane along the River Lagan, while being scenic, may not be good for commuting or shopping trips. With only few exceptions, we are still not using some of our wider pavement areas on main arterial routes in the rest of the city to provide marked off-road cycle paths. All types of objections are raised to that, though it has already been done on some parts of the Knock dual carriageway. However, the practice is common in many parts of Western Europe, including the Netherlands and Germany. If it can be done there, why can it not happen here?

My fourth and final reservation concerns the financing aspect of the strategy. The document contains some financial details — for example, paragraph 6.2.2. If the Department wants the power to spend up to £3.5 billion it should fully spell out the revenue-raising methods that it will adopt. The Minister appears to be ruling out user charges in paragraph 21 of the executive summary.

One hundred million pounds is to be sought from developers; and we need to clarify the possible payback, because they will not provide capital for nothing. Will it involve more commuter villages in the countryside? The social and environmental implications must be weighed up.

Three hundred million pounds is to be sought from private finance. There will be charges associated with raising such private capital. Is the Minister willing to support the measures that the Executive would have to take to pay for such charges? He and his party, the DUP, cannot have it both ways — asking for all sorts of popular goodies and then refusing to accept the inevitable cost of paying for them.

I commend the strategy and support the motion, subject to those points of qualification.

2.15 pm

**Mr R Hutchinson:** I welcome the regional transportation strategy and congratulate the Minister and his Department on preparing it. In the strategy document's opening transportation vision, the Minister's aim is

“to have a modern, sustainable, safe transportation system which benefits society, the economy and the environment and which actively contributes to social inclusion and everyone's quality of life.”

We can all agree with that and commend the Minister's hard work and the way in which he consulted the Committee. We appreciate the input that we have been able to make. The strategy represents an important recognition of the central role of transport in Northern Ireland today and sets out a long-term vision for the Province.

Simply devising a strategy will not, in itself, achieve anything. However, if implemented, this document will make a significant difference to the lives of almost everyone

in Northern Ireland. Within the constraints of what is reasonably deliverable, the regional transportation strategy sets a course that can and must be followed. The prize of success is great, but the penalty for failure is even greater.

In the limited time available, I shall touch on a couple of matters dealt with in the regional transportation strategy. I welcome the commencement of the rapid transit network for the Greater Belfast area. At a time when almost every other major city in the UK is developing rapid transit systems, it is important that we send out the message that Belfast is a modern, dynamic city. The start of a rapid transit network will send out just that message.

One of the most popular roads initiatives is the provision of traffic-calming measures, which not only make residential areas better places to live in, but, more importantly, enhance road safety. I welcome the additional £2 million that has been made available for traffic-calming measures over the period of the regional transportation strategy. I have no doubt that, if the money were available, many more requests for traffic-calming measures could be fulfilled.

The proposed demand-responsive transport service will act as a lifeline for many people living in remote rural areas, such as Islandmagee, Glenarm, Carnlough, County Tyrone, County Fermanagh, and elsewhere in Northern Ireland. *[Interruption]*. Where did I miss? I missed out County Londonderry, and anywhere else in Northern Ireland where there are many rural communities.

The Translink service will, however, still carry the most people on public transport in Northern Ireland. For those who live in rural areas, the age of the bus fleet is a significant problem. It is unpleasant to travel on a bus that is more than 20 years old; those buses will not attract people back to public transport. For those who have the choice of using a car, such a service is not an alternative. For those who do not have that choice, such a service is a punishment.

The importance of getting the mainstream public transport system right cannot be overstated. It is essential that the money be available to renew the bus fleet. However, it is also important that the service be run as effectively as possible. Translink must move from the era of the troubles, when it was a lifeline in difficult times, to an era in which it could compare favourably to any other service in the United Kingdom.

The Minister will also be familiar with the calls for more money to be spent on the maintenance of rural roads. It is clear that he has taken those calls on board. The regional transportation strategy proposes a huge increase in the amount to be spent on the Province's roads in order to bring them up to standard. If the regional transportation strategy is delivered over the next 10 years the people of Northern Ireland will not only be on their way to having

a transport system that they desire, but to the creation of the sort of society for which they wish.

The railway system is an important network in Northern Ireland, especially for those travelling to such places as Londonderry, Larne, Carrickfergus and Whitehead. I am delighted that mention has been made of upgrading the Larne, Carrickfergus and Whitehead stations. I am also pleased that the Minister has mentioned the Antrim to Knockmore line. Many people lambasted the Minister and called him some unpleasant names when there was debate about the closure of that line, but he has clearly stated his intention to get the money, if possible, to keep that line open. I congratulate him on that.

Some £20 million has been allocated for bus corridors, £12 million for park-and-ride facilities, £10 million for the Goldline, £74 million for railways and £12 million for the disabled. Those announcements are good for Northern Ireland and bode well for the future. However, everyone realises that those allocations can be met only if the money is available.

I must be careful about what I say, but I am slightly disappointed that the A2 — that terrible bottleneck that links Carrickfergus, Newtownabbey, Whiteabbey and Belfast — was not mentioned. However, perhaps something can be done in the future. Members realise that the Sandyknowes roundabout is in desperate need of improvement, and that has been mentioned. On the Belfast to Londonderry route, the Toomebridge and Dungiven bypasses have been mentioned. I congratulate the Minister and trust that the Assembly will back the initiative. I hope that the necessary moneys will be made available and that Northern Ireland's transportation system can be brought up to the standard of the rest of the United Kingdom and Europe.

**Mr McNamee:** Go raibh maith agat, a LeasCheann Comhairle. I apologise to the Minister for my absence during his opening statement. I was at a Committee meeting, and business has run ahead of the indicative timings. As I said in a debate on the regional development strategy, the timing of this debate is unfortunate. The regional transportation strategy is an essential instrument in the delivery of the regional development strategy. Therefore, a debate on a Monday morning would receive more attention and focus from Members and the public than it will now — the penultimate debate of the final sitting before recess. That is not intended as a criticism of the Minister or the Department for Regional Development.

The transport vision of the regional development strategy is

“to have a modern sustainable, safe transportation system which benefits society, the economy and the environment and which actively contributes to the social inclusion and everyone's quality of life.”

The regional development strategy's objective is to achieve balanced development across the region. The strategy may be measured against those two objectives.

This region has not had a transport strategy before now. Various bodies were involved in different areas of transport, attempting to meet their short-term and long-term needs without overall co-ordination or consideration of the issues in the transportation vision. There was no consideration in the strategy of the economy, the environment, society, social inclusion and quality of life.

The ‘regional transportation strategy’ is a detailed document that attempts to set out a strategic vision for transport. I appreciate the work of the Department and the Minister for Regional Development in bringing us this far, and I congratulate them on doing so. However, I have reservations about the document.

The first concerns the national development plan in the South of Ireland. We live in a region with a border that is hundreds of kilometres long; it is our only land boundary with another place, therefore, one would have expected the national development plan of that part of Ireland to be particularly significant in developing a transportation strategy here. There is a reference to the national development plan on page 21, section 2.3.7 of the document. There is another reference to the plan on page 108, section 7.5.4(v), but there is no detail of how the national development plan in the South has informed the development of the regional transportation strategy. There is a reference in the document to the arrangements for practical and ongoing co-operation on cross-border regional planning and transportation between the North and the South. In section 7.5.4(v) it states that:

“These arrangements have been to the mutual benefit of both jurisdictions.”

What are the arrangements for co-operation on transportation? How much discussion has there been with counterparts in the South on developing the regional transportation strategy vis-à-vis the national development plan? Transportation is an area of co-operation identified in the Good Friday Agreement and in the Programme for Government.

Apart from the Belfast to Derry railway line and the Belfast to Dublin line, the map on page 79, figure 5.6, shows no evidence of a plan to extend the rail network in the next 10 years. That is not surprising, because there was no vision over the next 25 years for extending the rail network in ‘Shaping our Future Regional Development Strategy for Northern Ireland 2025’, which is a 25-year vision document. It is obvious, but still regrettable, that there is no vision. What is balanced development across the region? Is it about developing transport plans to meet predicted demands, or is it about shaping future demands? Is it about taking the initiative to determine future demands and transport needs?

The regional transportation strategy concentrates on the Belfast metropolitan area and the eastern seaboard corridor. There is also an argument about the balance of funding between roads and public transport. There is a backlog of infrastructure maintenance, and I hope that, having used that phrase, I will not be accused of spending too much time with officials. We cannot make a simple comparison between spending on roads and public transport without considering the money that is required to maintain roads in a safe condition. People compare the amount of money being spent on roads to the amount spent on public transport, but that is an unfair comparison.

2.30 pm

There is a backlog of maintenance, which accounts for a significant amount of the spending on roads. Having said that, I am in favour of the balance, as spending on roads can improve public transport as well. As we have a limited rail network, the majority of public transport users have been, and will continue, travelling by bus. We hope to achieve the targets in the regional transportation strategy of increasing passenger numbers and miles, and money spent on roads can assist public transport in that regard. However, more and better roads can lead to more cars, more congestion, more pollution and a lack of sustainability in the strategy — that is a danger.

Significant spending on road improvements must be accompanied by traffic management measures, which are referred to in the strategy. However, that applies more in the context of raising revenue than in controlling and shaping transport demand and need. Traffic management must be complemented by the simultaneous provision of more available and acceptable public transport services if we are to have a sustainable transport system.

There are lessons to learn from Europe. Several cities there, which the Committee visited, were held up as having good transport systems, and they have several things in common. They have transport policies and strategies characterised by measures, not to curtail car use per se, but to curtail car use in urban areas, and thus, promote and facilitate public transport. Unpopular measures such as the reduced availability of car parking, increased car-parking charges and congestion charges are complemented by the provision of an attractive, competitive and viable transport system. However, if we are to have a sustainable transport system, substantial investment in road improvement must be accompanied by traffic management measures and an improvement in public transport services.

The regional transportation strategy may be the single most important document in its potential impact on health. Page 11 refers to the health impact assessment as one of the reports that informed the development of the strategy. The health impact assessment was carried out

on the basis of the proposed strategy, which was published in February this year. How much has it informed the development of the regional transportation strategy? Consideration should have been given to the potential health impact at an earlier stage in the consultation on the strategy, rather than when the strategy had already been developed.

The health impact assessment lists some of the areas likely to be affected by the regional transportation strategy. For example, it has the potential to reduce air pollution and noise in urban areas. It attributes those potential benefits to bypasses that will divert traffic around towns, so that fewer vehicles will travel through urban areas. Serious consideration should be given to a quantitative comparison of that with potential air quality improvements that result from reduced car and greater public transport use.

There are obvious benefits in the strategy with increased facilities for cycling and walking, which have an immediate impact on the health of people who cycle and walk. However, the health impact assessment did not really address access to health services. There are references to improving access to general health and education services, but no specific focus on ambulance or car journey times to accident-and-emergency services and hospitals. That is very relevant in rural areas, such as my constituency of Newry and Armagh, and Fermanagh, Tyrone, south Derry, south Down and parts of Antrim — especially in the light of recent discussion about the location of future hospitals. The assessment should have placed greater emphasis on access to health services.

Finally, the strategy is based on enhanced funding, a significant proportion of which is likely to come from private sources: £300 million over the next 10 years. I repeat my comment from a previous debate on the strategy: acceptance of the strategy does not mean that the Assembly is writing a blank cheque for public-private partnerships (PPPs) or other private investors. Any PPP initiative on transport will have to be assessed on its merits and only when the Assembly has seen a detailed proposal of an initiative, including initial costs, short-term costs, long-term costs and the short- and long-term impact on Government spending.

I support the motion, but with reservations. Go raibh maith agat.

**Mr Ford:** I too apologise to the Minister for my absence during his introduction. Unfortunately, my car got through the city like a Translink timetable, while the Minister's timetable was like that of the new trains on the Bleach Green line.

Members are asked to approve the broad thrust of the strategy. The motion is remarkably vague, which enables us to say that it is good in parts. It is certainly a great improvement on what went before — there was no



strategy, and little was done to address the transport problems of the regions, so it is not much of a tribute to the Minister to say that this is an improvement.

I want to welcome several general points, such as the promotion of walking and cycling, which have never been properly recognised here. The work that the Minister has done and continues to do to upgrade the rail system and the announcement of an advisory body to recognise the needs of transport users are steps forward.

I welcome the allocation of £12 million for the Knockmore railway line, though there was a caveat at the end of it, which the Minister knows I will appreciate from a constituency point of view. Having criticised him in February on what might be regarded as a rapid transport network, but at that stage consisted of the Comber line only, I welcome its extension.

However, I still have concerns. My principal concern is the limited provision of funding for public as opposed to private transport — 35% in total. I noticed in a recent briefing paper that Friends of the Earth, which may have a radical reputation on such matters, thought that funding for public transport should be 65% — dangerous radicals. However, the GB 10-year transport plan drawn up by the Department of the Environment, Transport and the Regions said that funding should be 59%, which is not far behind. Belfast City Council has suggested 50%. Clearly, there is still a difference between the Department's plans for the overall balance in the region and what others with experience elsewhere are suggesting.

I acknowledge, and acknowledged even before I heard the Minister muttering, that there are issues in rural areas that make it difficult to manage public transport. There must be a different way of addressing those problems.

I will not list every rural district, though some people would probably wish me to. However, one issue is not being addressed. There are major transport problems in the Belfast commuter region, which appears to include places such as Ballymena and Downpatrick, and probably Dungannon. That is where public transport investment is desperately needed. I am concerned that, although there are significant improvements in the proposals, they do not go far enough.

The Minister will be happy to be reminded of problems in another jurisdiction. Dublin's economic development way surpassed investment in public transport, with the result that the city is gridlocked. That problem will continue because there is only one decent commuter rail line, the Dublin Area Rapid Transport (DART). If we are to welcome a "BART", it must be more than just one line through the city, and probably more than the two lines that are being proposed.

There is a problem with the balance between the provision of public and private transport. There is also a problem with the split between the public and private

sectors in providing finance. Too much investment for public transport seems to depend on money being raised in the private finance market. In the February proposals, £160 million of public transport investment expenditure was to come from the private sector, as opposed to £40 million on roads. That has now been balanced to approximately £150 million for each of them.

The public transport sector will receive only one third of the total expenditure, but that still means that the proportion of finance coming from the uncertain private finance market is twice as high. If private finance is not forthcoming, major holes will be bored through important sections of the strategy.

The figure of 35% has remained fairly static since the February proposals. That includes £100 million for the rapid transit network, although there is no information about where that funding will come from. I hope that the Minister, in his wind-up speech, will refer to that. If nothing happens because the funding is not forthcoming, it will be detrimental to Belfast transport and will lower the 35% figure for public transport investment. It will be even less than the February proposals, in spite of many groups lobbying on the need to increase that figure.

I have seen amounts described as "indicative" figures, but £100 million is about as indicative as one can get. I presume that it means a figure somewhere between £50 million and £150 million. That figure is too vague for such an important strategy.

The strategy has shifted the balance towards public transport. However, there are concerns about environmental matters, some of which are outlined in the strategy and include inner-city parking and inner-city pollution. Moreover, approximately 50% of Belfast households do not have access to a private car; the highest percentage in the region. Although the strategy may address short-term needs, it may become unsustainable with regard to the local environment and international obligations.

Many individual road schemes will be welcomed, and many are deemed necessary by local people. However, do those projects represent value for money? Yesterday, the First Minister and the Deputy First Minister announced an investment of £5 million for widening the M1. I am not sure how many metres £5 million will buy, but I suspect that it is not very many, especially in a road-widening scheme. I wonder whether it will simply amount to spending a large sum of money to move the traffic jam from Stockman's Lane to Broadway every morning. Would it not be more beneficial to invest an equivalent sum for the provision of public transport?

The rapid transit network in Belfast, the developments along the principal routes on railways, and the development of local bus services in several regional towns — which was not mentioned — will have much more significant



cost benefits than will some of the potential proposals for roads that are included.

2.45 pm

I shall become a little parochial, since everyone else has done so. The Minister referred, quite properly, to the potential investment in the Knockmore railway line. It is somewhat worrying that a document that purports to contain a strategy for the next 10 years fails to explore the issue of the Knockmore railway line in the context of the airport, and services there, or in the context of his Department's own strategy, which sees significant population developments in Antrim, Lisburn and the commuter villages to the north and west of Belfast. I do not see how that can be addressed without regarding the Knockmore line as an integral part of the "circle line", as Translink has termed it.

Similarly, the proposals for work around Sandyknowes are necessary to some extent. However, we cannot solve the commuter problems from the north simply by tinkering with Sandyknowes and the M2 as it comes down the hill. An interchange at Ballymartin, for example, would get commuters out of their cars and onto a rapid transit system, travelling rather more quickly and comfortably into Belfast and with much less environmental damage. That is surely something to be considered, especially given the difficulties of establishing a station in Templepatrick village.

This strategy has begun to make considerable inroads into the non-strategy of direct rule, in which nearly 100% of funding went to roads, except for the minimal grants given to Translink to maintain services. However, I have my doubts as to whether it is enough. We have yet to ensure that there are appropriate levels of funding, and appropriate methods of raising funding, for all aspects of transport, especially public transport. We have yet to tackle the real issues — such as congestion charging, which must be faced soon — as we follow improvements in public transport with the measures necessary to ensure that Belfast gridlock does not loom ahead of us every two or three years.

I look forward to the publication of the Minister's next strategy, which should, perhaps, be for 2007-17. We can then address some of those difficult issues and complete the start that has been made today.

**Ms Morrice:** I read the new document following the consultation with great interest. I like the description of it as a "daughter document" of the regional development strategy. I had not heard that description before, and I like it. Unfortunately, that is where my compliments end.

When the last document was published, the most important point that I made was that the mission statement aimed

"To have a modern, sustainable, safe transportation system".

I ask that that be changed to make safety the priority. Change it to

"To have a safe, modern, sustainable transportation system".

**Mr P Robinson:** I can hardly change it; it is a quotation from the regional development strategy, which was passed unanimously by this House.

**Ms Morrice:** I thank the Minister for explaining that. However, it does not mean that he, as the Minister, cannot make safety a higher priority than previously. That is what I ask.

The reason for changing the mission statement would be to put safety first. It is not just about changing a title; it is about what we were told in the Public Accounts Committee, when officials from the Department for Regional Development complained about accidents on our roads, road deaths and the costs. The Department told us that road safety would be the first priority. For that reason I ask that safety be put first in the mission statement. I am sorry that that was not done.

However, I am not simply talking about a title. I am talking about the content of this document. I do not see road safety anywhere in the priority list. Let me turn to pages 28 and 29, which are no different to the equivalent pages in the February document. Fair enough: the pages describe the problems, and describe them very well. We have twice as many accident deaths on our roads as there are in England or Wales. The number of deaths per 100,000 of population is 10.1 in Northern Ireland; in Scotland, it is 6.4. The problems remain and they are well highlighted, but I cannot see anything in the document that states what we are planning to do about them.

The strategy contains a slight change from the proposal. We are told that the road safety strategy, which takes account of the responses to the consultation document, will

"reduce road traffic collisions and casualties. The Strategy is expected to be published by summer 2002".

I know that it is raining a lot, but I believe we are in the summer of 2002 — and I ain't seen no road safety strategy emerge in this Assembly. That may be the result of buck passing; perhaps the strategy is the responsibility of the Department of the Environment, but —

**Mr P Robinson:** Is the summer over?

**Ms Morrice:** The summer is not over, but the Assembly will be in recess and I would have liked the opportunity to question the road safety aspect of the regional transportation strategy. Therefore, it is a pity that it was not published sooner.

We are being told that responsibility may be handed over to the Department of the Environment — but this is the regional transportation strategy for Northern Ireland. The attitude is, "Road safety? Ach, we'll wait and see what the Department of the Environment does — when it eventually comes forward with its strategy." Come on

folks — what is the priority? This is about road safety and cutting down the number of deaths. We have 150 deaths on our roads each year, and it costs the economy £450 million a year.

We are all talking about where we will find the money for these things. I repeat what I said in February; 150 road deaths each year costs us £450 million a year. All we have to do is cut that number by 20% or by 50%; and if we prioritised that action, we could achieve it. The important question that I want to ask the Minister today is; where in the document are the targets for cutting deaths on our roads? What are those targets and when will they be achieved?

**Mr P Robinson:** It is the responsibility of the Department of the Environment.

**Ms Morrice:** That is buck-passing. Come on — we are talking about deaths on our roads.

**Mr McFarland:** What percentage of road deaths is directly related to alcohol? It would be interesting to determine whether road deaths are due to the roads or whether they are due to a social problem. Surely the Member is not suggesting that alcohol be banned.

**Ms Morrice:** During an Adjournment debate on the Bangor to Belfast dual carriageway, the Minister said that accidents are not the fault of roads; they are the fault of the drivers. I dispute that — they are the fault of both.

There is no question that excessive speed is involved; there is no question that drink is involved; there is no question that young men aged 17 to 25 are out joyriding — speeding — on our roads. There is no question that it is a social issue. However, there is a roads issue too. Why, for example, are there more deaths on the Bangor to Belfast road than there are on the road from Newtownards to Belfast? It is because the Belfast to Bangor road encourages speeding.

I accept that there are social problems, but there are problems with roads also. The people in charge of those roads must wake up to that reality before they find themselves in court.

If we wish to reduce road accidents, we must provide adequate funding to improve public transport. However, the need for more investment in public transport and less investment in our roads was not properly recognised in the funding split. Some 63% of funding is spent on our roads and 32% is spent on our public transport. — *[Interruption]*.

I would love to be corrected if my figures are wrong, but I am sure that the Minister will have the opportunity to do so in his closing remarks.

Not only does the funding split encourage less use of cars, but in situations in which money is not guaranteed, public transport investment will be hit rather than roads investment. Mr Ford made that point accurately.

**Mr Hussey:** Does the Member admit that in certain areas of Northern Ireland public transport depends on roads?

**Ms Morrice:** There is no question about that. I accept the Member's point, because the funding split is 63% to 32% in favour of funding for roads. There is no doubt that roads need to be improved so that buses can be driven on them, but the difference between here and the rest of the UK does not have to be so great. I gave Mr A Maginness the figures: we spend £16 a person on public transport, and the equivalent in the rest of the UK is £73 for each person. There are rural communities in England as well. There is no doubt that roads there need to be improved, but not to such an extent.

Mr Ford made the point that the Executive will look to the private sector to fund the public transport system, while the taxpayer continues to fund roads. That is the case despite the fact that 30% of households in Northern Ireland do not have a car — a figure that rises to 50% in Belfast. That the taxpayer pays for roads while the private sector pays for public transport is unacceptable.

I shall move on to —

**Mr P Robinson:** Did the Member not read the document?

**Ms Morrice:** Does the Minister want me to give way?

**Mr P Robinson:** I would love the Member to give way.

If the Member wishes to speak on a debate, it would be helpful if she were to read the document. She would not then come out with such inaccuracies or try to peddle something that is clearly not in the strategy.

**Ms Morrice:** The Minister is very well aware that I read this document and its predecessor from beginning to end, and that is what annoys him. If he wants to look at the lines that I have underlined and against which I have written, "Wrong, wrong, wrong", I shall pass him my document later so that he can see. Furthermore, if I have given some incorrect figures, I would appreciate it if the Minister would correct those in his closing remarks.

In discussing accessible transport I shall praise the Omnibus Partnership's work. That organisation operates a service in the Bangor and Groomsport area. I hope that the Minister is aware of that pilot project's superb work. It has produced a list of recommendations about moving the service into the Ards area, and one such recommendation is that the strategy should:

"Introduce Easibus Services to Ulsterbus' other depots, enabling Northern Ireland's quarter of a million disabled people to reach public buildings and places of work, which should be accessible, by then."

That group's target date is 2004, and I should like to see that mentioned in the regional transportation strategy.

I know that I have almost used my time, but I wish to talk about my vision. I do not know whether Members

have a moment to close their eyes and think of what they would like. I would like to be able to get on the Bangor train, to buy the cappuccino that I have smelt from the smiling man with the trolley, to sit back with my 'News Letter', 'The Irish News' or whatever, and arrive in Belfast on time, well fed, well read and ready to go home on the same train. That is what people want. That is a wonderful vision. If it is good enough for the Spanish, the Portuguese and the Italians, it is good enough for the Northern Irish.

**Mr Deputy Speaker:** It is unfortunate that I must limit each remaining contribution to five minutes.

**Mr Byrne:** I am disappointed that we are allowed only five minutes. As the Member who began the whole process by tabling a motion on transport on 27 June 2000, I am somewhat aggrieved.

**Rev Dr William McCrea:** Some of us are not getting a chance to speak.

**Mr Byrne:** I accept that. I thank the Minister for tabling the motion and congratulate him on providing the House with an opportunity to debate the 10-year regional transportation strategy.

3.00 pm

I welcome the overall objective to develop a modern, sustainable and safe transport system. A key priority is to increase investment in public transport, and that is desirable in that it will improve people's quality of life perspective and the environment. It is good to do something about traffic congestion.

I place on record my appreciation and that of the Committee of the departmental officials, who administered an inclusive consultation exercise. The strategy is progressive and comprehensive, and I recognise the merits of GOMMMS (guidance on the methodology for multi-modal studies).

There is not sufficient consideration to cross-border transport development in the document. It is not good enough just to have an eastern corridor such as the successful Belfast to Dublin railway line and the recently announced capital investment for the A1 from Newry to Dundalk. There is a great need for comprehensive cross-border transport development from Derry to Newry, and particularly for the western and southern parts of the region. It is not good enough to develop a transport strategy for Northern Ireland in isolation from the rest of the island.

Public transport is a key priority but, unfortunately, we have a limited rail network with the Derry to Belfast line, the Larne to Belfast line, the Belfast to Bangor line, and the Dublin to Belfast line. Beyond that, in Counties Fermanagh and Tyrone there are only roads. There is an emphasis on public transport and on increasing investment in buses, but we have a de facto speed limit of 45 miles

an hour on our two trans-European network (TENS) roadways — the A4 and the A5. I welcome the proposed dual carriageway from the end of the M1 to the Ballygawley roundabout. I also welcome increased investment in bypasses, but in my area of west Tyrone and the west generally, the A4 and A5 are the only transport means. When it comes to implementing the strategy, I hope that we will see some front-end loading of capital investment for them.

**Mr Hussey:** I apologise for interrupting Mr Byrne, as I know he is time-bound. The Minister knows what is coming, but does Mr Byrne agree that the aim should be to convert all key transport corridors into dual carriageways? Section 8.5.6 of the strategy states that

"Further consideration will be given to arrangements for the timely development of a second RTS that would potentially cover the 10-year period post 2012."

Any preparation work on key transport corridors should be done with that aim in mind.

**Mr Byrne:** I agree with Mr Hussey. A regional development strategy should look at a 25-year development plan, but this strategy looks only 10 years ahead, and a key objective should be to make all trans-European network roads — and there are only four in Northern Ireland — into dual carriageway.

I welcome the increased investment in rail transport and, in particular, for a demand-responsive transport system for Belfast, but a key consideration will be how to increase the number of rail customers.

**The Deputy Chairperson of the Committee for Regional Development (Mr McFarland):** I welcome the regional transportation strategy. I thank the Minister and, in particular, the departmental officials for their co-operation with the Committee during the design of the strategy. They listened to the Committee's suggestions and reacted very quickly, and I am most impressed with their co-operation.

I do not wish to discuss all the points made today, but I would like to highlight some key issues. The strategy is a visionary document. It is a dream, and it has come under some criticism because it looks far into the future. That is important, however, because we need a clear idea of where we are going and what we are trying to achieve. For the first time, this strategy and the regional development strategy seek to provide that.

I particularly welcome the detail on the commuter system for the Belfast metropolitan area. My Colleague for North Down Ms Morrice mentioned the Belfast to Bangor line. It is good to see that the line will be completed shortly, if it is not already, and we welcome the new trains that will arrive next year. That will provide us with a state-of-the-art commuter system. At that stage, we can judge whether it will be possible to get people out of their cars and onto the railway system.



There is a 25-year plan for the rapid transit system. Some of my Colleagues seem to have misunderstood that slightly. This is a longer-term plan than that for the Belfast commuter system and the railways.

In rural areas, it is important to free up the roads that Mr Byrne has been talking about — they are appalling. I spent last week in Tyrone, and even I was shocked, not having been there for a while. We must consider how freight is to be transported around these areas, and how ambulances and others are to get people to hospital along these roads.

**Mr O'Neill:** Does Mr McFarland support the call of Members from my area for a bypass at Ballynahinch? That is a very important item on our list of infrastructure needs.

**Mr McFarland:** Yes. Mr Byrne made the point already that the trans-European network routes — the fast routes — need to be made dual carriageways. I hope that the Minister heard those remarks.

The document mentions a local transportation plan, which is important. There is no point in providing free transport for the elderly, particularly in rural areas, if there is no transport for them to travel on.

What are the Minister's thoughts on, for example, increasing rates or introducing road tolls to help to pay for the strategy?

The process that we have gone through with the railway task force, the regional development strategy and the regional transportation strategy will be seen as a model for the way in which strategy development should take place. Other Departments should look at how it was done.

This is a broad and visionary strategy. The Committee will wish to monitor it closely and have an input once the detailed plans begin to emerge.

**Mr Morrow:** I share Mr Byrne's views about those who live in the west and the limiting of time at the end of the debate. Mr Deputy Speaker, that is not a criticism of you. For those who live in the west, trainspotting takes on a completely new meaning. People need to live there to fully understand and appreciate that.

We would like to bring much to the Minister's attention today, but time does not permit us to address everything. However, we will try to draw attention to some of the more prevalent issues that are very real for those of us who live in the west. The designation of the A29 road from Newry to Coleraine as a key transport corridor is vital. It has the potential to impact on the growth of places such as Armagh, Dungannon, Cookstown, and, of course, Magherafelt.

**Rev Dr William McCrea:** I sincerely welcome the statement about the growth potential of Dungannon, Cookstown and Magherafelt as a result of the designation

of the A29. However, surely for the growth to occur it is imperative that work on the Magherafelt bypass, the Cookstown eastern distributor and the realignment of the Carland Bridge commence early in the 10-year programme. That will complement the Minister's excellent work in getting the Toomebridge bypass started.

**Mr Morrow:** I thank the Member for that point; I could not have made it half so well. I see the significance of his point and accept it fully. I am sure that it will not go unnoticed by the Minister. The A29 Newry to Coleraine road, which opens up the west to the east, has the potential to do what Rev Dr McCrea said; it can also ease congestion in the Greater Belfast area. It can boost tourism in Fermanagh and in south Tyrone and in the areas that Rev Dr McCrea mentioned.

A recent survey showed that traffic on the A4, the Dungannon to Ballygawley roundabout road, had increased by two and a half times more than that on any other key transport corridor. Two bypasses are listed, but the A4 and A5 are not mentioned. I impress this on the Minister because it is vital. I accept that we need dual carriageways. In the past, the west was the poor relation as regards transport. We have never had a comprehensive strategy for transport, and I hope that the opportunity to incorporate it will not be missed. When the strategy is implemented I hope that the west gets its dues.

I listened attentively to Ms Morrice. I will not quote from the transportation vision again, but I know she says that safety comes first. I can easily live with that transportation vision. If this is a mission statement by the Department, then I feel it is right and proper. I encourage the Department to get on with it.

Finance must be made available for the A29 bypass at Dungannon urgently; it must be incorporated into the scheme. Dungannon is chock-a-block with through traffic; it is a trap. Traffic cannot get round Dungannon, and facilities must be put in place to ease congestion. Per capita, the use of cars is higher in rural areas in the west, because the east enjoys better roads, rail and accessibility. That is a relevant point.

I apologise to the Minister for not waiting for his reply — another Committee beckons.

**Mr P Robinson:** Every Member who had read the report gave it a broad endorsement, for which I am grateful. It seemed to me that all the quotations with which Ms Morrice sprinkled her speech came from the proposed regional transportation strategy, rather than the one that I am asking support for today.

I wish to record my personal appreciation to those who have been central in developing Northern Ireland's first regional transportation strategy. First, Dr Malcolm McKibbin who so ably led the entire process since the early months of 2000. He and his colleagues in the regional transportation strategy division have been



exemplary in assisting me to develop the strategy. They demonstrated the professionalism, skills and expertise that epitomise all that is best in the public sector. Their dedication, talent, energy and ideas have been pivotal to the success of the process. A special word of appreciation also goes to Mrs Aileen Gault, who replaced Dr McKibbin as acting director of the regional transportation strategy division earlier this year.

3.15 pm

I also want to record my appreciation of the Department's technical advisor, Dr Denvil Coombe, and the members of the independent panel of experts whose advice was invaluable in helping to develop and shape the strategy: Prof David Begg, Mr Stephen Kingon, Mr David Lock and Prof Austin Smyth. I also very much appreciate the contribution of Mrs Joan Whiteside, chairperson of the General Consumer Council for Northern Ireland, who worked with the panel.

I want to respond to some specific points that were raised during the debate. If I had another eight hours instead of eight minutes, I might be able to cover them all. In the absence of time, I am sure that Members will accept a written response if I cannot cover the points they raised.

I thank the Chairperson of the Committee for Regional Development, Mr Alban Maginness, who indicated his support for the strategy's underlying principles. I also thank him for the work that he and his Committee put into the earlier stages of the strategy's formulation. I share his conviction that the plan is deliverable. It is ambitious, but we can achieve the goals that it has set. I welcome his call for transport infrastructure to remain one of the Government's top priorities. I note his disappointment about yesterday's allocation of reinvestment and reform initiative funding. Twenty-five per cent of that went to my Department, and we probably have approximately 40% of the infrastructure backlog, so we might have hoped for more. However, like Mr Maginness, I am somewhat content that the £40 million that was promised earlier for the trans-European network route still stands.

Mr Maginness was right to highlight the need for balance. Several Members referred to that. It may be worth pointing out the true figure, as identified on page 69, for Ms Morrice — 35% has been allocated to public transport. It may also be worth pointing out to Mr Ford that the strategy provides an average annual spend on public transport of almost four times the historical spending level. The strategy provides £123 million. The reference case was £60 million a year. Thirty-five per cent of the total funding is for public transport, as opposed to the existing spend of 16%, a figure that everyone remembers my quoting. The proposed strategy increased that to 32%, and the final strategy brings it up to 35%. Forty-six per cent of the additional funding is

for public transport, as opposed to 51% for roads. I hope that Ms Morrice heard that while she was sucking her pen. That is a significant figure.

To those Members who are looking at the issue of balance, more than 50% of the funding for highways will be for maintenance. Clearly the strategy focuses its roads' spending on initiatives that will restrain any increase in car dependency, and it seeks to improve the existing network. I remind Ms Morrice that the purpose of maintenance is to prevent accidents. "Safety first" are the watchwords. I would have thought that rather than degrade the money spent on roads under the strategy, Members would have welcomed it.

I do not expect to have rose petals strewn in my path by Ms Morrice, but I would have hoped that it would be recognised that we were taking account of issues raised in the past. If Ms Morrice looks at the document, she will see that it envisages a 2% reduction in accidents over the term of the strategy due to additional funding initiatives. That reduction would be a significant achievement, as it would come at a time when the number of vehicles on our roads will probably increase by 20%.

The references made by Mr Birnie show a lack of knowledge of the position of the Democratic Unionist Party. The strategy introduced today stands, whether the Assembly stands or falls. It is sufficiently robust to be able to cope even with direct rule Ministers. It would certainly be capable of living under the improved devolution that would come through the Democratic Unionist Party's proposals — *[Interruption]*.

**Mr Deputy Speaker:** Order. The Minister has only a few moments left.

**Mr P Robinson:** There are dedicated officials determined to deliver on the strategy, and they will be there even if the failed and failing process signed up to by Mr Birnie lives or is improved.

He also raised the issues of decriminalisation and parking. That has come to the fore because the Police Service has said that it is not prepared to continue to police those issues. We must have primary legislation in place, and we will move forward with that quickly. It is not a matter that is parked: we are running with it and intend to deal with it as soon as we can.

Mr Roger Hutchinson will want to look at page 78 of his copy of the strategy, where he will see in the illustrative scheme that there is reference to the Shore Road and to Greenisland, so the A2 is mentioned. I welcome his support for the strategy. I liked his remark that the rapid transit scheme would send out the message that Belfast is a modern, dynamic city.

He also mentioned traffic-calming measures — and that is one of the most popular products I have.

**Ms Morrice:** Hear, hear.

**Mr P Robinson:** That “Hear, hear” from the Member for North Down shows that she endorses the massive increase in the strategy in funding for traffic calming.

Mr McNamee asked about contacts with the authorities in the Republic of Ireland. We are ahead of the Republic of Ireland, as it has not completed its regional development strategy. However, I recall making an early decision to permit one of my officials to assist the Republic of Ireland in preparing its regional development strategy.

There is ongoing consultation and contact with the Department of Public Enterprise and the National Roads Authority. I met an official from the Irish Republic for lunch yesterday to discuss private sector funding and his experience of tolling. The chief executive of the Roads Service met the chief executive of the National Roads Authority last month. We are happy to give advice and be advised, and that can be used in the process.

Health issues were raised. The health impact assessment was a pilot scheme. We were happy to take it up and run with it. As far as the Department of Health is concerned, it was something of an experiment to see how the process ran, and I hope that it has been useful. That was not the first time that we starting looking at the health impact of the strategy. That is a feature of the guidance on the methodology for multi-modal studies that were carried out. The health impact was assessed from the beginning of the process.

You have been patient, Mr Deputy Speaker, in allowing me to go slightly over the time allotted. The regional transportation strategy provides a positive way forward and will allow Northern Ireland to have the advantages of the rest of the British Isles. It is true that more money goes into public transport and roads in the Republic of Ireland and on the British mainland than in Northern Ireland. We have a long way to catch up, and this is the beginning. The strategy represents a 64% increase in expenditure in the roads and transport budget. That is a good starting point, which I hope the House will support.

*Question put and agreed to.*

*Resolved:*

That this Assembly approves the strategic direction and underlying principles of the Regional Transportation Strategy for Northern Ireland, 2002-12.

## **WATER RESOURCE STRATEGY 2002-2030**

**The Minister for Regional Development (Mr P Robinson):** I beg to move

That this Assembly takes note of the Proposed Water Resource Strategy 2002-2030 Public Consultation Document.

I am pleased to bring the consultation paper on the proposed water resource strategy for 2002-30 to the Assembly. It is being issued today for public comment. The proposed strategy will provide an effective water management plan to improve the infrastructure so that it can meet increased growth in demand for high-quality drinking water up to 2030.

It is all too easy to take our water supply for granted, given the rainfall that we have in Northern Ireland. Almost half of our water comes from large impounding reservoirs in upland areas that must be replenished every year; the remainder comes from loughs and rivers. The below-average rainfall last autumn seriously depleted the Silent Valley reservoirs in the Mourne, threatening the water supply to County Down and Belfast.

Unlike the rest of the population, Water Service engineers have been happy with the prolonged rainfall of the past few months. This has filled the reservoirs, and I am now confident that there will be no supply difficulties this year. Members will be pleased to hear me say that, because many blamed me for having started the rainfall after my statement several months ago.

That threat to the security of our water supply emphasises the need to plan prudently to ensure that water will always be available to meet customers' need. However, effective water management depends not simply on the amount of rain that falls, but also on where and when it does so. Although those factors are beyond our control, we can control how much water we impound in reservoirs in upland areas and how much we abstract from loughs and rivers.

Management of water requires long-term planning. The Water Service must take steps now to increase the supply of water to ensure that future generations will have enough clean water when they turn on the tap. Over the years, the Water Service has developed and implemented strategies designed to meet the ever-growing demand for household, agricultural and industrial water.

The regional development strategy has established the context within which all development will take place. It envisages considerable development. Ten thousand new homes were built last year; all require a water supply. At present, the demand for water stands at about 740 megalitres a day. The strategy estimates that demand will increase by 150 megalitres a day by 2030. That is an increase of just over 20%.

The proposals in the water resource strategy are innovative and far-reaching.

The strategy is built on existing foundations for a cost-effective water supply system that will deliver high-quality water to an increasing population up to and beyond 2030.

3.30 pm

The strategy is simple and logical. It proposes a twin-track approach to reduce leakage and to rationalise and upgrade the supply system. It confirms the important role that Lough Neagh and upland reservoirs play in meeting water demands. The strategy also highlights the need for the rationalisation of many smaller sources. These are becoming increasingly uneconomic due to the need to meet current EU quality standards for drinking water.

*(Mr Deputy Speaker [Mr J Wilson] in the Chair)*

There is also a need to plan for uncertainties in supply due to future variations in rainfall patterns arising from climatic change. The strategy proposes that efforts and resources are concentrated on those sources that can meet our water needs most cost-effectively.

A further key strand of the strategy is to implement processes to improve the already high quality of water supplied to customers. This is to meet increasingly stringent European legislative requirements that must be implemented in the next three to five years. That is a priority issue in the strategy, and the costs of upgrading water treatment works have been incorporated into the proposals.

All of that comes at a price, and the Water Service faces a financial challenge to implement improvements in the designated timescales. However, doing nothing is not an option. The population will continue to grow and there will be an ever-increasing demand for high-quality water. The water resource strategy also recognises that water lost through leakage creates extra demand. Almost 25,000 kilometres of ageing water mains deliver water to customers in Northern Ireland. It is inevitable that a proportion of water carried through the system will be lost. Increased leakage measures can ensure that the volume of water lost through leakage can be reduced further. The strategy recommends that active leakage management will play a key role in meeting the increased demand for water.

The Water Service has been engaged in a major programme of proactive leakage controls since 1992. To further strengthen that programme, £25 million will be invested over the next four years to reduce leakage through the detection and repair of leaks and bursts. The aim is to reduce leakage to an economic level of 180 megalitres a day by 2006. Although water usage will reduce by 2006, the increase in population will require that additional water be made available in the future.

The additional demand for high-quality water can be met by increasing the supply available from specific sources. Lough Neagh, the largest single source of drinking water, supplies mainly the eastern part of Northern Ireland. It will continue to play a pivotal role in the water resource strategy. There are two key extraction points on the Lough — Dunore Point and Castor Bay. The Water Service also has the right to extract additional water from Lough Neagh at Hog Park Point.

The preferred programme of works was identified after an extensive examination of a wide variety of options, including that of continuing with the existing supply regime. Although the strategy must deliver value for money, the need for flexibility to move water between supply areas must be considered. The strategy must also be deliverable and acceptable to the public. The appraisal of the options included assessment of costs, value for money, rationalisation, environmental issues, climate change, land requirements, water abstraction, planning issues and flexibility of supply.

The water supply is sourced from 50 locations throughout Northern Ireland, ranging from reservoirs and rivers to small local sources including borewells. An economy of scale governs the production of water. It costs up to 10 times as much to supply each litre of water from some borewells as it does to produce the same volume from the major sources. It makes sense, therefore, to concentrate resources on those sources that can produce high volumes of water at a reasonable cost, thus providing flexibility and public acceptability.

The water resource strategy recommends that the number of sources be reduced to 31 locations, and in so doing it will give priority to the most cost-effective sources of water. The Department will then be able to maximise the output from the best sources of water and curtail usage from uneconomic ones.

By increasing the abstraction from Lough Neagh at Castor Bay and Dunore Point and undertaking extensive investment programmes at both existing water treatment works, the Water Service will be able to meet its commitment of improved quality and increased quantity. Therefore, this option will remove the need, based on current projections, to construct a new water treatment works at Hog Park Point. The strategy also proposes upgrading other major water treatment works including Fofanny bane, Ballinrees, Moyola and Derg. The rationalisation and development programme, together with new major transfer water mains, will supply quality and quantity.

The water resource strategy provides an effective water management plan, which will improve the infrastructure. It will also meet the increased growth in demand for high-quality water. The capital costs of the proposed improvements will be £260 million over the next 10 years. A significant proportion of that money is required to ensure water quality over the next four to



five years. In order to comply with European drinking water quality regulations, the urgent upgrading of several major water treatment works is required. Careful consideration will have to be given to how the massive investment programme can be met, given other competing priorities including waste water treatment, improvements to water mains and upgrading of sewer networks.

The proposals contained in the strategy are based on a professional analysis of water needs and on an extensive consultation and research process with Invest Northern Ireland, the Department of Agriculture and Rural Development and others. Water usage patterns were examined from a representative sample of more than 5,000 homes in 102 areas across Northern Ireland. The research was carried out over 18 months, and an analysis of the results has enabled the Water Service to formulate the options and to arrive at the preferred solution. The Water Service's research meets demanding water industry standards. It uses forecasting methods that comply with the requirements of the Office of Water Services, which is the water industry regulator for England and Wales. As a result, the public can have full confidence in the conclusions and the relevance of the recommendations in the strategy.

The water resource strategy is not about finding short-term, cost-cutting solutions: it is about providing water treatment works and water mains to ensure enough high-quality water for this generation and for future generations. The Water Service has a responsibility to safeguard an adequate supply of high-quality water for the future. I have highlighted some of the key issues in the consultation paper. I trust that Members and the public will agree that this issue is of vital importance to everyone in Northern Ireland. I look forward to hearing the views of Members.

**The Chairperson of the Committee for Regional Development (Mr A Maginness):** I thank the departmental officials who attended the Committee to brief Members on the proposed water resource strategy. The strategy is of great importance, as it will have a major impact on how the Water Service delivers an essential service to the whole community over the next 30 years. I welcome the extensive examination of a wide variety of options undertaken by the Department. In arriving at the preferred option, I welcome the thorough appraisal of options, which have included assessment of costs, value for money, rationalisation, environmental issues, climate change, land requirements, water abstraction, planning and flexibility of supply.

It is also reassuring to note that the proposals in the strategy are based on professional analysis of water needs and on the extensive consultation and research process with Invest Northern Ireland, the Department of Agriculture and Rural Development and others. I agree with the twin-track approach proposed in the strategy,

which is to reduce leakage and to rationalise and upgrade the supply system. It is sensible to make additional water supplies available from the most cost-effective sources and to curtail the use of uneconomic sources of water. The strategy rightly states that efforts and resources should be concentrated on the sources that can meet our water needs most cost-effectively.

I wish to return to the issue of water leakage. The findings published in the recent Northern Ireland Audit Office's report 'Water Service: Leakage Management and Water Efficiency' have concerned us all. I accept that our ageing water infrastructure contributes to leakage. However, leakage of 250 million litres a day from the distribution system, which represents 37% of water treated, is totally unacceptable.

I am pleased that the water resource strategy gives priority to active leakage management, and I welcome that the Department will be investing £25 million over the next four years to reduce that through the detection and repair of leaks and bursts.

I also welcome yesterday's announcement from the First Minister and the Deputy First Minister that, under the reinvestment and reform initiative, £5 million will be allocated for leakage reduction in the next two years. Given the level of leakage and additional funding being made available to address the problem, can the Minister clarify whether his Department's calculation of water demand over the next 30 years has taken account of reductions in water leakage? If so, have specific targets been set?

On the financing of the strategy, the Minister has stated that the capital cost of the proposed improvements will be £260 million over the next 10 years. As the Minister has stated, a significant proportion of that amount is required to meet water quality issues over the next four or five years.

A critical issue for the Department is the need to comply with European drinking water quality regulations. The Minister has stated that several major water treatment works require urgent upgrading to comply with EU regulations. Therefore it is vital that an increased level of funding is made available to the Department to avoid costly infraction proceedings against the UK Government, which ultimately would lead to reductions in the Northern Ireland block grant to offset the cost of those.

On 28 June, the Minister announced plans to invest almost £100 million in the current financial year in upgrading the water and sewerage infrastructure. That included £21 million for drinking water treatment and £30 million for improving water distribution networks. That investment is to be welcomed.

The First Minister and the Deputy First Minister also announced yesterday that, under the reinvestment and reform initiative, £18 million will be allocated for water



mains and sewers in the next two years. Although that funding is to be welcomed, it was disappointing to note that out of the budget of £270 million, the Water Service was allocated £23 million, which is only 8.5% of the total allocation. Underfunding will remain a major challenge for the Water Service.

It is to be welcomed, however, that the Minister is examining other means of addressing the deficits, with consideration being given to additional funding and the use of private finance. It would be helpful if the Minister could outline his policy proposals for new funding mechanisms.

Another issue of concern to the Regional Development Committee is that an estimated 829 properties in Northern Ireland are still not connected to the mains water supply. Can the Minister tell us how the water resource strategy will seek to reduce the number of homes without mains water supply, and whether targets have been set for that?

I welcome the public consultation paper on the proposed water strategy. The Regional Development Committee looks forward to examining the consultation document in detail over the next three months.

3.45 pm

**The Deputy Chairperson of the Committee for Regional Development (Mr McFarland):** I welcome the water resource strategy. The sad state of Northern Ireland's water and sewerage systems is well known. It has been a regular topic of debate in the Chamber in the past three years.

Some Departments have flexibility. If they put off action for six months or a year, it does not have a massive impact. However, there is now little leeway left in the provision of quality water if Northern Ireland is to meet EU standards. That has led to the development of this strategy.

I want to comment briefly on leakage. An issue that I found interesting when the Committee was briefed was the introduction of water metering on water rings in order to identify more clearly where the leaks are. The system was unavailable for a long time, so it was hard to tell where water was disappearing. If Water Service introduces a system of those meters, it will be possible to tie down more tightly where the bulk of water is disappearing.

I also support developers' contributions towards the installation of water in new houses. Indeed, any new estate should have a system of water meters in order to identify the exact location of burst pipes from which water is leaking, so that they can be fixed quickly.

I agree with the Chairperson of the Committee for Regional Development, Mr Maginness, about funding. The Committee visited Welsh Water and was quite

impressed with the concept of bonds as a means of securing extra money. I sense that extra funding for this particular project will not come from the reinvestment and reform initiative. The interesting thing about Welsh Water is that it has a revenue stream. Money is being produced, so it is able to borrow and use substantial private finance to deal with problems and issues quickly.

Will the Minister share his thoughts on the possibility of obtaining similar finance, with a revenue stream, so that the problems of Northern Ireland's water and sewerage infrastructure can be sorted out sooner rather than later?

**Mr McNamee:** Go raibh maith agat, a LeasCheann Comhairle. I will not repeat what the Chairperson and the Deputy Chairperson of the Committee have said.

The Committee has spoken to and questioned the Minister's officials. However, a couple of issues have arisen since the Committee considered the document. The first relates to the computer simulation model that was used as the basis on which to predict water demand and to model the management of water production. The water resource strategy states that the model is based on a water resource management package. It says that the information that is fed into that package should be gathered over a long period. It recognises that few records of flow, and none of reservoir inflow, from before 1970 are available. That will limit the robustness of the model's predictions of rainfall and demand.

I say that in the context of the short-term climatic abnormalities that Northern Ireland has experienced and which the Minister referred to earlier. In the past three months, Northern Ireland has had the heaviest rainfall since 1960. Last September, October, November and December had the lowest rainfall for that four-month period for many years, which raised concerns about reservoir levels over Christmas and the new year. Given the significantly high levels of rainfall in the past three months, is the Minister confident that the computer simulation model, which is based on limited records, will be robust enough to deal with potential short-term climatic changes — or, indeed, the long-term climatic changes that scientists advise us of? If not, does the strategy have any contingency plans to deal with climatic abnormalities?

My second point relates to sources of water. Page 4 of the water resource strategy states that only 6% of our water is sourced from rivers. Given the abundance of rivers in this part of the land, is such a small amount of water extracted from our rivers because it is more costly and less economically viable than other sources, or is it because of the poor quality of the water in our rivers due to pollution?

My third question relates to increased extraction from loughs. Lough Neagh has been mentioned in that respect. I am also concerned about increased extraction

from Camlough Lake, which is in my constituency. Has the Minister any concerns about the environmental impact of, or the loss of amenity of leisure facilities due to increased extraction from loughs?

I do not intend to put the Minister on the spot with my final point. The future funding of water infrastructure spending has been highlighted in the water resource strategy. Does he intend to consider or propose the separation of water costs? Since devolution, rates have gone into the general block budget. Prior to that, rates were associated with the provision of services, including water. I am not trying to catch the Minister out, but will he consider or propose water charges based on consumption, either estimated or metered, and the cost of delivering water to consumers? Go raibh maith agat, a LeasCheann Comhairle.

**Mr P Robinson:** I am grateful to the Members who have taken part in the debate and will try to respond to their points. I will respond in writing to those that are not covered.

The Chairperson of the Committee for Regional Development asked whether the calculation of water demand over the next 30 years had taken account of reductions in water due to leakage. I confirm that the calculation is predicated on the basis of the targets to reduce leakage, as set out in the strategy, being met. The aim is to reduce leakage to an economic level of 180 megalitres by 2006.

He also rightly drew attention to the importance of funding, a point that the Deputy Chairperson, Mr McFarland, also raised. I put on record my condolences to the Deputy Chairperson on the recent loss of his father. Those of us who have walked that path will know just what measure of anguish that can cause in a household. I was in Derg on the day of the funeral; otherwise I would have been present.

On the issue of funding, I said that there would be a requirement for an additional £260 million over the next 10 years. That is a fairly significant amount of money.

Let me take those issues together with the point about charging. I was somewhat disturbed, mainly by the reaction of the press, when the reinvestment and reform initiative was announced. Figures were bandied about which, if anything, frightened the public. They were inaccurate, but they were sucked into the ether and taken as the truth. In fact, over a 10-year period there can be stepped increases. Not all the increases required for infrastructure must come from the reinvestment and reform initiative and so require an additional stream of funding. Over recent weeks my officials carried out exercises in the Roads Service and the Water Service to identify how to deal with required additional funding. Members heard about that in the context of roads and transport during the earlier debate on the transportation strategy: only £0.4 billion of the £1.4 billion required by

the Department for additional funding will come from the reinvestment and reform initiative.

Members will also note that the most significant portion of funding for the water resource strategy over the 10-year period will come from bundling several schemes together for a public-private partnership or a private finance initiative or from developer contributions. That point was made by the Deputy Chairperson of the Committee. I am not making announcements on that today, but I assure him that the matter is being examined in detail at a reasonably advanced stage.

The argument that additional costs for water services as a result of new development should be applied to that new development is almost universally accepted. That is what happens with roads, and under article 40 of the Planning (Northern Ireland) Order 1991, it even happens in education, when paying for schools. The principle is accepted in Northern Ireland, in the rest of the United Kingdom and in the Republic of Ireland, so steps can be taken to reduce significantly any need for reinvestment and reform initiative funding.

The Committee has always respected the confidences of the Department for Regional Development. I shall allow Members to enjoy the summer recess; however, on our return in September, I should be happy, and it might be useful, to share with the Committee our private calculations of how the funding identified in the transportation strategy and that required for the water resource strategy would be spread over 10 years. Members will see that the scare stories being told to the community about the payments required to meet the bill are not realistic at all. Over a 10-year period the public will find that there is no undue burden, and I make the political point that any burden at all could be swept away, or at least significantly reduced, if we examined places where savings could be made. There are many such places in our current Budget.

I took the long route when dealing with funding issues. The question specifically concerned water charges, and I touched on that at Question Time some months ago. It was a mistake to break the link with the regional rate and the Water Service bill. It was in people's minds that they paid for water provision through their rates. Unfortunately, that link was broken.

4.00 pm

I have no difficulty with the suggestion to itemise the regional rate to allow people to identify what portion of it covers their water charges. There is a notion that the water supply is free. It is not; people must pay for it. We should identify how much people pay. If there are additional costs, I wish to show how they can be met, either through public-private partnerships, developer contributions or the reinvestment and reform initiative. Many people do not accept the degree of sophistication with which the public can understand such issues. If the

public are provided with the relevant information, there will be greater understanding of the issues involved and the needs that exist in Government.

The present level of leakage, which is approximately 40%, is unacceptable. The Deputy Chairperson of the Committee for Regional Development, Mr McFarland, was right to state that much money was spent in the past four years on various exercises to identify areas in which leakage occurs in the system. Many commentators have said that, although the Department intends to spend £25 million on leakage reduction in the next four years, the £21 million that has been spent in the past four years did not make much of a difference. However, we had to install the infrastructure that would allow us to identify the sources of the leaks. We expect to realise many of the benefits in the next four years. I have set the target — and it is dangerous when Ministers set targets — that by 2006 we shall have reached the economic level of leakage, which is the point at which it is cheaper to produce more water than it is to spend money to deal with leaks and burst pipes.

Members referred to the cost-effectiveness of rivers and boreholes, as opposed to extraction from the lough. It can cost up to 10 times more to extract water from those sources than from our major sources of water. Therefore, it makes financial sense for us to extract water from the major sources and to decommission — if I may use that word, which I commend to all Members — some of the more costly sources.

The Member for Newry and Armagh referred to Camlough Lake, which features in the section of the strategy that outlines the areas that will be decommissioned, and I am interested to hear the opinions of the district council and others.

Therefore, the issue arises of whether increased extraction from the identified sources would create a problem. The advice on which we based our conclusions was professional and used the accepted industry methods. If anyone danders outside, they will see that, at the minute, our loughs and reservoirs are replenished almost daily. There is no indication that additional extraction will cause problems for the sources that we identified.

I thank Members for their contributions to the debate. I look forward to working, when we return in September, with the Committee as it considers the fuller report in more detail. I am happy for Committee members to have a summer break before they attempt to digest the strategy. If I were a member of the Committee, I would also want a break.

*Question put and agreed to.*

*Resolved:*

That this Assembly takes note of the Proposed Water Resource Strategy 2002-2030 Public Consultation Document.

*Adjourned at 4.05 pm.*





# **Committee Stage Records**



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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR HEALTH, SOCIAL  
SERVICES AND PUBLIC SAFETY**

Wednesday 19 June 2002

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**CHILDREN (LEAVING CARE) BILL  
(NIA 5/01)**

**Members present:**

Dr Hendron (Chairperson)  
Mr Berry  
Rev Robert Coulter  
Mrs Courtney  
Ms McWilliams  
Ms Ramsey  
Mrs I Robinson

**Witnesses:**

Ms M Reynolds	)	
Mr D McGowan	)	Departmental Officials
Mr J Clarke	)	

**The Chairperson:** I welcome Mr John Clarke, Mr David McGowan and Ms Marion Reynolds to speak to us again regarding the Children (Leaving Care) Bill. I am sorry to have kept you waiting.

Clause 1 was agreed on 12 June.

***Clause 2 (Additional functions of authorities in respect of certain children)***

**The Chairperson:** We agreed subsections 1 and 2. Subsection 3 introduces the new articles 34B, C and D. Articles 34B and 34D were agreed on 12 June, and article 34C remains to be agreed. We should appreciate your speaking on that, Mr Clarke.

**Mr Clarke:** The issue is whether the reference should be to appointing or arranging the appointment of a personal adviser. The word "arrange" is used in the new article 34A, which was inserted by clause 1. The reason is that 34A deals with the situation before a young person leaves care and is purely preparatory. To use "arrange" in new article 34C would mean that the young person could leave care before being provided with a personal adviser; the word "appoint" is more specific. Barnardo's is concerned about the word "appoint", which appears to imply a great deal of power for the trust to make an appointment.

Paragraph (13) of the new article 34C draws into the provision paragraphs (2) and (3) of article 26 of the

Children (Northern Ireland) Order 1995, which make it clear that the decision to make an appointment would be made only in liaison with the child, his parents and various other parties. It would not be "appoint" in the dictatorial sense of the word. I can provide the Committee with copies of the articles.

**The Chairperson:** Perhaps it might be helpful if we asked the Clerk to read out what Barnardo's said.

**The Committee Clerk:** Barnardo's provided evidence on 28 May, and Sue Ramsey raised a point at the time. It said that the word "appoint" is not about choice; rather it involves the allocation of work regarding a young person. Had the word "arrange" been used, as it wanted, that would have allowed the young person an element of choice in his personal adviser.

Barnardo's went on to say that choice is important for young people and that its work with them is about working in partnership and allowing choice. Young people are experts on themselves, and they should have a right to their say, especially on big decisions which affect their lives.

Barnardo's suggested arranging a personal adviser for each relevant child and appointing a named worker. Last week it was asked whether that adviser and named worker were the same person. There was some confusion as to whether it referred to different people. Barnardo's suggested that it could be two separate people, and that is why its proposed amendment was framed that way.

**Mr Clarke:** There are two points. My first was about "arrange". The element of choice is introduced, since, in making the appointment, paragraph (13) of the new article applies paragraphs (2) and (3) of article 26 of the Children (Northern Ireland) Order 1995. Those paragraphs make it clear that such an appointment would be made taking into account the wishes and feelings of the young person. That is how the element of choice is introduced. It is not simply an appointment with which the young person is stuck. The wishes and feelings of the young person and the views of various other people must be taken into account.

It is important to use the word "appoint"; if "arrange" had been used, nothing would be done. While young people are in care, that can be arranged, but from the date they leave care an appointment must be made.

**Mrs I Robinson:** It stresses that a personal adviser must be appointed when the child leaves care.

**Mr Clarke:** It refers to the contrast between the first two sections. The authorities must "appoint" someone for that stage.

**Mrs I Robinson:** It is a stronger word than "arrange".

**The Chairperson:** Do you have any more points on 34C, Mr Clarke?

**Mr Clarke:** We have touched on the subject of the named worker. One individual should have the lead role in co-ordinating services for the young person. The function of the personal adviser will be prescribed under the new article 34E(2), which would be inserted into the Children (Northern Ireland) Order 1995 by clause 3 of the Children (Leaving Care) Bill. We have not prescribed anything yet, but we envisage that the functions will include advice, support, participation in the needs assessment and the preparation of the pathway plan, co-ordination of the provision of services and taking steps to ensure that the young person avails of such services.

I have had discussions with Barnardo's, as I was uncertain of its intention. There may be a problem with inserting the phrase "a named worker", since the functions of that named worker would have to be prescribed. That could mean some legislative untidiness. Barnardo's was concerned that the young person's adviser might be a foster carer without the necessary clout to obtain the services. We must create some flexibility on who can be a personal adviser. He or she must have the necessary authority, power and status, and that has to be made clear by the regulatory powers. The insertion at every juncture that each child must have a personal adviser and a named worker would not make the legislation any clearer.

**The Chairperson:** We accept your point, Mr Clarke. I shall go through each paragraph of article 34C. We have agreed most of clause 2.

Paragraph 34C(1) states that

"An authority shall take reasonable steps to keep in touch with a relevant child for whom it is the responsible authority, whether he is within the authority's area or not."

**Mrs I Robinson:** Mr Chairperson, what are we following here?

**The Committee Clerk:** We are on page three of the Children (Leaving Care) Bill. The Chairperson is taking the Committee through each paragraph in article 34C to ensure that members are content with the provisions. Paragraph (2) is relevant, since it contains the phrase "shall appoint a personal adviser for each relevant child".

**The Chairperson:** I refer to paragraphs (2), (3), (4) and (7) and paragraphs (5) and (6) enabling the Department to make regulations on assessment. Paragraphs (8) and (9) impose a duty on the authority to safeguard and promote the welfare of the relevant child. Paragraph (10) enables the Department to make regulations about the meaning of "suitable accommodation" and the suitability of landlords. Paragraph (11) places a duty on the responsible authorities to take reasonable steps to keep in touch with the relevant child. Paragraph (12) applies article 18 to assistance that may be given under article 34C. Paragraph (13) ensures that an authority must have regard to the wishes and feelings of the child and others who are relevant.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 2 agreed to.*

The Committee was content with clause 3, which deals with personal advisers and pathway plans. It was agreed that it might need a consequential amendment following any action to amend article 34C introduced by clause 2. We are not amending that, for we have already agreed the clause.

**Clause 4 (Advice and assistance for certain children and young persons aged 16 or over)**

Clause 4 restates existing articles 35 and 36 of the Children (Northern Ireland) Order 1995 and divides them into four (articles 35, 35A, 35B and 35C) to make them simpler to follow. They have also been amended to take account of the new concept of the responsible authority.

**The Committee Clerk:** That was another clause for which amendments were suggested. Perhaps members might turn to clause 4 under article 35A "Advice and assistance" on page 7 of the Bill. Paragraph (5) at line 20 states that

"The assistance may be in kind or, in exceptional circumstances, in cash."

Barnardo's proposed that "in exceptional circumstances" should be left out. The Department commented on that last week, something referred to on page 6 of the clause-by-clause briefing note.

The suggested amendment to article 35B was to be made to the first lines of paragraphs (1) and (2) where the word "may" is used. The Children's Law Centre suggested that "may" be replaced by "shall" to make it more prescriptive.

**The Chairperson:** Mr Clarke, would you like to comment on the proposed amendment to article 35A(5) to take out "in exceptional circumstances"?

**Mr Clarke:** We touched on the matter last week. Our view is that the legislation should not be used as a basis for making routine payments to young people. The presumption is that any such assistance would be provided where necessary to protect the young person's welfare and could not be made available by any other agency. The intention is not to use the provision for anything other than exceptional circumstances. To do otherwise would broaden its scope enormously and have an impact on other agencies which would be required to contribute to the young person's welfare.

**The Chairperson:** The second amendment is to line 26 to line 30 in paragraphs (1) and (2) of article 35B on page 7, where it has been suggested that the word "may" should be replaced by "shall". Do you have any comment on that, Mr Clarke?



**Mr Clarke:** We have avoided placing a direct duty to assist, which would mean any care-leaver who had been in care for any period after reaching the age of 16. If the amendment to replace “may” with “shall” was inserted, it would mean that the provision would also apply to a young person who had only been in care for one day. There would be no qualifying period. It would be more open in comparison to the earlier provisions, which were concerned with eligibility standards. To insert those words would imply that there was no standard qualifying period whatsoever.

**The Chairperson:** Paragraphs (1), (2) and (3) in article 35, which is introduced by clause 4, restate the definition of “a person qualifying for advice and assistance” which is found in the Children (Northern Ireland) Order 1995.

Paragraphs (4), (5) and (6) provide for an authority to have a duty to keep in touch with a young person, defines which authority is to be responsible for providing services and prescribes the meaning of terms used in paragraph (5).

Article 35A has six paragraphs. It restates, with amendments, the powers and duties of authorities in respect of qualifying persons. Paragraphs (1) to (3) place a duty on the relevant authority to consider whether a qualifying person needs its assistance. The authority is required to advise and befriend a young person. Paragraph (4) provides that an authority may also give assistance to a young person. Paragraph (5) provides for that assistance to be in kind or, in exceptional circumstances, in cash. Paragraph (6) applies article 18 of the Children (Northern Ireland) Order 1995 to any assistance given under articles 35A or 35B.

Article 35B has six paragraphs. It restates and amends the powers to provide assistance with employment, education and training currently found in article 36 of the Children (Northern Ireland) Order 1995. Paragraph (1) provides for an authority to give assistance to a person under 21. Paragraphs (2) and (3) provide that an authority may give assistance to a person under the age of 24. Paragraphs (4) and (5) enable an authority to disregard any interruption in a young person’s attendance on a course and require the authority to provide suitable vacation accommodation. Paragraph (6) gives the Department a regulation-making power.

Article 35C has two paragraphs and provides for the necessary communication and liaison between authorities. Paragraphs (1) and (2) extend the existing notification obligations under article 37 of the Children (Northern Ireland) Order 1995 and restate the provisions in the article.

*Question,* That the Committee is content with the clause, *put and agreed to.*

#### **Clause 5 (Representations)**

**The Chairperson:** The Committee considered and was content with clause 5, as amended. The Committee recommends that the clause be amended as follows: in clause 5, page 8, line 38, the words “if any” should be omitted. That was agreed at the last meeting.

#### **Clause 6 (Exclusion from benefits)**

We were given a helpful briefing paper on clause 6. Mr Clarke gave an explanation on clause 6 last week. Colleagues should study the briefing paper from the Department or perhaps Mr Clarke would like to speak on it. It deals with the transfer of allowances from the Department for Social Development to the Department of Health, Social Services and Public Safety.

**The Clerk:** On page 8 of the clause-by-clause briefing note to members there is a short summary of the concerns raised by Barnardo’s, the Children’s Law Centre and First Key about clause 6. Those three organisations have asked for clause 6 to be removed, and several other bodies, such as trusts, have voiced concern about its operation in practice.

**Ms McWilliams:** Having read the briefing paper and having consulted all the groups, I am still in favour of deleting clause 6. There is much concern about removing the entitlement to benefits. The groups are concerned that, given what we have heard about the limited resources for children in care, there may be no additional funding packages. What they have at present is at least legislated for and available. They argue that clause 6 is a step backwards. Entitlement to benefits for 17-year olds is a matter for the Department for Social Development. If it were ever returned, the change would be made throughout the United Kingdom. I asked the groups whether they were still unhappy about the clause, given that young people are not entitled to as many benefits as they once were. They said that they still preferred to retain what they had.

**The Chairperson:** I respect Monica McWilliams’s expertise. I read this part of the Bill carefully; I read the document; and I listened to what was said last week. The idea of a trust acting as a family for a young person is very important. The last few lines of the synopsis of arguments against dropping clause 6 state:

“There may be concern about whether all resources transferred would be deployed appropriately by Trusts, but it is suggested that that is a different matter than a right to claim benefits.”

It may be a different matter, but I am concerned about it. The fact that trusts use funding for different reasons has been mentioned at other meetings. Funding would be transferred to enable a trust to act as a parental guide to lead young people along the pathway to independence. Would the funding be ring-fenced beyond all doubt? If not, I would have more sympathy with Ms McWilliams’s view.

**Mr Clarke:** You will appreciate my difficulty in answering questions on ring-fencing money, Mr Chairperson, because it is such a big issue.

**The Chairperson:** This is such an important matter.

**Mr Clarke:** The issue would not be entitlement to benefits, but entitlement to the benefit of the money transferred. What is important is that young people do not lose out. The money must benefit the people to whom it is transferred. I understand that concern.

**The Chairperson:** If a guarantee cannot be given that that money will be ring-fenced, I am totally sympathetic to Ms McWilliams's view.

**Ms McWilliams:** The Assembly has just passed legislation to protect the rights of elderly people in residential care, although this may not be Mr Clarke's field. The legislation moved the responsibility from the Department for Social Development to the Department of Health, Social Services and Public Safety so that the rights of elderly people in care would be protected. The money was transferred in the first year along with the responsibility. I asked the Minister what would happen in years to come, and she said that the Department would have to find it from its own resources. We are dealing with the same issue in this legislation.

**Mr Clarke:** I am very conscious of the issue. I have many concerns about securing provision in a wider sense, including provision by voluntary organisations. There is a danger that bringing in money from one source simply reduces the money available to other organisations. It is important to secure the territory. I agree that there is a risk with transferred money, and it would be wrong of me to say otherwise.

**The Chairperson:** I appreciate your forthrightness. However, these children must be protected by law, which is what the Committee is trying to do. I am sympathetic to the points made in this document, but the last four lines drew my attention to the problem. A legal guarantee must be given.

**Mr Clarke:** There are ring-fenced arrangements in England, although I cannot say how well they work. However, they are part of a ring-fenced budget.

**Ms McWilliams:** Was that budget not substantially higher? These groups say that when the legislation was passed in England substantial funding was set aside for the transition, and that may be why there was no public outcry.

**Mr Clarke:** Funding was set aside.

**Mr McGowan:** The money that was ring-fenced in England was not just additional money: it included money that was already in the local authority system. The ring-fenced budget consists of existing money and additional money that was secured.

**Mr Clarke:** Mr McGowan has explained the matter better than I. Money must be ring-fenced and secured, but if care is not taken it could quickly displace other money. Ring-fencing tends to broaden out. In fairness, that is part of the general attitude to ring-fencing, which people already know about.

**Ms McWilliams:** If there were additional funds to be ring-fenced that would be slightly different from ring-fencing money because the Department may find itself having to take the money from elsewhere to do that.

**Mr Clarke:** The Department is wary of ring-fencing one pot and leaving other funds without ring-fencing. We may say that we have ring-fenced one set of funds, but that does not mean that the money has not disappeared from somewhere else.

**The Chairperson:** The money from the Department for Social Development and from social security is secure. Therefore that money is ring-fenced — if that is the appropriate word. Will these young people be guaranteed this money when it is transferred? I understand your point about ring-fencing and money being diverted from other areas. However, if the Committee were to accept clause 6, how would it be sure that, by law, those young people would get the appropriate funds?

**Mr Clarke:** Ideally, the Department would like the legislation to stipulate that young people leaving care would not be any worse off than their peers by the transfer of resources. However, legislatively, that is incredibly difficult. The money would have to be secured in another way — by ring-fencing. It is not a purely legislative matter; ring-fencing cannot be legislated.

**Ms McWilliams:** You have affirmed the Committee's view. Unless any Committee member disagrees, I propose that clause 6 be deleted. If other Committee members wish to speak in favour of retaining it, they should do so rather than continue the argument in favour of deleting it.

**The Chairperson:** These points raise concerns; had it not been for them I would have been in favour of retaining clause 6. The thrust of the Bill is that a trust acts as a parent and helps the young person along the path to independence. However, if financial support cannot be guaranteed, it is flawed.

**Mr Clarke:** There are arguments on both sides. I understand that the Committee wants an assurance on money that is transferred under clause 6. Rather than drop clause 6, would the Committee be satisfied if that assurance were given?

**Ms Ramsey:** The Committee is concerned that young people will be stigmatised because they have to go through the trusts and do things differently. Despite the Department's assurances, I am concerned that even though some boards and trusts have more money than others, they could

be given more. This is major concern for the Committee, and it seeks assurances from the Department.

**Ms McWilliams:** I am grateful for Mr Clarke's response. However, having seen the budget, I am not sure that the Department can give that assurance.

**Mr Clarke:** I cannot give you that assurance, unfortunately.

**Ms McWilliams:** Even if the Department said that it would try to protect the money, the Committee remains concerned about the long-term implementation. Even proposals that the first year's money would be protected cannot be guaranteed. In the absence of a guarantee we cannot be certain that funding would be found. We would be doing harm, and my principle on legislation has always been: do no harm.

**The Chairperson:** Ms McWilliams has proposed that we do not accept clause 6, and Mrs Robinson has seconded it. If the Committee opposed clause 6, the Minister, or any future Minister who so wished, could revisit it with a completely different attitude. It is not set in stone. The Committee therefore opposes this clause.

*Question proposed:* That the Committee recommend to the Assembly that the clause be amended as follows: In page 9, delete all from line 1 to line 21 — [*The Chairperson.*]

*Question put and agreed to.*

**Clause 7 (Minor and consequential amendments and repeals)**

**The Chairperson:** Clause 7 has six subsections that make consequential amendments to the Children (Northern Ireland) Order 1995.

**The Committee Clerk:** Clause 7 identifies minor and consequential amendments and repeals; no comments have been made against it.

*Question,* That the Committee is content with the clause, *put and agreed to.*

*Clause 7 agreed to*

**Clause 8 (Interpretation)**

**The Chairperson:** Clause 8 defines the term "the Children (Northern Ireland) Order 1995", and no comments have been made against it

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 9 (Short title and commencement)**

**The Chairperson:** Clause 9 has four subsections that set out the title of the Bill; it gives the Department the power to make a Commencement Order to bring clauses 1 to 5 and clause 7 of the Bill into operation. No comments have been made against the clause.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**The Chairperson:** That finishes this part of our scrutiny.

**Mr Clarke:** There would be a consequential amendment. In clause 9 dealing with the short title and commencement it says:

"Section 6 shall come into operation on such day as the Department for Social Development may by order appoint."

That would fall if clause 6 were deleted.

**The Chairperson:** That is a fair point. Thank you very much.





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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR ENTERPRISE,  
TRADE AND INVESTMENT**

Wednesday 19 June 2002

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**LIMITED LIABILITY PARTNERSHIPS  
BILL  
(NIA 9/01)**

**Members present:**

Mr P Doherty (Chairperson)  
Mr Neeson (Deputy Chairperson)  
Mr Armstrong  
Mr Clyde  
Mrs Courtney  
Mr McClarty  
Dr McDonnell  
Mr Wells

**Witnesses:**

Dr M Twomey ) Consultant In Partnership Law

**The Chairperson:** I welcome Dr Michael Twomey, who is a partnership lawyer. We have a relatively short time, so I propose that after you make your submission, we will allow Committee Members to ask questions.

**Dr Twomey:** As you know, I have commented on the proposed limited liability partnerships legislation. My comments focus on the thrust of the legislation rather than the detail, and I suggest a complete revision of the approach. This might appear surprising, but before I go into some of my reasons, I want to point out that I am not alone in my reservations on the limited liability partnership, which has been introduced in the UK.

The Alberta Law Reform Institute was the first body that had issues with the approach taken in the UK. It considered the GB approach against the Canadian and American approaches, and favoured the latter. I regard Roderick Banks, author of "Lindley and Banks on Partnership", which is the leading textbook on partnership law in the UK, as my contemporary in the UK. He recently sent me an e-mail in which he said:

"I for one am ashamed that this country should have produced such a poor piece of legislation".

He is the leading partnership lawyer in the UK, and that is his description of the Limited Liability Partnerships Act 2000.

I pointed out in my introduction that I am not alone in my criticisms of the Limited Liability Partnerships Act 2000. My basic problem with that Act is that it abolishes the advantages of partnerships. There are three primary advantages to partnerships. First, they are informal and flexible because partners can agree to whatever they want, and they are not subject to literally thousands of provisions of company law. Secondly, they are not required to file accounts, and that is a big issue for many partners. That means that their finances are not subject to public scrutiny and the bureaucracy that is involved in filing annual returns and accounts. The third reason is partnership tax. A partnership is not an entity as a matter of law, and for that reason it does not pay tax. The partners themselves are the only ones who pay tax. Those are the three advantages to partnerships in this and other jurisdictions.

The real aim of this legislation is to address partner liability. That has been brought to the fore through the Enron case in particular, in which the Arthur Andersen partners, who were in no way related to the Enron case, could theoretically be liable to an unlimited degree for their partners' negligent actions. In other words, not only would the assets of Arthur Andersen be subject to attack, but also the homes, cars and investments of individual partners who were not involved. The legislation is designed to deal with that type of mischief. That problem exists in Great Britain, America and Canada, and we must work out how to deal with that.

The crux of my point is that the manner in which it has been dealt with in Great Britain's legislation is not ideal; and the manner in which it has been dealt with in Canada and America is preferable. In both of the latter jurisdictions, a shield or protection is provided to a partner in a firm who is not liable for the negligence of his partner. They say that the assets of the firm and the assets of the negligent partner will be available to a third party, but not those of the innocent partner. By making what is effectively a one-paragraph change to their partnership law, those jurisdictions have retained all the benefits of that law. The fact remains that partnerships are not required to file accounts and are not subject to the comprehensive legislation that applies to companies. They also retain their non-entity status, which allows them to be taxed as a partnership.

In contrast, a brand new corporate entity, called a limited liability partnership (LLP), was created in GB. Company law has been completely applied to LLPs, and the provisions of the Act, and of the Bill that has been proposed in Northern Ireland, specifically provide that partnership law will not be applied to LLPs. The only connection between partnerships and LLPs — as proposed in GB and Northern Ireland — is in their name. In every other respect, they are companies not partnerships. The problem, particularly for small businesses, is that LLPs will be subject to current company legislation. That runs

contrary to the aim of the company law review group in the UK, which is examining how to make company law simpler and easier for small businesses to use. Company law will be applied to small businesses if they become LLPs.

In essence, the legislative approach to the problem that has been taken in GB is, in my opinion, the wrong one, and I am not alone in that view. A legitimate question could be asked about why GB took that approach, and I outlined the possible political reason in a memorandum that I sent to the Committee. The political reason, which seems to be commonly accepted in GB at present, is that in the mid 1990s the “Big Five” accountancy firms decided to move offshore to Jersey in order to benefit from limited liability. When they did so, the revenue commissioners in GB reacted by saying that they would tax them as though they were companies, and, therefore, be subject to corporation tax. That would have been the first time that a partnership was ever subject to corporation tax. That was the initial response.

The secondary response was to placate the big firms, and say that they would provide LLPs, because that has happened in the USA and will also happen in Canada. However, because the UK Government felt that they were forced into that, it seems that the sting in the tail came when they provided LLPs that were partnerships only in name — they have effectively applied all company law to LLPs. Certainly, there is a feeling in GB that the reason for that was political. The GB LLP does not follow the format of the Jersey LLP that was proposed, which was supposed to mirror the American situation.

Finally, there is anecdotal evidence that indicates that LLPs are not as popular in GB as had been anticipated. For example, the biggest law firm in London, Clifford Chance, chose not to incorporate as an LLP, but instead chose to become an LLP based in America, which begs the question as to why it did that. I believe the reasons are quite clear. It wanted to remain a partnership, and it wanted to retain the three advantages of being a partnership that I have outlined in the paper. It did not want to be subject to company law, as if it was a company. If it wanted that, it could incorporate — that possibility is always open. That is perhaps the most striking evidence that the LLP legislation does not achieve what it could have achieved.

**Mr Neeson:** The legislation is quite complicated, and I am extremely grateful to Dr Twomey for coming today. It has been suggested that the draft Bill that you have put forward does not offer the same level of consumer protection and does not strike the necessary balance between the interests of the partnership and the interests of consumers. How do you react to that?

**Dr Twomey:** My draft Bill was proposed in relation to Southern Ireland, and I would not necessarily suggest that it should be used here. That draft Bill was, in effect,

drafted and prepared by the Law Society in Ireland with my input, and presented by one particular interest group. I do not represent an interest group before this Committee; I have an interest in partnership law and specialise solely in that. From that perspective, I do not necessarily suggest that you adopt a particular Bill. I suggest, since Southern Ireland has no LLP legislation, that you operate or adopt the principles that have been adopted in both Canada and America, and that would have no adverse effect on consumers.

**Mr Neeson:** You have dealt with North American models. From a European perspective, what has been the uptake in this type of legislation?

**Dr Twomey:** The LLP movement is new. It began in America in the early 1990s when law firms in Texas were sued in relation to one partner’s negligence in a big transaction, and all the other partners lost their personal assets. That led to the desire for protection from unlimited personal liability for partners who were in no way negligent. Once it began, it spread like wildfire in the United States and then to Canada. The creation of a Jersey LLP, as a result of pressure, led to the GB LLP response. LLP legislation is really in the very early stages, and those countries are the only ones with LLP legislation. Colleagues in Australia and New Zealand have confirmed that they do not yet have it. A momentum is building, and that will probably increase because of the Enron/Andersen situation in which partners are concerned. They do not mind their partnership assets or the personal assets of a negligent partner being available to a third party. However, losing their personal assets because of someone else’s negligence, even if they are not involved, has become an issue. That is the reason for it, and this development is in its early stages.

**Mr Neeson:** In your opening statement you referred to difficulties for small businesses. What type of organisation is targeted by this legislation?

**Dr Twomey:** There are two main areas for discussing this legislation now. One is that large, professional firms are lobbying for it, and, the other is that small businesses are now subject to company law, which is acknowledged as inappropriate for them. If properly drafted, LLP legislation is the ideal format and structure for a small business. Examples are consultancy, communications and media businesses where an injection of capital is not necessary, and where shares are not issued. Limited liability partnership is ideal in those circumstances. Admittedly, the big firms have brought pressure, and we are discussing it today because the big accountancy and law firms introduced it in the USA, Canada and Great Britain.

There will be little or no objection to this legislation from the Law Society of Northern Ireland or accountancy firms in Northern Ireland, because they see it as a form of limited liability protection. They are not looking at the broader picture. We are talking about legislation that

would provide some form of limited liability, but would be designed for small businesses. It would allow small businesses to operate without having to be subject to company law, the filing of annual returns and reports, or corporation tax. It encourages small businesses and start-up ventures. That is why I feel that it is wrong to blindly follow Great Britain legislation without thinking long and hard about what it is designed for and who it is aimed at — as distinct from who is lobbying for it and where it goes.

I have been on the other side, but I am not in a partnership. My interest is in relation to partnership law and its role in business. The big issue has always been making partnerships more attractive to small businesses so they are not required to form companies and be subject to the same law that applies to British Airways, for instance. Thousands and thousands of pages of company law apply in exactly the same way to British Airways as they do to a two-man business. The reason people form a two-man business is because of the fear of limited liability.

**Mrs Courtney:** When I first read about the idea of limited liability partnerships, it seemed good for small companies. However, Dr Twomey's input has made things clearer for the Committee. Companies must issue their accounts every year under company law. However, under limited liability partnerships, they are not obliged to file accounts on a yearly basis. Does that mean that the partners, under company law, are protected, but in a partnership an individual could be protected?

**Dr Twomey:** In relation to accounts, my understanding of the LLP legislation is that LLPs would be required to file accounts in the same way as a company. In broad terms, even though we call this an LLP, it will be treated under company law as if it was a company. In effect, where the word "partner" or "member" appears in the GB legislation, it should be treated as if it was a director or a shareholder of a company. Company law is applied to this new structure called an LLP, and my point is that to call it a limited liability partnership is a misnomer — it is a company.

In relation to your point about liability, it is ironic that very few small companies will convert to LLPs. If they go from being a small company to an LLP, they will increase their exposure to liability. Under this LLP legislation, a partner in an LLP remains personally liable for his own actions and his own negligence. In a company, the director can always hide behind the company. LLPs do not offer more attractive liability protection from that perspective. That is not its intention, but it is worth pointing out that the liability protection of an LLP is not the same as in a company.

**Mrs Courtney:** On first reading I thought that they offered further protection, but, having listened to you, I am now in two minds as to whether or not they offer that protection. You mentioned the Enron situation and

that Andersen would be the innocent partner. They are now open to scrutiny because they became a limited liability. Is that the reason?

**Dr Twomey:** No. The reason I mentioned the Andersen case is that that illustrates what this legislation is attempting to achieve. Its purpose is to protect an innocent partner in a firm that has been sued because the other partner has been negligent. There are two ways to deal with that, the first being the method used in the United States and Canada. It consists of an extra paragraph in their partnership law saying that, in such a situation, the innocent partner is not liable. That route is preferable.

To achieve that aim in Northern Ireland, a brand-new, hybrid partnership company structure is proposed. It would be subject to company law and be treated in exactly the same way as a company. However, I question why they do not simply form companies, if that is the route they wish to take, because you lose all the advantages of partnerships. For small businesses this is an opportunity to create a friendly, informal, flexible structure with some protection from unlimited liability. That is the appeal of partnerships as distinct from companies. If we introduce this legislation, those advantages will be lost.

**Mr Wells:** I thank you for your submission, which has given us a completely new insight into what would otherwise have been a rather humdrum piece of legislation. It is very interesting that you picked up on the matter and took the time to make a submission.

You mentioned Arthur Andersen and Enron; and there is a direct link between the two. The allegation is that Andersen staff shredded records relating to the Enron fiasco. Andersen directors were paid fabulously well for looking after that company. One might say that the problem happened on their watch. Many of us would maintain that, since they had not taken steps to stop junior staff acting as they did, it was perfectly right that they be held liable. All the Andersen directors were getting multi-million-pound share options and payments. Commensurate with that huge pay is huge risk, and I see nothing wrong with the directors being sued over the Enron affair, which has destroyed many people's lives, including some in the United Kingdom.

We are an integral part of the United Kingdom, and much of the legislation we pass is parity legislation, which brings Northern Ireland into line with the rest of the country. Is what you propose not quite a radical change from that which pertains in the rest of the United Kingdom? Might that not be quite difficult for us, as an Assembly, to implement, given that this is a parity issue?

**Dr Twomey:** In many ways it is not a radical change, since Great Britain accepts the principle that it wishes to offer protection from unlimited personal liability to partners in the situation you have described. The question is how that is to be implemented. I suggest that, rather



than doing it by creating a brand-new structure, it could be achieved by a minor amendment to Northern Ireland partnership law. Since you are achieving the same aim, I do not accept that what I suggest is that radical or different from what is being done in Great Britain.

**Mr Wells:** Can you envisage a situation whereby, if the law in Northern Ireland were perceived to be stronger or weaker than that of the rest of the United Kingdom, companies might have office nameplates on buildings in Belfast or outside to avail of what they might consider less stringent legislation?

**Dr Twomey:** I do not believe that two wrongs make a right, if that answers your question.

**Mr Wells:** When you go to Jersey, you find offices the size of a broom cupboard, which seem to be the headquarters of about 20 separate companies. In other words, they are flags of convenience — set up because the background regulatory regime is much less stringent. I should not like to think that we in Northern Ireland might be seen as a soft touch for companies with dubious financial practices.

**Dr Twomey:** Northern Ireland would not be seen as that, because companies would not choose a partnership as an ideal form of business. Company status gives them greater protection than a partnership, or even than the LLP. I pointed out earlier that the liability protection for an LLP, in whatever form, is less than would exist in a company. A business will not move to Northern Ireland to become a partnership because that does not offer the same protection as a company.

**Mr Wells:** Could partnerships move to Northern Ireland for convenience?

**Dr Twomey:** That would apply to professional firms, such as accountancy, which are not allowed to incorporate. Any business that is allowed to incorporate will do so.

**Mr Wells:** If Northern Ireland is perceived as a soft touch in its regulations compared to the rest of the United Kingdom, will we have a situation where a partnership will deliberately move its head office to Belfast?

**Dr Twomey:** I would not describe what I suggest as Belfast being perceived as a soft touch, and I would take issue with that. All I suggest is that exactly the same aim be achieved, but achieved by amending partnership law rather than creating a brand new structure. If a partnership in London decided that it did not want to be a United Kingdom LLP, but wanted to be a Northern Ireland LLP — *[Interruption]*.

**Mr Wells:** It would still be a United Kingdom LLP.

**Dr Twomey:** Sorry. If it did not want to be a Great Britain LLP, but wanted to be a Northern Ireland LLP,

then it would form a partnership in Northern Ireland. However, as it would not be carrying out business there, it would still be subject to the law in Great Britain. It would be liable as a partnership in London, and could not use Northern Ireland as a soft touch.

**Mr Wells:** That is a useful point. In your evidence you said that the take-up of LLP status in GB has been very low. We wrote to the Department in advance of your visit, so we have taken your evidence seriously. The Department indicated that was the case initially, but that things have turned. To date, there have been 2,200 registrations already, and it now averages 60 registrations a week. Although your comment may have been accurate initially, things have changed, and this is becoming a more popular option using the GB model.

**Dr Twomey:** Those numbers are not particularly impressive, bearing in mind the number of partnerships and businesses in Great Britain.

**Mr Wells:** What proportion is that of the total?

**Dr Twomey:** The Department of Trade and Industry in Great Britain and the memorandum to this draft Bill have indicated a low take-up of partnerships. From reading the explanatory memorandum, it is around 15%, and that is not a high take-up. However, if there were a conversion of the existing partnership law in Northern Ireland, a lot more than 15% would take it up.

**Mrs Courtney:** The letter from the Department states that it understands why you support the American model. However, the Department has a different starting point for the Northern Ireland Bill

“in that this Bill has been framed to complement our existing corporate law and to give a degree of protection to consumers by requiring those partnerships seeking limited liability to be subject to regulation.”

I do not understand “subject to regulation”. That paragraph confuses me.

**Dr Twomey:** I have not read that comment, so I am not sure what point is being made. Once the Department has made its submission, I will be happy to take comments and clarify any relevant points.

**The Chairperson:** Thank you, Dr Twomey, for your submission. We may find reason to write to you with further questions as we pursue the matter.

**Dr Twomey:** I have no personal interest in the matter. I have had a sad research life for the past three or four years, where I have done nothing else but research partnership law. I have an interest in it, and my contemporary, who specialises exclusively in partnership law and is the author of the leading textbook in the UK, shares my views on the legislation. We have an objective view, rather than having the views of any interest group.



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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR ENTERPRISE,  
TRADE AND INVESTMENT**

Wednesday 19 June 2002

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**LIMITED LIABILITY PARTNERSHIPS  
BILL  
(NIA 9/01)**

**Members present:**

Mr P Doherty (Chairperson)  
Mr Neeson (Deputy Chairperson)  
Mr Armstrong  
Mr Clyde  
Mrs Courtney  
Mr McClarty  
Dr McDonnell  
Mr Wells

**Witnesses:**

Mr M Bohill ) Department of  
Ms J Bryans ) Enterprise, Trade  
Mr J Johnston ) and Investment

**The Chairperson:** I welcome the Department of Enterprise, Trade and Investment officials, who have appeared before our Committee before.

**Mr Bohill:** I will introduce my team. I am Mike Bohill and my colleagues are Mr Johnston and Ms Bryans. I have four key points to make, and then will deal with members' questions as they arise.

The first key point is that an effective framework for corporate law seeks to strike the right balance between four ingredients — regulation, encouraging enterprise, consumer protection and fairness.

The second key point is that the limited liability partnership (LLP) model encapsulated in the Bill is firmly developed within the existing framework, which has served GB and Northern Ireland well for some years. The proposed limited liability partnerships will have exactly the same regulatory obligations as companies. For example, they will have to publish accounts and will be subject to insolvency law. That will maintain fairness to all types of business that enjoy limited liability status.

The third point is that all the key players in the UK, both professional advisers and business representatives, have welcomed the proposals.

The fourth key point is that after its consideration of the Limited Liability Partnerships Act 2000, the Department of Trade and Industry Committee concluded that, in the interests of maintaining a balance of fairness and protecting the public and consumers, it was not reasonable that limited companies should be subject to regulation in order to benefit from limited liability status if that did not apply that to limited liability partnerships.

The Government recognise that the code of partnership law requires updating and modernisation. We will be looking at that over the next few years. It is, therefore, premature to amend existing partnership law in relation only to liability, without considering it in the round.

Local interest in the Bill is positive, and has increased since the Bill was published. We have had a number of enquiries from businesses — most of them small businesses — about the Bill and when it will come into effect.

Finally, limited liability partnership status will be optional. It will be something that a business and a partnership make a choice about. There will be nothing mandatory about it.

**Mr Wells:** Do you see this as a parity issue?

**Mr Bohill:** I see the value of having a consistent regime of corporate law throughout the UK. The business community, particularly those businesses that operate both in Northern Ireland and GB, seeks conformity between Northern Ireland and GB and feels very strongly that it would not want to deal with two regimes.

**Mr Wells:** It would be normal for the Department, when introducing a Bill, to consult widely with all interested parties. I assume that the Department has done that in this case.

**Mr Bohill:** Yes.

**Mr Wells:** No doubt you have a huge mailing list of consultees.

**Mr Bohill:** The list of consultees is at the back of the memorandum. The feedback has been favourable, particularly when the Limited Liability Partnerships Act 2000 was being considered in GB. Bodies such as the Confederation of British Industry (CBI), which is a UK-based organisation, would have consulted the Northern Ireland CBI as part of that process. The CBI was in favour of the Bill.

**Mr Wells:** Apart from the one submission that we are dealing with, have you had any other submissions in a similar vein?

**Mr Bohill:** No, none at all.

**Mr Wells:** So there is general contentment with this among the business community in the Province?

**Mr Bohill:** Very much so.

**Mr Wells:** The Minister has written to us to say that 2,000 limited liability partnerships have been incorporated in England and Wales. The figures that we have been given show that that is quite a small percentage of the potential registrations. Do you feel that that is adequate, or does it show that there is not a great deal of enthusiasm in the rest of the UK for this? What is the likely reaction in Northern Ireland if this legislation goes on the statute books?

**Mr Bohill:** The Department of Trade and Industry is encouraged by the level of interest in limited liability partnerships. I say that on the basis of direct dialogue with the officials dealing with this. The level of enquiries in Northern Ireland before the Bill was published was running at around two or three a week, and I accept that those are small numbers. That has doubled to six to eight a week since the Bill was published. That interest has come primarily from small businesses, and that is associated with wanting to know when the Bill will come into effect.

**Mr Wells:** I am happy with that.

**Mr Neeson:** The whole purpose of devolution is to develop legislation that meets the needs of our region — Northern Ireland. I am wary about having too much parity. While I acknowledge that company law in the UK is different from that in North America, we should give some consideration to some of the points that were put forward by Dr Twomey. The Minister's letter states that the proposal strikes a better balance between the interests of the partnership and the interests of the consumer. Can you explain that further?

**Mr Bohill:** The Bill will give limited liability status to partnerships. That privilege comes with a price, which is ensuring that consumers and the public are protected. For that reason, the limited liability partnership (LLP) will be subject to the same level of regulation as a company with limited liability protection. It will have to publish its accounts and be subject to insolvency law. That is the right balance to strike. The Department feels that that is a strong feature of the legislation, as it will give consumers and other businesses that are going to do business with limited liability partnerships access to the books and information of that new type of business vehicle.

**Mr Neeson:** This sort of proposal would not encourage small companies to become involved in LLPs, bearing in mind that the same company law would apply to a multinational organisation and to a two-person business.

**Mr Johnston:** The burden of regulation on small companies as opposed to medium-sized and large companies differs in that there are lower turnover thresholds for the form of detailed accounts that need to be filed. There is less regulation under limited company legislation for small businesses, and we are also proposing to take that forward as part of the LLP model.

A company law review has also been under way for the past couple of years, and proposals on that will come forward in the next few months. We will come back to the Committee about that. It is likely that further deregulation in relation to the burden on small companies will be proposed. That will also extend to small LLPs. The balance is to try to get that right by not over-regulating.

The enquiries that we have received from organisations that want to incorporate as LLPs have been from the small firm sector rather than from medium-sized or large firms. The balance is about right, and it will be reviewed again over the next few months. That is not the last word on it. The Committee will come back to this again.

**Mr Neeson:** I have one reservation, which is that it complicates things for small businesses. Recently I looked at the possibility of setting up an LLP, but I decided against it because of the complications that were involved.

**Mr Bohill:** As Mr Johnston said, the degree of regulation is commensurate with the scale of the business. That is the current position, and it will be looked at again further as part of the company law review, which we will be examining in Northern Ireland and Great Britain over the next few months.

**Mr Johnston:** It is also important to examine it from a small business viewpoint, and also from the consumer's viewpoint, in that we would be extending a privilege if we were to adopt the North American model. Alongside that privilege there has to be some form of balance to ensure that the extended liability parameters are operated correctly, which is not always the case. That measure gets the balance of fairness right.

With regard to take-up, the Department of Enterprise, Trade and Investment estimates that about 55,000 partnerships, which is about 15% of the total, will eventually incorporate. They had a slow start, but it is now building up. In Northern Ireland, about 2,000 firms may move towards the LLP model over the years.

**Mrs Courtney:** What are the benefits of choosing an LLP?

**Mr Bohill:** One benefit is the limited liability status.

**Mrs Courtney:** For the consumer and for the partner?

**Mr Bohill:** It gives limited liability to the promoters of the business. Business owners will make their own choices. If they find that there is an advantage in moving to LLP status, that option is open to them. It is not mandatory, and businesses will continue to make that commercial judgement for themselves.

**Mrs Courtney:** When asked if Northern Ireland would have to make radical changes to what exists in Great Britain, Dr Twomey said that only minor amendments would have to be made to partnership law. Did the Department consider making the amendments?

**Mr Bohill:** The Department was aware that partnership law is currently the subject of a major review in Great Britain, and its officials knew that to look at one aspect of partnership law was premature. As part of that review there will soon be an opportunity for the Assembly to look at the width, scale and ambit of partnership law.

**Mr Johnston:** Partnership law is an academic area with lots of debate and argument across the profession in the United Kingdom. Therefore, the Government must get the balance right with regard to taking account of the wide range of views on how partnership law should be developed. It is an area where a balance has to be struck on the way forward between a number of competing academic views. Hence, the Law Society and other bodies are actively involved in that partnership review to make sure that it gives as good a balance as possible.

**Dr McDonnell:** Why should I form a limited liability partnership? It seems that these partnerships will have the disadvantages of a company and none of the advantages. I empathise with the consumer protection agenda, but I feel that the Department's efforts to encourage enterprise are sometimes strangled by over-regulation. Therefore, a limited liability partnership may be seen as a half-baked company. That is how I think it might look to someone who is trying to set up a small business.

Often, the burden of structure and compliance can far outweigh the benefits to the public or to the individuals in question. That is important to the Committee, because it has to spin out companies from Queen's University, for instance, and the Committee wants to make the process as simple as possible. The Committee also wants to create a cheap and efficient process with the minimum of fuss in order to cover the protections that are required. I get the impression that a limited liability partnership will not have any advantages.

**Mr Bohill:** Limited liability companies and partnerships are different animals.

**Mr Johnston:** There is usually a smaller ownership base in a partnership than in a limited company, and the Bill recognises that. It allows those partnerships that decide to incorporate as LLPs to make their own internal arrangements. In a sense, there are prescriptive constitutional requirements in the way in which limited companies are constituted, because of wider share ownership. The way in which LLPs are organised internally will be down to their own arrangements.

There is an additional clear benefit in that if you are in partnership at the moment, and have a negligent

partner, your personal assets are liable. The Bill will protect those personal assets if you are innocent of the actions of your partner. That is a huge benefit. It then seems fair, within the overall body of law, to ask partnerships gaining that benefit to comply with a degree of regulation, because otherwise limited companies could ask for the same form of regulation. Why should they be different if they are under the same kind of limited liability extension? It is a matter of getting the balance right between those different business vehicles.

**Dr McDonnell:** Will the recording of accounts be as stringent as for a company?

**Mr Johnston:** There is the same turnover threshold, so the format of the accounts will be the same.

**Dr McDonnell:** That in turn incurs considerable debt for a low-profit company.

**Mr Johnston:** The turnover figure at which one is required to file audited accounts is £350,000. That is being looked at again.

**Dr McDonnell:** You could be spending £4,000 or £5,000 on auditors' fees. I am not opposed, but we need to pare this tightly. You have some familiarity with small American companies, Mr Johnston. We were impressed with their efforts in the area of small business administration, their loan guarantee schemes, and the simplicity of the regulations. That is an appealing culture. We are all rowing in the same direction. We want to ensure that two people in Queen's University or on the University of Ulster campus at Coleraine can create a structure that allows them, for example, to develop a biotechnology project.

**Mr Johnston:** I do not wish to pre-empt the Minister. He will be coming back to the Committee later in the year to discuss that issue and acknowledge that the law must be modernised to reflect the different types of business structure.

**Dr McDonnell:** You have not told him what to say to us?

**Mr Johnston:** No, he is aware of that.

**Mr Bohill:** The cost of compliance will be a key feature of that review. A couple of strands of that review are going on at the moment.

**The Chairperson:** Thank you. It has been a good exchange.





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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR EMPLOYMENT  
AND LEARNING**

Thursday 20 June 2002

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**EMPLOYMENT BILL  
(NIA 11/01)**

**Members present:**

Dr Birnie (Chairperson)  
Mr Carrick (Deputy Chairperson)  
Dr Adamson  
Mr Dallat  
Mr Hilditch  
Mr R Hutchinson

**Witnesses:**

Mr B Gourley ) Northern Ireland Irish  
Ms A Hope ) Committee of the  
Mr L McBrinn ) Congress of Trade Unions

**The Chairperson:** I welcome Mr Gourley, Ms Hope and Mr McBrinn from the Northern Ireland Committee of the Irish Congress of Trade Unions and thank them for their written evidence. They will now give a short presentation.

**Mr Gourley:** I thank the Committee for the opportunity to present evidence on the Employment Bill. We are disappointed that much of the Bill will be passed through Westminster. We deal only with family-friendly policies, which, through no fault of the Committee's, is outside its remit.

**Ms Hope:** I, too, welcome the opportunity to make a presentation to the Committee. The progress in work-life balance issues, particularly improvements to maternity and parental leave rights, has been one of our key objectives for a long time. We represent some 220,000 workers in Northern Ireland, the majority of whom are parents and more than half of whom are female, so, for a long time, we have had input into those issues on behalf of all our affiliates. Many of our members have been adoptive parents, so we have worked on adoption issues also. In the past, no leave provision was made for adoptive parents, and it was not recognised that they needed time with a child, especially when they adopted older children rather than babies.

We welcome all the advancements in the Employment Bill, but we have concerns about it. First, we question

the definition of "employees" and the application of the legislation only to those so termed. We have always argued that all family-friendly rights should apply to workers, not just employees. "Employee" is a narrow definition of someone in the workforce; the broader term "worker" refers to someone with an employment contract or an employment relationship, thus covering both forms of employment.

The narrower definition excludes the self-employed; temporary workers; casual workers; and agency staff. Given the growth in numbers of such workers in Northern Ireland, especially among women, many people will be left outside the loop. That will leave an unacceptable gap in the extension of rights afforded by the Bill, so the matter must be considered seriously. We urge that the definition of "employee" be amended.

We welcome the provisions to simplify maternity pay and leave, but the effective enforcement of maternity rights legislation, including the operation of sex discrimination law and health and safety rights, must be examined. While the response to 'Work and Parents: Competitiveness and Choice' was delivered by several organisations in GB, the Citizen's Advice Bureau carried out research, particularly on the health and safety of pregnant women. We must consider health and enforcement issues. The Equality Commission, when it appears before the Committee, will point out that one of the highest categories of complaints that it receives is from women who have been discriminated against while pregnant. That issue has not been dealt with at all.

We welcome the extension of maternity leave from 18 to 26 weeks, which applies only to mothers who fulfil the qualifying conditions. We welcome also the proposed simplification of qualifying conditions and notification periods and the proposed reduction of the sickness trigger from six to four weeks. Overall, the proposed new framework will probably be simpler and more manageable for employers and employees; however, the number of women who benefit from longer periods of maternity leave will not increase significantly.

The Bill does not address many issues raised in our response to 'Work and Parents: Competitiveness and Choice'. For example, to extend maternity leave that is paid at a low flat rate, and to extend unpaid additional maternity leave, will benefit only the small percentage of women who can afford to take time off. When the Bill was debated at Committee Stage on June 5, the Minister mentioned the Department's commitment to social inclusion. Unless maternity pay actually replaces earnings, few women will be able to take extended leave. Only those with a sufficient income will be able to do so; therefore TSN requirements will not be addressed.

We regret that the provision to restrict earnings-related statutory maternity pay to the first six weeks of maternity leave will continue to apply, despite many

groups' arguments against it. Women will take the longer period of leave to which they are entitled only if the period for which earnings-related statutory maternity pay is extended. We argued for the extension of that period, because many women need extra time to adjust to motherhood, to find adequate childcare and to ensure that their child is settled before they return to work.

If we want to retain women in the workforce, we must find a way to do so; otherwise, the reasons for giving paid leave in the first place will have been negated. In addition, it is costly for employers to recruit and retrain staff that are needed when women do not return to work after a short period of maternity leave. Although we would welcome an increase in the period for which statutory maternity pay is available, maternity pay is quite low. We argue for earnings replacement maternity pay. That is an area in which limited universalism is fully justified in the interests of the health and welfare of all working women and their babies and to protect their labour market participation.

We are disappointed that provisions, particularly those relating to additional maternity leave, still have a qualifying service condition. The existing service requirement for statutory maternity pay in itself is inherently discriminatory against women who change jobs in the early stages of pregnancy. The requirement of a service qualification means that, if a woman changes jobs when she is one or two months pregnant, she will be unable to access statutory maternity pay. Those qualifying conditions inhibit women's job mobility and, potentially, their career advancement, as changing jobs while pregnant can mean a loss of statutory or contractual maternity benefits.

In our response to the Green Paper, we suggested that the Government consider an integrated maternity and parental leave scheme that would afford the same protection as current maternity leave. It would be equally and individually available to both parents as a possible alternative to extended unpaid maternity leave. It would also encourage more fathers to spend time with their children. Unless it is financially possible, many fathers do not spend as much time with their children as they would like. Working life in Northern Ireland is such that fathers usually earn more than mothers; therefore mothers will usually take the time off.

The chance to radically change the current system was lost in the 'Work and Parents: Competitiveness and Choice' Green Paper. It only tinkered with it, adding bits here and there, but it did not address pay issues, length of leave and so on. Until that happens, many women and men will still be outside the loop.

We welcome the reduction of the sickness trigger from six weeks to four weeks before the expected date of childbirth; however, the provision that an employer can trigger a woman's maternity leave should be abolished or redrafted so that its application is limited clearly to

sickness. It should also allow an employer to expressly agree that the sickness trigger would not apply. We will address that issue more thoroughly when proposing amendments.

We welcome the proposed new right to paternity leave. That provision should have been drafted to include people in close contact with a mother and baby at the time of the birth, including her mother, father or other adults who provide support. The right to leave should not be linked to an artificial legal concept of parental responsibility. A broader provision would cover single parents and young women, whose mothers may support them at the time of birth if they do not have a partner to do so. If that concept were narrowly legally restricted to fathers, many people would not be able to avail of support. A broader provision would enable a mother's family member to take time off to provide support for two weeks, which is a short period.

There would be no reason to impose a service qualification requirement on paternity leave, which is only two weeks' leave. Ordinary maternity leave creates no such requirement, so it should not be imposed in respect of paternity leave. It is reasonable that those who wish to access paternity leave should take it within two months of the birth; however, we cannot accept the argument for making it so inflexible that it has to be taken in one block. It helps employers if leave is taken on a one-day or part-time basis, as the needs of the child and parents and employers must be considered.

It should be possible to have a scheme for low-paid fathers, such as maternity allowance, which kicks in when a woman's salary is not above the lower earnings level and she cannot access statutory maternity pay. Many fathers may not be able to access paternity pay because they do not earn above the lower earnings limit. There should be a scheme, similar to maternity allowance, for fathers or other carers whose salaries are below the lower earnings limit or who are self-employed.

As far as we know, the draft provisions in the framework have not yet been formalised. How will the Department provide for birth support leave rights to be extended to same-sex partners? The apparent intention of the legislation is to require the acquisition of legal parental responsibility. The use of parental responsibility as a criterion for eligibility discriminates against non-biological carers, who may have difficulty in establishing parental responsibility through, for example, joint residence orders, or who do not know their rights under family law. To an extent, the extension of rights on the basis of biological parenting can disadvantage the children of single parents. It is not clear whether requiring the acquisition of parental responsibility in that context would constitute justifiable discrimination under the recent Employment Framework Directive, which is designed to protect against discrimination on the grounds of sexual orientation. A

Directive to deal specifically with sexual orientation will be created, so there would be no sense in amending current legislation.

We are happy that inter-country adoptions will be covered in the Bill. The Minister said that there would be slight differences, but she has not elaborated on what those would be. We would like to know what those differences are, because we cannot see why, if someone adopts a child from a country outside Northern Ireland, his or her entitlement to the legal provision in the Bill should be reduced.

We welcome the recognition and support for the role of adoptive parents in the granting of leave provisions. There are good arguments for making the main carer in an adoption situation eligible for early replacement or adoption pay in order to encourage parents to adopt. The main carer is normally a woman, who usually maintains her participation in the labour market. As with paternity leave, we do not see why a service qualification requirement for leave should be imposed on either the main carer or a partner.

As regards the legal requirement of notification, an employee normally has to give up to 28 weeks' notice that she intends to access all the leave rights. Most employees receive only a week's or a month's notice that they will be dismissed. We do not understand why people have to give long periods of notice to employers before they can access leave rights — the requirement should be reduced.

It is not clear how leave eligibility for adoptive parents would be framed, because the current law requires joint adopters to be married, although it allows single people to adopt. It would be fair and helpful if the UK Government were to give non-married partners the right to jointly adopt, perhaps through the draft Adoption and Children Bill. In any event, the non-married partners of those who adopt should not be denied the possibility of leave and should not be required, as a condition of eligibility, to gain parental responsibility through a residence order. However, all adoptive carers, whether or not they are legally recognised in family law as an adopting parent, should, as a main carer, be given the same rights as granted under paternity leave. We urge the introduction of an allowance scheme for adopters who earn below the lower earnings limit as part of the current maternity allowance system. That would reduce the costs of adoption leave.

Another issue is flexibility. People in the UK work the longest hours in Europe: 43.6 hours a week compared to 38.4 hours a week in Belgium. Greek people work the second longest hours: 40.8 hours a week. Despite the European Working Time Directive, more than four million employees in the UK regularly work more than 48 hours a week, and almost half of the country's employees have no flexible working arrangements.

We welcome the provisions that give employees the right to request flexible working arrangements. However, we disagree that six years old should be the cut-off age after which parents have no absolute right to request flexible working hours, though the cut-off increases to 18 years old for those who have a child with disabilities. The key issue should be the needs of the child and the family, and not an artificial age barrier.

We welcome the fact that the state will cover up to 100% of the costs of providing parental leave and enhanced maternity leave for small businesses in Northern Ireland, while up to 92% of larger firms' costs will be covered. We do not wish to burden employers, but we want rights to be extended to the workforce, especially parents, because they are responsible for preparing the next generation of workers. Although we welcome the provision, the rights extend only to maternity, adoption and parental leave. Many of us, including myself, have been arguing for those rights for many years, although I no longer need them. We are now moving into the realm where one must consider the care of elderly parents and relatives. There is no provision for those who care for elderly parents, and we have an ageing population. We will continue, in congress, to push for an extension to that legislation or for new legislation, so that people who care for elderly parents are recognised.

Again, carers are mostly women, many of whom must leave the workforce. In many cases, that reduces their entitlement to a full state pension or an adequate state pension, if there is such a thing these days. As a result, they rely on the state in their old age. Many will live in poverty and will have to access benefits that they would not have had to seek if their position as a carer had been recognised. Those are our main points; thank you for giving us the time to present them to you.

**Mr Hilditch:** You mentioned discrimination, particularly with regard to flexible working hours. Do you consider that the proposed legislation will give the right to flexible working hours to some people with caring responsibilities, but not to others? You mentioned people who care for the elderly, but what about disabled children who are over 18 years old? Would you regard that as blatant discrimination?

**Ms Hope:** We are not happy with cut-off points that seem to have been plucked out of the air; for example, all of a sudden, at six years old a child is not deemed to need a parent around, or it is implied that disabled children, on reaching 18-years-old, can fend for themselves. However, we recognise why those barriers, as we call them, exist. The main factors are cost and the attempt to find a dividing line. We will be examining the forthcoming age legislation, which may impact on law that comprises age limits. However, children with disabilities, especially those who are severely disabled, should receive care for as long as they need it. If that means enabling parents to



access flexible working arrangements, that should be done. I hope that the Committee will consider that in its discussions.

**Mr Hilditch:** As regards the cut-off age and whether you are arguing a case for social inclusion, on what grounds would an employee be able to claim that the needs of a child or a family justify flexible working arrangements?

**Ms Hope:** Do you mean in the first place, or at any age?

**Mr Hilditch:** At any age, but particularly younger children.

**Ms Hope:** There is a duty on the employee to give the employer reasons why that arrangement would not have an adverse impact on the business. A good deal of responsibility is put on the employee to try to access that right. An employee could make such a request for any reason, for example, a wish to spend more time with one's children, which is highly commendable; childcare difficulties; or a child with a long-term illness.

Sometimes I worry that the system is tied too closely to caring responsibilities. In the broader work-life balance scheme, in which the Department for Education and Learning is very involved — I sit on the ministerial advisory committee — a move is being made to reconcile work and family commitments and to allow people to work more flexibly so that they can pursue other interests. We must take account of that — work should not be only about the times that an employee is present, it should focus on staff's contribution when they are there.

**Mr Carrick:** It is interesting to reflect upon the emphasis of last week's evidence from the Federation of Small Businesses, and the emphasis of your presentation. The work-life balance ideal has costs attached. Should those costs be carried by small businesses and their proprietors, who form the backbone of the Northern Ireland economy?

**Ms Hope:** We do not want to place burdens on the employer. Sometimes, what they regard as burdens are actually our members' rights. However, I appreciate your point, and I will answer your question.

We have heard the argument that financial constraints or burdens were placed on employers when we introduced the sex discrimination legislation, the equal pay legislation, and the minimum wage legislation. Records show that the reason any Northern Ireland employers have to downsize or close is not that they have paid an employee maternity leave or childcare allowance. Nortel is not shedding 200 workers because it has a problem with paying parental leave. We do not want the issue to be seen in that light.

You are correct to say that there must be a partnership arrangement, and the Government have a responsibility to ensure that legislation that extends rights to employees does not have an adverse impact on employers. That is

why we will continue to welcome the fact that employers, especially small businesses, who are the backbone of the economy in Northern Ireland, can access 100% of the additional statutory maternity pay, and the new parental leave.

In partnership with employers, we have been putting in place flexible working arrangements that suit both the employer and the employee. There are costs, but the advantages are in the retention of staff, because every time a new employee is recruited the cost is approximately £3,500.

If employees do not have to take sick leave due to stress or to care for children, the knock-on effects will be positive. I urge that we start monitoring the take-up of unpaid parental leave, paternity leave and longer maternity leave arrangements before considering the costs. We will not know what the costs will be until the system is in place. People worried about the costs of introducing the statutory minimum wage, but those have been minimal.

**Mr Carrick:** Last week we heard about administrative costs and that smaller employers will receive a 100% rebate. The percentage on the national insurance is a paltry compensation.

We also heard that lack of notice disrupts and dislocates business and frustrates forward planning. Today you put forward the argument that notice is necessary. The Federation of Small Businesses said that to have meaningful forward planning and recognised business structures, particularly with key personnel, an employer needs advance notice of events, so that the necessary arrangements can be made for cover. There are additional costs in training staff to provide temporary cover, particularly for key posts. Therefore there are administrative costs on top of the PAYE scheme, with student loan repayments, statutory maternity pay, statutory sick pay and tax credits.

The situation is beginning to snowball, and you are correct that the Government must recognise that there is a partnership. However, in Northern Ireland we must be careful that we do not impose the straw that breaks the camel's back with undue demands on the administrative capability and capacity of our small employers section.

**Ms Hope:** We are not saying that there should not be notification. However, some employers require lengthy notification, which can mean that if an emergency or a crisis arises an employee cannot access leave, because 28 weeks' notification has to be given. There is no uniformity in the notification period for receiving benefits. I appreciate the argument, but a great deal of that is to do with one-off set-up costs. Most of us work on IT systems, to which we have simply added a few extra columns. Much of the expense would result from set-up costs. Each year in Northern Ireland, about 12,000



fathers access parental leave. That is not a huge number of people, given the size of the workforce here. It is not beyond employers to create a system that will allow for parental leave. When planning ahead, all employers and companies should build in a degree of flexibility to allow for women taking maternity leave, sickness or people leaving. This is not new. A company that has not built such flexibility into its forward planning has problems anyway.

**Mr Carrick:** In a competitive world, smaller businesses with fewer than 10 employees cannot afford the luxury of carrying the equivalent of one and a half employees to cover any eventuality. It does not work that way in the real world.

**Ms Hope:** People who adopt children form a very small percentage of the workforce, so the number of people taking adoptive leave would be very low. The average number of children in a family is now two — few women have three children. Companies do not face the situation of lots of women taking maternity leave year after year, or of many of their staff being on maternity leave at the same time. That is particularly true of small employers. Larger companies are flexible enough to allow for maternity leave, and must do so. We are not trying to burden employers; we are trying to ensure that our members receive their rights.

**Mr Carrick:** I would love to come back on that, but I must let others speak.

**Mr R Hutchinson:** Mervyn Carrick rightly stated that small businesses are the backbone of Northern Ireland and that many families depend on them. I am neither for nor against flexible working arrangements, although it is annoying if you are trying to contact someone on a Friday afternoon and they have gone home. They would tell you that they were in work until 8.00 pm on Thursday night, but that is not much good if the phones are switched off at 5.00 pm on Friday and you cannot speak to them. Flexible working arrangements still need to be tweaked here and there.

Are there ways in which the proposed legislation dealing with flexible working arrangements could be amended to enhance its contribution to small businesses?

**Ms Hope:** At the moment, the legislation does not place an obligation on an employer to always agree to flexible working. If the employer can demonstrate that the flexibility that the employee has asked for would be detrimental to the business, the employer is not obliged to grant it. Flexible working hours are not a right. For example, an employee cannot simply state that they will be working certain hours next week. We will be encouraging our members who want to access the flexible arrangements provided for in the new Bill to do so through negotiation with the employer to establish the best way to arrange those. There are safeguards in the Bill to protect very small employers, for whom it may

not be possible to agree to the flexible arrangements that their employees want. However, there is no reason why they should not try to reach a compromise.

**Mr R Hutchinson:** Do you admit that there are circumstances where such arrangements would not be possible?

**Ms Hope:** There may be circumstances where that is not possible, and no one would try to impose flexible working arrangements on any firm. For example, if there are only three people in a workplace, it may be difficult for an employer to allow the sort of flexibility that each of them wants, but it may be possible to reach a compromise that would allow for some flexibility. I do not know whether my colleagues have any examples of flexible working that they could use as illustrations.

**Mr McBrinn:** The small-business economy in Northern Ireland must be considered. Analysis of the economic sector in which small businesses operate shows clearly that the number of employees in each company is small and, therefore, that will impact on any decisions taken about flexible working hours or family-friendly policies. Any decision by the trade union movement not to recognise that would be irresponsible. Ms Hope's point about the flexibility opportunity is correct. There must be a shared and responsible approach to dealing with these issues.

Mr Carrick mentioned the partnership issue. Although Northern Ireland does not have a social partnership, such as those in other developing European countries, there is a desire to ensure that we understand the position in which employers in that category find themselves.

As Committee members will know, people are sometimes reluctant to accept academic research. A team at Cambridge University has completed a survey on workplace employee relations, dealing with staff and management. In the areas that we have looked at, the survey found that those companies that offered parental leave beyond the minimum legal standards experienced an above average improvement in production because of staff retention. If there was an opportunity to encourage parents by, for example, allowing them to work during term time, it was reflected in the creation of a better position for the firm's product or service. There was a clear distinction between poor and improving practice. Flexible working hours and job-sharing arrangements have been mentioned. The survey confirmed that those measures are associated with lower staff movement and, therefore, lower staff costs. There is a health warning with all surveys, but it found that nine out of the 10 establishments with some experience of flexible working arrangements considered them to be cost-effective.

**Mr R Hutchinson:** What size are the companies that were surveyed? I am sure that they are not small businesses, employing five, six or seven people. The Committee took evidence from another organisation last

week, and I get the distinct impression that if the proposals are forced through, several small businesses in Northern Ireland will say that they have had enough and are not prepared to shoulder the burden any longer. I have never been a member of a trade union. I have deliberately stayed clear of them. The view that every employer is out to get their pound of flesh from every employee has long since gone out the window. There are many good employers who are willing to work with their staff and seek to give them what is rightfully theirs. I feel that some of the legislation could push decent employers over the edge.

**Mr Gourley:** The reference to a pound of flesh was not in our submissions. I do not think that women will get pregnant just because of the payment legislation. NIC-ICTU has stated that if small employers run into difficulties, it is happy to discuss their problems with them. People who work in small businesses understand the potential problems, and they must be given credit for that. People employed by family businesses know that they will be treated fairly in relation to, for example, maternity leave. They know that their employer will not stitch them up. Those people become more responsible and loyal to their employers and do not take time off every Monday because of hangovers. They become integral to the businesses, and they are conscious of the fact that they are in small businesses, which provide them with their jobs and livelihoods. People in Northern Ireland tend to work together.

The minimum wage did not cripple those whom Bill Jeffrey said it would, nor did it close all the small businesses. We heard from the rooftops that the minimum wage would put many people out of work. That just did not happen. It will not happen under this proposed legislation either.

People in small businesses are responsible people. They realise that it is their job and their livelihood; they are not going to listen to me telling them not to worry about their job. Incidentally, that is not our attitude. We are trying to protect jobs. We are very much involved in the economy, especially in Northern Ireland because that is where we come from. There are many plusses, which are of more benefit than the negative argument of "We just cannot do it". That is all we are saying. We understand that small businesses have the right to argue their corner, and they are right to be worried. There is just as much in this for small businesses as there is for everybody involved. The proposals are the best way forward.

**Ms Hope:** The Irish Congress of Trade Unions belongs to Opportunity Now, which is the Business in the Community-led organisation that has been putting equal opportunities policies on many of these issues into the workplace for a long time. Over the years, in many workplaces, we have negotiated parental leave — both maternity and paternity leave — policies with pay. The

legislation did not address that. In many workplaces, you will find that the maternity leave and pay agreements are more generous than the statutory ones. That has been an accepted part of trying to retain employees and to recognise the service that they give. We would see those as minimum rights and where possible, we hope to better them.

Unfortunately, it is not the good employers that we have to worry about. Those who are not members of Opportunity Now or who have no union organisation get away with blue murder. They are the reason why much of this legislation is brought in — to protect those who have absolutely no other protection.

**Mr Dallat:** I have to keep reminding myself that this is the Committee for Employment and Learning and not a sub-branch of the Confederation of British Industry.

**Mr R Hutchinson:** Why does he always have to get personal?

**Mr Dallat:** If you interrupt me again, I will walk out.

**Mr R Hutchinson:** Well, go.

**Mr Dallat:** You did that last week; you are not doing it again.

Ms Hope, you mentioned carers in particular. They are on many people's minds because last week was Carers' Week. From that, we know that people who have no protection save the Government about £452 million a year, which is marginally less than the entire budget for the Health Service. Are there missed opportunities in the Bill to protect the rights of those people?

**Ms Hope:** They are not addressed at all. The legislation arose out of a consultative document called 'Work and Parents: Competitiveness and Choice'. It considered parents, as opposed to carers in the broader sense. We do need to address the issue of carers.

**Mr Dallat:** I would have thought so. We must be mindful of the inequalities that currently exist. You made special reference to children with a disability. Everyone knows that in every town across Northern Ireland there are a considerable number of children with varying disabilities, some terminal. The higher up the scale that you go, the greater is the likelihood that you will get time off, particularly if the child is not going to survive. Is there anything in the Bill that is going to give any comfort to parents of disabled children or those in the second group? Will improvements be made to protect the rights of those people? A child with a disability is not a child in itself; it is a family. You cannot separate the child from the parents who are the workers.

**Ms Hope:** That is an issue that has to be addressed, perhaps also through the disability discrimination legislation. You are right; there is little in this legislation.

Requests for flexible working can be extended for parents of disabled children up to the age of 18. However, there is no provision that if you adopt a disabled child, you will get additional leave. That may be a time when both parents would need to be with the child, but it is not mentioned at all.

It is only when legislation comes through and is implemented that you start to see the gap. That is why we must, unfortunately, keep returning to create more pieces of legislation. We must consider the particular needs of children with disabilities and the needs of the parents who must look after them. I would suggest that you might wish to speak to representatives of the disability rights groups, particularly Monica Wilson, who would probably have some information. We must keep in mind that an equality impact assessment now has to be carried out on all our legislation. That covers nine grounds in Northern Ireland, including disability and dependants. We have to see if there is any adverse impact, and that may raise issues about children with disabilities.

**Mr Dallat:** I am not ignoring the men, but last week's panel of witnesses was all male. I am just balancing that. There was much chat today about small businesses, given last week's evidence. Without wanting to sound prejudiced in any way, are there a number of large businesses — and I must be careful not to name them — that are still going to escape the requirements of this new Employment Bill in how, for example, they recruit workers part-time, just employing them at the busy times when the tills are rattling? I am basing this on my own observations; I see young mothers working unsocial hours in large supermarkets. How are workers protected in that environment?

**Ms Hope:** That is about flexible working arrangements that suit employers, as opposed to those that suit employees. Sadly, several years ago, many of those protections in law covering not only the types of work but the hours that particular categories of workers — women and young people — worked were wiped out in the interests of equality. The issue is not that young mothers or “young anybody” work what people consider unsocial hours, if it is their choice and they are able to do it, but ensuring that their employer pays them at least the minimum wage and gives them good terms and conditions.

I realise that many have a constrained choice — it may be because there is a lack of childcare. Young mothers may work in the evenings when perhaps someone else is at home to look after the children. There are many reasons why people choose to work in the ways that they do. Much of this Bill is needed because there is a constrained choice; it is the only work that they have. They need the money. We cannot stop people applying for the jobs; we can only try to protect them in whatever jobs they have. Bob Gourley and Liam McBrinn organise workers in those particular circumstances.

**Mr Dallat:** How can you prevent those employers choosing students or other people where they do not run the risk of maternity or paternity leave et cetera?

**Ms Hope:** One cannot.

**Mr McBrinn:** There are two points; the first is about the larger companies skipping their responsibilities. If it were shown that the legislation is not strong enough and that large companies are escaping their responsibilities deliberately, it would put to bed the argument that this is about resources. The larger companies would have the resources to adopt and direct towards these methods whereas the smaller companies clearly may not have those resources. We would like to come back at some stage and make that observation more solid than it currently is.

Our current experience in both the private and public sectors is that where we have collective agreements on terms and conditions with large companies, they do meet their requirements. Where they do not, we have structures and procedures for correcting that. We do not have the same procedures in the smaller companies, because they are less organised by trade unions simply because of their size. We would want to ensure, and give a clear undertaking to the Committee, that, where the trade unions determine that resources are not the argument, the failings by large companies will be addressed progressively and in a mature way.

With regard to the flexible working arrangements that apply in larger companies, we are again back to the point about having the resources and manpower to make that happen. I return to the point that I made about the Federation of Small Businesses: whether in the public sector or the private sector, we will have to ensure that trade unions meet the requirements of the employees, employers and trade union members when dealing with small businesses to ensure that each one of us has a contribution to make in securing the realisation of the legislation.

**Mr Dallat:** You are not happy with the mechanism to challenge employers' decisions. How can that be improved?

**Ms Hope:** With regard to flexible working? I do not like that part of the legislation at all because it is cumbersome and legalistic. It almost implies that you are going to have such problems that you will end up in tribunals. That is not the way forward. The Bill allows an employee to complain to an employment tribunal that the employer has failed to comply with his duties in relation to the application for flexible working, or that a decision by the employer to reject the application was based on incorrect facts. For example, the employer might say that he could not allow flexibility for some reason, while the employee might say that the time off could be covered.

The way that the Bill is written, it seems to suggest that the tribunal's role is merely to ensure that the



employer has followed a statutory procedure and that the quality of the decision can only be scrutinised in so far as it is based on particular facts that the employee can show to be incorrect. That is not the way to try to come to an agreement about whether someone can have flexible working arrangements.

I am not sure whether that is all included. We were told that one of the instructions to the committee, which George Bain chaired, was that it should have an easy touch. We do not know whether it was to be so easy that people would find it almost impossible to access the flexibility arrangements in the first place. We will keep our eye on it. We will also encourage our affiliates and members who wish to avail of it to do so. We will try to draw up some guidance for them. It is important, particularly in relation to flexible working, that there is some sort of code of practice or guidance for employers and employees on those issues.

**Mr Gourley:** The big employers have no problem when they want to work flexible hours. They do not care about your daughter or my daughter who is married with a wee family and who has been used to working a certain rota every week. They tell her that the next week she will be working a changed rota. When the wee girl says that she will have to leave because she cannot work it, the employer says "Well, it is your choice; leave if you want."

Having said that, we are experienced in trying to accommodate the employer and saying that there must be other ways to resolve a problem. We discuss it and consider other ways. We are conscious that that is more important for employers, especially of small businesses. We would sit down and discuss any problems. It would not be the first time that employers have come to us and said that there is no money on the table. We then have to inform our members of that responsibly. We are not about closing businesses. We would say to workers, when we have to, that there is no money available for pay rises, et cetera. We are responsible in that way. Any problem with flexible working can be thought out and thoroughly resolved within the establishment, whether it is large or small.

**Dr Adamson:** I have found the discussion useful. I have no questions.

**The Chairperson:** I have one brief question. Thank you for your written evidence. There was one phrase that some of us perhaps found slightly disturbing — you said that paternity leave should not be linked to what you described as "an artificial concept of parental responsibility". I would have thought that the concept you were disagreeing with was a highly natural concept of parental responsibility.

**Ms Hope:** I meant that there are people who take on parental responsibility who are not the biological parent. If the legislation relates only to biological parents, it may preclude other carers from accessing the leave.

**Mr Carrick:** How would you counter the potential abuse in that situation — the linkage to those claiming social security benefits and perhaps also trying to claim paternity benefit?

**Ms Hope:** They can only claim paternity benefit if they are in work: it is a workplace benefit. As the Bill shows, there are tests to be taken — not quite DNA, but almost — to prove who is the father of the child. We were thinking especially of young women who are not married and have a child. It must be realised that it is usually a close family member who provides the support, and people should not be deprived of support at that time. I do not think that the system will be abused.

**The Chairperson:** The Bill refers to a service qualification requirement: would you prefer that it were not included?

**Ms Hope:** Yes. Most people must have 26 weeks in a particular employment. That qualification is not needed to access the ordinary maternity leave, so we cannot understand why it is needed to access the entitlement provisions. For example, where a mother does not need that service qualification and her partner has not been in work long enough, she may be out of maternity leave and he may not even get the two weeks' paternity leave. That is an anomaly that needs be looked at — and the same goes for adoptive leave.

**The Chairperson:** OK.

**Mr Gourley:** When we are thinking about those issues, we should be thinking about how we would like our own families to be treated. That is the crux of the matter.

We have a partnership agreement with Tesco. It is not Utopia, but, working in partnership with its workers and the trade unions, throughout Great Britain and Northern Ireland, we jointly made Tesco the leader in the retail market with a profitable business. We do not want to crucify anyone.

**The Chairperson:** I am sure that Tesco would be grateful for that advertisement. Supermarkets were mentioned earlier.

**Mr Gourley:** We have big problems with Tesco, but we sit down and work them out.

**The Chairperson:** Thank you all for coming. It has been helpful. Thank you also for your written evidence. If you have any detailed suggestions and amendments, could you please send them to us by the end of August.

**Mr Gourley:** NIC-ICTU will send you notes on how it sees things on the main points. We appreciate the opportunity to have an input into family-friendly policies. It is good to see Northern Ireland standing on its own feet.

**The Chairperson:** Thank you all very much.



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## NORTHERN IRELAND ASSEMBLY

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### COMMITTEE FOR THE ENVIRONMENT

Thursday 20 June 2002

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### LOCAL AIR QUALITY MANAGEMENT BILL (NIA 13/01)

#### Members present:

Rev Dr William McCrea (Chairperson)  
Ms Lewsley (Deputy Chairperson)  
Mr Armstrong  
Mr A Doherty  
Mr M Murphy  
Mr Poots

#### Witnesses:

Ms H Anderson ) Department of the  
Ms A Hall ) Environment

**The Chairperson:** You are very welcome, Ms Helen Anderson and Ms Ann Hall, to the Environment Committee.

**Ms Anderson:** I apologise for the background notes being late, but as we work through them some of the detail will be ironed out.

The Committee will be familiar with the background to the proposed Local Air Quality Management Bill. By way of recap, the Bill is required to enable implementation of an EC Directive on ambient air quality assessment and management. It will also satisfy the Programme for Government and the Investing for Health commitment to have in place, by May 2003, a policy on legislative framework to deliver Northern Ireland's contribution to the targets in the UK air quality strategy.

I will work through the Bill clause by clause and will stop if members have any comments or questions.

Clause 1 states that the Bill contains provisions for implementation of the EC Directive.

Clause 2 requires the Department to prepare and publish a statement or strategy document setting out the air quality strategy for Northern Ireland. The strategy should contain policies for the assessment and management of air quality, which have been formulated to prevent or mitigate the effects of pollution. The strategy should

also set out the European framework within which it must work and include standards and objectives for specific pollutants and a timetable for the achievement of those. It should also set out the steps and measures that Government are proposing to take. The strategy may be a joint one with other administrations or a Northern Ireland regional one.

In response to the consultation document, the Royal Town Planning Institute suggested that there should be joint responsibility between Departments to draw up an air quality strategy. However, responsibility has been placed on the Department of the Environment as the one best placed with regard to technical and policy expertise. It will involve other relevant Departments in the preparation of an air quality strategy. Subsection (7) requires the Department to consult relevant authorities when preparing or modifying the strategy to include Government Departments.

**The Chairperson:** You say that the Department of the Environment should be the relevant Department, and the Royal Town Planning Institute suggested that a composite number of Departments should draw up the strategy. As the lead Department, will you take on board what the other Departments say and reflect that in the strategy? It is to be hoped that the Department of the Environment will not go off on its own and say "We hear you, but we are the final arbitrator".

**Ms Anderson:** That will not be the case, because the strategy must identify measures that Government will take. Those measures would be taken by Northern Ireland Departments as a corporate body, as opposed to just the Department of the Environment. There would be no question of the Department of the Environment overriding other Departments in that respect.

**The Chairperson:** If members want to ask a question, please do. In your summary you did not touch on the point in clause 2(1): "The Department shall as soon as possible prepare". How long is a piece of string?

**Ms Anderson:** A strategy is already in place. Northern Ireland is currently signed up to the air quality strategy for England, Scotland, Wales and Northern Ireland.

**The Chairperson:** So, how long is "as soon as possible"?

**Ms Anderson:** A decision will be made as to whether those words should be deleted from the Bill because the Department is already involved in a strategy; it is not futuristic. We signed up to a strategy in 1997 and it is reviewed continuously, so those words are somewhat misleading.

**The Chairperson:** Are you already in consultation with the other Departments? Do they know that this strategy has already been drawn up, and have they been given a copy?

**Ms Anderson:** Other Departments have been involved in the discussions on the strategy. Departments have been involved in discussions on introducing the Bill and putting the requirement for this strategy in statute. An agreement has been signed up to, but it does not have a statutory remit in Northern Ireland.

**Mr A Doherty:** The Bill has considerable implications for local authorities, and puts a certain responsibility on local authorities. Will the consultation include local authorities from the beginning?

**Ms Anderson:** The Department will engage in discussions with district councils over the summer. The Department will invite them to workshop sessions to explain the importance of the Bill and to take on board their views. There is also subordinate legislation and a set of Regulations that prescribe who the relevant authorities are. Other Departments and public bodies that we would view as stakeholders in the Bill are likely to be involved in the discussions.

**The Chairperson:** Will the Committee receive copies of any comments that district councils make?

**Ms Anderson:** When we take on board the comments from those various stakeholders, we intend to share a synopsis of the outcomes with you.

Clause 3 places a responsibility on a district council to carry out a review of the air quality, and the likely future air quality, within its area. Where a review has been carried out, an assessment should be made of whether the air quality standards and objectives are being achieved within a specified period. A district council will then be required to identify particular parts within its area where the standards are not likely to be achieved.

**Mr Poots:** How does that differ from the current situation in district councils?

**Ms Anderson:** District councils are engaged in a voluntary system; they conduct reviews and assessments, but there is no legal obligation on them. Clause 3 places a legal obligation on them to do what they are currently doing voluntarily. The last sentence indicates that the district council will then be required to identify particular parts, within its area, where the standards are not likely to be achieved. District councils are engaged in that part of the process, but have not yet reached the standard.

**The Chairperson:** Does each district council have the staff expertise to fulfil this Regulation?

**Ms Anderson:** As the Committee is already aware, all district councils are voluntarily engaged in undertaking these duties. In doing that, the staff have improved their skills. They have the baseline knowledge through their environmental health departments, which gives them the general expertise. That expertise has been built on, with the Department of the Environment funding training sessions and providing a freephone helpline number so

that information is available to them. In addition, environmental health departments are in a grouping system, and the group officers have identified specialist pollution officers who have been assisting them. There is a good support mechanism, and to date district councils appear to be coping well.

**The Chairperson:** In clause 3, what does “shall from time to time cause a review” mean?

**Ms Anderson:** The intention is that subordinate legislation would prescribe what that relevant time would be. It could either be contained in guidance material, which would not have a statutory remit but which would simply make a recommendation about how frequently this would be, or it would be placed in the Regulations, which would specify a time period.

**The Chairperson:** We will review your answers to see if any other problems or questions need to be posed.

**Ms Anderson:** I appreciate that. It is useful for both of us to have this general overview.

**The Chairperson:** Twenty-four councils have taken up funding. Do the councils that have not taken up funding have the expertise?

**Ms Anderson:** The funding has been used mainly for capital works such as purchasing equipment. It has also been used to undertake specific studies such as fuel-use surveys. The technical know-how tends to reside with district councils, and the Department is supporting that through freephone information and in-house training.

**The Chairperson:** There must be a reason why councils have not taken up what could be regarded as important funding. If money is being used to buy equipment, surely councils would want to have it. Will you let the Committee know why two councils are not taking up the funding?

**Ms Anderson:** Yes.

Clause 4 refers to the designation of air quality management areas. It provides that where a district council carries out a review of air quality and finds that in a certain part of its area, air quality standards and objectives are not being met, or are unlikely to be met within the time period, it must make an Order designating that part of its area as an air quality management area. The district council is required to publish the Order. An Order may also be varied or revoked by a subsequent Order.

The Human Rights Commission, in reply to the consultation document, suggested that there should be more emphasis on informing the public and making information more easily available. Subsection (3) of the clause addresses the issue by requiring a district council to publish a notice of an Order and advise the public where a copy may be inspected free of charge.

**The Chairperson:** We have received a copy of the letter from the Northern Ireland Human Rights Commission. Members may wish to refer to it when considering the issue.

**Ms Anderson:** Several clauses, which we will come to as we work our way through the Bill, respond to the same concern.

**Mr Poots:** What will happen in an area that is designated?

**Ms Anderson:** Subsequent clauses indicate that the council and the relevant authorities have to develop an action plan that will detail actions that each body proposes to take to reduce pollution in that area to the acceptable standard.

**Mr Poots:** Will the relevant authorities include the Department of the Environment?

**Ms Anderson:** The relevant authorities will be specified by the Regulations, which will be subject to consultation. However, we propose that it would include bodies such as the Department of the Environment, the Department for Regional Development, in relation to Roads Service, and the Northern Ireland Housing Executive. The Regulations will be subject to consultation over the summer.

**Mr M Murphy:** Did the Human Rights Commission raise any queries about that?

**Ms Anderson:** The Human Rights Commission made the general point that it would like the Bill to include provision to increase public awareness to ensure that people are aware of the air quality in their area and what actions are being taken. We have included in the Bill, under various clauses and schedules, additional provisions that respond to that concern.

**Mr Lewsley:** Dunmurry had the highest level of pollution of any village in Northern Ireland, and Lisburn Borough Council put air quality controls in place. The problem is partly due to the fact that some of the area is not a smokeless zone. When you spoke about relevant bodies and action plans, what timescales are involved? Technically, the smokeless zone issue would be the responsibility of the Housing Executive.

**Ms Anderson:** You are referring to pollution being generated by domestic fires, some of which are in privately owned houses and others that are in Housing Executive homes. There will be a set of Regulations made under the Bill that will identify various pollutants by name and will give a time frame within which the levels of pollution must be reduced. The statutory time frame will come from those Regulations.

The second part of your question relates to the Housing Executive, which has its own timetable for the fuel-switching process. The Bill works on the basis that

it encourages the formation and continued operation of a partnership approach. In those circumstances, the district council would conduct its review and assessment and identify that home fire pollutants need to be reduced. The Housing Executive will then consider, with the district council, the level of reduction required and the time frame required for compliance under the Regulations, and the Housing Executive's proposals for that period.

That partnership approach between the Housing Executive and the district council will mean that a satisfactory resolution can be reached. Where that is not possible, the matter would be referred to the Department of the Environment for arbitration. These other Regulations are not in place yet, but a hypothetical situation might arise where the Housing Executive proposes that implementation will take longer than the district council deems acceptable. The Department of the Environment will take on board the views of the Department for Social Development, as that Department funds the Housing Executive. The two relevant Ministers will consider that matter. If resolution were not achieved between the Ministers, the matter would be passed up to the Executive for determination. The ruling line of the Executive over the debate between Ministers is not contained in the legislation per se, but that is the framework in which this would operate.

The Department of the Environment's intention is to draw up a draft protocol over the summer for Departments and the Executive, which would outline that arrangement, and pass it round them for consideration.

**Ms Lewsley:** If the Regulation is not implemented in the required timescale, who enforces it? Is there a penalty and to whom does that penalty refer?

**Ms Anderson:** The legislation does not impose a penalty, but seeks to put the mechanism in place. The means of ensuring that actions are taken is by direction and the legislation has retained a power of direction on the part of the Department of the Environment. The Department can only direct district councils, as it would not be in a position to direct other Departments. That would have to be resolved as a simple Government matter.

**Mr A Doherty:** Is there either a maximum or, more importantly, a minimum size for a designated area? I am thinking specifically of areas in a town or where there is serious traffic congestion. I can envisage a great increase in demand for ring roads and bypasses.

**Ms Anderson:** There is no minimum size as such, but the district council and the relevant authorities would have to be confident that any area to be designated is large enough to ensure that remedial measures will reduce pollution significantly. A designed area can be just a couple of streets, it does not need to be half a district council area.

**The Chairperson:** We will carry on with the next clause.



**Ms Anderson:** Clause 5 sets out the steps the district council must take after it has made a designation Order. We have discussed some of this already. Within a 12-month period, as specified in the Regulations, a district council must supplement the information it has on the designated area by carrying out an assessment. The councils are currently doing that voluntarily.

The assessment of air quality should cover the present and the likely future air quality standards or objectives and whether they are being or are not likely to be achieved. The district council will then be required to prepare a report of the findings of the assessment.

Several respondents raised issues in relation to clause 5, such as the road transportation unit of the Department for Regional Development, which raised concerns that it would receive early warning of the need for an action plan. Clause 5, subsections (2) and (3), require district councils to send papers to relevant authorities. That will be subject to Regulation, but it is likely that that will include the Department for Regional Development.

Copies of specific papers, such as Orders declaring a designated area, assessment results and reports, together with paragraph 2 of schedule 1, which provides for the exchange of information between district councils and relevant authorities, would be expected to highlight early warnings of possible action required by each party.

Another respondent, the Northern Ireland Local Government Association, stated that it would be essential for public bodies to be required to fulfil their responsibilities for improving air quality. Subsection (4) requires relevant authorities, which may include Departments but will be determined by Regulation, to submit proposals for the action plan to district councils.

Subsection (8) provides the Department with the role of arbitrator, should there be a dispute between district councils and Departments as to the content of an action plan. District councils suggested the policing role in response to the consultation document. In its letter of 16 May, the Committee for the Environment referred to disagreements between district councils and Government Departments. That aspect is covered in the Department of the Environment's reply of 13 June, a copy of which is in members' information folders. Clause 5(8) specifically refers to that issue, providing that the Department of the Environment will arbitrate. However, where the arbitration involves two or more Departments, Ministers will be involved in discussions, as will, ultimately, the Executive.

**The Chairperson:** After arbitration, the Committee considered what action would be taken against a council that failed to act or a Department that failed to carry out its departmental duty. The Committee responded to that in a letter. The Department of the Environment replied that

“the Department directed district councils to discharge their duty and that councils are statutorily required to comply with any

direction. The Department may take the appropriate action and recoup the reasonable costs of doing so.

The statute places mandatory duties on relevant authorities, which may include Northern Ireland Departments, and will be prescribed by Regulations. Where a Northern Ireland Department fails to discharge its duty, the High Court may, on the application of the relevant authority, declare unlawful the act or the omission.”

When a Department's act or omission has been declared unlawful, is the Department required under statute to comply with the direction? The statute is definite that councils have a statutory duty to comply, but is not definite about Northern Ireland Departments. The statute states that relevant authorities “may include Northern Ireland Departments”. Therefore, the Department of the Environment may take another Department to the High Court. There is an open door for Departments, but a closed door for councils.

**Ms Anderson:** You are quite right. There is a distinction in the level of compliance with the duty that is placed on various parties. Councils have a statutory duty to undertake whatever is required of them, including undertaking a duty under the Bill. Departments are Crown bodies, and the provision in the Bill is the standard clause used in legislation referring to Departments. It is assumed that Departments will realise the onus that is on them and comply with the direction, but there is no statutory requirement on them to do so.

**The Chairperson:** With the greatest respect, you have to say that smilingly. When would one have the confidence to say that a Department “will” and that a council “shall” comply? Quite often, Departments are the offending bodies, yet there is nothing definite in the legislation to do anything about that.

**Ms Anderson:** In addition to the Bill, the Air Quality Limit Value Regulations (Northern Ireland) 2002, which came before the Committee several months ago and are now law, place a statutory duty on Northern Ireland Departments to achieve the European air quality limit values for a range of pollutants.

**The Chairperson:** To reinforce what is supposed to be included in the other Bill, would it not be beneficial to apply the statutory duty in this Bill to Departments?

**Ms Anderson:** This Bill places a statutory duty on district councils to undertake their duties, be they a review, an assessment or the declaration of an area. Councils will also be required to produce actions for inclusion in the action plan in pursuit of — not in compliance with — achievement of the air quality standards.

There is no provision in the Bill to take action against a district council that fails to achieve the air quality standards or objectives set down in statute. There is no provision on any party — central or local government — in relation to that. However, there is an onus on the relevant authorities to undertake the duties as laid down in statute. Subsequent Regulations will specify who



those bodies are but it is likely, subject to consultation, that they will include the Department of the Environment, the Department for Regional Development, the Department for Social Development and the Northern Ireland Housing Executive. It is intended that those bodies will be required by statute to do certain tasks. If they fail to fulfil their obligations, the Bill does not go so far as to declare them guilty of an offence. They will be deemed to have committed an unlawful act or omitted to do an action which they ought to have done. There will be an obligation, but not a statutory obligation, on them.

However, those authorities will get caught under the limit value Regulations. The Northern Ireland Departments are responsible for delivery of the European Commission limit value Regulations for pollutants. If Northern Ireland fails to achieve the European standards, the Commission will take action against the Executive in the form of fines and penalties. Therefore the Bill does not contain a statutory provision, but there is an onus on the Department to comply because another set of Regulations places the duty firmly at its feet.

**Mr A Doherty:** I made this point to the Minister in the Chamber this week when the Second Stage of the Bill was presented. A council may carry out all that is required of it in clauses 3, 4 and 5 — designate areas, prepare and put in its final action plan — but if the Department is not satisfied, it may turn the entire thing on its head. There is no provision for a council to have the right to argue its case or a right to appeal the Department's decision. If the Department is not satisfied with what the council has done, it can make a determination with which the council must comply. The Minister did not come back to me on that point, but I hope that there will be some answer to it.

**Ms Anderson:** The Department will respond to you in writing. The statute is framed as it is because of the onus that is placed on Departments under the limit value Regulations and by the European Commission. It is the responsibility of the Northern Ireland Departments, particularly the Department of the Environment, to ensure delivery of air quality improvements. Therefore the Department of the Environment and the other Departments will be held responsible by the European Commission, but the Department of the Environment is the final arbitrator. The Committee appears to be concerned about the lack of appeal and statutory duty on Departments, but the Department of the Environment will consider that.

**Mr A Doherty:** Arbitration implies give and take, but there does not seem to be any give and take in this instance.

**Mr Armstrong:** Is the Department held responsible if any one person does not comply with the Regulations? Is it correct that the onus does not fall below the top rung of the ladder?

**Ms Anderson:** With regard to the European Commission actions, yes.

**Mr Armstrong:** Therefore any financial penalty is imposed on the top rung of the ladder.

**Ms Anderson:** The only offence decided by the Bill is when an individual or body fails to allow access to premises or information. Powers of entry offences are created there. It is not an offence to fail to achieve the air quality standards.

**Mr Armstrong:** So the standards are for advice purposes?

**Ms Anderson:** The responsibility on district councils is in the operation of the mechanism — doing the reviews and assessments, declaring the area, and putting together the action plan in conjunction with other parties. The Department would have to specifically direct a district council to put in place a smoke control area. The measures that might tumble out of the Bill could be traffic reduction, which will ultimately fall to Roads Service in the Department for Regional Development, smoke control provisions, which would fall to the Housing Executive and to district councils, because district councils operate smoke control areas, the provision of grants, and so on. Really, the only measure likely to fall within the district council's gift is smoke control, and they are grant-aided by the Department of the Environment for that.

I appreciate that there is much to get through. We will probably be back with the Committee on several occasions. I appreciate you trying to stay with us on it.

**The Chairperson:** I would like you to keep going through this overview document. If you could continue to give us the overview, then we can ask specific questions.

**Ms Anderson:** Clause 6 refers to reserve powers that the Department has retained. This clause confers on the Department the power to exercise any of the air quality functions that should be undertaken by a district council. It also gives the power to the Department to recoup the costs of any exercise undertaken on a district council's behalf. The Department also has the power to give direction to a district council, requiring it to carry out a specific action in relation to air quality. This clause also provides the power to the Department to give direction to a district council in order to implement aspects of European Union Treaties or any international agreement relating to the quality of air. A requirement is placed on the Department to publish any directions given, and to make copies available to the public. A district council must comply with any such direction given to it.

The Environment Committee enquired about the role of the Department in implementing this legislation, and we have responded to you at length on that. In particular, clause 6 (1) enables the Department to recoup reasonable

costs for review and assessment work carried out on behalf of a district council. Clause 6(3) allows the Department to issue directions to district councils and clause 6(6) requires the Department to publish a notice of the direction.

This clause also covers the query from the Committee as to what action could be taken against a district council that fails to carry out its statutory duty. In addition, the Human Rights Commission, in its reply, suggested that there should be more emphasis on informing the public and making information more readily available. Clause 6(6) requires the Department to publish any direction it has given to the district council, therefore assisting in that respect.

Clause 7 lists, at great length, the Regulations that the Department would be able to make under this Bill. It provides the Department with the power to make Regulations to implement the air quality strategy, and to implement UK obligations under the European Union Treaties or other international obligations, or to make more detailed provision for the assessment or management of air quality. The Committee asked what levels of fines were proposed under the Bill, and we covered this at length in our response. I would direct you to that for information.

Generally, the only Regulations that the Department is proposing to make under the Bill at this time are Regulations that will specify who the relevant authorities are, and Regulations that set down the limit values for the range of pollutants. These are required to make the Bill work. We have no intention to issue any other Regulations at this time. You will also see in the list that it allows us the power to make Regulations in relation to a whole host of things.

The Bill puts in place a framework that will require the identification of our pollution problems; for example, which pollutants are concerned and where they occur geographically. The Department will then work with various stakeholders to consider what Regulations are required to remedy these problems. Regulations will be brought forward on a need basis, and will be subject to consultation.

Clause 8 provides the power to a relevant authority to make recommendations to a district council in respect of any of its air quality functions. A power is also given to the Department to issue guidance to a district council or a relevant authority concerning a district council's or a relevant authority's functions under the Act.

The Committee raised related issues in recent correspondence and asked for a copy of the guidance. We have given you the website address for the current guidance, and we will share with you the revised guidance when it becomes available. You also sought clarification of the meaning of councils being required to "have regard to recommendations made by the Department". This

means that district councils will be required to take into account such recommendations, but they will not be legally obliged to adhere to them. It is standard legislative phraseology, and its interpretation does not appear to have caused significant problems. You might want to consider that response, and whether you wish to pursue that any further.

Clause 9 basically applies the provisions of schedule 1. We will deal with schedule 1 later, so there is nothing to look at in the clause itself.

We have already discussed this at some length. Clause 10 provides powers to the Department to make grants or loans — currently we are making grants — to any body or person carrying out work in relation to reviews, assessment, the drawing up of action plans, and the management of air quality. The Department will determine the amounts paid, and the terms and conditions for any payments or repayments.

A number of district councils, and also the Northern Ireland Local Government Association (NILGA) and the Chief Environmental Health Officers Group, are listed as having raised the issue of funding and the request for funding. We have given you a lengthy response to this, which basically says that moneys will be provided subject to budget outcomes. I anticipate that you will want to discuss this.

**The Chairperson:** The answer is certainly not a detailed one, and there are a lot of holes in it. We will certainly want to come back to this because it certainly does not satisfy anybody.

**Ms Anderson:** Clause 11 provides that an authorised person may exercise certain powers, which are specifically outlined in the legislation. In its reply to the consultation document the Human Rights Commission expressed an interest, and we have copied these to the Human Rights Commission. We are waiting for a response from them.

Basically, the powers of entry contained in this legislation are identical to those in a host of similar legislative instruments. If we need to, we can debate that.

Clause 12 deals with offences by a person who obstructs an authorised officer in the exercise of his duties. It also states that it is an offence for a person, without reasonable excuse, to fail to comply with any requirement imposed under clause 11. Clause 11 is about powers of entry and permission to take samples, and so on. The current maximum fine is £5,000, which is standard level 5 on the current standard scale.

Clause 13 sets out the arrangements for disclosing information obtained under the provisions of this Act. Again, they are very similar to those in other legislation.

Clause 14 provides for Regulations to be made to modify provisions of this Act to enable the UK to give

effect to Community obligations or international agreements.

**The Chairperson:** I would not want to stop you in your flight.

**Ms Anderson:** I appreciate the time constraint we are under, and that you have other Bills.

Clause 15 applies, with the omission of certain words, the provisions of sections of the Interpretation Act (Northern Ireland) 1954 relating to offences by a body corporate.

Clause 16 provides that where an offence is due to the fault of another, that other person can be held liable.

We have touched on clause 17 before, and you have voiced concerns in relation to the application of the Crown. This is the standard provision in relation to that, but we note your concerns.

Clause 18 specifies those Regulations made under this Act which are subject to affirmative resolution, and those which are subject to negative resolution. The affirmative ones are those which put fines in place; they would be presented to a session of the Assembly. The content is in the Bill itself. It also outlines the requirements of a direction given by the Department in relation to community obligations. There are specifics in relation to that.

Clause 19 defines various words used in the Act. The definition of “air” came up in the Assembly at Second Reading. In case any of you are wondering, I did not dream that up. The given definition of “air” might not be the definition that the man on the street would use, but it is the definition used in the Directive. To ensure effective and clear transposition of the Directive, we are legally advised to use their definition.

Clause 20 gives the short title, although it is not very short.

Schedule 1 sets out the detailed procedural instructions relating to consultation requirements — who has to be consulted, how it must be done, the exchange of information, the joint exercise of district council functions, public access to information, and fixed penalty notices. The Committee for Nature Conservation referred to the need to ensure that there was an exchange of information between district councils and the Department. The schedule contains a paragraph relating to that exchange of information — it provides between whom that exchange must be conducted, and what it must entail.

In the consultation, the Transport Division of Department for Regional Development also referred to the possible need for new traffic Regulations, and that is covered. There is an amendment to their Road Traffic Regulation

Order, which gives them the power to produce subordinate legislation that could limit, either in total or in part, the vehicles that could gain access to an area. That would be a potential measure where traffic was a problem.

The Environment Committee also referred to the need for an exchange of information, and we have provided you with a detailed response. The reply from the Human Rights’ Commission suggested that there should be more information on informing the public. The part of the schedule that deals with that has been sent back to them, and we are awaiting comments from them.

The purpose of schedule 2 is to set out detailed procedural instructions for the use of warrants; the obtaining of information that may be admissible in evidence; the securing of premises if you had to gain entry without the consent of the owner; and compensation — all of which relate to powers of entry. These are standard across other pieces of legislation, and we will debate those with you at greater length at some other time.

The last page of my summary highlights several other pertinent issues which did not really fit in under a particular clause. You will see how the queries raised by the respondents have been dealt with in the copies of our replies to them. I would also point out that I just have noticed that this is not actually the final draft. There are some other comments, and I will provide the amended version to the Committee Clerk. There is not much additional material in it, but it might just give you more clarity. There is nothing in it that would alter anything that we have discussed today. Thank you for staying with us on that gallop through the Bill.

**The Chairperson:** That was a sterling performance, so thank you very much indeed. It has been helpful, and it has been good for us to get that overview. Members and our officials can now take the Bill and go through it with more care using these notes. We will certainly want to revisit its financial aspects. I must declare an interest in that, because it deals with district councils. We will read this carefully and come back shortly. You may discuss with our officials when that might be. There is a lot here for thought and earnest consideration. Your presentation has certainly been helpful, and we deeply appreciate that.

That is as far as we will go today. It is more important that members carefully read this document with the Bill. We will come back at the next session and go into more depth with any questions or queries we might have. You will also have the proper draft then. Thank you very much indeed.

**Ms Anderson:** Thank you. This has been helpful to us as well as you, undoubtedly.





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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR  
THE ENVIRONMENT**

Thursday 20 June 2002

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**LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) BILL  
(NIA 7/01)**

**Members present:**

Rev Dr William McCrea (Chairperson)  
Ms Lewsley (Deputy Chairperson)  
Mr Armstrong  
Mr A Doherty  
Mr M Murphy  
Mr Poots

**Witnesses:**

Dr T Power )  
Ms M Finnegan ) Departmental Officials

**The Chairperson:** I welcome Dr Tracy Power and Ms Marie Finnegan. We have received a copy of the further proposed amendments.

**Ms Finnegan:** Mr John McConnell sends his apologies.

If we work from the draft, I will refer to the additional amendments. There is nothing on page 1 that we need to refer to. On page 2, in general, we were content with the changes in relation to clause 2(7), clause 4(1), and the beginning of clause 4(2). However, I do want to say something about clause 4(2)(a) at the bottom of the page. The Office of Legislative Counsel (OLC) asked some questions about the timing of any reduction from the general grant, and we thought it would be appropriate to make provision for the phasing of a reduction over more than one financial year, which might accommodate a district council in particular circumstances. Therefore the wording of the proposed amendment to clause 4(2)(a) reflects the facility for district councils to repay the amount over several years. The added parts are in brackets:

“(or in each of such financial years as are so specified)” and “(or is so specified in relation to that year)”.

That brings us to clause 4(3). The clause itself was fine, but we have proposed an additional provision, paragraph (3)(b), to cover the eventuality of the Assembly’s non-approval of the Order — where the Assembly does

not agree with the amount or the timing of the reduction. It reads:

“If that draft order is not so approved, the Department may prepare and lay before the Assembly a new draft order and document complying with subsection (2); and subsection (3)(a) and this subsection apply in relation to that draft order as they apply in relation to the original draft order.”

I remind Members that any draft Order would come before the Environment Committee in the first instance. That would be the first opportunity to challenge the Department’s proposal; there would then be a further opportunity should the Assembly not approve the Order. That is what new clause 4(3)(b) will be saying.

**The Chairperson:** You know that the Committee would not be behind the door about that. If we feel strongly about it, we will certainly be willing to challenge.

**Ms Finnegan:** The Committee could challenge a proposal before it ever got to the Assembly and we would take it back. However, if the proposal went through the Committee and went to the Assembly, the Assembly or somebody outside the Committee could challenge it. That might result in non-approval, and we would have to revisit the Order and go through the stages again.

Clause 4(4)(a) has been re-worded in our proposed amendment:

“In subsections (1) and (2) “relevant report” means a report made by a local government auditor under section 80,88 or 89A of the Local Government Act (Northern Ireland) 1972 (c.9).”

In other words, we have expanded the original wording to include sections 80, 88 and 89A of the Local Government Act (Northern Ireland) 1972. Section 80 refers to the report on the annual audit of accounts of district councils. Section 88 is where the Department directs a local government auditor to carry out an extraordinary audit. Section 89A is a report on a value for money audit, and again that would have been requested by the Department.

Having amended the wording of clause 4(4)b, the OLC then recommended that we drop clause 4(4)(b). I was a bit hesitant about that last week, and said then that it might change the existing powers of the auditor. The OLC had provided for other types of reports that the Department might want to rely on, and that was really in anticipation of any changes that might be made to local authority auditing under the Audit and Accountability Bill. The Department of Finance and Personnel is taking that Bill forward, but, at present, the Executive Committee has not yet cleared the policy memorandum. The OLC therefore decided that, even if we are thinking of something like that, it really is too soon to include it, so we have taken that out.

**The Chairperson:** I want Members to declare their interest, to keep everyone correct.

*[The Chairperson, Deputy Chairperson, Mr M Murphy and Mr Poots declared an interest.]*

**Ms Finnegan:** That brings us to clause 6. The changes that we had already made to clause 6 were in relation to subsections (3), (5) and (6). Last week Members appeared to be reasonably satisfied with the amendments. However, clarification may be required about the Department of Enterprise, Trade and Investment's guidance. I said last week that the guidance would be non-statutory, and having checked that out, can confirm that that is the case. The Department of Enterprise, Trade and Investment would prepare any guidance, in partnership with district councils. Therefore, district councils should be in agreement with the guidance, and be prepared to work within its parameters. Should a district council carry out some project outside of the guidance, then that would be open to challenge. That is where the local government auditor would step in. The auditors would be aware that there is guidance for district councils to follow.

I have discussed this with the chief local government auditor, and he said that if he came across a case where a district council had gone outside the guidance, he would look first to section 81 of the Local Government Act (Northern Ireland) 1972, which relates to surcharge, and consider if the expenditure was unlawful. A case might also arise in which the district council is guilty of wilful misconduct by doing something that it knew it ought not to — for example, ignoring the guidelines that are there. The bottom line is that if the guidance is there, district councils are expected to adhere to it. I hope that clarifies this amendment.

**The Chairperson:** On clause 6, and the introduction of subsection (3) in the working draft: where, under existing legislative provision, are the powers for district councils to make compensation payments to landowners whose land has been vested under the economic development powers of this clause?

**Ms Finnegan:** There is a section in the 1972 Act on the vesting of land, and there is also a whole schedule setting out all of the instructions and requirements. That schedule refers to a district council's ability to pay compensation, which can be by agreement, or settled by the Lands Tribunal. There is detailed legislation on vesting powers.

**The Chairperson:** We will have to get that checked.

**Ms Finnegan:** As well as a reference in the body of the 1972 Act, a whole schedule is devoted to vesting.

**The Chairperson:** It would be helpful if you could let us have the copy of the relevant part. We would like that checked out, just to keep ourselves right.

**Mr Poots:** Clause 7(2) still contains the dreadful word "impose". Other Members of the Committee have

mentioned this. I strongly resist the word "impose". It should be removed; I do not think there is any need for it.

**Ms Finnegan:** I cannot take questions on clause 7.

**The Chairperson:** We will discuss clause 7 with the Northern Ireland Office.

**Ms Finnegan:** I will pass on your remarks to David Barr and John McConnell.

**The Chairperson:** To be fair, they could not give us an answer on this either.

**Mr Poots:** I am not getting into the community safety aspect — it is just the wording, which is "confer or impose" as opposed to confer.

**Ms Finnegan:** I realise that this matter was raised before, and I will tell David Barr that it was raised again this morning.

**Mr Poots:** We are strongly opposed to the word "impose".

**The Chairperson:** David Barr said that this provision gave district councils powers to enhance community safety, but was not imposing such a function upon them. When it comes to the actual wording in the Bill we find that the provision does include the word "impose", which takes away from the meaning of his presentation to us. In fact, it says the very opposite, because his interpretation was to permit district councils that wanted to, to do it. Once you put in the word "impose", it actually goes further and deeper. You leave the door open to an imposition of community safety functions, and that has been raised a number of times. The rest of the wording is acceptable.

The Northern Ireland Office has sent us a copy of some responses this morning, and Members will have an opportunity to read them before next week's meeting.

Clause 6(6) of the working draft refers to consultation:

"The Department of Enterprise, Trade and Investment may, after consultation with district councils, issue guidance as to the exercise by district councils of their powers under this section."

Should that consultation not also include interested bodies and persons that the Department consider appropriate? District councils are mentioned; however, other parts of the Bill mention interested bodies or persons that the Department considers appropriate.

**Ms Finnegan:** Yes, it occurs at two other places in the Bill. The Department of Enterprise, Trade and Investment's officials gave us the impression that they would be happy to consult with other bodies, and they mentioned Invest Northern Ireland and SOLACE.

**The Chairperson:** It allows us to leave that door open.

**Ms Finnegan:** Yes. We could include the words, but I will confirm that with the Department.

**The Chairperson:** Should clause 4(7) not read that regulations under subsections (4) and (5) shall be subject to negative resolution?

**Ms Finnegan:** That issue was raised before, and we talked to the OLC about it. They stressed that the subsection did not need to go beyond the current wording, and that the only time when we would have to specify a subsection is when there is a mixture of regulations within a clause. In that case some regulations might be subject to affirmative resolution and others subject to negative resolution.

**The Chairperson:** The Committee would like to have its own legal advice on that point.

**Ms Finnegan:** In clause 4 we have introduced an Order that would be laid before the Assembly. That legislation, in a sense, would be subject to affirmative resolution.

**The Chairperson:** We will study that.

**Ms Finnegan:** The only reference to regulations in clause 4 is in subsection (5). Ultimately, the only regulations mentioned in clause 4 that are subject to negative resolution are mentioned in subsection (5), but I accept that the Committee will want to check that.

**The Chairperson:** We appreciate your assistance and your amenable approach to suggestions from the Committee.





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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR AGRICULTURE  
AND RURAL DEVELOPMENT**

Friday 21 June 2002

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**FUR FARMING (PROHIBITION) BILL  
(NIA 8/01)**

**Members present:**

Mr Savage (Deputy Chairperson)  
Mr Dallat  
Mr Ford  
Mr Kane  
Mr McHugh  
Mr M Murphy

**Witnesses:**

Mr J Given                      ) Department of Agriculture  
Ms M Hood                    ) and Rural Development

**The Deputy Chairperson:** I welcome Mr Johnston Given and Ms Margaret Hood from the Department of Agriculture and Rural Development. We are here to go through the Fur Farming (Prohibition) Bill.

**Mr Given:** Several questions have been asked recently, and we could clarify those if you like. I have made a note of them. For example, we were asked what would happen if the animals were to escape or be let out. It is an offence under article 15 of the Wildlife (Northern Ireland) Order 1985 to allow any species not native to Northern Ireland to escape or be released into the wild.

**The Deputy Chairperson:** It is an offence to release them into the wild?

**Mr Given:** Yes. They could escape, and there could always be an argument as to whether they escaped or were released, but that is for the courts to decide. It would result in a level three fine of £1,000.

**The Deputy Chairperson:** Members, we are going through the Bill clause by clause. We come to clause 2. The Committee asked for clarification regarding the criteria on which the Department would base its decision on whether or not to prosecute the secondary offence, and that is in the minutes of evidence of 24 May 2002.

In its response, the Department says that any decision to prosecute the secondary offence would depend on the circumstances of the case and the evidence available to the Department. The Department highlights the example,

given in the explanatory and financial memorandum, of a person who knowingly grants tenancy of land to a fur farmer. The Committee may wish to decide if it is content with the Department's explanation. Members may wish to ask the Department to expand on the current explanation contained in the explanatory and financial memorandum regarding those likely to be subject to clause 1(2). Before we move on, do members have any questions?

**Mr Given:** You would need to treat the secondary offence on its merits, and a decision to prosecute would largely depend on the extent of the secondary person's involvement. You will have dealt with the primary offence, which is the main one. It is hard to say what kind of situation might give rise to prosecuting the secondary offender. If he were very clearly in charge of the operation, you would probably prosecute him, but if he had merely leased the land to someone, perhaps without even knowing the purpose, you might think twice about it.

**Mr McHugh:** I was wondering what benefit there might be in that. I cannot see, for example, how you would be able to charge someone living in England who had leased land in Northern Ireland. I doubt the practicality of doing so.

**Mr Given:** It would be difficult.

**Mr McHugh:** What is the purpose of the stipulation? Is it to prevent someone from —

**Mr Given:** It gives you scope. It allows you, if there is someone involved apart from the primary person, to investigate the situation and decide on prosecution. It is a backstop.

**Mr Ford:** Perhaps I might return to Mr Given's original point regarding the Wildlife (Northern Ireland) Order 1985 and the offence of releasing animals. Does that provide adequate protection against the possibility that someone's negligence may allow animals to escape into the wild, even if they are not actively released?

**Mr Given:** Yes. In my opinion, the offence of releasing animals would be equivalent to negligence allowing their escape. I hope that a court would take the view that negligence in not keeping animals in would be tantamount to release.

**Mr Ford:** I hope so too, but I am not certain that a court would necessarily agree. Is there a case for including in this Bill a specific mention of negligence, as distinct from the release mentioned in the 1985 Order?

**Mr Given:** The 1985 Order says that

"1) Subject to the provisions of this Part, if any person releases or allows to escape into the wild any animal which

(a) is of a kind which is not ordinarily resident in and is not a regular visitor to Northern Ireland in a wild state; or

(b) is included in Part I of Schedule 9,

he shall be guilty of an offence."

**Mr Ford:** So you think that the wording “allows to escape” is adequate?

**Mr Given:** Yes.

**Mr McHugh:** To some extent this question is almost hypothetical since we are not supposed to keep such animals. However, are there standards for the cages? If you erect something that does not meet the standards, might you expect that animals will escape? Is that checked?

**Mr Given:** One of the existing Orders certainly lays down standards, but that will ultimately be part of the evidence.

**The Deputy Chairperson:** Are members content with the information that Mr Given has provided us with in regard to clause 1?

**The Deputy Chairperson:** Clause 2 gives the courts the power to make an order for the forfeiture and destruction or disposal of animals in the event that a person is convicted of either the primary or secondary offence. Are members content with the explanation furnished by the Department?

**Mr Ford:** The forfeiture order, as proposed, seems to refer to the animals concerned. Is there not also a case for a forfeiture order regarding equipment?

**Mr Given:** That is a good point. The animals are the key to the forfeiture order. We are trying to prohibit fur farming, and if the animals are disposed of, there will not be any fur farming.

**Mr Ford:** People would still have the equipment, which would have a financial value. Including the equipment in the forfeiture orders would be an additional disincentive to anyone to break the law.

**Mr Given:** In other words, no one should be able to benefit in any way from this business, including, for example, by selling the equipment.

**Mr Ford:** There should be no possibility of a sale of the equipment to someone in this jurisdiction, or another jurisdiction where fur farming may be legal.

**Mr McHugh:** The equipment should be impounded.

**Mr Given:** The order clearly applies only to the destruction or other disposal of the animals. Are you suggesting that any equipment associated with the business should also be disposed of?

**Mr Ford:** It would be logical to include the equipment that was specifically used for fur farming. I am not talking about the general forfeiture of all equipment on the premises. However, cages used for mink, for example, should be included in the forfeiture order.

**Mr Given:** I have no problem with taking that matter back to the Department and discussing it with lawyers.

**Mr M Murphy:** People would have to be compensated for the removal of that equipment.

**Ms Hood:** Yes. Presumably people would receive compensation.

**Mr Ford:** That would depend on the Regulations that you make regarding compensation.

**Mr McHugh:** Yes. People should be compensated only for a business that was established before the Bill.

**Mr Ford:** There should be no compensation for activities that have been deemed illegal.

**Mr M Murphy:** Is fur farming illegal at present?

**Mr Given:** No. Any scheme for compensation will apply to businesses that did not require to be licensed and that were in operation prior to the introduction of the legislation. However, we do not believe that there are any such businesses.

**The Deputy Chairperson:** Has anyone contacted the Department to say that there are any such businesses? Are you satisfied that there are none?

**Mr Given:** None has been brought to my attention. I would be surprised if any such operations existed but had not come to the Department’s attention, given the number of departmental officials who travel around the countryside with the Ulster Society for the Prevention of Cruelty to Animals (USPCA) and others.

**The Deputy Chairperson:** Is the Committee content with clause 2?

**Mr Ford:** I am happy with the clause, subject to what we have just discussed.

**Mr Given:** Does the Committee wish me to reconsider that?

**Mr Ford:** That would be useful.

**The Deputy Chairperson:** Is the Committee content with clause 2, subject to that amendment? The Committee may need to wait for an amendment. It depends on the answer that Mr Given provides when he appears before the Committee again.

**Mr Given:** Presumably, the Committee could propose an amendment at that stage.

**The Deputy Chairperson:** The Committee will need to wait to see what you say next time.

**Mr Given:** I will talk to lawyers and advise the Committee, which can then decide whether to propose an amendment.

**The Deputy Chairperson:** Clause 3 deals with the effect of forfeiture orders and provides a right of appeal. No concerns were raised about this clause. Are Members content with clause 3?

**Mr Ford:** There is a potential knock-on effect from the matter I raised with regard to clause 2. There is no problem with clause 3 as it stands, but if clause 2 were amended, a consequential amendment to clause 3 would be required.

**The Deputy Chairperson:** OK.

**The Deputy Chairperson:** Clause 4 confers a power of entry and inspection to enable the gathering of evidence, and a power to enter premises to carry out a forfeiture order. Are members happy with the response from the Department? OK.

**The Deputy Chairperson:** Clause 5 deals with compensation for existing businesses. Members have seen the response from the Department.

**Mr Ford:** Some of us have asked how compensation becomes payable. My understanding is that there is nothing to prevent me from establishing a fur farm tomorrow and claiming compensation from the Department when the Bill goes through. The Bill should contain a cut-off date, possibly the date the Bill was introduced. The Committee's legal advice is that there should not be a date, but the suggestion is that there should be a reference in clause 5(3) to the effect that the Regulations should specify the latest date in respect of which payments will be made. That must be more explicitly spelt out.

**Mr Given:** The purpose of this clause is to set the framework for any compensation scheme. The clause gives the Department adequate cover to do whatever it wishes with regard to setting start dates or end dates. It is not usual to put the date in the Bill as Mr Ford suggests.

**Mr Ford:** I appreciate that it is not usual to put the date in the Bill, but surely it is reasonable to specify that the Regulations shall prescribe a date. That makes it clear that there is no intention to provide open-ended compensation to anyone who jumps on the bandwagon now.

**The Deputy Chairperson:** What is in place to prevent someone from starting a fur farm business today and then claiming compensation?

**Mr Given:** The Department would tell the applicant that the consultation letter that was sent out to everybody on 10 April 2001 specified that no compensation was payable to anyone who went into business after that date. Clause 5(3)(b) says that any compensation scheme shall

"specify the businesses in respect of which payments are to be made".

It could, for example, specify

"a business being in operation before 10 April 2001"

— the date that the Department is likely to use — so there is no need to go any further.

**Mr McHugh:** So no one will get a licence to start a fur farm.

**Mr Dallat:** Providing a date almost invites people to start a fur farm before that date. The advice that the Committee has been given is professional and should be used.

**The Deputy Chairperson:** The Department of Agriculture and Rural Development has asked for legal advice, and there is some conflict of opinion. The advice to the Committee is to specify a date before which a business must have been in operation in order to qualify for payments. There must be clarification.

**Mr Given:** There are two dates in question. If there were to be a compensation scheme, the Department would make it applicable to people who were in operation before 10 April 2001. In any scheme, a closing date, on or before which those who qualify for assistance must apply, is also specified. The cover is in place to do both of those things.

**Mr McHugh:** We do not need to add a specific date.

**Mr Given:** Lawyers are like doctors; they differ.

**Mr Kane:** Therefore, David, your new venture will go out of business.

**Mr M Murphy:** The Committee is not asking the Department to include a deadline in the Bill. It is beyond doubt that the scheme can specify a date. The proposed amendment would be to specify a date after which payments cannot be made.

**Mr Given:** Are you referring to a date, having introduced the scheme —

**Mr M Murphy:** That is the advice that the Committee was given.

**Mr Given:** No claims will be entertained after a certain date. The point is that the Department may never introduce a scheme.

**The Deputy Chairperson:** Are there two dates?

**Mr Given:** The Bill will provide sufficient cover to allow for two dates: a date before which applicants must have been in operation in order to qualify for compensation, and a date by which people must apply in order to receive payment. However, if nothing comes out of the woodwork, the Department may not establish a scheme.

**The Deputy Chairperson:** The Committee is trying to safeguard itself —

**Mr McHugh:** David could start a scheme.

**Mr Given:** I would rather he did not.

**Mr Ford:** With respect, that is not an answer. Clause 5(3) contains five proposals that the Department's scheme may never do. The Committee merely wants to

add a sixth proposal that the Department may never do, but which is there to provide cover for the cut-off point of 10 April 2001.

**Mr Given:** If 10 April 2001 is the correct date, are you talking about that date or the end date?

**Mr Ford:** I am talking about what you defined this morning as 10 April 2001: the date on which you informed people that there would be no payments to anyone going into business after that date. At the moment, the Committee is aware of the Department's belief that the various parts of clause 5(3) give adequate cover. You referred to 10 April 2001 as the date that was given to those who might be affected by the cut-off point. The Committee feels that another subsection should be included to enable the Department to make it clear that 10 April 2001 has legal standing. The Department believes that it is covered; the Committee is not sure of that. I do not see why the Department would worry about having a belt as well as braces.

**Mr Given:** I will refer that point to the Department's lawyers.

**The Deputy Chairperson:** Are you happy with that, Mr Given?

**Mr Given:** I am happy with almost anything at the minute.

**The Deputy Chairperson:** Members want to be sure that they have received adequate legal advice.

**Mr Given:** I will take that on board and talk to the Department's lawyers to determine what they think about the inclusion of that date. As Mr Ford said, it would copperfasten the date that is already in the public arena.

**Mr Ford:** It is in the public arena, but it has no legal authority.

**The Deputy Chairperson:** That covers clause 5.

**The Deputy Chairperson:** Clause 6 contains the title of the Bill and provides for the legislation to come into operation on 1 January 2003. No specific issues have been raised.

The Committee has asked for the Department's views on the Chairperson's concerns that the proposed Bill might allow breeders to raise mink primarily for meat, and sell their fur as a by-product, in the same way that leather is a by-product of the beef industry.

**Mr Given:** We replied to that. The Bill, as proposed, would enable a breeder to raise mink primarily for meat and sell the fur as a by-product. The breeder would have to establish, to the Department's satisfaction, that there was a market for such meat and that that was the primary purpose of the enterprise.

**Mr McHugh:** We are talking about the animal being mink; there are larger furrier animals that would be more valuable.

**The Deputy Chairperson:** We await your answers on the possible amendments, Mr Given, and that will close the matter.

**Mr Given:** I have received correspondence asking that the principle of the Bill be enunciated in the Bill. That is not proper. As the lawyer says, the principle is not relevant to the legal proposition. However, it could be included in the explanatory and financial memorandum, which is ultimately published as notes to the Act when the Bill is enacted. If Members felt that that would be helpful, we could add something. For example, the explanatory and financial memorandum states at paragraph 3 that

"The purpose of the Bill is to prohibit the keeping of animals solely or primarily for slaughter for the value of their fur. The Bill would bring the law into line with that in England, Wales and Scotland."

A form of words such as

"The Bill, which would bring the law into line with that in England, Wales and Scotland, is being promoted on the grounds that fur farming is not consistent with proper value and respect for animal life."

could be used if members felt it was appropriate. The issue was mentioned in a fax or e-mail that I received. We can arrange that further down the line, if required.

**The Deputy Chairperson:** Thank you, Mr Given and Ms Hood for your contributions. Do members have any further questions?

**Mr McHugh:** Does Mr Given have any answers for questions that we have not asked?

**Mr Given:** That is what I have just done — which is always foolish.

**The Deputy Chairperson:** Thank you.



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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR  
FINANCE AND PERSONNEL**

Tuesday 25 June 2002

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**MARRIAGE BILL  
(NIA 18/01)**

**Members present:**

Mr Molloy (Chairperson)  
Mr Beggs  
Mr Close  
Mr R Hutchinson  
Ms Lewsley  
Mr Maskey  
Mr Morrow  
Mr Weir

**Witnesses:**

Dr N Caven )  
Mr M Foster ) Department of Finance  
Mr G Johnston ) and Personnel  
Mr G King )

**The Chairperson:** I welcome Dr Norman Caven, the Registrar General for Northern Ireland, Mr George King, the Deputy Registrar General, and Mr Michael Foster and Mr Gareth Johnston from the Office of Law Reform.

**Dr Caven:** The General Register Office and the Office of Law Reform are introducing the Bill jointly. Would the Committee like me to summarise the Bill or to move straight to questions?

**The Chairperson:** Please give a short presentation. The Committee will then ask questions.

**Dr Caven:** As the Minister of Finance and Personnel said in the Assembly today, the Bill addresses three major themes. First, present law, a palimpsest of legislation built up since 1844, needs to be consolidated and simplified.

Secondly, the driving force behind the Bill has been to ensure equality. Existing legislation has had faults in the eyes of officials and the Law Reform Advisory Committee for Northern Ireland when they examined it in detail. Issues ranged from the registration of buildings to the time that marriages could take place. The view was that everyone should be treated equally.

Thirdly, the Bill attempts to ensure additional choice for individuals while respecting the solemnity and

dignity of the marriage ceremony. Therefore the Bill's provisions relating to religious marriages will not take away from the Churches' right to decide whether to officiate at such ceremonies. Similarly, the licensing of venues for civil marriages to take place will rest with the 26 district councils, which exercise the functions of local registration authorities in Northern Ireland.

There are several parts to the Bill. The first six clauses relate to the preliminaries to marriage. If the Bill becomes law, there will be a system of universal civil preliminaries whereby everyone must give notice to a civil registrar before a marriage can take place. Clause 1 details the notice of intention to marry. It states that the registrar must be that of the district in which the marriage is to take place. Clauses also provide for more detailed regulations, which will come before the Committee, to cover the information that will be required. Clause 1(4) provides for the possibility of reverting to a system whereby persons have to give notice in person.

Clause 2 relates to the marriage notice book. This is a record of the information about the individuals wishing to be married, and it will be made by the registrar. Some of the information will be put on public display. We will deal with that in more detail through secondary legislation to be brought before the Committee.

Clause 3 provides the registrar with power to initiate further investigations if he is not happy with the documentation received. This is to ensure that the capacity of a person to marry is not in doubt. There are also provisions for minor objections to be changed in the documents before the registrar with the approval of the Registrar General. In cases of more substantial objection, there is a provision whereby the issue of a schedule is withheld, or if one has already been issued, the officiant is contacted and the marriage is not proceeded with until there is a determination by the Registrar General on the substance of the objection.

Clause 5 relates to a new document called the marriage schedule, which will be issued to individuals when all is well with preliminaries. The schedule will be taken to the officiant when people want a religious marriage or retained by the civil registrar in civil marriage cases for use on the date of the ceremony.

I referred to the right of Churches to decide not to officiate at a marriage, perhaps because they have not been informed of it. That is covered in clause 4(5). If there is a reason why a marriage cannot be solemnised on the set date, there is provision in the Regulations for some requirements to be abridged. The final clause on preliminaries addresses the issue that someone from this jurisdiction marrying abroad may require a certificate of no impediment, which proves his or her freedom to marry. The registrar can issue such a certificate when provided with the information.

I shall hand over to my colleague Michael Foster, who will say a little more about religious marriages.

**Mr Foster:** Clauses 7 and thereafter deal with persons who may solemnise marriage. Clearly, that is divided into two sections. Religious marriages are dealt with in clauses 8 to 15. The major change, as has been mentioned in the summary, is the move away from the registration of buildings for religious marriages to the registration of the person who solemnises the marriage, known in legislation as the officiant.

Clause 8 outlines the provision whereby an application can be made by a religious body for the registration of a member to solemnise a marriage, and that is supplemented by clause 9, which goes into more detail regarding the registration of officiants. The two clauses mean that religious bodies in Northern Ireland will submit lists of those whom they consider registered to conduct marriage ceremonies here to the Registrar General on an ongoing basis. We imagine that the major administrative effect will occur in the initial tranche, after which it will be a case of updating the document, which the Registrar General will keep.

Clause 10 deals with such matters as cancellation of registration, outlining certain conditions and scenarios whereby an officiant's registration can be withdrawn. It also details the procedure which must be carried out in that respect. The appeals section outlines the method by which a person or religious body can appeal against the Registrar General's decision if he refuses to register a person.

Clause 12 deals with temporary authorisation to solemnise religious marriage. That concerns officiants not on the Registrar General's list — perhaps from abroad. A religious body, or a member thereof, can apply to the Registrar General for the temporary right to officiate, perhaps for one ceremony. The Bill also allows for officiation at a number of marriages over a specified period.

Clauses 13, 14 and 15 deal with the solemnisation and registration of marriage, outlining the conditions which must be satisfied for those. Clause 15 concerns the registrar's power to require the delivery of a marriage schedule and lays down the Registrar General's avenues of action if he does not receive it. Dr Caven will now discuss the procedure for civil marriages.

**Dr Caven:** A central concern of the Bill has been that existing legislation requires that civil marriages take place only in registry offices. The Bill will extend the possibility for marriages to take place at venues other than registry offices but under regulated conditions. Clause 16 provides for marriages in registry offices or a place approved under subsection (2).

Local district councils, in their role as local registration authorities, will effect that role, and we will introduce detailed Regulations as to how that will all work. Clause 16(4) gives an indication of the kind of things that will

be included in the Regulations — the type of places to be granted approvals, the procedures to be followed, the fees to be paid, et cetera. It will be for local democratic control to decide which, or how many, venues in the local authority area will be granted a licence, and the period for which that licence will extend.

Clauses 17 and 18 repeat for civil marriages what is the case with regard to solemnisation and registration. Clause 19 also provides for situations where a couple may have married abroad, but, for the purposes of Northern Ireland law, are not able to prove their marriage. The parties can undertake a further civil ceremony to satisfy the requirement of the law in respect of their existing marriage.

**Mr Foster:** The rest of the Bill — apart from one or two sections — is largely consolidatory, and it merely repeats the existing law on certain issues. The Law Reform Advisory Committee and the Department took the view that the existing law on the marriage of a person under 18 was working well, and consultees were in total agreement with that.

Clauses 20 to 22 are a replication of the existing law brought forward into this legislation to consolidate and simplify and to give the reader one piece of legislation from which to work.

Clause 23 is a new clause relating to statute, and it brings into a statutory basis the common law rule in relation to when a marriage takes place and when it has legally commenced. That results from the Australian case, *Quick v Quick*.

Clause 24 deals with the validity of registered marriage, and clause 25 deals with any corrections and cancellations that may be made.

When a marriage ceremony is taking place and the services of an interpreter are necessary, clause 26 provides a statutory basis whereby the interpretation can take place and the conditions that must be satisfied for that interpretation to go on.

Clause 27 replicates the existing law in relation to detained persons. From clause 28 onwards there are supplementary clauses that are a repetition of the existing law and bring into one statute certain necessary elements in relation to registration districts, registrars and other staff.

Clause 29 allows for additional registrars to be appointed on a temporary basis. That may be used if, for example, a marriage ceremony is to take place solely in one language and there is no registrar capable of performing that task. A local registration authority can appoint an additional person to solemnise that civil marriage and carry out any other functions necessary for the purposes of the Act.

The remainder of the section is largely consolidatory. Certain new ancillary criminal offences have been made at clause 36 to reflect the provisions early on the Bill. The rest of the Bill deals with Regulations, repeals, interpretation and commencement, which will be on such day or days as the Department may by order appoint. That will enable the necessary Regulations and guidance to be drawn up and will come under the consideration of the Committee in due course.

As the Minister of Finance and Personnel said in the Assembly today, we anticipate that the system should be ready to be brought into operation some time next year. That concludes our presentation.

**Mr Weir:** Several Churches made minor points during the consultation stage that have been largely dealt with. Would it be right to say that there were no objections from secular consultees, apart from Antrim Borough Council, which had a minor query?

**Mr Foster:** Yes. The responses from councils showed that they were very keen to see the system relaxed.

**Mr Weir:** Are the present restrictions on the timing of marriages being repealed?

**Mr Foster:** At the moment the Marriages (Ireland) Act 1844 states that marriages must take place between 8.00 am and 6.00 pm. That Act is being repealed.

**Mr Weir:** Therefore an evening wedding would be permissible. Has there been any legal restriction on the day of the week that marriages could be solemnised, or has it just been a matter of convention? It was suggested that marriages could not be solemnised on Sundays. Did particular Churches make that rule?

**Dr Caven:** Marriages covered by certain legislation could not take place on Sundays. It is envisaged that these aspects will be a matter for the religious bodies concerned.

**Mr Weir:** Therefore there will be no legal impediment against a Church deciding, for example, to marry people only on Wednesdays. There would be nothing in law to prevent a legal marriage taking place on any date or time.

**Dr Caven:** That is correct.

**Mr Close:** Captains of ships are not part of any religious body, but they have the power to marry people on board ship. Would they be covered by the clauses on civil marriage?

**Mr Foster:** Do you mean naval captains?

**Mr Close:** Yes.

**Mr Foster:** They have not been covered in this legislation; the existing law will continue. The provision for naval captains to perform marriage ceremonies is in a piece of legislation that is not being repealed.

**Mr Close:** Does this Bill not override all existing marriage legislation?

**Mr Foster:** No. If legislation is not being repealed, it will still be on the statute book and, therefore, it will still be law. If a reader wishes to delve into this matter, he will have to go through each of the repeals to see which parts of the existing law still apply and which parts do not. This Bill repeals virtually all existing marriage law. However, discrete areas are being maintained; this is an example of one of them.

**Mr Close:** Does clause 10 rule out the Las Vegas-type marriage in Northern Ireland? I am thinking particularly about the business of performing marriage ceremonies for profit and gain.

**Mr Foster:** Yes, if the organisation cannot prove to the Registrar General that it is a religious body.

**Mr Close:** This comes down to the definition of a religious body and the power vested in the Registrar General to demonstrate whether he considers that a body or a group is a religious body.

**Mr Foster:** That would be subject to the Registrar General's interpretation in the first instance. In the appeals section, it states that there is a right of appeal to a county court. If a body feels suitably aggrieved that it is not considered to be a religious body, it can go ultimately to the court to have that decision arbitrated on.

**Mr Close:** That does not apply to a civil marriage, as opposed to a religious marriage?

**Mr Foster:** It does.

**Mr Close:** Sorry, it does?

**Dr Caven:** In a civil marriage, the registrar will perform a civil ceremony, and the local authority will license the venues allowed for that. That licence can be withheld if, for instance, the local authority felt that the venue turned out to be inappropriate. The local authority will protect the solemnity and dignity of the marriage location in that instance.

**Mr R Hutchinson:** If you register a man, he can marry a couple anywhere. If he is registered, he can marry them jumping out of an aeroplane or waterskiing up a river.

**Dr Caven:** Yes, but we will only register people whose names have been provided to us by a religious body. That religious body will have the power to rescind those names if it so desires, which is apart from anything that we, as a civil authority, may do. Recognised religious bodies will be called upon to submit the names of officiants whom they want to undertake marriages according to the rites of their Church.

**Mr R Hutchinson:** It is an excellent Bill.

Sorry, Mr Close, I may be interrupting you.



**Mr Close:** If you are following on from the same issue, fire away.

**Mr R Hutchinson:** Many places in Northern Ireland such as Brethren halls and house groups have no top authority to enable anyone to decide who can officiate at marriages. They are autonomous and individual; they have no leadership aside from what happens in that local group. In Larne, there are probably three gospel halls. It is difficult to legislate for those groups. It is easier to legislate for Methodist, Presbyterian, Elim, Assemblies of God or Apostolic groups. They have a top layer of leadership who say who is and who is not an ordained minister. However, these small local groups have theological objections to one person being at the front. Do you agree that there are difficulties in this area?

**Dr Caven:** If you are talking about who conducts the marriage ceremony, in the main Churches there is, of course, an officiant — the priest or clergyman — who takes a formal role in the ceremony and pronounces the couple man and wife at the end according to the rites of the particular Church. If the groups that you have spoken about are bona fide religious bodies, they will be asked to nominate an officiant. That officiant is not necessarily someone who takes an active role in the marriage ceremony, but they are there and are in a position of authority in that situation. In the Religious Society of Friends, it is the man and woman who take each other as husband and wife, and there is no pronouncement made by the officiating member from the Society of Friends. However, it has a registering officer.

Where there is an officiant, he will be the person who is present and representative of that religious body. The body will have to nominate an individual into that type of responsible role even though it may not be the role of a minister or priest.

**Mr R Hutchinson:** I still see merit in buildings being registered because there are those with strong theological arguments who will say “We cannot go along with this. We do not believe that one person should be given any title or authority”. The couple may want a particular person to marry them, and that could happen with the registration of buildings.

**Mr Close:** I have a question on the sequence of events. Is it at the stage where two people give notice of marriage that the venue will have to be specified? How much “ad hocery” would there be in the laws? For example, if a couple wanted to, could they get married in their house, which up to that juncture had not been registered as a venue?

**Dr Caven:** If you are talking about a religious marriage in that situation, the religious officiant will have to be content to marry them in their house. If they want to get married in their house by virtue of a civil ceremony — for example, in a marquee at the back of

the house — that venue has to be licensed by the local authority. The licence fees are borne by the parties to the marriage, and there will also be a fee for the attendance of the civil registrar outside the office to officiate.

**Mr Close:** Is that totally arbitrary and vested with the registrar?

**Dr Caven:** In the case of a civil marriage that would be vested with the local district council. It will decide if the venue can have a licence. The council could license, for example, National Trust properties, hotels and other venues that may apply. Now and again, some individuals may want a civil marriage in a venue other than those listed. However, the local authority will still have to go through all the requirements of licensing. For example, there would be health and safety considerations, and the fees associated would be borne by the parties involved. It is not envisaged that it would be a cost to the public purse.

**Mr Close:** Would the registrar have executive authority?

**Dr Caven:** The council will have executive authority. That is how the system has worked in local authorities in England and Wales since 1994, and it is the system that will operate in Scotland as of this summer.

**Mr Close:** The obvious way to avoid difficulties is to have a prescribed list of venues.

**Dr Caven:** Yes, there would be a list of venues that the council has already licensed in its area.

**Mr Close:** Will the couple getting married have any recourse in law against a local authority if it refuses to look at a venue other than those on the prescribed list?

**Dr Caven:** Yes, they will.

**Mr Foster:** That will be covered in the Regulations.

**Mr Beggs:** Clause 3(1) states that the registrar

“may require the person giving the notice to provide him with specified evidence”.

It was a long time ago, but, as far as I remember, birth certificates had to be provided, so why is the word “may” there?

**Mr Foster:** That has to be read in conjunction with clause 1. The requirements for notice will be that couples will be able to post their normal relevant details to the registrar. As you can see in clause 1(3), the Regulations will outline what documentation is required. It is envisaged that a birth certificate will be included, together with, for example, evidence of address or the capability to marry. If a person is a divorcee it will be necessary to produce the decree absolute.

Clause 3 takes that a step further, in the sense that if the registrar’s office is not happy after that stage, it may use clause 3 as the power to require further evidence. That is taken from the Immigration and Asylum Act



1999, which gives the registrar the power to ask for further information. The difference is that that power will not be used at the first stage of marriage notice, but it can be used at any time after the marriage notice is first given up to the issue of the marriage schedule, in order for the couple to get married.

**Mr Beggs:** May I take it that the procedures that are being proposed will not affect the smaller sects that are without a figurehead, so to speak? Will they still have someone who can register a marriage?

**Mr Foster:** That should still be the case. We consulted widely with all the religious organisations, and none of the smaller sects, as you described them, raised that point.

**Mr R Hutchinson:** They might object to being called a sect.

**Mr Foster:** I apologise. The smaller religious organisations had an opportunity to comment, and they all seemed to be happy. The Society of Friends made the point in relation to its rites and ceremonies that it does not have a figurehead. However, it has a registering officer, and that is catered for in the Bill.

**The Committee Clerk:** For the benefit of the Committee, may I ask about clause 39, which deals with interpretation? The definition of a religious body seems to be subjective. It says that a

“ ‘religious body’ means an organised group of people meeting regularly for common religious worship;”

Who decides what constitutes “regularly” and “organised”?

**Mr Foster:** Again, that is a matter for the Registrar General under clause 9. If the “religious body”, or not, as the case may be, is unhappy with that, there is a mechanism for appealing that decision, first to the Department and, ultimately, to the county court.

**The Committee Clerk:** Would that apply to house churches and similar small groups?

**Mr Foster:** The Bill is drafted widely enough to allow that type of organisation to show that it is a religious body. None of the existing recognised religious bodies have indicated that they have a difficulty with that definition.



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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR ENTERPRISE,  
TRADE AND INVESTMENT**

Wednesday 26 June 2002

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**OPEN-ENDED INVESTMENT  
COMPANIES BILL  
(NIA 10/01)**

**Members present:**

Mr Neeson (Deputy Chairperson)  
Mr Armstrong  
Mr McClarty  
Dr McDonnell  
Dr O'Hagan  
Mr Wells

**Witnesses:**

Mr M Bohill ) Department of Enterprise,  
Ms J Bryans ) Trade and Investment  
Mr J Johnston )  
Ms C McGivern ) Assembly Legal Service

**The Deputy Chairperson:** My apologies for the delay. Unfortunately a neighbour of the Chairperson died suddenly last night, so that has caused a few problems. I welcome Mr Mike Bohill, Mr Jackie Johnston and Ms Joan Bryans from the Department of Enterprise, Trade and Investment. We also have Clare McGivern with us to provide advice to the Committee. Following your introduction on the Bill, we may have some questions.

**Mr Bohill:** Thank you. Members have a copy of the explanatory and financial memorandum outlining the purpose of the Bill, and I will not dwell too much upon it. The key point is that the Bill, although technical, is important for the financial investment sector in Northern Ireland. It will ensure that Northern Ireland investment firms have the same opportunities in relation to open-ended investment companies (OEICs) as their competitors in Great Britain, thus removing any potential disadvantages to the local investment sector.

The Bill largely replicates the relevant sections in the Financial Services and Markets Act 2000 and the Open-Ended Investment Companies Regulations 2001, but it is tailored to Northern Ireland requirements. The decision to register an OEIC will continue to be voluntary and based on commercial considerations. Although there are no OEICs registered in Northern Ireland, the Bill

represents the Department's commitment to keep the legal framework for businesses at the forefront of international best practice. The Bill will achieve that by giving the Northern Ireland investment sector the opportunity to take advantage of the extended range of the OEIC investment vehicle.

The start-up costs for OEICs are estimated at £1,200, and although the explanatory and financial memorandum states that annual recurring costs are £1,200, we have discovered through further discussions and enquiries with the Department of Trade and Industry that running costs are £600 a year. There will be no further Northern Ireland exchequer or staffing costs arising from the proposals.

**The Deputy Chairperson:** The explanatory and financial memorandum mentions the establishment of OEICs. Are they not already established in Northern Ireland?

**Mr Bohill:** Clause 1, as the memorandum states, creates the legal framework within which the Department may make Regulations relating to the establishment of OEICs. The Bill is enabling legislation. The Financial Services and Markets Act 2000 is limited to Great Britain. This Bill mirrors that Act and provides similar enabling provisions.

**Ms McGivern:** The explanatory and financial memorandum is potentially misleading. It states that clause 1 allows the Department to make "regulations relating to the establishment" of OEICs. The word "establishment" has been used when, in fact, clause 1 states:

"1. —(1) The Department may by regulations make provision for —

facilitating the carrying on of collective investment by means of open-ended investment companies;

(a) regulating such companies."

The final two parts of the first sentence in the commentary on clause 1 are correct. However, the word "establishment" is misleading. The Bill deals with a different aspect of OEICs. It is not broadly about establishment.

**Mr Bohill:** I agree. The Bill is about extending the range of OEICs available in Northern Ireland.

**The Deputy Chairperson:** Therefore the word "establishment" does not truly reflect what you want to achieve.

**Mr Bohill:** The word "establishment" relates to the extended range of OEICs.

**Ms McGivern:** The explanatory and financial memorandum would be clearer if that point were explained.

**Mr Bohill:** Yes.

**The Deputy Chairperson:** Could that be clarified?

**Mr Bohill:** Yes.

**Mr Wells:** This has been on the stocks for several weeks. Has there been a deluge of Northern Ireland-based companies pleading with the Department for an opportunity to establish the open-ended investment companies legislation, or is it going to sit there for years until someone comes along and asks to avail of it?

**Mr Johnston:** We have had no additional enquiries from local investment firms to set up OEICs in Northern Ireland. Once the Bill is passed, we shall make it known through the press and the professional bodies that the extended vehicle is available. At the moment, however, they seem to be content to operate on the basis of the UK-wide OEICs provision under the auspices of the Financial Services Authority.

**Mr Wells:** I am sure that having heard the news from the stock market this morning, the Department would advise people not to touch anything with a bargepole at the moment. A strong risk is attached to those investment vehicles.

**Mr Johnston:** That is the case with all vehicles of that type. The fact that we are extending the range of OEICs to include property funds, for example, might encourage the creation of a particular property fund OEIC in Northern Ireland. The range of OEICs available might increase interest if the Bill were to be passed.

**The Deputy Chairperson:** We will now carry out a detailed clause-by-clause scrutiny of the Bill. Members will have the opportunity to raise concerns or suggest amendments. Members should read the relevant clauses and paragraphs in the Bill along with the related commentary in the explanatory and financial memorandum.

The Bill has five clauses and no schedules. Each clause, and any subsection, must be considered in turn. The Committee will have two options: to agree that the Committee is content with the clause as drafted; or to agree that the Committee recommend to the Assembly that a clause be amended.

The purpose of the Bill is to ensure that local investment firms are provided with the opportunity to offer the same range of open-ended investment companies as their competitors in Great Britain. An open-ended investment company is one whose business is investment in securities such as shares of other companies. It issues shares to its investors and its capital may go up or down as shares are issued or cancelled. A fund manager manages the company's investments, and the assets of, or assets owned, must be held by a depository. The role of the fund manager and depository must be authorised by the Financial Services Authority.

The current legislation in Northern Ireland provides only for the undertakings for collective investment in the transferable securities type of open-ended investment company. Through non-undertakings for collective investment in transferable securities, open-ended investment companies offer a wider range of investment schemes, including money market and property funds, and funds of funds.

The Bill will provide the framework for the extended range of this type of company together with Regulations that set out detailed provisions for the setting up, regulation and dissolution of an open-ended investment company. The Regulations will also set out the role of the Financial Services Authority.

*Long title agreed to.*

### **Clause 1 (Open-ended investment companies)**

**The Deputy Chairperson:** Subsection 1 states that the Department may, by Regulations, make provisions for (a) facilitating the carrying on of collective investment by means of open-ended investment companies, and (b) regulating such companies.

Subsection 2 makes further provision for the setting up, registration, operation and dissolution of an open-ended investment company.

Subsections 3 to 7 provide a wide-ranging and non-exhaustive list of matters for which the Regulations may provide. Those include: imposing criminal liability; conferring functions on the authority, including rule-making powers; power to waive or modify rules; and power to modify or exclude any statute or rule of law. In particular, the Regulations may revoke the existing Regulations that govern open-ended investment companies.

Question, That the Committee is content with the clause, put and agreed to.

*Clause 2 agreed to.*

### **Clause 3 (Amendment of Article 665 of the Companies (Northern Ireland) Order 1986)**

**The Deputy Chairperson:** The clause amends the Companies (Northern Ireland) Order 1986, so that the prohibition of the formation of companies with more than 20 members, other than under the Order, will not apply to open-ended investment companies incorporated by virtue of the Regulations made under clause 1.

Question, That the Committee is content with the clause, put and agreed to.

*Clauses 4 and 5 agreed to.*



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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR  
EMPLOYMENT AND LEARNING**

Thursday 27 June 2002

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**EMPLOYMENT BILL  
(NIA 11/01)**

**Members present:**

Dr Birnie (Chairperson)  
Mr Carrick (Deputy Chairperson)  
Mr Adamson  
Mr Dallat  
Mr Hilditch  
Mr R Hutchinson

**Witnesses:**

Mr R Gamble                    )  
Mr W Caldwell                ) Department for  
Ms L Taylor                    ) Employment and Learning

**The Chairperson:** I welcome Mr Roy Gamble, assistant secretary of the Employment Right and New Deal Division; Mr William Caldwell, leader of the Employment Bill team; and Ms Lynn Taylor, also from that team. I understand that you wish to talk us through groups of clauses, after which you will take questions.

**Mr Gamble:** We agreed with the Clerk that that would probably be the most sensible approach. The clauses have been grouped together. Clauses 1 and 4 are about adoption leave and pay, and clauses 2 and 3 cover paternity leave and so on. I shall go straight into the content of the clauses.

Clause 1 establishes a new right to what are called ordinary adoption leave and additional adoption leave. They provide recognition of the role played by adoptive parents in improving the chances of children who have, in many cases, been disadvantaged in some way. It is intended to give adoptive parents a right to a total entitlement of up to one year's adoption leave, allowing them time to care for a new child and build new relationships. The idea is to enable them to take time off during the crucial months following the arrival of a child, thereby reducing the number of adoption placements that go wrong and are disrupted. The ordinary and additional adoption leave right will apply to children adopted from abroad as well as from inside Northern Ireland. The clause also covers the rights of

parents while on adoption leave and when they return to work.

Many of the features will be in Regulations. For example, the length of ordinary adoption leave will appear in Regulations to be made later this year, after the Bill is enacted by the Assembly. The intention is 26 weeks' paid ordinary leave followed by 26 weeks' additional leave at the discretion of the adoptive parent. If they wish to take that additional leave, it would be unpaid. There are also details of what notification must be given to employers, and which of the adoptive parents, the male or the female, can take the adoption leave — indeed, sometimes it is a single-sex couple.

**The Chairperson:** That is an interesting point. It is transferable, and not specified.

**Mr Gamble:** For example, if a married couple were adopting, the male might decide to take adoption leave of six months if the wife were better paid. The loss of income would be less if he took time off. Broadly, that is the intended entitlement to leave.

Clause 2 deals with payment for the leave. As I said, the first 26 weeks would be payable. The rate currently intended, which will be specified in the Regulations, is £100 a week — the same rate as statutory maternity pay — or 90% of average pay if that happens to be lower. Some kind of threshold will apply to people earning under a certain amount. They will not be eligible for statutory adoption pay, which also reflects maternity arrangements.

**Mr Carrick:** There is reference in the Bill to excluding existing foster carers. Is there any specific reason why they should be excluded if they wish to adopt?

**Mr Gamble:** They would not be excluded if they wished to adopt. They are only excluded in relation to their existing foster arrangements.

**Mr Carrick:** Is that what the Bill says?

**Mr Gamble:** I have misunderstood you. If they are already fostering a child and wish to adopt that child, they are excluded, since the purpose is to give people a chance to form a relationship with a newly adopted child. With a child who has already been fostered for some time, the assumption is that the relationship must already exist. If that is to be changed into an adoption arrangement, there is no need to build that relationship, since there has been time to do so during the fostering phase.

**Mr Carrick:** If foster parents wished to adopt an additional child, would being foster parents exclude them from qualifying for the newly adopted child?

**Mr Gamble:** No, that is what I initially understood as your question. The purpose is to allow a new

relationship to be established. If someone is already fostering a child and is then adopting another child, they will be eligible for paid leave.

**Mr Carrick:** The wording would not disqualify them because they are already foster parents?

**Mr Gamble:** Those matters will be spelt out in detail. The Bill provides a general framework, and much will have to be put in the Regulations. However, we hope that will be clear.

**Mr Carrick:** Unmarried partners or cohabitees who adopt children are covered by the proposals. How would that be monitored? Is it open to abuse?

**Mr Gamble:** That is a good question. The authorities and adoption agencies regulating placements ensure, to the best of their ability, that such abuse does not happen, and that those chosen are suitable. The Bill deals with the situation afterwards, rather than with the suitability of adoptive parents. It concerns paid time off once a placement is arranged. It is up to the relevant authorities and agencies dealing with the adoption to ensure that adoptive parents are suitable and appropriate.

**Mr Caldwell:** As Mr Gamble says, adoptive parents must satisfy certain criteria, and the Inland Revenue also has a function. It may carry out routine checks if anyone attempts to obtain any benefit or pay to which he or she is not entitled. First, people must satisfy the criteria to become adoptive parents. Secondly, the Inland Revenue may carry out routine checks from time to time.

**Mr Carrick:** That is reassuring. I can envisage circumstances, when relying on an agency's definition of an adoption, where that adoption might be somewhat tenuous. I am glad that the Inland Revenue, albeit not in every case, carries out further checks to see that the conditions have been met. In the light of recent court decisions and legislation, does this just apply to heterosexual couples, or does it include people of the same sex?

**Mr Caldwell:** Theoretically, it is possible for two people of the same sex to avail of this. That is with the caveat that to obtain a child for adoption in the first instance, the individuals have to satisfy the particular requirements of the agency or authority that is responsible for that aspect of social policy.

**Mr Hilditch:** In your introductory comments, Mr Gamble, were you saying that inter-country adoption is not an issue now?

**Mr Gamble:** No. It was mentioned in the Second Stage debate, and our understanding is that there would be no difference. There is no intention in the Regulations to discriminate between children adopted from abroad and children adopted in Great Britain or Northern Ireland, on the principle that there is no reason to discriminate against the child in that way. More time would be

needed to establish a relationship with a child from abroad.

**Mr Hilditch:** That is certainly the case. I have dealt with some of those cases in my constituency, and the adoptive parents have to endure a great deal.

**Dr Adamson:** How does the Department intend to guard against disadvantaging other employees during the adoption leave-related absences, for example, where the workload is increased or the flexibility to take leave is reduced?

**Mr Gamble:** That is a difficult issue. The Department does not intend to do anything directly, except perhaps to try to give good guidance to ensure that employers take account of the fact that they may be putting more pressure on those remaining in the workplace. Employers might need to take on temporary replacements, and undoubtedly there will be costs for employers. The Department can give advice, or hints on good practice, but would not be thinking of compensating employers.

**Mr Carrick:** You have said that there will be costs, and I know that small businesses will be reimbursed. However, the Federation of Small Businesses has given evidence to the Committee that outlined the volume of administrative work that has to be undertaken. They used the term "unpaid tax collectors".

The Department is also responsible for employment in general terms — the securing and maintaining of jobs. We have a small business economy in Northern Ireland. The percentage of National Insurance contributions is paltry and will not offset the additional costs that small employers incur. Does that concern the Department?

**Mr Gamble:** It is obviously of some concern, but we do not expect a vast uptake of adoption leave. The figures show that one might expect about 100 cases a year in Northern Ireland. That will not fall as a heavy burden on the economy, although individual employers may feel the pinch. Small employers will not have to pay any of the statutory pay. That will be reimbursed, plus a little more. Employers may incur other costs. There are always trade-offs when dealing with such matters, and there may be a cost for offering a benefit. However, an employer may have a good employee whom they wish to retain, and instead of the employee having to resign and the company having to recruit another person, the employer will get the employee back in six months' time.

**Mr Carrick:** I understand the principle, but if a key worker is off for six months to a year, the company will have to train a replacement, which costs money.

**The Chairperson:** I want to return to an important point that has been raised before in the Committee about adoption of children from overseas. I think that the relevant article in the Bill refers to a person with whom

a child is, or is expected to be, placed for adoption under the law of any part of the United Kingdom. I do not know enough about this subject. Is it conceivable that people living here could adopt a child according to the law of another state — presumably the state from which the child comes — and therefore this article would rule them out?

**Mr Caldwell:** No. It is more a case of the law of the United Kingdom being such that if a person is accepted to be adopted from outside the UK, they would be included.

**The Chairperson:** Are you confident that it will be interpreted in the way that you have explained, and not in the way that I understood it?

**Mr Caldwell:** Yes. The draftsman was given the instructions to include people from outside the UK, so I bow to his knowledge.

**The Chairperson:** Clauses 1 and 4 of the Bill mention employees. Why could the Bill not be drafted to include self-employed persons?

**Mr Gamble:** Work is ongoing to consider the question of employee status, and I do not claim expertise in this matter. Apparently it is very complicated and includes people such as agency workers. There are a variety of employment relationships, including self-employed people. The Bill is deliberately restricted to employees because there is a clear employer/employee relationship. It is difficult to see why a self-employed person would need to be given the right to take adoption or parental leave.

**The Chairperson:** Employees of companies receive pay during such leave.

**Mr Gamble:** Self-employed people would not be eligible for pay during the time that they took off. Broadly speaking, the taxation system is said to be slanted or weighted so that self-employed people get a reasonable deal from the taxman and should be able to make arrangements for leave because of that. There is little reason why the state should pay self-employed people to take time off from their own business.

**The Chairperson:** Admittedly, we are entering into a broader philosophical or ideological area. If the principle of some form of paid maternity, paternity or adoption leave is accepted and applied to employees, equity would make me ask why the self-employed or those other groups that have been mentioned should be excluded? I declare an interest as my wife is semi-self-employed, but that is not the only reason why I ask that question.

**Mr Carrick:** I must declare an interest too as my wife is self-employed. However, there are hundreds of self-employed people who would challenge your assertion that they are in some way better off than the employed. The taxation system is designed to be fair, though there may well be people who exploit it in some way. The

whole definition of employee is hinged on the master/servant relationship, and that ought to be the definition. However, as the Chairperson said, I do not see why we should discriminate against the self-employed. Many self-employed people operate away from their home; they lose out by staying at home and need to be compensated, just like an employee. We are being discriminatory.

**Mr Gamble:** I have tried to put across the Inland Revenue's line that the taxation system tries to be fair to the self-employed and recognises their risks and special circumstances.

**Mr Carrick:** Working on personal taxation for 35 years on the other side of the counter for the Inland Revenue, I never encountered that approach.

**Mr Dallat:** Can we expect a rash of applications for private limited companies, which would make self-employed people employees, to deal with the problem that you are talking about? That is the solution to the problem.

**Mr Gamble:** You are asking me to speculate, and I do not know.

**Mr Dallat:** If anyone commits fraud in claiming statutory adoption pay the maximum penalty is £3,000, but with statutory paternity pay, it is £300.

**Mr Gamble:** Which clause are we discussing?

**The Chairperson:** We are going through the Bill clause-by-clause; clauses 1 and 4 were combined. What clause are you referring to?

**Mr Dallat:** Clause 11.

**The Chairperson:** Clause 11 is relevant at this point. There is a discrepancy in that one penalty is ten times higher than the other, which seems strange. Why is that?

**Mr Gamble:** Statutory adoption pay can go on for 26 weeks, and you can get a maximum of £2,500 from that. You can get a maximum of £200 from the other.

**Mr Dallat:** That is a fair answer.

**The Chairperson:** That makes sense. We will move on to the next set of clauses.

**Mr Gamble:** We will take clauses 2 and 3 together because they deal with paternity leave and pay. As with clause 1, clause 2 establishes a new right. It allows fathers, or in some cases females, to take two weeks leave around the time of the child's birth. The Regulations will set out the detail of that. However, the proposal would be that paternity leave would consist of two weeks, to be taken in a single block, or one week if the employee wishes to take only one week. As with adoption pay, paternity pay, which is attached to the leave, is a part-income replacement. It does not replace people's wages, just assists. Therefore some people may choose to take one week,

and if they take two weeks, it must be in one block. The Regulations will also state that leave should be taken within 56 days, or eight weeks, of the birth. Giving notice to the employer will be included, and employees must have 26 weeks of service with the employer before they qualify for paternity leave.

The point is that fathers want an opportunity to be more involved around the time of the birth, and to give some assistance to the mother during that difficult period. Currently a lot of people get time off — either they are given time off by their employers, or in some cases they take sick leave. The Bill is recognising a societal move, and there are benefits that may come out of that, such as better relationships established from the breathing space around, what often is, a difficult time. The Regulations will state most of the detail about amounts of time and pay. However, it is the same sort of intention as with adoption pay — £100 a week or 90% at the lower limit.

**Mr Dallat:** You referred to some employees taking sick leave, and there are circumstances where employers and employees agree this, if, for example, the mother is suffering from post-natal depression or the child is born with some incurable disease. The higher up the profession, the more likely that flexibility would apply, and no one criticises that. However, it is more difficult to do that at the lower end of the employment scale. Why is there nothing in the Bill to give rights to people in very difficult circumstances?

**Mr Gamble:** The Bill gives people the right to paternity leave, and, currently, that does not exist.

**Mr Dallat:** Yes, but there may be special circumstances in which the length of time is not sufficient to deal with crises, and there is nothing in the Bill to give extended paternity leave.

**Mr Gamble:** Two weeks was the period agreed, and it seemed to be acceptable in the consultation. It is attempting to achieve a balance between employers and employees. Since last year or the year before, another right exists for people to have unpaid parental leave, as opposed to paternal leave, for up to four weeks in any year, and for 13 weeks over a period of five years. People can have time off in those circumstances, and many employers would take a humane view about that. The Bill is trying to deal with the creation of a general right for people in ordinary circumstances. It is not trying to deal with the extraordinary.

**Dr Adamson:** Why is there a service qualification requirement for paternity leave when no such requirement is needed for maternity leave? This is something that came out of our discussions with the Irish Congress of Trade Unions (ICTU).

**Mr Gamble:** That has to do with physiology, and also the law requires women to be off work during pregnancy

and birth. There are physical dangers and health and safety matters requiring women to be off work at an early stage, and those things do not apply for men. Employers should not have to make special arrangements for an employee who starts work one week and then says the next week, "Sorry, my wife is pregnant and I want to take two weeks off." It would be a sign of the relationship between the employer and employee. Women have less room for manoeuvre.

**Dr Adamson:** Some men seem to go through the full rigours of pregnancy.

**Mr Hilditch:** Will the Department provide any guidance, advice, or help to employers to cover the statutory paternity pay absences, specifically in relation to paid/non-paid overtime and loss of productivity?

**Mr Gamble:** Sorry, are you suggesting that the Department should make payments to employers?

**Mr Hilditch:** Will it give guidance or any sort of help?

**Mr Gamble:** The Department will ensure that people understand the provisions. The Inland Revenue and the Department will issue guidance on how to ensure payments are made and recovered properly by the business. There will be some losses if staff cannot be replaced for two weeks, and it is probably unlikely that they will be replaced. The business would have to try to get around that.

**Mr Caldwell:** The Department will be working closely with the Inland Revenue to ensure that whatever guidance is prepared embraces Northern Ireland's position. The Inland Revenue will be producing information on its web site and will be making direct contact with those who pay employers National Insurance contributions. It is to be hoped that adequate guidance will be prepared before the Bill comes into effect.

**Mr Carrick:** I do not want to go over old ground, but the same thing applies here, as for adoption, for agency workers and the self-employed. Do New Deal participants qualify? I assume that statutory paternity pay will be aggregated with an individual's income and will be subject to income tax and National Insurance in the same way as statutory sick pay.

**Mr Caldwell:** I imagine that it would be aggregated with their income. The broad rule is that New Deal participants are required to have 26 weeks' continuous service. They may well be eligible following that period.

**Mr Carrick:** Will you clarify that?

**Mr Gamble:** It is unlikely that that could be the case because New Deal is a 26-week programme. There are many elements to it, but only one of them is an element in which the New Deal participant is an employee. Other elements are when they are in full-time education



or one of the other options. New Deal finishes after 26 weeks, so an employee could not give an employer notice after 15 weeks that he is going to take paternity leave because he would not be with that employer then. If he got a permanent job with that employer or established a record with a new employer, service as an employee would count.

**Mr Carrick:** This is another sector that could be discriminated against.

**Mr Gamble:** Unless you think that 26 weeks is discriminating against people. The feeling is that there needs to be a qualifying period that accepts that the employer has responsibilities for people with whom he has a relationship, but not with people with whom he has worked for two weeks.

**Mr Carrick:** If a person on New Deal gets a permanent job with that employer, or another employer, after the 26 weeks, do those weeks count as continuous employment?

**Mr Gamble:** Those weeks would count if they were with the same employer.

**Mr Carrick:** Would they count if the New Deal person gained employment with another employer?

**Mr Gamble:** Those weeks would not count if anyone changed jobs, never mind someone on New Deal.

**Mr Carrick:** Therefore it is not 26 weeks' continuous employment, but it is 26 weeks with the same employer. Is there a good reason for that?

**Mr Gamble:** The reason is disruption to the employer. We have recognised that it imposes difficulties in costs for employers.

**Mr Carrick:** For continuity, we have the same system with income tax. People can transfer, through their P45, for income tax and National Insurance purposes. They still qualify for statutory sick pay even though they change employers. It is not necessarily that people have the one employer; it is the service that matters.

**Mr Caldwell:** One of the differences may be that this is viewed as an employment right as opposed to a social security right.

**Mr Gamble:** This is not a social security right — if you are sick, you receive sickness benefit. However, you do not have to take statutory paternity leave unless you want to take it. In most cases it will cost employees something if they take statutory paternity leave because they will get only £100 a week. They do not have to take it if they do not want to, or they can take one week instead of two. This is not a social security benefit in the same way as statutory sick pay. It is also different from paying your income tax on transfer.

**Mr Carrick:** Will that be taxable if it is not a benefit? It may not be aggregated with your income. There seems to be a grey area here that needs to be investigated.

**Mr Gamble:** I do not know the answer to that, and we will check that. The Bill is quite complex. It proposes to tie in the tax and social security systems into employment rights concerned with leave and pay. I do not claim to be fully conversant with all the alternatives for the tax and social security systems, but I am sure that the Inland Revenue will know what it intends to do about the £100 per week.

Clauses 5 to 7 relate to financial arrangements, funding and payment. Clause 5 details the financial arrangements that will apply to both adoption and paternity pay. The clause covers where the money will come from that will ultimately be paid to the new parents and cover the Inland Revenue's costs in administering the scheme. To bring that about, the clause will amend the relevant social security legislation that makes the same provision for statutory maternity pay. The clause details how Government will fund payments. The Consolidated Fund will reimburse the National Insurance fund for moneys paid out under both forms of new statutory pay. Essentially, it is a technical Government finance clause that the user of those statutory arrangements will never know, or need to know, about.

**Mr Dallat:** What happens if an employer is really mean and just does not pay?

**Mr Gamble:** We will cover that later, but if he does not pay he will be subject to penalties. If an employer fraudulently claims to have paid, that would also be subject to penalties. If it were sufficiently serious, it could lead to criminal proceedings. There will be penalties, both for people wrongly claiming and for people failing to pay. There will also be penalties for failing to keep records that allow the Inland Revenue to determine whether individual employers are administering the scheme properly.

**Mr Dallat:** Keeping records is, historically, one of the biggest problems faced by employees. There are difficulties in getting even a basic wage slip.

**Mr Gamble:** Much of that administrative work is now done on computer packages for processing wages. Although many smaller firms probably do not have such facilities, records must still be kept. It is not intended that records should be voluminous, but they must be sufficient to determine whether employees were off work, whether they were paid what they were due and whether the claim that is made to the Inland Revenue for reimbursement is proper.

It will be possible on occasion for some firms to claim in advance if they know when payments are due. Rather than taking money out of their cash flow, firms will be able to ask the Inland Revenue to give it to them up front.

**Mr Dallat:** What happens if an employer goes bankrupt, disappears or moonlights?

**Mr Gamble:** In that case the Inland Revenue will pay up.

**Mr Carrick:** Is there any onus on employers to establish the validity of the claim, or do they simply accept any documentation at face value?

**Mr Gamble:** All that will be spelt out more fully in the Regulations, but the intention is that the process would not be onerous; the employee would self-certify that he intended to take paternity leave at some time. He would have to give some notice about when his partner is due to give birth and that he intends to take one or two weeks' paternity leave some time in the eight weeks after the birth. There is not much likelihood of people claiming that they are having children when they are not.

**Mr Carrick:** Your faith in humanity is greater than mine.

**Mr Gamble:** The claim will have to be certified, and it can then be checked.

**Ms Taylor:** I hope that an employer in a small business would be close enough to his staff to realise who is being honest; there is scope to check if you have any reason to doubt.

**Mr Carrick:** Or whistle-blow.

**Mr Gamble:** Statutory employment pay is not free; it will probably cost people money because they are taking a pay reduction and having a proportion of that pay made up by statutory employment pay. If their employer pays them at the standard rate when they are off, they are not entitled to statutory employment pay.

The usual checks will be made, and whatever people say must be confirmed. However, the incentives may be greater for employers who try to claim that they have made payments when they have not.

**Mr Carrick:** It would be interesting to see where the birth rates will rise during the next World Cup.

**The Chairperson:** Yes, that is an interesting thought.

**Mr Gamble:** Especially for the second two weeks.

The next group of clauses are about resolving problems, requiring information and inflicting penalties where fraud has been committed, as well as penalties for failure to supply information and so on.

Clause 8 is about resolving disputes, including those concerning a person's entitlement to paternity or adoption pay, the amount that the employer should expect to recover, and disputes over the employer's calculation of average weekly earnings, for example, in cases in which the employee is entitled to 90% of weekly earnings. The hope is that most disputes will be resolved in the

workplace by discussion and if necessary, there could be some form of arbitration or mediation to deal with such problems. Ultimately, the Inland Revenue could make formal decisions about employees' and employers' rights, and there would also be a right of appeal against those decisions.

Clause 8, therefore, is broadly concerned with disputes about entitlement, whether the calculations are correct, and how much the employer should be able to reclaim. It is to be hoped that those matters can be resolved easily; if not, there is a right of appeal. It is a standard type of clause to deal with matters involving the Inland Revenue's right to inspect people who are making claims, and to take decisions.

Clause 9 deals with the powers of the Inland Revenue to require information. Most people comply voluntarily, but if they do not, the Inland Revenue will have powers to require people to produce records. They will deal with cases in which employers or claimants of paternity benefit are unwilling to provide the necessary information. That is a standard clause that appears in other tax contexts, such as tax credits. The information asked for must be reasonably requested and relevant. The Inland Revenue cannot ask for mountains of information. That will be set out in Regulations that will have to be agreed with the board of the Inland Revenue before they can be brought to the Assembly. The Assembly will have an opportunity to consider all the Regulations before they come into force.

Clause 10 is concerned with failure to comply and the related penalties for that. We have already had some discussion about that matter. The penalties that we talked about would not be imposed very often, because most people comply with the requirements. In case they do not, however, the penalties range from £300 to £3,000, and cover negligence and fraud.

The other clauses deal with failure to comply. Clause 11 is a standard clause concerning the penalties for fraud and incorrect payments. The maximum penalty would be moderated according to the seriousness of the fault. Some people might face criminal proceedings rather than civil penalties. Those are standard measures that the Department will take to ensure that the system works and is not abused and that people provide the information that is needed for the system to work, to be monitored properly, and so forth.

**Mr Carrick:** Essentially, the Inland Revenue will administer the scheme and enforce compliance. It will use its authority to do so. It has wide-ranging powers.

**Mr Caldwell:** Clause 12 is a technical clause that is required for specific circumstances that may arise. It is about rights during and after maternity leave. It enables provision to be made for situations that arise from the extension of maternity leave, and for potential combinations

of ordinary maternity leave with other new types of leave, such as adoption leave. Although those situations do not arise at present, they might do so in a minority of cases when the length of maternity leave is extended to one year, and when new rights to adoption and paternity leave come into operation. That will be dealt with by subordinate legislation and Regulations will set out the contractual benefits and rights to return that will apply in specific circumstances.

**The Chairperson:** Can you clarify what would happen in the following hypothetical case, which the Committee will forward in writing to the Department? I apologise for the length of question — I am not sure who thought it up.

A woman who is on maternity leave, having had a baby, conceives three months into her paid maternity leave. She continues on maternity leave (a further three months on paid leave and six months on unpaid leave). Her period of unpaid leave ends around the time of the birth of her subsequent child. What rights would she have regarding maternity leave and pay at that point?

That is a convoluted, hypothetical case. However, it is a possible scenario. What would happen in that combination of events?

**Mr Caldwell:** I hesitate to attempt to answer that question. That particular hypothetical case would require thought and calculation.

**Mr Gamble:** It seems as though the woman would begin a new period of maternity leave of up to 26 weeks. However, all circumstances would have to be considered.

**The Chairperson:** The question is whether the qualifying period is worked out only once for an employer, but covers a woman for any subsequent periods of maternity leave, even though she has not served another period of 26 weeks' work between pregnancies. Can you see what I mean? I may not have explained it well.

**Ms Taylor:** That is my understanding of the situation. However, the Department would need to give it closer consideration.

**Mr Caldwell:** The Department will assess that case when the Committee forwards it in writing.

**Mr Hilditch:** How would that affect any holiday pay accrued during that period of time?

**Mr Gamble:** My understanding is that women have certain rights regarding terms and conditions when they return to work after a period of maternity leave. If they extend maternity leave by six months of unpaid leave, there is some diminution of those rights when they go back to work. For example, they are not entitled to return to the same job, but to an equivalent one.

Moreover, there may be concerns about matters such as their entitlement to benefit from any salary changes during the second period. I must check on holiday pay — it should not be assumed that it carries on.

**Mr Carrick:** The qualifying service condition for statutory maternity pay discriminates against women who change jobs in the early stages of pregnancy. Career enhancement can, therefore, be affected. The trade unions raised that issue.

**Mr Gamble:** Statutory maternity pay is available from day one.

**Mr Carrick:** Is there a qualifying service condition?

**Mr Gamble:** No.

**Ms Taylor:** The 26 weeks' additional unpaid leave is fine.

**Mr Carrick:** Can you see a problem with that from a woman's point of view?

**Mr Gamble:** Career enhancement might be affected if a woman took a further six months off after receipt of statutory maternity pay. I do not see the problem clearly.

**Ms Taylor:** It returns to the earlier point about an established relationship with the employer. For someone to arrive, stay in a post for two weeks and then announce that she will disappear for a year is difficult for a business to accept.

**Mr Carrick:** The trade unions were concerned about that.

**The Chairperson:** I understand that subsections 18, 19 and 20 of the GB Employment Bill deal with the maternity pay period, the right to statutory maternity pay and entitlement. Those issues do not seem to be replicated in this Bill as it stands.

**Mr Caldwell:** There will be another Social Security Bill.

**The Chairperson:** That explains it.

**Mr Gamble:** Clause 13 is rather different from the other clauses. It concerns the provision of a new right for the parents of young children to request flexible working arrangements. The procedures that employers must follow when considering requests are specified, together with the grounds on which requests can be refused. The intention is to facilitate dialogue between parents and employers about working patterns that better meet the parents' responsibilities for childcare until a child's sixth birthday while taking account of the needs of the employer. Parents can balance work and parenting responsibilities during that time. Draft Regulations will be drawn up with regard to that, and there will be a period of consultation. A task force, chaired by Sir George Bain, was set up to develop an approach to flexible working for the UK as a whole. The task force's recommendations



have influenced the approach that will be followed in the Regulations.

The employee must make a written request to the employer, and they then meet to discuss it. The employee must tell the employer how his flexible working proposals could tie in with the business needs. The employer is then supposed to make an assessment on whether he can accept the request or make some proposals for altering it. If he cannot accept it, he should give the reasons, based of the list of grounds set out in clause 13, of which there are about a dozen.

The employee can appeal if he does not agree that the decision is properly based. The intention is that the appeal could be settled in the workplace or through an arbitration arrangement. In England, the remit of the Advisory, Conciliation and Arbitration Service (ACAS) will be extended to bring binding arbitration to this type of situation. We should probably do the same with the Labour Relations Agency's arbitration scheme.

If none of that works, the employee could go to a tribunal. It is intended that the tribunal would consider whether the employer had followed the process properly and whether he had given a reasonable reason for not accepting it. It would not try to second-guess the employer's estimation of his business needs. The assumption is that the employer knows what his business is about. The tribunal would see whether the reasons for refusal, which would be listed in the Bill and Regulations, seemed reasonable.

It is a type of voluntary approach to see whether arrangements can be reached rather than giving an across-the-board right to flexible working, which some people thought would be a good idea. However, businesses thought that that would be a disaster, and it would be difficult for businesses to administer.

**The Chairperson:** In previous briefings, the point was made that the Bill focuses on one type of carer — parents. What about the perceived inequity of carers of elderly parents or elderly relatives?

**Mr Caldwell:** The Bill must be viewed in the context of the subject matter, which is work and parents. That is what the Bill is about. Other matters such as care for the elderly would be for an entirely different forum.

**Mr Carrick:** I want to confirm that there is no *de minimis* situation with small employers. If you have two or ten employees, there is no *de minimis*. Does it apply to everyone from one employee upwards?

**The Chairperson:** Yes.

**Mr Carrick:** If a retailer opens a shop six days a week from 9.00 am to 5.00 pm, must the flexibility be within that timescale? Can a proprietor be asked to open the shop at 10.00 am or close it at 6.00 pm?

**Mr Gamble:** If an employee of a retail outlet asked for flexible working time, he would make a proposal to the employer about how it could fit in with the business. If a reasonable proposal as to how the employer could get round that is not made, the process would stop immediately.

**Mr Caldwell:** If the employee can convince the employer that there would be no detrimental effect in starting the business an hour later, it may be possible to agree that flexible way of working. The employer may lose out or it may enhance the business.

**Mr Carrick:** It is a judgement call. However, the employee should not be allowed to usurp the judgement of the employer, who is paying the bills.

**Mr Gamble:** The employee would propose how flexible working could fit in with the employer's business, and subsequently they discuss that. The employer may decide that it cannot be done, or that the reasons are not strong enough, and the employee may accept that. However, if the employee disagrees with the decision, the case could be taken to a tribunal.

**Mr Carrick:** Who would meet the costs of the tribunal?

**Mr Gamble:** As with unfair dismissal, each side would meet its own costs, unless the tribunal chose to put them on one side, for example, for vexatious behaviour.

**The Chairperson:** Tribunals make decisions on narrow grounds. It is not a judgement of unreasonableness; it is based on the employer stating the facts incorrectly.

**Mr Caldwell:** It is not a judgement of the particular circumstances; it is to do with whether the process has been adhered to.

**Mr Gamble:** There could be a dispute about whether an employer rejected a proposal on the basis of facts that were incorrect, but not on the employer's judgement of whether the business would suffer. If the employer makes a reasonable argument for the judgement, the tribunal will not dispute that.

**The Chairperson:** Presumably you have ruled out extending those grounds because of the balance of opinion in the consultation.

**Mr Gamble:** That part of the consultation aroused the greatest interest, as there seemed to be a demand for flexible working.

**Mr Carrick:** There is a proposal that employers will have a duty to consider flexible working hours for the parents of children who are under six years of age; that is the cut-off point. Did that come out of the consultation?

**Mr Gamble:** Yes. There was a discussion about children starting school. Six years was the age that was thought reasonable. It could be set at any age, but most of those consulted felt that six years of age was reasonable.



**Mr Carrick:** The trade union representatives thought that that was an unacceptable cut-off point. They were thinking of 18 years of age.

**Mr Gamble:** Twenty-five. *[Laughter]*

**The Chairperson:** Sixty-five. *[Laughter]*

**Mr Gamble:** The final batch of clauses is quite short. Clause 14 is concerned with the nature of the regulation-making powers, and that they will be subject to negative resolution by the Assembly. In some cases the Bill is inserting powers into another piece of legislation such as the Employment Rights (Northern Ireland) Order 1996. If that is the case, it is that Order that determines the process for the Regulations. If it says they are affirmative, they are affirmative. The Regulations take their tone from the legislation concerned.

**Mr Caldwell:** Many Regulations are required to be made under the Bill. There are nine different sets of Regulations relating to maternity, paternity and adoption.

**The Chairperson:** There is an avalanche in the offing.

**Mr Caldwell:** Everything must be ready for the legislation to come into effect on 6 April 2003.

**The Chairperson:** Theoretically, the Committee could ask for an extension of Committee Stage in September. However, that could cause problems with timing. How much time is there to reach Royal Assent? The Committee Stage is due to end on 23 September.

**Mr Gamble:** Consideration Stage would have to take place in October. The Bill needs to receive Royal Assent not later than December 2002, or early January 2003, because the powers in it are used to bring Regulations before the Assembly. We hope to have dealt with those Regulations by early March so that when they come into effect in April, employers and employees will have had some time to consider them. Information will be published in the meantime, on the basis that the Assembly is expected to agree the Regulations in due course.

**Mr Caldwell:** There are one or two as yet unsolved timing problems, the main one being that until the Bill receives Royal Assent, the Regulations cannot be made.

Furthermore, babies expected to be born in the week beginning 6 April could be born prematurely as early as mid-November. No solution has been developed to deal with that problem.

**Mr Carrick:** There is a practical issue to be considered concerning the Inland Revenue and its documentation. It would have to redesign its literature.

**Mr Gamble:** The Inland Revenue is working on this on the basis of certain assumptions. If the assumptions turn out to be wrong, it would not be possible for everything to come on line by 6 April. The corresponding GB Employment Bill has still not reached Final Stage.

**Mr Caldwell:** The Bill reaches Report Stage today.

**The Chairperson:** In the past couple of days, we have received a letter from the Minister concerning the fixed-term contracts with regard to Northern Ireland being covered in the GB Bill. Previously, the Committee thought that that would apply from July, but it has been put back to October. Will that cause problems with regard to the European Union? I had thought that the date in July was fixed.

**Mr Caldwell:** It was fixed, but a one-year extension was given. This was to apply from 10 July 2001, but it was changed to 10 July 2002. Certain difficulties arose in GB.

*Quorum lost at 4.17 pm.*

*Quorum restored at 4.20 pm.*

**Mr Gamble:** I think he said that it could be changed but the convention was to keep the titles of Bills reasonably broad because amendments and additions might have to be made. Something could be added in and in the future no one would know where it is because it is in an anomalous place. There is time to think about that, and if there are strong feelings, we could ask George Gray, the chief legislative counsel, to give us a more formal response. That was his immediate reply, but we could ask him how strongly that convention holds.

**The Chairperson:** Ms McWilliams was arguing that the title should be something like "parental and workers' rights Bill". That title may not capture everything.

**Mr Gamble:** Flexible working is included.

**Mr Caldwell:** That point could be addressed by the Regulations. They will be specific and the title will give a better indication of the subject matter.

**The Chairperson:** That is a presentational political point. The public may be trying to get a handle on what the Assembly is doing, and they read the Employment Bill and wonder what difference it makes, and that is a concern. However, I appreciate the tradition and the legal point.

Thank you for coming, and I apologise for the late start. The Bill is complex and I thank you for answering our questions and wish you well as you progress it.



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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR  
THE ENVIRONMENT**

27 June 2002

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**LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) BILL  
(NIA 7/01)**

**Members present:**

Rev Dr William McCrea (Chairperson)  
Mr Armstrong  
Mr Ford  
Mr Molloy  
Mr M Murphy

**Witnesses:**

Mr D Barr )  
Ms M Finnegan ) Department of the Environment  
Mr J McConnell )  
Ms H Cousins ) Northern Ireland Office  
Mr M McGuckin )

**The Chairperson:** I apologise for the delay. The Committee welcomes Mr Barr, Ms Finnegan and Mr McConnell from the Department of the Environment, and Mr McGuckin and Ms Cousins from the Northern Ireland Office.

**Ms Finnegan:** I have circulated a second working draft (number 2). In that, the Department has incorporated the agreed amendments, and they are highlighted in red. We have taken working draft number 1 — in which amendments were highlighted in blue — plus the sheet that was circulated last week.

In addition to that, there is a further proposed change on page 4, in clause 6(6). The expanded wording would include “consultation with ... other interested bodies or persons”. The Committee requested that change last week.

The other issue last week related to clause 4(7). We do not propose to amend that. We contacted the Office of the Legislative Counsel, and the advice we received is that subsection (7) is in the correct chronological sequence. I questioned the use of the word “section” and asked whether substituting “clause” for “section” would help, but the Office of the Legislative Counsel said that “section” means “clause” in this case and does not need to be changed.

The only mention of Regulations in clause 4 is in subsection (5)(a). Therefore, as subsection (7) refers only to one part of the clause, the Office of the Legislative Counsel said that there should not be any misinterpretation, and so it should be left as it is.

**The Chairperson:** The old saying goes “Doctors differ, patients die”. Our legal advice is that, for the sake of clarity, subsection (7) should state that Regulations under subsection (5) should be subject to negative resolution. Have you checked that?

**Ms Finnegan:** Yes, but our people did not think that that was the way to do it.

**Mr McConnell:** This is where the difficulty lies. We end up talking to the Committee and vice versa, yet the experts on these matters never seem to be able to sit face-to-face and determine these things. I am not sure whether there is any reason why they cannot do that.

**The Chairperson:** We could get our legal people to speak to your legal people. The objective is clarity.

**Mr McConnell:** We are talking about parliamentary draughtsmen. Their only role, as I understand it, is to make sure that the legislation is correct in parliamentary terms.

**The Chairperson:** That is the only thing that is still outstanding, but we need to get the legislators to speak to one another.

**Mr McConnell:** We are both aiming to get to the same point.

**The Chairperson:** That is right.

**Ms Finnegan:** Those were the only areas that I was to take back and examine. We are now in a position to put the draft legislation to the Minister for clearance. He has not seen any of this yet. We hope to be in a position to do that quite soon.

**The Chairperson:** We have to agree clause 7, of course.

**Mr Barr:** I trust that the Committee has received the Department’s letter of 25 June. It addresses the issue raised at last week’s meeting about the use of the word “impose” in clause 7. We have provided an answer to that query, and we would like members to consider our reply or ask further questions about it. We have given a full explanation of why the term “impose” is being used. It is not that we intend to impose anything on councils; if we were to go down such a route, it would only be at the behest of the Assembly. It is being included to enable the legislature to introduce something on a mandatory basis, if required.

If we include the term in primary legislation now, it means that we can introduce further provisions by subordinate legislation; however, that legislation would

be subject to affirmative resolution, which would require the approval of the Assembly. It is something that we, and the draughtsman, consider is there for expediency and, perhaps, for the good use of public resources.

It is there at the behest of the Assembly. If the Assembly decides not to introduce or impose anything, it has the freedom to do so. We intend to run with that in the Bill unless there are any questions.

**The Chairperson:** There are still questions about the necessity for it, but we may not get any closer to an agreement.

**Mr McConnell:** If we were putting something in that would give the Department a power to do something, I would understand the concern. This would be regarded as prudent, but because community safety is such an important issue it may well be that the Committee and the Assembly will decide that it should be something that councils should have to do, rather than being able to opt into. It is pure prudence; there is no hidden agenda.

**Mr Ford:** I accept that there is a degree of protection because a resolution of the Assembly is necessary, and that it is not a negative resolution, as in subsection (3). Is this somewhere where it might be appropriate to spell out consultation with district councils before any Order might be laid? Is that automatically presumed, because it is spelt out in regard to similar matters elsewhere in the Bill? Is this a marginal move from the Department in our direction in order to make it slightly easier to accept?

**Mr McConnell:** The protection is there. We will not introduce any legislation without consultation. This Committee will not just listen to us, not do its own consultation, and ask what our consultation shows. It is almost seeking to put something in that is implicit in the whole system that we are working. It is there, and we cannot do these things without agreement.

**Mr Ford:** I accept the point that it is implicit, but would it be beneficial to make it explicit?

**Mr McConnell:** The draughtsman believes that the Bill is sufficient the way it is. Implicit is explicit, because it is goin[g to happen: it cannot not happen. There is nothing that we can do to make this happen without Committee procedures, consultation, et cetera.

**Mr Molloy:** If a district council “may” participate in the community safety scheme, that is contradictory. It would give the Department authority to impose where the council proposes not to participate.

**Mr McConnell:** The intention is that this legislation will be brought in, and that a council may engage in community safety. If at some time in the future the Assembly, in its wisdom, decides that community safety is an important issue, and that it is so important that councils must become involved, legislation would have to be introduced to make “impose” legal. At the

moment, “impose” is there as a prudent measure should the Assembly at some time in the future decide to go in that direction.

**The Chairperson:** If the Assembly believed that, could it not move in that direction at that time, rather than have it here now?

**Mr McConnell:** That would need primary legislation. We are trying to be prudent by putting it into subordinate legislation. I hope that I am wrong, but I detect some suspicion about this. The Department does not intend to do anything by the back door. It is what it says it is, and there is no more and no less to it.

**The Chairperson:** The “may” and “impose” do not sit easily together.

**Mr McConnell:** The “may” is what the legislation will enact. The “impose” is something that the Assembly may at some future time decide to do. We have no plans, and the Minister has no plans, to move further than that, but there could be pressure from councils to do that.

**Mr Barr:** Clause 7(2) will not override what is in clause 7(1). It is worded in such a way that the Department

“may by order confer or impose on district councils other functions relating to the enhancement of community safety”.

If one were to make clause 7(1) obligatory, that would have to be done by repealing 7(1) through primary legislation. Clause 7(2) in no way overrides what is actually in clause 7(1).

**Mr McConnell:** We have taken the concerns of the Committee to the draughtsmen. They have told us, in terms that David has just described, what has to happen before any enactment of clause 7(2).

**The Chairperson:** Clause 7(3) is the safety valve, in that any proposal has to come before the Assembly and be approved by a resolution of the Assembly. If “confer” and “impose” were left to officials, I would be totally opposed to it. It will not come as any surprise, I am sure, to the officials. If it were left to the Department, I would be totally opposed to it.

**Mr McConnell:** That is proper in our democratic system.

**The Chairperson:** We will not go into a political argument on the democratic system. It is important that we have the safeguard that it has to come before the Assembly, but Members would have to be very alert to this, if it did come, as to their mind and their wish at that particular time.

We will now move on to the other issue. We have NIO officials with us this morning, and we received a letter from them as well. Once again, I apologise for the delay. You know of our discussions so far. Perhaps you want to outline where the NIO stands on this issue.



**Mr McGuckin:** We previously came before the Committee to address the Government's community safety strategy. Subsequently, the Committee Clerk wrote to us seeking clarification on the relationship between the community safety partnerships (CSPs) proposed in that strategy and the district policing partnerships (DPPs) established under the Police (Northern Ireland) Act 2000.

I have submitted a paper to the Committee seeking to describe community safety and to put CSPs in context. The paper outlines the differences between DPPs and CSPs. a DPP is an accountability body for the police at local level, and its functions are limited to policing issues. The membership of the DPP reflects that role. It is made up of elected members and independents, who are selected on their own merits and do not represent any organisation.

The CSP will be engaged in delivering services to and with the community. Consequently, it will be made up of the statutory organisations that have a responsibility for those services. It will also wish to work closely with the voluntary sector and the community.

It will be important for the police to be part of the CSP, but their relationship with that partnership will be different from their relationship with the DPP. They will report to the DPP, but they will contribute to the work of the CSP. The two partnerships have different memberships because they have different functions.

I am now happy to clarify any issues relating to the paper that came before the Committee.

**The Chairperson:** Thank you for your detailed paper. Even with the paper, there is still woolliness over what will be talked about by both these partnerships. You said that the police report to the DPP and that they are engaged actively in the other partnership. Many of the issues are the same. As has been said in previous meetings, there are genuine concerns about duplication.

We are dealing with limited public finances. Grants may have been given initially to establish these partnerships, yet public finances overall are limited. We are facing problems with roads, hospitals, et cetera. The bottom line is the money that is available for them. We do not want money being taken up by duplication of functions.

We are considering the quango situation in the Province, or at least we are told that that is under review. However, that will be a hardy annual to tackle because some people will be holding on like death to their paid posts. Nevertheless, we do not want to create more quangos for the sake of it.

**Mr McGuckin:** First, we have tried to identify and set out in the paper the significant difference between an accountability organisation and a service delivery organisation. We are not trying to create another quango. This is not, in any sense, a quango. It is a partnership of

organisations that have statutory responsibility for delivering services to the community. The aim of bringing them together in a partnership to address specific community safety issues is to maximise the benefit that can be achieved by those organisations creating a synergy and working together to address common issues. The Housing Executive might be trying to address an issue from one angle, while social services might be attempting to address similar aspects of that issue from another angle, and so the circle goes on.

In this structure, we are trying to bring organisations together in a forum that will allow them to operate collectively. The police are an important element in that forum. They will engage in the partnership, as opposed to the situation with the DPPs, which they will account to for their activities and the delivery of the local policing plan. The aim is to improve the way in which services are delivered to meet local needs.

**The Chairperson:** I will consider what you have said.

**Mr Molloy:** First, you said that the DPPs were to hold the police accountable. There will probably not be agreement on the Committee, but I disagree with that. It does not do that and cannot do so, particularly considering the role that the partnership is being set up with.

However, one of the better consequences of pulling all those different agencies together is that groups bring different statutory agencies' services together to deal with community health and safety, much as the health action zones do. However, ultimately they are hard to implement. The new partnership will be another quango that will have to be financed from the rates, and I declare an interest as a ratepayer and a district councillor.

The CSP will be funded initially, but after that the owners will rely on the council to fund it directly. The DPP costs approximately 3p in the pound, and it is difficult to estimate the cost of community safety. Local strategy partnerships (LSPs) are also financed by Europe. That means that a whole series of new quangos is being created, and ratepayers will have to pay for the changes each time. An unnecessary tier of bureaucracy is being created that will make no difference to the implementation of safety initiatives in any area.

Ultimately, a committee will not solve our problems in different parts of the community, because it can do nothing except, perhaps, return to considering policing. There has been some suggestion that policing, as well as the LSPs, should be included in the local partnership board, but people are coming up with ideas about how many committees we can establish to deal with the same issue. That does not resolve the problem.

**Mr McGuckin:** I can try to address several of those points. Funding has been identified to get the CSPs started, and we will recommend to Ministers that the

resources for co-ordination be made available for three years. It will be evaluated at the end of that time. There is no suggestion whatsoever that district councils should become responsible for continuing that funding if it is stopped after the evaluation.

The co-ordinating responsibility exists to support the partnership, and all the partnership organisations will benefit from that. There is no indication that co-ordinating responsibility would ultimately fall to the local district council to maintain.

It is generally accepted that the success or failure of partnerships can be measured in circumstances in which organisations with statutory responsibilities can collaborate to harness and focus their activities to deliver better results. That is demonstrated in crime and disorder partnerships and other similar partnerships in England, Wales and Scotland, the benefits of which have been shown. That collaboration has been developing for many years, and several partnerships in Northern Ireland are already in various stages of development; for example, one based in Antrim can clearly demonstrate where new services, such as addressing some of the needs of the youth in that area, are actually being delivered in a joined-up manner.

**Mr Ford:** Are you proposing to prescribe the membership of CSPs? I find it amusing that you refer to Antrim. Your letter dated 20 June 2002 refers to CSPs being made up of statutory organisations, yet, having been involved in the Antrim CSP, I know that as many local voluntary organisations as statutory bodies were involved.

You have argued that the difference is that CSPs consist of statutory bodies, but it is essential that they also contain representatives of the voluntary organisations, and if that happens, potentially there will be a greater overlap with DPPs than you have given account to in this paper.

**Mr McGuckin:** The Justice (Northern Ireland) Bill, currently before the House of Lords, will make provision for CSPs to be placed on a statutory footing. If that happens, it is accepted that there is a greater chance that those organisations will take on the responsibilities and seriously engage. However, it is not the intention here to put them on a statutory footing in view of the review of public administration, recently announced by the Northern Ireland Executive, which is likely to change the structure and functions of many of the statutory organisations that will contribute to CSPs. The option exists to put the partnerships on a statutory footing in the future, subject, of course, to consultation.

The voluntary and community sector will play an important role in partnerships. The statutory organisations will want to consult closely with that sector about what is needed in the community and how services are delivered. Given that the statutory organisations have responsibility for the delivery of those services, which cannot be

abdicated to the voluntary or community sector, they must act as the core of the partnership. Those organisations will determine which voluntary and community sector organisations they engage with.

I do not see how that would mean a greater overlap between the CSPs and the DPPs. The DPPs are set up with elected members and appointed independents who do not represent any organisation. Therefore, my understanding is that they do not represent the voluntary or community organisations, or any other organisation.

**Mr Ford:** That may not formally be the case, but the reality is that in the majority of smaller districts the people who are likely to be nominated for DPPs are also likely to be those working informally with existing CSPs. You are talking about a district council responsibility for support to both, and whether there will be significant personnel overlaps.

**Mr McGuckin:** The core of the matter is that the voluntary organisations are not represented on DPPs. The process to select independent members may well be competitive, but I am not sure about that and would need to check. Those individuals will be selected on the basis of their individual attributes, rather than on whether they represent an organisation. They may well bring with them some sense of an organisation, but they will not be the nominees of that organisation.

**Mr Ford:** I did not suggest that they were. You are talking about mechanisms and procedures, and I am referring to the practical reality of the kind of people who are involved in community and voluntary activities at district level.

**Mr McGuckin:** There may, potentially, be some overlap at that level.

**Mr Ford:** Therefore, there is the potential for further bureaucratic confusion if we are to have two bodies, which contain many of the same people, doing closely related —

**Mr McGuckin:** The bodies could not contain many of the same people. There may well be some commonality in membership between them, but they have two very separate functions. The key organisations in the CSPs will be the statutory organisations, and they certainly are not represented on DPPs.

Secondly, the DPPs are concerned with holding the police to account at a local level, whereas the CSPs are about delivering services on the ground.

**Mr Armstrong:** I do not see much difference between the two. There is a duplication, of which we have too much in local government. There are too many people doing the same job over and over again. It is time that that was addressed. We also have neighbourhood watch, which is another duplication. I do not see the point: I remain to be convinced.

**Mr McGuckin:** The paper sets out the differences in function and structure.

**Mr Armstrong:** I have read that, but I do not see the point.

**Mr McGuckin:** I cannot add to what is in the paper. It is clear that the membership of the two bodies is different. The statutory organisations with responsibility for delivering services on the ground are not represented on the DPPs. There is a need for them to collaborate to enhance local services. The CSPs will provide that opportunity.

**Ms Cousins:** I was involved in the initial meetings at which the formation of those partnerships was first discussed. The statutory organisations welcome this development and are keen to start working together. That includes the PSNI, who see immense benefits in working with the other organisations to tackle the underlying causes of crime. Many things are put at the door of the PSNI, yet it does not have the power to deal with them. It is keen to work in those partnerships.

**Mr Armstrong:** Perhaps we should give the police more powers.

**The Chairperson:** Let us move on to financial matters. We are constantly being told that we cannot look a gift horse in the mouth; we are getting £2.5 million — who would turn that down? I have been in local government for 30 years, and I have found that Departments are good at pulling you in by giving you money to start you off. Once you are in, of course, they withdraw the money and you are left on your own.

Ratepayers are constantly being made to pay for matters that are the responsibility of central government. What is that £2.5 million for? Is it for salaries? I notice that it is for two years, and then goes down to 75%, and then they talk about a third year. I also notice that there is a caveat; that it goes into the pot with all the other demands. So what are we assured of? What is the direct commitment for the three years and afterwards? Is it the responsibility of the district councils thereafter?

I notice that it refers to top-up funding from the Department of the Environment. We have found that millions of pounds have been cut off. If you do not understand where that is from, I draw your attention to a letter to me from Dermot Nesbitt, concerning a proposed amendment to provide district councils with statutory cover to engage in community safety. We are talking about the right thing; we are on the same wavelength.

The Minister's letter, dated 8 March 2002 says:

"The NIO would fund councils directly, with the first two years financed at 100%, and thereafter in the form of grant-in-aid at a rate of up to 75% on approved costs. Councils would be expected to fund the remainder."

That means that ratepayers would foot the bill for a function not directly related to district councils. Let us be quite clear on that.

After 2003-04, funding would be subject to bidding. It is understood that the Northern Ireland Office intends to require bids for a further three years at least. Of course, we do not know whether they will cover the bids at the rate of 75%. Remember that "up to" 75% of costs are to be covered, which might mean 50% or even 20%. The remainder is funded by the district councils.

The Minister continues:

"It should also be noted that there is a possibility that councils could seek 'top up' funding from DOE after 2003/2004. This of course should not deflect from consideration of the merits of the proposal."

We received a letter from the NIO, dated 22 May 2002, which stated:

"It would make sense to continue the funding at 100% for the third year while the evaluation is taking place."

Let us return to the initial problem. This is not for two or three years; it is setting up a function to be given to district councils:

"Councils would be expected to fund the remainder."

That means ratepayers. The Department of the Environment says that we could seek top-up funding. Seeking such funding is one matter, but finding it is another. Securing top-up funding from the Department of the Environment is like looking for a needle in a haystack. We all know that many other bids will be made to the Department of the Environment.

We lack the funding to meet the bids which the Committee requests. District councils acknowledged as the poorest in the Province are to have millions taken from them next year. What are they going to top up the funding with? Those facts are important. To be quite honest, we do not need a new function unless someone is paying for it. Unfortunately, my feeling is that ratepayers will cover central government's responsibility. It is another form of taxation. That is a serious matter, and we must examine it.

Make no mistake: I want more powers for district councils so that, whatever their position after reorganisation, they have real and meaningful authority. However, I certainly do not want added responsibilities thrown at them in a piecemeal fashion, with the ratepayers constantly footing the bill. I have no doubt that other agencies would be happy to participate, but the Minister's letter clearly shows that the district councils will pick up the bill.

**Mr McGuckin:** Your comments are not all directed at me, but I will address as many as I can.

**The Chairperson:** I am happy for those behind you to move forward to pick up on the other points.



**Mr McGuckin:** I shall try to clarify the issue. Our strategy was not issued until April 2002. It was only then that we started to make sense of the likely funding arrangements. Unfortunately, the letter which you have — which my colleagues from the Department of the Environment will be only too happy to discuss with you — predates the strategy's publication. We also listened very carefully to what the Committee had to say at our last meeting. The consultation period on the strategy is not yet over.

I wrote to the Committee in May to say that we would recommend to Ministers that it is important that the full funding for the co-ordinator continue for a third year to allow an evaluation, which is important also because we want to ensure that good use is made of that resource.

The strategy does not state that the district council will be responsible for the employment of the individual. The district council is one organisation that will be engaged in the partnership. It will take responsibility, on behalf of the partnership, for the employment of the co-ordinator. The co-ordinator works on behalf of the partnership, not any individual organisation.

It may make sense to employ the co-ordinator in the district council. However, there is no requirement that that should fall to the district council, and there is no requirement that the district council should have to make up any shortfall in funds. The co-ordinator will operate on behalf of the partnership, and if, following an evaluation, there is a change in the way that the funding is structured, the partnership, not just the district council, will be expected to contribute to the cost of the co-ordinator. The valid point —

**The Chairperson:** Is that provided for in the Bill or is it your assumption? The letter that the Committee received from the NIO, containing the reference to third-year funding, is dated 22 May. The suggestion that councils would be expected to fund the remainder is not removed.

**Mr McGuckin:** I cannot address the contents of the letter, because it did not come from the NIO. I can only comment on what is in the strategy. Although it would be nice to be able to commit funds indefinitely, we are all familiar with the way in which Government funding systems operate, and, therefore, we can only make a commitment for as long as the funds are available.

**The Chairperson:** That is my worry.

**Mr Barr:** Mr McGuckin has answered the question on the Department's behalf. The 8 March letter was sent prior to the launch of the strategy. At that stage, the Department was considering the issue on the hoof. It was not familiar with the funding that would be included in the NIO strategy. I mentioned that at a previous Committee meeting, and explained that in March we did not have the full detail.

However, since then, the situation regarding the Department's understanding of funding has been rectified. Funding will be allocated to CSPs, as opposed to district councils. If councils are members of CSPs, they will avail of the feeder resources that are allocated to them. Given the cycle of Government funding, I suspect that it is difficult for any Department to give a three-year commitment.

Nothing in the Local Government (Miscellaneous Provisions) Bill commits councils to anything. It gives councils the power to engage in CSPs if they so wish. If a council decides to join a CSP, there is nothing in the Bill that would mean that the council must remain in the CSP beyond the evaluation period of three years. I may stand corrected on that. Councils will have the freedom to either opt in or opt out of CSPs.

**The Chairperson:** The wording has been changed, but it does not do exactly what you said. The change is "councils and others would be expected to fund the remainder". That does not mean that councils are not expected to fund it. The given wording is "councils and others". That is the clarification.

**Mr Barr:** District councils were concerned that the Local Government (Miscellaneous Provisions) Bill was not specific in terms of allowing them to spend money on community safety. It was at their behest that the Department amended the clause to enable them to do that. That suggests that councils recognise that there is no such thing as a free lunch and that they should contribute financially to community safety. Councils accept that, but they will be careful with how much money they contribute.

**The Chairperson:** For clarification, when you say "councils" you mean SOLACE. It was not councils. I have never heard this debated in council, and I do not know why you name councils. I think that it was chief executives who said that they would like the option, or did you consult individual councils?

**Mr Barr:** The Environment Committee consulted councils, and the responses were forwarded to us. I think that some councils voiced their concern.

**The Chairperson:** Yes, some did.

**Mr Barr:** Some councils were concerned that it was not explicit enough for them to spend money.

**The Chairperson:** "Councils" is an all-embracing term.

**Mr Molloy:** As we tease this out, the intention becomes clear. The intention is to make it operational, but then leave someone else to carry the can. It will not be the NIO. It is a deceitful method — and I do not make that allegation lightly. Mr McClarty said that councils did not have the necessary power, but one must remember that there are 26 district councils. That does



not reflect the view of them all. Not having the power to do something is not the same as wanting to do something.

District councils are always being told that they do not have the powers to do this or that. I am concerned that councils do not have the power to do what they should be doing, for instance, looking after neglected small infrastructure. The Department of the Environment is very quick to tell councils that they do not have authority and that a particular situation is the Department's responsibility. However, this is clearly a matter of security and policing services, which are not the responsibility of district councils.

In the past, closed-circuit television (CCTV) was introduced with a funding bribe from the NIO. However, councils will have to pay for the CCTV once it becomes operational. The councils will have to stump up 3p in the rates to pay for the district policing partnership board. Now there is another area which will require council funding. Whether it is "councils" or "councils and others" does not make any difference. Ultimately it will come out of the ratepayers' money. Either way, it will go into the lines of an unnecessary structure which will not provide anything to help community safety. People are fudging the issue.

The partnership boards were introduced to deal with Peace II money, but the councils were left carrying the can again and had to fund those schemes and assist in paying staff. A number of issues are not clear, and it would be foolish of the Committee to indicate that it is willing to participate. It would also be foolish of district councils to give the same impression.

**Mr McGuckin:** A number of partnerships have been operating, or starting to operate, on a voluntary basis. Currently some 11 councils are actively engaged in, or developing, community safety partnerships — putting in place the necessary arrangements to develop community safety partnerships or enquiring from us about support for this. There is much interest among district councils in actually engaging with us in that way.

**The Chairperson:** That information is important. I thank the Department and the NIO for the presentation this morning. Undoubtedly, we will have further deliberations on this matter, because we have to come to a determination. We appreciate the good work that has been done on the vast part of the Bill, especially this area.

**Mr McConnell:** I just want to thank the Committee. This is a better Bill now than it would have been, and the good work that we have achieved together has served a useful purpose, and I do not want this good work to be lost in a debate that we are not part of. The points raised by Mr Molloy are not really for the Department of the Environment. The Department is facilitating district councils to enter into this, if they so desire, and I do not want us to end up with a difficulty that we, as a Department, really cannot deal with.

**The Chairperson:** The Committee will have to consider that point, but I understand where you are coming from. It was not us who brought this into the Bill. The NIO, because of the Justice (Northern Ireland) Bill, feel that this is the best vehicle for bringing this forward, but we have to make our determination. Thank you for your presentation.



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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR  
THE ENVIRONMENT**

Thursday 27 June 2002

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**PLANNING (AMENDMENT) BILL  
(NIA 12/01)**

**Members present:**

Rev Dr William McCrea (Chairperson)  
Mr Armstrong  
Mr Ford  
Mr Molloy  
Mr M Murphy  
Mr Watson

**Witnesses:**

Mr H McKay       ) Department of the Environment  
Mr D Small        )

**The Chairperson:** Gentlemen, it is a pleasure to have Mr Hugh McKay and Mr David Small from the Department of the Environment with us. Perhaps you will make your presentation on the Planning (Amendment) Bill, Mr McKay. I apologise for the delay — we were dealing with another important matter.

**Mr McKay:** Mr Chairman, thank you for your welcome. I apologise for Cynthia Smyth and Ian Maye, who cannot be with us today.

The Planning (Amendment) Bill completed its Second Stage on 24 June and is now at the Committee Stage. Next week, officials will be meeting again with the Committee to discuss the details. Our presentation deals with three important aspects of the Bill that the Committee has raised: third-party appeals; dealing with unauthorised development; and the levels of fines. The Committee has received detailed policy papers from the Minister on each subject, which analyse the issues involved and set out the Department's conclusions and proposals. The Committee has also received copies of research papers commissioned by the Department from Queen's University on third-party appeals and unauthorised development. These are weighty, and the Department has provided a short summary of the key research findings to assist members. Mr Small will take the Committee through the policy papers and explain the Department's analysis and conclusions. After that, we will be happy to take questions that members may have.

**The Chairperson:** Before our meeting this morning, Mr McKay, the importance of having a Bill with teeth was highlighted when a delegation from Holywood Conservation Group brought to the Committee's attention yesterday's demolition of Victorian buildings. The group is very angry that present legislation does not allow the Department to take effective action to stop inappropriate demolition and does not allow it to make representations. The demolition was carried out three weeks before the appeals commission could have a hearing. The message must go out that this Committee and the Department are treating that matter seriously and that all efforts will be made to ensure that developers do not go ahead with demolitions or gain financially from them.

I have a great deal of sympathy for a point that was made to us this morning: to prevent developers rushing ahead of legislation, the Department should demand that planning applications be sympathetic to what is already on a site, and it should not facilitate financial gain by developers. I am not making a particular judgement: we cannot do that in this case, because the buildings have been demolished. However, the Department had representations made to it on this and must bear that in mind when development commences on that site. This shows the urgency of the matter, and I hope that the Department will treat the Bill in the same way.

**Mr McKay:** We appreciate those remarks.

**Mr Small:** I am conscious of the limited time for the discussion, which has to deal with three heavy papers that the Minister presented to the Committee on 24 June. In his speech on the Second Stage of the Planning (Amendment) Bill, the Minister set out his thoughts and proposals on the issues of third-party appeals, levels of fines and unauthorised development. We shall discuss the papers that the Minister presented in the context of the commitments and proposals that he made. The papers are detailed; I shall go through them as quickly as I can, so that there is sufficient time for questions.

**The Chairperson:** Even if we cannot ask detailed questions today, it is important to know the Department's position.

**Mr Small:** The Minister's first paper, annex A, was on third-party appeals. It began with some background information on previous considerations of the merits of third-party appeals and referred to the considerations of the 1983 Assembly and the resolution that supported the introduction of third-party appeals. It also referred to the House of Commons Northern Ireland Affairs Committee's examination in 1996 and the report that recommended the introduction of third-party appeals. On both occasions, the Government of the day decided, because of increased delay, uncertainty in the planning process and resource implications, not to introduce third-party appeals.

In 1999, the Department established a working group to re-examine the matter and decide whether there was a case for third-party appeals. That involved discussions with the appeal bodies in Northern Ireland and the South, the planning wing of the Department of the Environment and Local Government in Dublin and professional colleagues in the North. The group concluded strongly, because of delay and uncertainty, that third-party appeals should not be introduced.

The Department then commissioned further research from Queen's University. It was asked to examine in more detail how third-party appeals operate in the Republic of Ireland; how successful the system is there; and what the downsides are. Its report contained several conclusions and was presented to the Committee some time ago. It said that third-party appeals are well accepted in the South and part of the system there. However, planning decisions take about 11 months longer because of them, and that is a disadvantage.

Another comment in the report, which we think fundamental, is the suggestion to retune the system here rather than just add third-party appeals, the point being that our planning system is entirely different from that in the South. The South has a plan-led system: applications received are determined against the plan. If they accord with it, they are approved; if not, they are rejected. Any safeguards lost at the early stage through lack of consultation or participation are captured through the appeal system. The report concludes that the system in the South almost demands third-party appeals. It also says that because we have a more consultative and participative process at the early stage, we need to think carefully about attaching another process at the end.

We have discussed that with the Committee and are conscious of members' views on how effective the early consultation stage is. We are looking at all these matters in the context of modernising planning. Research shows that we need to be careful about how we introduce third-party appeals. If we simply tag them on, we will damage the process. Rather than do that, we need to review the planning process and retune it to accommodate third-party appeals.

We asked for further research from Queen's University this year and received a report earlier this month. It focused more on how third-party appeal systems operate in other European jurisdictions, and there was a wide range of findings. There are third-party appeal systems in some form in almost all European jurisdictions — however, the way in which they operate varies widely. In Denmark only environmental decisions are subject to third-party appeals and only environmental bodies have the right to a third-party appeal. On the other hand, the Republic's system permits almost anyone to make such an appeal. The report concluded that individual third-party appeals provisions are based around the policy objectives

of such a facility. In Denmark, the clear objective is environmental protection, so the focus is on environmental decisions and watchdog bodies. The Southern system seems to be based on natural justice and equity. So, research suggests that we must be clear about why we want to introduce third-party appeals before thinking about how a scheme might operate, and there is a wide range of models and options.

That is the background, and those are, very briefly, the kinds of considerations which have been made on the subject in past years. The Minister's paper detailed the benefits of third-party appeals and was informed by the Northern Ireland Affairs Committee's report, by Queen's University's research, by further work we did in the Department and by views given to it on the subject. It was thought that the proposal would be warmly welcomed by the Assembly, other elected representatives and the general public. Essentially, the benefit is that it provides objectors with an alternative means of challenging planning decisions, adds to what is currently available and remedies the perceived inequity in the system whereby applicants can appeal but those who oppose a development cannot. The research from Queen's also suggested possible wider benefits for the environment, since the third-party appeal process itself might take better account of some of the environmental downsides, resulting in more balanced development.

Giving factual information, the paper also set out the potential disadvantage of third-party appeals — the possible threefold or fourfold increase in appeals which such a process would encourage. The estimate suggests 600 to 700 additional appeals per year, which would have resource implications. The Department anticipates possible difficulties recruiting staff to run the system, since we are not at all convinced of the market supply of qualified planners.

Queen's University's research suggested a delay in the system of 11 months for an average planning application going through the process of third-party appeal. There is also the fact that any planning approval would be subject to at least some delay, since a period is set aside for third parties to come forward. Developers and house-owners might get planning permission but be unable to proceed until the period during which third parties could bring forward an appeal had expired. That could vary, and some of the work we have examined suggests a period of six to eight weeks, so there could be a two-month period during which house-owners who had planning permission to carry out work on their properties could do nothing. If the decision was appealed, that period could extend to 10 months. The French system allows three months, and research shows that a third-party appeal can take two or three years extra before a final decision is reached.

Those are the kinds of problems that would cause delay and uncertainty in the system for house-owners,



applicants, developers and those wishing to invest in Northern Ireland. The Minister's paper refers to other issues such as additional costs to third parties and applicants — the cost to applicants of having a land bank while they wait an extra year for a decision, the business costs entailed and the possible disincentive for developers or investors. It examines the possibility of third parties abusing the system to delay development. There is evidence in the South that serial appellants challenge everything from a particular developer, perhaps someone in Monaghan, appealing regularly against developments in Cork. Do we want that here?

Finally, there are the implications for current efforts to improve the planning process. Through modernising planning, we are working hard to improve efficiency in decision-making. That is one of the Programme for Government objectives, and we predict tensions if third-party appeals are introduced which will create delay. The paper examines the existing procedures to try to accommodate third-party appeals and our recent efforts to improve those processes through more open filing. Objectors can look at the file and see how their objection was dealt with. They can also object through neighbour notification, public advertisement and the other ways that you are aware of.

The paper also looks at the position in England, Wales and Scotland, and those systems are completely opposed to third-party appeals. The recent Green Paper in England stated that the Government were not convinced of the arguments for third-party appeals and believed that the way to deal with the interests of third parties was to make the system more open. In the South the Government had concerns about serial appellants and delays. Over the past few months, they have sought to restrict their system and have concluded that the very open nature of their third-party appeal system was, and is, causing problems. There are allegations of builders being held to ransom by third parties who indicated, at a late stage in the process, that they were going to appeal, but that if money was paid to them, they would not. There is no hard evidence of that, but it is a real concern. It has prompted the Government in the South to introduce further restrictions.

The paper refers to the latest research from Queen's and the various models that must be considered before putting a system of third-party appeals in place. It asks why third-party appeals are desirable; what is the objective; and what type of decision will be subject to them. Will they apply only to planning application decisions, or will they extend to demolition consents, tree preservation order consents, reserved matters applications or Article 31 major applications? Are they only for major applications or for circumstances that have a direct impact on an individual? Are they only for environmental applications, as in Denmark, or should they be universal? Should they be completely open, as in the South, or, given the concerns there, should they be restricted, and

how do you do that? Do you restrict them to neighbours with an adjoining land —

**The Chairperson:** This is a rehearsal of everything the Department has already said, yet the Department has not taken on board the fact that the Committee wants third-party appeals. The Assembly has said that it wants third-party appeals. When will the Department act on the will of the Assembly rather than object to it? When will it bring the operation plans for third-party appeals to the Committee?

**Mr Small:** That is what we are trying to do. We are trying to air the issues that must be considered.

**The Chairperson:** With respect, that has been done. We should be beyond this — far beyond this. The House of Commons suggested third-party appeals in 1996, and nothing has been done. Research began in 1999 — three years ago — and you are still telling us the problems. We should be being told how the Department is going to carry out the will of elected representatives in the Committee and the Assembly, and the purpose of the Assembly is to carry out the will of the people.

This Committee feels that third-party appeals are essential. You talked about speeding up the planning process. In reality you are talking about speeding up planning decisions that many people feel are perverse but have no power to do anything about. With third-party appeals, people would be able to overturn such decisions. The evidence in the South and elsewhere shows that third-party appeals are generally well accepted and have a high rate of success.

**Mr Small:** They have an exceptionally high rate of success.

**The Chairperson:** If that is so, we are not talking about notional objections but about successful appeals. If there was no provision for third-party appeals, those decisions would have gone through.

**Mr Small:** I accept your point.

**The Chairperson:** Why would there be a high success rate if the original decisions were not wrong? You are saying that we should be speeding up the process of making wrong decisions.

**Mr Small:** I know the Committee will not accept this, but the system in the North is different from that in the South. There is very little pre-decision consultation in the South.

**The Chairperson:** What do you say to people who feel strongly that certain planning decisions are perverse yet they have no power to change them? All they get is consultation. What would happen if a council, with all shades of opinion, was united in its rejection of a planning decision that the Department approved? The community has no power in this: its representatives and

the Assembly have no power in this, and that is not acceptable. You say that the system here is better than the one in the South, but that is not acceptable. I know that officials do not accept this and not just for the sake of blocking. However, they have to change, and the Department has to change, because it must implement the will of elected representatives speaking on behalf of the people.

**Mr Small:** Your comments are well made, and the Minister recognises the concerns that were expressed during the debate on Monday. He is now fully committed to public consultation on this.

**The Chairperson:** This subject has been running since 1996, and we are still in consultation.

**Mr Small:** The situation in 1996 was that the then Government were not persuaded.

**The Chairperson:** Let us forget 1996 then. Let us turn to 1999 and what has happened since then. We are supposed to be in a different dispensation, but we are hearing the same old words now that we heard then.

**Mr Small:** No.

**The Chairperson:** Now we are being told that we are going into a review of the situation.

**Mr Small:** It is not a review.

**The Chairperson:** What has been happening since 1999?

**Mr Small:** It will be a full public consultation, and it will take views on the matters that I am discussing with the Committee. There are many ways in which we can proceed. The Minister's concern is to ensure that third-party appeals, if we introduce them, are introduced in a way that does not damage the planning process. We must take account of how the current system operates and how best to accommodate third-party appeals. The Minister made a commitment on Monday —

**The Chairperson:** Neither the Minister nor the Department is convinced that third-party appeals are needed.

**Mr McKay:** The Department has not made a decision on this. A long time may have been taken, but, as you have said, over 20,000 planning applications a year are processed, the vast majority of which go through without any difficulty. However, there is a strong view — and you are expressing it on behalf of the Committee — that there are people who feel that they do not have an adequate say. Those people are not applicants, but they are opposed to an application and its implications.

It would be helpful to the Minister if the Committee could say who it considers should be third parties in such circumstances and the types of appeal that are envisaged. We understand what the Committee is saying

about the principle of third-party appeals, but, as Mr Small has said, there are many variations across the different Administrations in Europe, so we would appreciate the Committee's views on who the third parties should be. I do not know if the Committee has thought about that.

**The Chairperson:** No. Our remit is to scrutinise what the Department presents to us, not to formulate policy.

**Mr McKay:** It is clearly the Minister's job to formulate policy, and —

**The Chairperson:** The Minister must realise that this issue is not going away, and it is about time that we had some detailed proposals from him or his officials on how this is going to be put into effect. When information comes to the Committee we consult about it and consider it in detail, but it must be presented to us first. You say that you are going to consult, but what are you going to consult on?

**Mr McKay:** The Minister would say that you are expressing the views of those who have spoken to you, but that does not mean that everyone in the community wants third-party appeals. We do not know the answer to that because there has been no consultation yet. That is the difficulty that the Minister faces.

**Mr Armstrong:** Who does the Minister suggest these third parties should be then?

**Mr Small:** The purpose of consultation is to get a clear understanding of where the demand for third-party appeals is coming from. Is the right of appeal for neighbours who have an adjoining boundary and are directly affected? Is it for wider concerned groups such as the Royal Society for the Protection of Birds and environmental groups? Consultation would help inform decisions on how wide a right of appeal should be and the types of decisions it should apply to. We would like to have the public's views on how the system should be shaped. That would enable us to develop the detailed proposals that the Chairperson is talking about and discuss them with the Committee.

**Mr Armstrong:** Why not do that now? Why take such a long route? It is taking a long time to get a decision.

**Mr Small:** We both acknowledge that it has taken a long time to reach the present point where the Minister and the Department have determined that more needs to be done. We realise that we need to make progress, and the Minister has given a commitment to go to public consultation. We have progressed beyond the 1996 position, when the view was simply that third-party appeals would be bad and we would not be having them. Matters have moved on, but it has taken time.

**The Chairperson:** We can respond to that by quoting from the notes that we received this morning:

“At this time, the Minister is not persuaded of the merit of introducing third party rights to appeal”.

That is the reason; that is the heart of the matter. Where did he and the last Minister get that from? Where did we get it from at every meeting on this? We got it from officials — from the permanent secretary down. The Minister is getting this from his officials. The Department has not faced the reality that the elected representatives on this Committee want third-party appeals.

As officials, you are responsible for deciding how to put into effect the wish of the people, expressed through their elected representatives. That should have been done a long time ago. The matter was raised previously, in 1996, and in 1999 reviews were carried out. Now in 2002, we are having consultation, and I do not know when it is to end. It would be helpful to be told that date. Other consultation arrangements end after three months. Perhaps we have made progress from the elastic situation of no consultation from 1999 to 2002.

**Mr McKay:** There is no perfect model on which to base third-party appeals. We have our own planning system, and if there were a model to work to, that would assist. There are many variations. If the Committee has views on the best way forward that would help. We acknowledge that the procedure has taken a long time and that, by nature, planning is a difficult subject.

**Mr Armstrong:** Are you suggesting that the Committee should say how to resolve this?

**Mr Small:** If the Committee has a firm view that third-party appeals should be available to a particular group, such as a university, we will tell the Minister of that view. However, the Minister wants full consultation on this, so that all the issues can be debated and we can see where the demand for third-party appeals is coming from; what type of appeals are involved; and what decisions they should apply to. Until we have that information, it is difficult to devise a scheme and envisage how it will operate, and how we do that will determine the impact of delay on the system.

**The Chairperson:** The Committee will fulfil its role when that consultation process concludes.

**Mr Ford:** I have some sympathy for the officials — their Department is the smallest in the UK.

**The Chairperson:** Are you getting soft, David?

**Mr Ford:** It bothers me that the differences in legislation here have not been taken into account. The cited examples relate to other jurisdictions where, unlike here, councils are the planning authorities.

My Colleague, Mr McCarthy, said in the House that

“We must achieve a balance”

and not

“allow a neighbour with a grudge... to delay the granting of planning permission”. [*Official Report, Vol 17, p82*]

You talk about someone living in Monaghan and writing in green ink to complain about developments in County Cork. My difficulty is that you are not considering that a way of dealing with legitimate concerns is by compromise. I do not wish to give everyone in Fermanagh the opportunity to complain about what happens in South Antrim. No one here wants that, but your examples are of that sort.

We need to discuss the practical realities of giving councils powers to institute third-party appeals or have recognised organisations with a specific remit. We need to look at the legitimate concerns of many people who live near a development and oppose it, but essential economic development must not be held up by petty grudges. We must ensure that non-governmental organisations (NGOs) with genuine concerns about the environment, or councils with concerns about the pattern of development in a district, or even a serious group of neighbours, can all appeal against the granting or refusal of an appeal that will potentially affect them adversely. Where that might apply is what you must discuss with the Committee rather than say that the Minister is not persuaded — that is a dialogue of the deaf, and clearly you do not want it — nor do we.

**Mr McKay:** We understand: if the amendment is to be introduced, it must be correct. You have your views on what the relevant elements should be. This comes back to the range that we are working within and our desire is to get it right first time around.

**Mr Ford:** The figure of 600 to 700 appeals a year is from previous research by Queen's, which I do not have with me. Is that figure an extrapolation of the figures in the Republic? Is that the maximum number of appeals in the loosest possible third-party appeal system? If planning permission were given by a substantial majority vote of a council, there might be only 30 or 40 appeals a year.

**Mr McKay:** It is hard to know how many there would be, but, with qualifications, the figure can be reduced.

**Mr Ford:** So the figure of 600 to 700 represents the worst possible scenario. You are being very agreeable, but that is another example of a previous, unhelpful response from the Department that has been changed by discussion this morning.

**Mr Small:** The figure was based on the research that was conducted. Many pointed out that third-party appeals were available in the South and asked why they could not be available in the North. The Department was simply considering the way in which the system operated in the South.

**Mr Ford:** If we consider the different contexts, we are dealing with very different numbers.



**Mr Small:** Exactly: there are different ways of doing this. We could adopt a universal system, such as in the South, or we could try to define and restrict the system in a variety of ways, which is important.

**Mr Ford:** Would it be appropriate for you to prepare a paper outlining the potential range of acceptable appellants, and the implications of that, rather than considering the worst-case scenario?

**Mr McKay:** Yes. We can speak to the Minister about qualifying the system in that way.

**Mr Ford:** That would be very helpful.

**The Chairperson:** I will take one last question, and then Mr Small wants to speak about two other matters. The Committee will have to consider and discuss them on another occasion.

**Mr M Murphy:** Your argument against third-party appeals is that they would hold up the planning process. That is not a reason to allow bad planning practice. You mentioned Monaghan, but you did not mention some of the decisions that were overturned in the Republic, such as the proposed use of flood plains for two business parks. That was overturned because the location was not accessible by public transport and would have been contrary to the practice of sustainable development. The best known case, which should have been cited, was Mary McAleese's application to build a lakeside home in Roscommon. But for third-party appeals, that would have been approved.

**Mr Small:** The success rate of third-party appeals in the South is very high.

**Mr M Murphy:** That shows that there is a good reason for them. You should consider what happens with planning applications that are contrary to the provisions of adopted development plans; with applications in which local authorities have an interest, as they tend to get rushed through; and applications, accompanied by environmental impact statements, that planners have recommended should be refused permission. They should be subject to third-party appeals. Those are your starting points.

**The Chairperson:** The Department knows how the Committee feels about third-party appeals. We will hear from you again on the matter. Witnesses from the Northern Ireland Office are waiting outside the room, so can you explain quickly the two matters that you want to address, Mr Small?

**Mr Small:** Annex B deals with how to address a development that starts without planning permission. The Committee previously expressed concern about some developers pushing ahead with development before getting the appropriate permission. The paper sets out our enforcement powers under the Planning Order and addresses difficulties in the system — fines are too

small, we cannot get necessary information; and we lack flexibility in the enforcement process.

The paper then goes on to outline the provisions in the Planning (Amendment) Bill, which the Department feels will help. It refers to the new contravention notices and increased penalties that the Department will introduce. The current proposal in the Bill is that a penalty in the Magistrate's Court will increase to £20,000. For the first time here the new provision will allow us to take cases of non-compliance with an enforcement notice to the Crown Court. We could do that with listed buildings but not with general enforcement offences, so that is a major move forward.

Unlimited fines will be available in the Crown Court, another important change. The Minister and the Department are committed to pursuing enforcement with much more vigour than in the past. The Department will take cases through the Crown Court with those new powers to take maximum advantage of the new unlimited fines that will be available.

The paper then briefly mentions the Green Paper that was introduced in England. It is seeking comments on creating a new offence. The paper says that it is an offence in the South to begin development without permission, but the Department has had discussions with officials in Dublin that suggest that the power is there but difficult to use partly because the courts prefer to see the Department pursuing other means of enforcement before resorting to court action. Nevertheless, it uses the power and occasionally prosecutes directly, but the success rate seems disappointing.

The paper mentions Queen's University's research findings from that project, which suggest that there is merit in introducing that new offence here. That is likely to make a positive contribution to the effectiveness of enforcement. It qualifies that with other matters such as the will to enforce, the resources necessary for it and the training of enforcement officers. However, the basic principal outcome of the research seems to support introducing the new offence. The paper briefly summarises experiences in Europe where that provision exists. It also talks about other issues that are relevant in France, Spain and Germany.

The Minister has taken account of the Committee's concern on this and Queen's University research that supports creating the new offence. Having considered it further, the Minister is now minded to make the kind of amendment that the Committee proposes, subject to any further comments from the Committee and subject to agreement with the Executive and the Secretary of State. The Minister will prepare a detailed case to put to the Secretary of State. That is the Minister's position now, and that reflects his speech on Monday. He is keen to make that firm case to the Secretary of State subject to the Committee's comments.



**The Chairperson:** In your submission you state that, subject to the views of the Committee, the Department intends to prepare a detailed case for submission to the Executive and the Secretary of State. The Committee would like to see a draft of that submission.

**Mr Small:** The other paper deals with the levels of fines. The role of the Magistrate's Court and the fines and penalties imposed by it suggest that it would be inappropriate to have unlimited fines from the Magistrate's Court or higher fines than what is being proposed. The Department has reached that conclusion from discussions and consultations with the Court Service.

The paper recognises the fine of £20,000 that was proposed in 1991 in Great Britain, and it acknowledges that inflation should be taken into account when considering what the fine should be now. The paper proposes that, subject to the Committee's comments, a case be put to the Secretary of State suggesting a higher fine to take

account of inflation. The sum of £30,000 is suggested. The paper also draws the Committee's attention to the new ability to go to the Crown Court. The Minister and the Department intend to do that, where unlimited fines will be available.

**Mr Ford:** If the Minister is giving a commitment to using the Crown Court when appropriate, the court will deal with that. The Committee should recommend that the Minister suggest a fine of £30,000, rather than £20,000, to the Executive.

**The Chairperson:** Does the Committee agree to £30,000?

*Members indicated assent.*

**Mr Small:** We must secure the necessary agreements to that, and we will share the draft with the Committee.

**The Chairperson:** Thank you for attending this morning's meeting.



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## NORTHERN IRELAND ASSEMBLY

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### COMMITTEE FOR THE ENVIRONMENT

Thursday 27 June 2002

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### POLLUTION PREVENTION AND CONTROL BILL (NIA 19/01)

#### Members present:

Rev Dr William McCrea (Chairperson)

Ms Lewsley (Deputy Chairperson)

Mr Armstrong

Mr Ford

Mr McClarty

Mr Molloy

Mr M Murphy

Mr Poots

Mr Watson

#### Witnesses:

Mr N Simmons )

Ms J Purdy ) Department of the Environment

Ms E Harkness )

Mr D Campbell )

**The Chairperson:** Good morning and welcome to the officials from the Department of the Environment, Mr Simmons, Ms Purdy, Ms Harkness and Mr Campbell. They will be giving us an overview of the Bill, which the Committee wants to scrutinise as much as possible within the time agreed with the Minister.

**Mr Simmons:** The Bill has two types of provisions: those necessary to implement the integrated pollution prevention and control (IPPC) Directive and non-IPPC provisions. I will talk about the non-IPPC provisions in clauses 1, 3 and 4, and my colleague, Ms Harkness, will talk about the remaining clauses and schedules that deal with IPPC. I also wish to give the Committee information on two amendments that we may ask the Minister to table at Consideration Stage. I will talk about one of those in the context of clause 4, and my colleague, Mr Campbell, from the Environment and Heritage Service, will talk about the other one, which would provide a grant-making power for the waste strategy and is outside the field of IPPC.

Clause 1 is the core provision of the Bill and sets out the purposes for which the powers in the Bill can be used. Subsection (a) is concerned with IPPC. Other than

in pursuance of that Directive, subsection (b) regulates activities that can cause environmental pollution. That is the power, which we have mentioned to the Committee previously, to implement other measures by regulations under this Bill. Schedule (1), paragraph (20) on page 9, sets that out in more detail. Paragraph (20) lists several provisions that the Department can make regulations under for the purposes of this Bill. Sub-paragraph (b) is most important because it states:

“any provision made, or capable of being made, under section 2(2) of the European Communities Act 1972 (c.68) in connection with one of the relevant directives.”

Section 2(2) of the European Communities Act 1972 enables any UK and Northern Ireland Department to make regulations to transpose EC Directives. However, over the years, there has been a great deal of controversy over section 2(2), particularly about the extent to which it can be used. It is commonly accepted that it can be used only to implement the requirements of the Directive. In some cases, however, it cannot be used to provide the necessary back-up measures, such as enforcement et cetera, so the Bill makes provision, for the purposes of the relevant Directives, for the Department to use regulations under it as an alternative to section 2(2). The advantage is that we will be able to use the Bill's enforcement provisions, such as the power of entry. Sub-paragraphs (2) (a), (b) and (c) list the Directives that we are talking about, IPPC, the Waste Framework Directive and the Landfill Directive. Sub-paragraph (d) gives the Department the power to stipulate by order any other Directive for the purposes of this provision.

This is quite an extensive power, so there are safeguards to ensure that it is exercised properly. They are set out in clause 2, subsections (7) and (8). Subsection (8) says that the first Regulations to be made under this section, ie, those to implement the IPPC Directive, must be subject to affirmative resolution and, therefore, to debate in the Assembly. Subsection (8), paragraphs (b) and (c) add further provisos by saying that any Regulations made under this that create an offence or increase a penalty for an existing offence must also be subject to affirmative resolution. Paragraph (c), which is important, states that any Regulations made under this that amend primary legislation must also be subject to affirmative resolution and, therefore, to Assembly debate.

Paragraph (c) is similar to (b), except that it has a specific purpose. The United Kingdom has obligations under the Large Combustion Plants Directive to set emission values for certain key pollutants, such as sulphur dioxide. The Environmental Protection Act 1990 granted the Secretary of State a UK-wide power to make a national plan allocating quotas for various industrial sectors to ensure that those emission-limited values were not exceeded. Each industrial sector was allocated a quota, and if they did not exceed them, the UK's quota was not exceeded.

However, there is a review of that process, and a new approach is being considered. Although the UK-wide approach will be retained, a new element of tradeability is to be introduced to allow flexibility. That means that those who stay within quota will benefit through possible allowances and so forth. We are talking about establishing a legislative framework to facilitate an emissions trading scheme, which is detailed in paragraphs 1 and 2 of schedule 1. Emissions trading is still at an embryonic stage: no decisions have been taken, and there has been no consultation and very little policy development. However, a legislative framework is necessary in case that route is taken. Such provisions are in the GB Environmental Protection Act 1990, and we felt that it would be expedient to include similar provisions in our Bill.

Clauses 3 and 4 deal with waste management and are designed to ensure smooth transition from the current system of disposal licences under the Pollution Control and Local Government (Northern Ireland) Order 1978 to the new system of waste management licences under the Waste and Contaminated Land (Northern Ireland) Order 1997. Councils are responsible for regulating disposal licences through the issue of licences to operators or through self-regulation under article 13 of the 1978 Order. The waste management licensing provisions will replace that in 2003.

Article 47 of the 1997 Order contains transitional provisions to ensure a changeover from the old regime to the new. A disposal licence that is viable when the new regulations are introduced will be deemed a waste management licence under the new system, and it will continue to be viable for three years. The same applies to article 13 resolutions of district councils. The original intention behind that was to allow the Environment and Heritage Service time formally to convert all disposal licences to waste management licences. However, in retrospect there is a loophole in that provision that enables any operator to walk away from a site at the end of three years without any environmental or health obligations. Clause 3 amends article 47 to remove those three years. The result is that any disposal licence in existence at the date of the new regime's commencement will become a waste management licence and will continue in force until revoked, suspended or otherwise dealt with under article 6 of the 1997 Order. That provides a continuum between disposal and waste management licences and closes a possible loophole in the arrangements.

Clause 4 is to provide another continuum between the old and the new arrangements and to ensure that people with disposal licences have minimal administrative inconvenience. However, it is likely that some licences will have expired inadvertently — a council may not have renewed the licence and the operator continued to operate inadvertently not knowing that it had expired. If a licence expired within 12 months of the passing of this Bill and the activities carried on are still within the

bounds or conditions of the original licence, this clause will permit the disposal licence to be deemed as not having expired. At the transition to the new arrangements it will be treated as any other disposable licence and be deemed to be a waste management licence.

It is necessary to make some consequential amendments, and they are set out in subsections (3), (4), (5) and (6). Subsection (7) places a duty on a district council to inform anyone who is affected by that provision. Councils, as the regulatory authorities, have the information on licence holders and are best placed to inform them. I mentioned subsection (5) earlier when I was talking about a possible amendment. That may cause problems as it may go against the spirit of the clause by legitimising activities that were carried out with or without a licence. That means that anyone carrying out activities, whether he complied with the original licence or not, will benefit from the provision. I do not want that to happen.

We are discussing that with legislative counsel, and we may move an amendment to amend that provision or remove it completely. It is there to ensure that only those who carried out authorised activities can benefit, not those who carried out any activities. It may be a drafting error that needs to be corrected.

That concludes my run through clauses 1, 3, and 4. I am happy to take questions.

**The Chairperson:** This Bill is complicated, and that was why we wanted to give it proper scrutiny, rather than the rushed scrutiny we were faced with. Unfortunately, we will be unable to give the Bill full, in-depth scrutiny due to the timetable, and that is not a position that any Committee wants to be in.

**Ms Lewsley:** This was a council responsibility, which will move to the Waste Management Division. How long will the transition period be, and how many months will be allowed for the change?

**The Chairperson:** To keep the record straight we should declare our interest.

**Mr Simmons:** Article 47 of the Waste and Contaminated Land (Northern Ireland) 1997 Order says that the trigger date is the date that the new regulations come into force. Then all existing disposal licences currently regulated by councils will become waste management licences under the new regime, and responsibility will transfer to the Environment and Heritage Service. This clause is meant to deal with the three-year transition period, and the purpose is to move the three years.

**The Chairperson:** I want to ask a question on clause 2(4) about consultation. It says that

“Before making any regulations under this section, the Department shall consult —

(a) such bodies or persons appearing to it to be representative of the interests of district councils”.



Why representatives of the interests of district councils?  
Why not district councils?

**Mr Simmons:** The Society of Local Authority Chief Executives (SOLACE) and perhaps other bodies, which —

**The Chairperson:** They may not necessarily be representatives of the district councils.

**Mr Simmons:** No, but it is just to cover —

**The Chairperson:** They would be representatives of chief executives. Why consult representatives of chief executives when district councils carry the responsibilities?

**Mr Simmons:** This is to cover individual councils and any organisations that may represent their views.

**The Chairperson:** Yes, but that is still not the district councils themselves.

**Mr Simmons:** No, but consultation will cover all district councils individually.

**The Chairperson:** Will it? Your immediate answer was that that meant SOLACE. If you discuss something with the chief executives of councils, would you feel that you had the views of the councils?

**Mr Simmons:** No, but the intent is that district councils should be consulted individually.

**The Chairperson:** Then why not say that?

**Mr Simmons:** We could ask the Office of the Legislative Counsel to stipulate district councils as well as other interests. We will consider that.

**The Chairperson:** Are you sure about the wording of:

“industry, agriculture and small businesses as it may consider appropriate”.

Why “small businesses”? Surely, it should be “such businesses as it may consider appropriate”.

**Mr Simmons:** Again, we are happy to consider that. We are required to consider the impact of all legislation on small businesses. That is the norm, and that is what these words were designed to reflect.

**The Chairperson:** How would you define the word “small”?

**Mr Simmons:** That is very subjective. We assess the impact on small businesses with regard to costs, et cetera.

**The Chairperson:** It is not in the definitions, is it?

**Mr Simmons:** No, it is not.

**The Chairperson:** So it could mean anything?

**Mr Simmons:** It could, except that we usually carry out a cost assessment exercise for small businesses, and

that is why it is included. We are happy to consider any points that you wish to make on that.

**Mr Ford:** I want to ask about clause 1(c) and the trading licences that you spoke of in the schedule in paragraph 1 ongoing. Are you satisfied that that will necessarily cover all potential for trading across the UK? Is that included simply as an enabling provision? Is it not likely to be superseded by the UK-wide legislation and regulations made under that? I am not sure how legislation can be introduced in Northern Ireland to deal with trading on an intra-UK regional basis.

**Mr Simmons:** As I said at the outset, the 1990 Act originally made provision for a single UK-wide trading scheme. That was abandoned in favour of giving powers to individual regions. For example, a similar provision exists in the Scottish, English and Welsh and the Northern Ireland legislation. There is some debate about the difficulties of getting that into a national plan. It is far from clear how it will be done or how it will work in practice. We are simply providing the same mechanism that exists elsewhere in the UK.

**Mr Ford:** So, we must wait for Regulations and for the Department of Transport, Local Government and the Regions or the Department of Trade and Industry to produce the —

**Mr Simmons:** We must wait for policy development and see how it will be taken forward.

**Mr Ford:** Paragraph 20(2)(d) of schedule 1 deals with the relevant Directives and their designation by Order. Would they be subject to negative or affirmative resolution?

**Mr Simmons:** To negative resolution.

**Mr Ford:** Why?

**Mr Simmons:** It would be negative unless specified otherwise.

**Mr Ford:** Is this not something of such consequence that if additional EU Directives are introduced, they ought to be properly debated in the Assembly?

**Mr Simmons:** As currently drafted, it is negative. If the Committee feels that it should be affirmative, we will look at that.

**Mr Ford:** I object to negative resolution in principle when it is to do with major matters or new legislation, and any new EU Directive is new legislation. Clause 4, subsection 6 states that

“Nothing in this section affects any criminal proceedings which have been concluded before the coming into operation of this section.”

Why “concluded” rather than “commenced”?

**Mr Simmons:** That is a moot point. Ms Harkness may wish to comment on it.

**Ms Harkness:** It is normal to use the term “concluded” rather than “commenced” to preserve the integrity of proceedings that have already started. It is easily definable in that we know when proceedings are concluded. If we used “commenced” when there are investigative processes and decisions to prosecute beforehand, we would have to decide exactly when proceedings “commenced”.

There is also a matter of principle. Once proceedings have concluded, a court decision follows and something happens that is conclusive. One does not want to reopen that, because the complexities of saying that proceedings have commenced would be immense. If something illegitimate or unauthorised has been happening, and a process has begun to address that, why not continue with that process, given that what we are talking about is something that is illegitimate and something that we do not want to give protection to?

**Mr Ford:** You seem to be adopting my argument. If a district council has commenced criminal proceedings and a smart barrister delays those proceedings while this legislation goes through, his client may get off on the grounds of delays in the court system rather than on the evidence presented.

**Ms Harkness:** That is a possibility. There will be hard borderline cases and people who will say that their proceedings might have concluded if things had happened more expeditiously. That is inevitable in any situation where there is a cut-off point. There will always be people just at that point.

**Mr Ford:** Yes, but why are you proposing to allow that cut-off point potentially to benefit those who have been engaging in criminal activity and have barristers smart enough to delay the proceedings?

**Ms Harkness:** It is not intended to give immunity to such people. The clause addresses a situation in which both parties, the district council and the operator, have continued to carry out relevant activities on the assumption that they were still authorised.

**Mr Ford:** Of course, there is the wider issue of whether people should be granted any exemption in that area. I know of many other areas under the Department's control where it allows people to carry on blissfully, regardless of whether they have legal authorisation or not. Where anybody has gone beyond what is legal and a prosecution is underway, there is no logic for stopping the prosecution because of this Act, if it was an appropriate prosecution before the Act was introduced.

**Mr Simmons:** Anyone acting illegally is outside the scope of this clause. It only extends to people who were carrying out authorised activities within the scope of the original licence. Anyone carrying out an unlicensed activity is outside the scope of this clause, and, therefore, does not benefit at all.

**Mr Ford:** Surely if the licence has expired, the activity is no longer lawful.

**Mr Simmons:** This clause effectively legalises the licence, but only to the extent that the activities carried out were within the scope of the original licence. It does not say that if you were carrying out any activity, whether or not it was within the scope of the original licence, you get off.

**Mr Ford:** What is the context of the criminal proceedings mentioned in subsection 6?

**Mr Simmons:** There could be criminal proceedings before this clause took effect. This clause is only effective for activities carried out within 12 months of the passing of this Act and the new arrangements coming into operation. It is not open-ended and not totally retrospective.

**Mr Ford:** This subsection is not really dealing with that, because it refers to criminal proceedings.

**Mr Simmons:** There could be criminal proceedings for an activity within the meaning of this clause before the clause came into force, so it is to stop anybody in that situation claiming that it gets him off.

**Mr Ford:** He could get off if his barrister delays the court case.

**Mr Simmons:** No, not if the case is concluded.

**The Chairperson:** The Member has said something worthy, and this part needs to be looked at again. You emphasise the phrase “not if the procedure concluded”, and our legal advice is that there is a difficulty with the interpretation of the word “concluded”. It is open to legal challenge, as it can be interpreted in different ways. Therefore, we need to look at this again. We will be getting legal advice on what you have said this morning.

**Mr Simmons:** Can you clarify for me exactly what the Committee wants?

**The Chairperson:** We want the word “concluded” defined.

**Mr Ford:** I would like slightly more than that. I want to know why the word “concluded” is used, rather than some other word. Does “concluded” mean that a case has gone to the House of Lords, or the European Court?

**The Chairperson:** The Member's point has to be investigated further for clarity. We must ensure that we are getting this right because of the two issues — the term “concluded”, and the legal interpretation.

I want to draw your attention to clause 2(5), which refers to “consultation undertaken before the passing of this Act”. The Department has said that that refers only to the first Regulations to be made under the Act, as specified by clause 2(8)(a). Should there not be a reference to subsection (8)(a) in clause 2(5), to identify the Regulations that this clause specifically refers to?

**Mr Simmons:** You have raised that point before. There is a difference between intent and interpretation, and the Department is happy to look at that. It should only apply in a limited set of circumstances — to those Regulations, and possibly to Regulations on the Landfill Directive, on which the Department will be consulting. I accept your point, and the Department will examine it.

**The Chairperson:** It is important that the intent be laid down clearly. If it is not, it will be another loophole for smart lawyers to drive a coach and horses through.

**Ms Harkness:** I am concerned about clause 2 of the Bill. Clause 2(1) gives the Department the Regulation-making power. The substance and detail of the new pollution control regime will be found in the Regulations that will be made under this enabling Bill. The scope of the Regulation-making power is found in clause 2(1) and clause 2(2), and the power to make Regulations is for certain specific, defined purposes. Those defined purposes are listed in schedule 1.

The Regulations must be in relation to the three matters that are mentioned in clause 1. That informs us of the parameters of the Regulation-making power. The remainder of clause 2 deals with consultation and procedure.

The list of purposes for which Regulations may be made under section 2 is in part I of schedule 1 of the Bill. The first group of purposes is headed “Preliminary”. Paragraph 1 gives the power to make Regulations and establish standards, objectives and requirements. It also refers to quota trading and transfer schemes.

Paragraph 2 gives the power to make Regulations. That will give functions to the Department and the Secretary of State, and it will determine what bodies or persons will act as enforcing authorities. The enforcing authorities will be the chief inspector and the district councils, and the Regulations will divide the responsibilities between those two enforcing authorities.

Paragraph 3 states that the Department or the Secretary of State will be given power to give directions to enforcing authorities or, less stringently, guidance which enforcing authorities must regard. The possible subjects of those directions or guidance are contained in paragraphs 3(a), (b) and (c).

Paragraph 3(a) provides for directions to the effect that functions exercisable by one enforcing authority are to be exercised by another, or by the Department or the Secretary of State. Paragraph 3(b) covers directions given in order to facilitate implementation of international obligations. Environmental law is increasingly a matter of international concern, and this allows for that dimension. Paragraph 3(c) refers to more specific directions relating to the exercise of any function in a particular case or class of case.

The next group of purposes listed in the schedule are paragraphs 4 to 10, and they come under the heading “Permits”. Paragraph 4 allows the Regulations to insist or impose the obligation to have permits subject to conditions. Paragraphs 5 and 6 go together. Paragraph 5 allows restrictions or other requirements to be imposed as part of the contents of the permits, and paragraph 6 refers to the imposition of conditions. They deal with what permits can allow or disallow.

It may be worth mentioning the reference to the phraseology “fit and proper persons” in paragraph 5. That demonstrates the overlap with waste management licensing; that requirement is taken from that legislation, and will have to be slotted in where appropriate for these permits.

Paragraph 7 relates to review or variation of permits. Paragraph 8 relates to transfer and surrender of permits, and revocation of permits by enforcing authorities. Paragraphs 9 and 10 deal with charging schemes for the grant of permits, and the various procedures involved in that. Paragraph 10 relates to charging schemes that will deal with issues such as covering the cost of testing or analysis expenses.

The next group of purposes listed in the schedule come under the heading “Information, publicity and consultation”. Under paragraph 11, there may be Regulations to enable persons to compile and provide information on emissions, energy consumption and efficiency, which is part of the wider dimension that the Directive is introducing to pollution control and waste issues. Information will have to be forthcoming under those Regulations if they are made and approved.

Paragraph 12 allows for publicity to be given to specified matters, and a component part of that will be the requirement to keep registers of information that will be open to public inspection, and arrangements will have to be made for that. The Regulations will have to deal with the meaning of the phrase “commercially confidential” and how it is measured, enforced or administered. Under paragraph 13, the Regulations may make provision for consultation by enforcing authorities.

The schedule then moves to a group of paragraphs that come under the heading “Enforcement and offences”. Paragraph 14 states that Regulations may be made to deal with monitoring and inspecting activities covered by permits, including the power to take samples or arrange for preventative or remedial action, and persons may be appointed to carry out those functions.

Paragraph 15 states that provision may be made for appropriate notices enforceable by High Court proceedings to be served on holders of permits and sets out the types of notices envisaged. Paragraph 16 states that permits may be suspended in particular circumstances as part of a process of enforcement or, at the very least, encouragement.



Paragraphs 17 and 18 concern the power to create offences. Paragraph 18 states that, when someone is convicted of an offence, there may be an order for remedial action, carried out either by the offender or by another party, but with the offender covering the costs. That would be in addition to, or instead of, punishment in the classic sense. That is obviously important in achieving the objectives. Regulations may be made to confer rights to appeal and govern the processing of those appeals — how they are to be heard and so on. Mr Simmons has already dealt with paragraph 20 in the course of his presentation.

That leaves us with part II of schedule 1, which has supplementary provisions to fill in gaps in what has gone before. Those cover the matters set out in paragraphs 21 to 26: particular types of pollution; determination of matters by enforcing authorities; more detail regarding the imposition of conditions; charging schemes; offences; and interpretation of the terminology used in the schedule.

That is the list of purposes that will set the parameters within which the Department may act in making Regulations. It points the way ahead for the next step in the process, which is consideration of the Regulations.

**The Chairperson:** Thank you very much for taking us through the Bill. There do not seem to be any questions — you are very fortunate, Ms Harkness. There is a great deal to be digested, and this is the first opportunity. I have no doubt that questions will occur to members.

Clause 7 states that

“Sections 4 and 6 and Schedules 2 and 3 shall not come into operation until such day or days as the Department may by order appoint.”

As you know, we have been constantly reminded of the urgency and importance of the legislation because of infraction proceedings. How does that sit with the fact that no specific date for commencement is given in the Bill?

**Ms Harkness:** It is concerned with its being part of an ongoing process. Obviously, there is urgency in relation to certain matters arising — as well as the over-arching urgency of the Directive. A complicated tapestry is being put in place, and different parts of the existing system must be removed at precisely the right time to allow another part to slot in. There must be a complex structure of moving, through an ongoing process, from one to the other. The Directive must be brought in urgently, and we must be compliant.

**Mr Simmons:** Clause 4 details one of the waste management provisions. The timing of that is dependent on the activity of the waste management licensing Bill, so it is a non-IPPC provision. Likewise, clause 6, which deals with amendments and repeals must, as Ms Harkness said, be phased in, as it is a complicated mechanism.

The IPPC provisions will come into operation in line with the normal provisions of the Bill.

**Ms Harkness:** Those will come into operation immediately.

**Mr Simmons:** We are talking about the non-IPPC provisions. The IPPC provisions will be effective as soon as the Bill receives Royal Assent, because it is urgent.

**Mr Molloy:** I do not want to be of a suspicious mind, but it smacks of the power that the Minister in the South took upon himself in waste management. Is power being removed from district councils, so that the Department has an overall authority? District councils will still have the powers of implementation and the collection and disposal of waste.

**Mr Simmons:** In fairness, the decisions were taken several years ago in the context of the Waste and Contaminated Land (Northern Ireland) Order 1997. The principle behind it was to split responsibility for regulation and operation. Currently, district councils are responsible for operational matters, in that they collect and dispose of waste, and they are also responsible for regulation, in a sense, and in some cases it means that they regulate themselves.

The idea is to separate the responsibility for regulation from operation. The framework adopted was to leave responsibility with the councils for operational matters, but take the regulatory function and put it elsewhere.

**Mr Molloy:** So my suspicions are correct — decisions will be made and councils will be told what to do.

**Mr Simmons:** That is one interpretation. As I said, the decision was taken against the background of splitting responsibility for regulation and operational matters.

**The Chairperson:** Surely councils should have more power.

**Mr Simmons:** That issue is outside the scope of the Bill, which only builds on the decisions that were taken several years ago.

**The Chairperson:** That situation is in this Bill.

**Mr Simmons:** Yes, but it simply applies the decisions that were taken several years ago.

**The Chairperson:** We do not take decisions just because they applied years ago. We are constantly told that this is a new era where a decision does not apply just because it happened years ago. It is something that ought to be looked at.

**Mr Simmons:** The Bill simply applies the current statutory provisions. If the Committee wants to examine that, then we will take that on board, although currently the Bill works within the statute book, which is all it can do.



It would be helpful if the Committee had a copy of the Regulations when looking at schedule 1. We hope to supply a copy of the Regulations before summer recess, and that should facilitate your consideration of schedule 1.

**Mr Ford:** For once, I have a slight degree of sympathy with the departmental officials on the clause 2/schedule 1 issue. I do not accept the Minister's assurance that the Bill is merely an enabling Bill. The fact that we have discussed some of the other aspects at length proves that the Committee was right to state that it is not an enabling Bill in its entirety.

I am interested in the contents of schedules 2 and 3, which are not explained in either the explanatory memorandum or any of the Department's notes to which I have referred. There are approximately a dozen amendments and a dozen repeals. I understand the reference to the Water (Northern Ireland) Order 1999 but many other areas are unclear. Therefore perhaps it would be useful if the officials could provide the Committee with a written explanation of the amendments and repeals.

**Mr Simmons:** I am happy to arrange that.

**Mr Armstrong:** Paragraph 11 of schedule 1 refers to information, publicity and consultation. Who is charged with providing the information and publicity? Will persons other than the producers of the pollution be responsible? Will the Regulations also apply to third parties?

**Mr Simmons:** Under the Directive, there is a general requirement that information should be made publicly available. That means that everyone is responsible for the provision of information. A system of public registers, which will contain information relating to individual applications, will be made available. The only exceptions to that are instances of commercial confidentiality or national security.

**Mr Armstrong:** Paragraph 11(a)(ii) refers to information "on energy consumption and on the efficiency with which energy is used". Who will use that information?

**Mr Simmons:** The Directive requires all integrated pollution prevention and control (IPPC) permits to assess various environmental impacts, one of which is the efficient use of energy. Therefore, in granting the permit, the enforcing authority will assess the efficient use of energy, and the information that it collates and the determination to which it comes will be made available in the public register.

**Mr Armstrong:** Perhaps as we progress, there will be more questions.

**The Chairperson:** Paragraph 23 of the explanatory memorandum refers to powers of entry. Paragraph 25 states that the provisions comply with human rights requirements. Has the Human Rights Commission been consulted?

**Mr Simmons:** It has.

**The Chairperson:** The Local Air Quality Management Bill also proposed to provide powers of entry, and the Department has had to return to the Human Rights Commission with its proposals.

**Mr Simmons:** The commission was consulted on the policy proposals. It made no comment, but asked for the detail of the Regulations; therefore we will send it a copy.

**The Chairperson:** Will the Regulations be sent to the Human Rights Commission?

**Mr Simmons:** Yes.

**The Chairperson:** The Committee was informed that the Human Rights Commission had to reconsider the Local Air Quality Management Bill. Therefore it wants to ensure that the Pollution Prevention and Control Bill is checked. Has the Ulster Farmers' Union (UFU) made any further recommendations on the poultry and pig aspect?

**Mr Simmons:** There have been no further representations relating to the Bill. However, as the Minister said on Tuesday, our colleagues in Environment and Heritage Service are working closely with the UFU and the Department of Agriculture and Rural Development in relation to the Directive. They have created two working groups, which meet regularly, to discuss the operational matters associated with the new controls. Therefore there is ongoing liaison, but nothing further has been recommended for the provisions of the Bill. However, we will send the Regulations on when they have been published.

**The Chairperson:** We will be interested in them, now that they are working together. I am sure that they have some idea of what has been said. Perhaps the Committee could have first-hand knowledge of what has been said in the working parties, to keep us abreast of that situation. In the past, we were promised that there were to be meetings between the Department and the Ulster Farmers' Union, and found that they did not take place until 6.00 pm on the night before the Department was to appear before the Committee. I would like to be sure that those working parties were meeting.

When will we receive the draft Regulations?

**Mr Simmons:** We hope to furnish the Committee with a set —

**The Chairperson:** Are these the Regulations or the draft Regulations?

**Mr Simmons:** These are the draft Regulations, which will be published for consultation. They still have to be finalised, subject to the consultation papers, but they will be 98% complete, and will provide the

Committee with enough information. When we publish for consultation, we will send the Committee a copy of the draft Regulations, accompanied by the consultation paper.

**The Chairperson:** Thank you.

**Mr Simmons:** There is one other proposed amendment.

**Mr Campbell:** The proposed amendment is connected to the waste management strategy. It seeks to broaden the powers available to the Department to provide direct grant aid and funding to the various stakeholders identified in the Waste Management Strategy, the obvious example being the voluntary sector. When we examined this matter and considered the various grant aids available, we found that we had a deficiency in terms of the powers available to us. They did not allow us to pay money directly. There are other mechanisms to circumvent that, but they are clumsy and administratively difficult, and involve joining up with other Departments and transferring money. It was felt that we should have direct powers available to us in order to provide grant aid, to form memberships of various groups and to provide funding over a wide range of areas.

**The Chairperson:** It is critical that we have the wording of your proposed amendment as quickly as possible.

**Mr Campbell:** We are working on that.

**The Chairperson:** We do not want to be bounced. We must be able to consider any amendments.

**Mr Molloy:** The cross-departmental roles that have been mentioned may be of benefit. Rather than proposing

an amendment, is there a way of constructing a cross-departmental structure that would mirror the joined-up government approach?

**Mr Campbell:** That is correct. Those approaches are available, and we have been using those methods to get round the difficulty of not having direct powers. The perfect example is the industry fund, which the Minister launched on 6 June. That is a joint venture between Invest Northern Ireland, representing the Department of Enterprise, Trade and Investment, and the Department of the Environment. That works well, because they have expertise in the area of grant aid to industry and businesses of all sizes that we do not possess.

If we decided not to do that, however, we would not have had the choice, because we did not have the power to pay grant aid to industry. The real purpose is to provide options, and there may be occasions when it is useful to do something directly and quickly if necessary. As a Department, we cannot be seen to always be dependent on other Departments, which may have other priorities and resource issues.

**The Chairperson:** We are limited in time because the Minister wants this stage completed. The Department has to come back to the Committee on quite a few points, and we ask that that information be made available for next week. If, in the intervening period, you have any papers for members' information in preparation for that discussion, we would appreciate their being sent on. The Department is setting the timescale, so must work with us to help us to fulfil our duty.

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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR AGRICULTURE  
AND RURAL DEVELOPMENT**

Friday 28 June 2002

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**FUR FARMING (PROHIBITION) BILL  
(NIA 8/01)**

**Members present:**

Rev Dr Ian Paisley (Chairperson)  
Mr Savage (Deputy Chairperson)  
Mr Armstrong  
Mr Bradley  
Mr Douglas  
Mr Ford  
Mr Kane  
Mr McHugh  
Mr Molloy

**Witnesses:**

Mr J Given                   ) Department of Agriculture  
Ms M Hood                 ) and Rural Development

**The Chairperson:** We welcome Mr Given and Ms Hood from the Department of Agriculture and Rural Development. The Committee wishes to deal with the proposals made last week, which you have replied to. We would also like to discuss the Committee's proposal for additional penalties on conviction, such as the seizing of equipment, and why the Department has decided not to move forward on that.

Would you make a statement on that matter, and, if the Committee is content with it, we will move to the clause-by-clause consideration of the Bill.

**Mr Given:** Two issues were raised last week. The first concerned the forfeiture order and the proposal to include equipment. The second concerned the question of including some reference to when payments may be made under the scheme mentioned in clause 5.

The Department considers clauses 2 and 3 to be sufficient for the purpose of the Bill, which is to stop fur farming. We do not think it necessary to extend the forfeiture order to include equipment. It would be difficult to agree a definition of the word "equipment". For instance, would it include cages, or a barn? Our legal advice is that such an extension to the legislation would be an additional penalty on conviction and would require the Secretary of State's approval. Our legal advisers tell us

that the Secretary of State would be reluctant to give such approval because such a provision is not included in legislation applying to other parts of the United Kingdom.

**Mr Ford:** On a point of principle, I do not accept the view that the Secretary of State's reluctance should be a reason for this legislature not to do what it thinks is best for Northern Ireland. I am not persuaded by that argument.

The Assembly Director of Legal Services has identified potential knock-on practical difficulties that probably go beyond the significance of this Bill, and I would be happy to accept the view that the Committee should not push for forfeiture of equipment at this stage. However, I am not deeply persuaded by the Department telling us that we should not do the best for Northern Ireland just because something is not happening in England, Wales or Scotland. The Committee should flag that up as a point of principle in all its work.

**The Chairperson:** All Committee members would agree that this is a devolved Government. Whether the Secretary of State is so senseless that he does not see as good sense what we see to be good sense is no reason for us not to press ahead with our good sense, and thus not leave ourselves in the hands of his folly. This hidey-hole that you have found, Mr Given, is not a good hidey-hole — I am being jocular.

What you have said does not make for good argument. If what we are saying is right, we should argue the point with the Secretary of State. If the argument is then lost, so be it. As my Colleague Mr Ford said, the reason for not pursuing the matter is because of the information given by our legal adviser about the difficulties that would arise, not because we have any respect for the brains and talent of the Secretary of State, or that he would not accept it because it is not done in the remainder of the United Kingdom. The main difficulty would arise in trying to prove ownership.

**Mr Ford:** In fairness to Mr Given and Ms Hood, they flagged up some practical difficulties also.

**Mr Given:** My primary point was not about the Secretary of State.

**The Chairperson:** I think that we have come to agreement about the matter. We agree to proceed with only the amendment to clause 5.

**Mr Given:** I was absent for part of the week; however, Ms Hood had been working with the legal people to produce the amendment. If the Committee is satisfied with it, we will arrange for the Bill to be amended accordingly.

**The Chairperson:** Are you giving an undertaking that the Minister will move the clause as amended?

**Mr Given:** No. However, I do not envisage any difficulty.

**The Chairperson:** The Committee would expect that this would be a matter for the Department, and that the Minister would move the amendment.

**Mr Given:** I do not foresee any difficulties. I will persuade the Minister that it is a good idea.

**The Chairperson:** I do not think that this should come from the Committee. We are agreeing this amendment on the undertaking that the Minister will move it.

**Mr Ford:** I am happy with the amendment; however, I would raise one point with Ms Hood about her e-mail dated 27 June. It states that I suggested that rather than 10 April 2001 — the date of the original letter — that the date of 13 May 2002 would be more appropriate. The transcript of last week's meeting shows that I suggested that the date should be the one on which the Bill was introduced. It was only a minute or two later that Mr Given pointed out that the letter was sent out on 10 April 2001. I am not arguing for the date the Bill was introduced over the date that the notification was sent. When I made my suggestion, I was unaware that the letter had been sent on 10 April 2001. I do not believe that 13 May 2002 should be the cut-off date.

**Mr Given:** The amendment will not stipulate a date.

**Mr Ford:** I want it on the record for when the Committee considers any Regulations that you may make that I am not arguing for 13 May 2002, on the basis that you wrote to people on 10 April 2001.

**Mr Given:** The legal advice is that, given the time that has elapsed, the date of the Bill's introduction might be a more appropriate date to use. The matter can be looked at if and when such a scheme is created.

*Clauses 1 to 4 agreed to.*

#### **Clause 5 (Compensation for existing businesses)**

*Question proposed:* That the Committee recommend to the Assembly that the clause be amended as follows: in page 3, line 36, insert

“(4) The scheme shall provide that payments shall not be made under the scheme in respect of a business which was first carried on after a date specified in the scheme.” — [*The Minister of Agriculture and Rural Development.*]

**Mr Ford:** Would the Committee Clerk advise us whether it is proper for us to be content with a clause if the Minister is to move an amendment suggested by officials? Failing that, the Committee would have to move the amendment.

**The Chairperson:** Yes.

**Mr Ford:** It is quite clear, but is it proper?

**The Chairperson:** Yes. It would then be the Minister's responsibility. The Committee has said that it would pursue the matter. I feel that, having discussed the matter with the officials and agreed the wording of the amendment, it is now the Minister's responsibility.

**Mr Ford:** The issue is whether the Committee Clerk can write a proper report on the Committee's deliberations on this matter.

**The Committee Clerk:** Yes. The Chairperson will put the question in such a way that the Committee will be recommending to the Assembly that the clause, as amended, as directed by the Minister through the e-mail from Ms Hood dated 27 June, be accepted. That recommendation would stand whether or not the Minister tables it.

**Mr Given:** That is a persuasive argument for me to get it done.

*Question,* That the Committee is content with the clause, subject to the Minister's proposed amendment *put and agreed to.*

*Clause 6 agreed to.*

*Long title agreed to.*

**The Chairperson:** That is the end of our considerations. Thank you for your help. I understand that Mr Given is retiring. I would like to give you my good wishes. We are sorry that we will not be seeing your smiling face and your increasing halo. We trust that you will have a very happy retirement and that you will be re-tyred to run faster and smoother.

**Mr Given:** Thank you very much.



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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR ENTERPRISE,  
TRADE AND INVESTMENT**

Wednesday 3 July 2002

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**LIMITED LIABILITY PARTNERSHIPS  
BILL  
(NIA 9/01)**

**Members present:**

Mr Neeson (Deputy Chairperson)  
Mr Armstrong  
Mrs Courtney  
Dr McDonnell  
Ms Morrice  
Mr McMenamin  
Dr O'Hagan

**Witnesses:**

Mr M Bohill                   )  
Mr J Johnston               ) Department of Enterprise,  
Ms A Aiken                   ) Trade and Investment  
Ms C McGivern             ) Assembly Legal Services

**The Deputy Chairperson:** Welcome Mr Bohill, Mr Johnston and Ms Aiken from the Department of Enterprise, Trade and Investment, and Ms McGivern who will give the Committee legal advice. We are pressed for time because of the Assembly plenary today. If you are happy, let us proceed with the formal consideration of the Bill.

**Mr Bohill:** I am content with that.

**The Deputy Chairperson:** Members will have the opportunity to raise any concerns or suggest any amendments. Members should read the relevant clauses in the Bill along with the related commentary in the explanatory and financial memorandum.

The Bill contains 16 clauses and one schedule. Each clause and related subsections will be considered in turn. The Committee can either agree that it is content with the clause as drafted or recommend to the Assembly that the clause be amended.

The purpose of the Bill is to enable all businesses of two or more members to incorporate with limited liability while organising themselves as partnerships, not as companies. The legislation will extend the range of legal organisations available to such businesses in Northern

Ireland beyond the limited company, and the traditional form of partnership. That will provide Northern Ireland business with potential benefits from the limited liability partnerships (LLP) vehicle currently available in GB, and in similar form in other jurisdictions such as the USA, Canada and Australia. It is also intended to reduce the risk of Northern Ireland firms deciding to register in other jurisdictions in order to become limited liability partnerships.

*Long title agreed to.*

**Clause 1 (Limited liability partnerships)**

**The Deputy Chairperson:** Subsections (1) to (3) provide for a new form of legal identity to be known as a limited liability partnership (LLP). It will be a body corporate, formed on incorporation via clause 3. It will have unlimited capacity and will therefore be able to undertake the full range of business activities which a partnership can undertake.

Subsection (4) specifies that, although in law an LLP will be separate from its members, they may be liable to contribute to its assets if it is wound up. The extent of that potential liability is set out in the Regulations. Subsection (5) states that, except where otherwise provided, the law relating to partnerships will not apply to limited liability partnerships. Subsection (6) gives effect to the schedule, which deals with names and registered offices.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 2 (Incorporation document etc.)**

**The Deputy Chairperson:** Subsection (1) details some of the requirements necessary to set up a limited liability partnership. For example, it specifies that to form such a partnership there must at the outset be at least two people who are associated for the carrying on of a lawful business with a view to profit and who subscribe their names to an incorporation document. The incorporation document must be delivered to the registrar.

Subsection (2) stipulates that the incorporation document must contain various items of information: the name of the limited liability partnership; the address of the registered office; the names and addresses of persons who are to be members on incorporation; and whether all or some of the members are to be designated members. Subsections (3) and (4) stipulate that it is an offence to make false statements or statements believed not to be true when forming the limited liability partnership and lay down what the penalties for the guilty party may be.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 3 (Incorporation by registration)**

**The Deputy Chairperson:** Ms McGivern, I believe that you have a query on clause 3.

**Ms McGivern:** The third line in clause 3(1), referring to the registrar, states that

“unless the requirement imposed by paragraph (a) of that subsection has not been complied with, he shall”.

However, clause 2(1)(c) provides an exception whereby the registrar may accept the statement. I felt that the provision in clause 3(1):

“unless the requirement imposed by paragraph (a) of that subsection has not been complied with”;

should be redrafted so that it is clear that it is subject to clause 3(2). The Department agreed to examine my concern.

**Mr Bohill:** With the Committee’s agreement we shall consult the legislative draftsman to see whether the clause could be made clearer. If that is so, we shall introduce a suitable amendment.

**The Deputy Chairperson:** Will you provide the Committee with a copy of the amendment as early as possible?

**Mr Bohill:** Yes.

**The Deputy Chairperson:** Subsections (1) to (4) provide for the registration of limited liability partnerships by the registrar of companies and the issuing of a certificate.

*Question,* That the Committee is content with the clause subject to amendment by the Minister, *put and agreed to.*

#### **Clause 4 (Members)**

**The Deputy Chairperson:** Subsections (1) to (3) deal with the membership of a limited liability partnership, including the first members, new members and how members may leave the partnership. Subsection (4) explains the position of members in relation to their status as employees of the company.

*Question,* That the Committee is content with the clause, *put and agreed to.*

#### **Clause 5 (Relationship of members etc.)**

**The Deputy Chairperson:** Subsection (1) deals with the relationship between members. The intention is that a limited liability partnership should have the internal flexibility of a partnership, if members are able to enter into agreements about their mutual rights and duties. The rights and duties of the members of an LLP to one another and to the partnership are governed by the provisions of any agreement between the members. Subsection (2) provides that when a limited liability partnership comes into being it will be bound by the terms of any agreement that is entered into by the subscribers to the incorporation document.

*Question,* That the Committee is content with the clause, *put and agreed to.*

#### **Clause 6 (Members as agents)**

**The Deputy Chairperson:** Subsection (1) provides that each member of a limited liability partnership will be an agent of that limited liability partnership. Therefore, they may represent and act on behalf of the limited liability partnership in all its business — subject to the provisions of subsection (2).

Subsection (2) stipulates that a limited liability partnership will not be bound by the actions of a member where that member has no authority to act for the limited liability partnership, and the person dealing with the member is aware of this or does not know or believe that the member was in fact a member of the limited liability partnership.

Subsection (3) states that transactions with a person who is no longer a member of a limited liability partnership will still be valid transactions with the limited liability partnership, unless the other party has been told that the person is no longer a member, or the registrar has received a notice to that effect.

Subsection (4) ensures that where a member of a limited liability partnership is liable to a person — other than another member of the limited liability partnership — for a wrongful act or omission in the course of business of the limited liability partnership or with its authority, the limited liability partnership will be liable to the same extent as the member.

*Question,* That the Committee is content with the clause, *put and agreed to.*

#### **Clause 7 (Ex-members)**

**The Deputy Chairperson:** Subsections (1) to (3) refer to the situation where a person ceases to be a member of a limited liability partnership, or his interest in the limited liability partnership is transferred to another person. A former member, the member’s personal representatives, the member’s trustee in bankruptcy or liquidator or the trustees under the trust deed for the benefit of his creditors or assignee may not interfere with the management or administration of the limited liability partnership, but may receive any amount from it to which they are entitled.

*Question,* That the Committee is content with the clause, *put and agreed to.*

#### **Clause 8 (Designated members)**

**The Deputy Chairperson:** Subsection (1) provides that members, subject to the agreement of the members, can be specified as designated members either on incorporation or at a later date and may be removed as a designated member. Subsection (2) requires there to be at least two designated members and provides for the occasion where there are less than two designated members.

Subsection (3) provides that if the incorporation document states that every person who is a member of

the limited liability partnership is a designated member then all members who are members from time to time will be regarded as designated members. Subsections (4) and (5) deal with the registration of designated members with the registrar of companies. Subsection (6) provides that when a person ceases to become a member of the limited liability partnership he will also cease to be a designated member.

*Question, That the Committee is content with the clause, put and agreed to.*

#### **Clause 9 (Registration of membership changes)**

**The Deputy Chairperson:** Subsections (1) and (3) require a limited liability company to notify the registrar of companies about changes to its membership. Subsections (4) to (6) provide that, where subsection (1) is not complied with, the limited liability company and all designated members commit an offence, what defence is available and the punishment liable to guilty parties.

*Question, That the Committee is content with the clause, put and agreed to.*

#### **Clause 10 (Insolvency and winding up)**

**The Deputy Chairperson:** Subsections (1) to (3) require the Department to make Regulations regarding the insolvency and winding up of limited liability companies and overseas limited liability companies.

*Question, That the Committee is content with the clause, put and agreed to.*

#### **Clause 11 (Application of company law etc.)**

**The Deputy Chairperson:** This clause allows the Department to make Regulations applying or incorporating the law relating to corporations, companies and partnerships, with appropriate modifications, to limited liability partnerships.

*Question, That the Committee is content with the clause, put and agreed to.*

#### **Clause 12 (Consequential amendments)**

**The Deputy Chairperson:** Subsections (1) and (2) allow for statutory provisions, in particular those affecting companies, corporations or partnerships, to be amended in consequence of the provisions in the Bill or of any Regulations which may be made under it.

*Question, That the Committee is content with the clause, put and agreed to.*

#### **Clause 13 (General)**

**The Deputy Chairperson:** Subsections (1) to (6) make general provision about Regulations under the Bill, and in particular allow Regulations to provide that failure to comply with their requirements is a criminal offence. The clause provides that the Regulations require the negative resolution procedure.

*Question, That the Committee is content with the clause, put and agreed to.*

#### **Clause 14 (Interpretation)**

**The Deputy Chairperson:** The clause sets out the meaning of certain terms used in the Bill.

*Question, That the Committee is content with the clause, put and agreed to.*

#### **Clause 15 (Commencement)**

**The Deputy Chairperson:** Subsections (1) and (2) provide for the Department to make an order, or orders, bringing the Bill into operation.

*Question, That the Committee is content with the clause, put and agreed to.*

#### **Clause 16 (Short title)**

**The Deputy Chairperson:** This clause gives the short title of the Bill.

*Question, That the Committee is content with the clause, put and agreed to.*

#### **Schedule**

**The Deputy Chairperson:** Part I of the schedule deals with names. Paragraph 1 amends the Companies (Northern Ireland) Order 1986 to include limited liability partnerships as a legitimate type of business. Paragraphs 2 and 3 deal with the rules governing the name to be given to a limited liability partnership.

Paragraphs 4 to 6 cover changing the name of a limited liability partnership, notification of the name change and its effects. Paragraph 7 makes it an offence to use the term “limited liability partnership” improperly. Paragraph 8 gives guidance on determining whether a company’s name is the same as another for the purposes of Part I of the schedule.

Part II concerns registered offices. Paragraphs 9 and 10 deal with the need to register an office and how one should go about changing a registered office address.

*Question, That the Committee is content with the schedule, put and agreed to.*





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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR EMPLOYMENT  
AND LEARNING**

Thursday 4 July 2002

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**EMPLOYMENT BILL  
(NIA 11/01)**

**Members present:**

Dr Birnie (Chairperson)  
Mr Carrick (Deputy Chairperson)  
Dr Adamson  
Mr Dallat  
Mr Hilditch  
Mr R Hutchinson  
Mr McElduff

**Witnesses:**

Ms J Harbison            )  
Ms M McSorley        ) Equality Commission  
Prof B Fitzpatrick    ) for Northern Ireland

**The Chairperson:** Good afternoon. I welcome from the Equality Commission, Joan Harbison, chief commissioner, Mary McSorley, manager in the information and advice department, and Prof Barry Fitzpatrick, head of legal policy and advice. Thank you for your written submission.

**Ms Harbison:** I will speak first, and then Ms McSorley and Prof Fitzpatrick will talk about some issues that the Equality Commission thinks are significant. We are delighted to be here today, and have made previous representations to the Committee on this subject.

The Equality Commission is keen to support and encourage anything that extends parental rights and embraces flexible working and work/life balance. The commission was encouraged by the Minister's commitment to issues in relation to work/life balance, as we believe that having a content workforce, which feels valued by having good working conditions, is as good for business as it is for the individual. The commission works hard at all levels with employers, and is particularly sensitive to issues relating to small employers when any Regulations or legislation are introduced. Clarity in the legislation, and in Regulations developed from that, will benefit anyone who is trying to implement the legislation and people such as ourselves who are trying to advise employers on the implementation of that legislation.

We have some concerns about the differences between the Northern Ireland Bill and the comparable Bill in Great Britain. However, we understand that there are ways in which those differences may be covered. The commission wants to be absolutely assured that people in Northern Ireland would in no way be disadvantaged as a result of those differences, and that any gaps in the Northern Ireland Bill will be covered in some other way.

The Equality Commission is a body that promotes equality and equity, and it is important that people in Northern Ireland do not see that devolution disadvantages them in any way. We feel very strongly about that, as I am certain that most members, if not all members, of the Committee do. We have particular concerns about some aspects of the Bill and about how it relates to wider legislation.

**Prof Fitzpatrick:** We have two concerns that I will mention by way of introduction. It is difficult to react to the Bill when so much is reliant on Regulations being made later. We hope that the provisions to deal with matters in the Bill would be straightforward, but Regulations are necessary for a range of issues; for example, flexible working. Clause 13 amends the Employment Rights (Northern Ireland) Order 1996 — introducing clause 112G, subsection (2), paragraphs (a) to (n), which sets out what the Regulations should contain. Therefore we are concerned about the details that must go into any Regulations that will be made.

We are also concerned about the use of affirmative resolution Regulations, especially as two EU equality directives are apparently to be implemented through such resolutions before the next election. Affirmative resolution Regulations leave little opportunity for MLAs to influence the content, and we would have preferred to have seen more details of those arrangements in the Bill rather than relying on Regulations.

We are also genuinely disappointed that flexible working rights apply only to employees and not to workers. We have had a definition of the word "employees" for over 30 years, and many vulnerable workers are not always defined as such. As a former law professor, I would have had to examine the case law closely to ascertain who was an employee and who was not. Most European legislation, minimum wage legislation and other such matters use the term "worker" instead of "employee". For example, the working time Regulations, which deal with annual leave, refer to workers, yet this Bill refers to employees. The minimum wage legislation deals with pay, as does this Bill, yet even from an employer's viewpoint, employers will have to have different regimes depending on whether those who work for them are workers or employees. The Equality Commission feels that the legislation should simply use the well-established definition of "worker", rather than "employee".

**Ms Harbison:** That reinforces the importance of the clarity that I mentioned at the beginning. That sort of clarity becomes important in our work in supporting, helping and advising employers. It makes it easier for the employer and us — and any other similar bodies — to advise people clearly and in a way in which they can implement what we say.

**Ms McSorley:** We made some specific comments in our submission about what we would have liked to have seen on paid maternity and adoption leave, and, indeed, the new flexible working request right. Following on from Prof Fitzpatrick's point, it is difficult to make definitive comments when we do not have the detail of the Regulations. We raised some concerns in the earlier consultations, and we were slightly disappointed that the opportunity has not been taken in the Bill to look at some of the other general rights for parents; for example, parental leave and time off for dependants.

The Bill could have provided an opportunity to look at some of those general areas, because we foresee that also creating some problems for employers. There is already a lot of uncertainty and confusion about the distinction between paternity and parental leave, which arose when the latter was first introduced. Although we welcome all the provisions, which are ground-breaking steps in some ways — for example, the introduction of paid paternity leave, statutory paternity leave and pay — we would have liked to have seen some of the measures go a bit further. There could have been an opportunity to look more broadly at an integrated maternity and parental leave scheme, which would provide rights that were individually and equally available to both parents and would address the cultural perception that the care of young children is solely the preserve of women, as opposed to both partners. We want to give working parents more choice and flexibility. Our submission goes into more detail.

**Dr Adamson:** As the prime reason for maternity leave is to protect the health of the new mother and baby, why do you consider that the scheme should be equally and individually available to both parents?

**Ms McSorley:** Our counterparts in Britain also suggested this. We accept that as the primary reason, but we have concerns that extending maternity leave only, as opposed to a boarder choice of parental leave, may be perceived as being detrimental to women in practice. It could give rise to a situation where employers presume that all women of a certain age would want to take extended periods of leave for maternity reasons.

We are also concerned that there could be the argument that the 26-week leave period might be sufficient for the majority of cases — for recovery or health and safety reasons — and that the additional leave could be equally available to either parent, should the father choose to take that leave. There is no right and wrong, but we are concerned that there could be that interpretation.

**Ms Harbison:** From an equality perspective, it is important that we establish how important the role of a father is in relation to the upbringing of children. We are all concerned about the lack of male role models for young children in some instances, and it is important that we encourage fathers, as much as possible, to become involved at a very early stage with the growth and development of their child. Although the legislation may be for the health and welfare of the mother, we all need to be concerned about the health and welfare of the child, both psychological and physical.

**The Chairperson:** As a supplementary to Dr Adamson's question, are you prepared to say in detail what you are recommending? Are you saying that there should be an equal amount of up to 26 weeks, paid paternity leave, or are you saying that the 28 weeks should be transferable between the two parents as they choose — that could be 14 weeks each, 15 and 13 weeks each, or any permutation? Are you flexible on that point?

**Ms McSorley:** The 26 weeks is needed, and welcomed, for the mother from a health and safety and recovery point of view. We would have liked more of a debate about the subsequent 26 weeks, and feel that this could be open to the choice of either parent. In 20% of cases the mother may be the higher earner and, in those circumstances, it would make more economic sense if the mother could go back to work when she was fully recovered and the father could take the remaining leave. However, that would not be a good option for some couples if the leave were unpaid.

**The Chairperson:** You are not saying that the length of statutory paid paternity leave for both should be the same, but in any subsequent period over and above the 26 weeks' leave for the mother, there should be some scope for flexibility.

**Ms McSorley:** That would be best all round, and some countries have adopted that provision.

**Mr R Hutchinson:** You have suggested that additional maternity leave should not be dependent on a particular length of service, but what will the administrative burden be on small businesses? Would it be discriminatory against employers wanting to employ, promote or take the risk of a woman becoming pregnant, or, if she were pregnant, stopping her getting any further promotion? Are you not putting an unnecessary burden on small businesses?

**Ms Harbison:** I do not believe that we are. There are ways round that, and there are provisions in the Bill to deal with that. However, I am conscious of the fact that I am speaking to an all-male audience. This matter is absolutely fundamental to our society, and society must decide on the importance of maternity leave. There was a lot of discussion in the press recently about young women putting off having children until they were in their late thirties, when it becomes much more difficult

for them to conceive and have children. We in Northern Ireland are a long way from not having a replacement rate for our children, but that danger is there. Society should be concerned about the effect that the lack of maternity provision and flexible working is having on women in the workplace.

**Mr R Hutchinson:** I do not disagree, but my following comments may seem as if I do. Northern Ireland is made up mostly of small businesses — it is a small business culture. Businessmen may agree with you totally; however, with the best will in the world, the practicality is that many small business people will say “This is not worth it: I am going to cut my losses, and that is it”.

**Ms Harbison:** The legislation says you cannot do that.

**Mr R Hutchinson:** No, but these are your proposals. My wife and I have had children and we know about the trauma of childbirth and so on. I do not necessarily disagree with you, but this creates a terrible burden for the small businessman.

**Prof Fitzpatrick:** The Regulations will make it complicated for everybody, and we would rather have very simple rules that could be applied easily. However, parts of the economy cannot be excluded from that. In your scenario, either we do not regulate at all, or the Equality Commission gets a flow of people bringing discrimination cases, who suspect that they were not recruited because they were women of a certain age. It is swings and roundabouts. There should be discrimination law to deal with those situations, or it should be regulated in a simple, clear and effective fashion, which is what we are proposing.

**Mr R Hutchinson:** Then that puts the other person off.

**Ms McSorley:** From my experience of advising employers — mainly small employers — on sex discrimination, I was extremely pleased to see how willing and committed employers, large and small, were to providing equality of opportunity. However, they want, need and expect clarity in relation to what is lawful and what is expected of them, and help, guidance and support to provide that.

We were reassured by the consultation exercise, and the promise of support and guidance for small employers. We are conscious that there will be no financial cost to small businesses in relation to statutory maternity pay and the proposed paternity pay. Maternity and paternity pay are recoverable from the Inland Revenue — plus a 5% compensation payment. Therefore, the main financial costs are more related to how businesses find temporary cover. The Equality Commission hopes that, with the new flexible working conditions and the general move across Europe and the UK towards increased and improved rights for flexible workers, there will be a better-qualified and extended pool of appropriate people for those vacancies that small businesses find it difficult to fill.

**Mr R Hutchinson:** Employers can reclaim paternity pay. However, employers have visited my office in a panic because they have had to pay out such benefits. Although employers can reclaim the money, some petrified employers have approached me because the money is not paid out on the proper dates, and their cash flow is affected. That system only works if everything runs according to plan, and the problem is that the system does not always work.

**Ms Harbison:** The legislation should make it work, and that is what people must realise. The Regulations must be clear and must lay responsibility on people to meet their obligations in an appropriate manner, and it should not be beyond the capabilities of the public sector to deliver on that.

**The Chairperson:** As a point of information, Michelle Gildernew, a member of the Committee, is currently on maternity leave.

**Mr Carrick:** During your presentation you mentioned equality and equity, and the need to define the role of the father. We like to think that we have a clear definition of the role of the mother, but we must define the role of the employer in order to avoid situations such as that outlined by Roger Hutchinson. We are trying to develop a social pact to ensure a work/life balance. The Committee has taken evidence from the Federation of Small Businesses and various trade unions, and they may propose some amendments. Does the Equality Commission anticipate some amendments to improve the equality aspect of the Bill? In the interests of equality and equity, does the Equality Commission feel that any of the costs that result from the introduction of the Bill should be subsidised by the small business sector of the Northern Ireland economy?

**Ms Harbison:** This is a societal question, and we are all part of that society. I take Mr Hutchinson's point, but that situation should be manageable; it should not happen. We all have a contribution to make, and it is our social responsibility to do so. Although the legislation should not place an inordinate burden on employers, we must all take a share in the responsibility of protecting future generations.

**Mr Carrick:** Is it your view that taxpayers, as opposed to individual businesses, should finance the administrative and financial burden of introducing the new elements?

**Ms Harbison:** That is getting into really deep politics. The commission has not discussed that issue, and I am not sure whether Ms McSorley or Prof Fitzpatrick will want to add anything. My own perspective is that, if we are to address this as a society, politicians must lead us. Politicians must take those decisions, tell us that they are necessary, and persuade the unpersuaded that they



are important for the future — especially for the future of Northern Ireland.

**Prof Fitzpatrick:** All those provisions are based on statutory levels of maternity pay. I studied the pregnant workers Directive as it passed through the EU institutions. One unnamed member state was insistent that maternity pay should be at that level. There were long debates and conflicts with the Parliament, for every other state would have paid anything between 50% and 80% of earnings during those periods.

My understanding is that the United Kingdom already has the lowest level of maternity pay in western Europe. Small businesses are competing against larger businesses, perhaps leading to disproportionate effects, but these measures will apply across the United Kingdom. I presume that the Republic of Ireland has similar measures.

A small employer receiving a payback from the state for those payments has the least financial burden of any such employer in Europe where EU Directives apply. We are concerned that the take-up will be low in the United Kingdom. Given the low level of work and wages patterns, it will be even lower for paternity leave than for maternity leave. We want more realistic levels of pay, with some money coming from the state and some from the employer.

**Mr Carrick:** I am not calling the quantum into doubt, for in most cases it will be fully reimbursed. However, I should like to know how small employers would be recompensed for the administrative burden, dislocation and upset associated with the additional cost.

**Ms Harbison:** Ms McSorley has already covered that. We hope that other measures will provide a means for the gap to be filled. Our great worry is that the take-up will be very low and that the Bill will, therefore, not have the effect which one would like. From that perspective, it is quite important that there be political leadership and that recognition of the need for such a level of commitment be voiced.

**The Chairperson:** The Deputy Chairperson, Mr Carrick, asked about amendments. I should be grateful if you could send any potential amendments to the Committee before the end of August, when it will consider whether to amend the Bill in any way. We have asked previous witnesses to do that also.

**Prof Fitzpatrick:** The commission is about to assume jurisdiction over employment discrimination on the grounds of sexual orientation. We are aware that there may in certain situations be complications as to whether it is applied to same-sex as well as opposite-sex partners. We might wish to examine that more closely before giving a written submission on the point. The statutory equality duty applies to sexual orientation. We considered the Committee's equality impact assessment,

and there do not seem to be any issues on that point. However, we should like to examine that more closely before giving the Committee a written submission.

**Ms Harbison:** There may be other areas where we are concerned about deficiencies or what we perceive as such. Does the Committee desire a response by the end of August?

**The Chairperson:** Yes. The Committee will not meet again until September.

**Ms Harbison:** We shall let the Committee know one way or the other so that it has a response of some sort.

**Mr Dallat:** You have heard the Committee's negative concerns about the Bill. You said that you are concerned that there may be a low uptake. We are simply playing catch-up with other communities. How can we put a positive spin on this legislation so that small employers — indeed all employers and employees — appreciate its benefits? The other direction would be for the black economy to take centre stage again. In the past, employers frightened of income tax and National Insurance contributions paid wages under the counter. A great deal of time and discussion have gone into the Bill, and if it is to affect people's lives positively, there must be more to it than such concerns as single-sex relationships.

**Ms Harbison:** Ms McSorley spoke about that. I began by saying that I wanted clarity. One of the Minister's commitments when he introduced the Bill was to give guidance to employers. Guidance and publicity, the sort of work that Ms McSorley has carried out in the former Equal Opportunities Commission (EOC) and now in the Equality Commission, lead us to believe that employers are ready to fulfil their obligations and contribute to society. They do not want to have to take the information home and pore over language that they simply do not understand. They want it in the form of a flow chart showing what they can do and how they should do it point by point. There are ways in which we can encourage and help small employers to meet their obligations; it is incumbent on us all to do so.

**Prof Fitzpatrick:** The reconciliation of working and family life makes for better workers. If people are not given this sort of leave, it will affect how they work. People will also use sick- or annual-leave provisions to deal with other situations, something that has a knock-on effect on such leave elsewhere. A sensible leave system covering the purposes for which people want time off is better than their taking leave regardless of the rules, and self-certifying when the employer knows that they have a newborn baby. Without a proper leave system, people will take annual leave at inconvenient times because of personal circumstances. Developing better employees, and producing a coherent system of leave for the reasons for which people want to take it, are aims that apply as



much to small employers as to large ones, and we are promoting the new arrangements equally to both.

**Mr Dallat:** I wish to pursue the matter, for we are entering the old realm of equality. For years, those in professions such as the Civil Service and teaching simply got time off work if there was a crisis at home. That did not apply to people at the lower end of the employment scale. There is now an opportunity for us to provide for everyone, but the Bill seems a rather dull piece of legislation. Where is the mechanism for delivering to those to whom it matters most? I am not talking about people who can get the time off, but those in manual jobs who cannot. I am sorry if that sounds cruel, but it is a perfect example.

**Ms Harbison:** We have a great many concerns. We have talked long and hard about people in low-paid, low-status jobs, who are some of the most marginalised members of our society. They are entitled to the same rights as anyone else. However, such jobs are not only found with small employers.

**Mr Dallat:** I am not sure how the matter of small employers entered into the discussion.

**Ms Harbison:** I am sorry. Perhaps I was mistaken.

**Ms McSorley:** There is a great deal of informal provision.

**Mr Dallat:** That is the word that I should have used.

**Ms McSorley:** The Bill will not require many employers to do any more than they do already. It could be argued that the more positive employers retain their workforces. Publicity will be a major challenge for the Government, as acknowledged in the initial consultations on the Green Paper on Work and Parents. Consultees were asked about requirements, and all were clear that an education exercise was needed to effect a cultural change on the part of employers and workers. They need guidance and support to enable them to do that. Employers large and small must be reminded of the benefits.

We argue that what is good for large business is also good for small business. In some cases, flexibility can be delivered more easily in smaller concerns. Traditional ways of working sometimes have to be challenged to reach the desired situation. The Bill is a stepping stone to a better position.

**Mr McElduff:** My concern is for the excluded individuals and categories, and how the different treatment of employees on the part of certain employers can be addressed. Does the failure to get the work/life balance right have health and safety implications?

**Prof Fitzpatrick:** I mentioned that differential in my opening remarks. The definition of "worker" is very wide. If you are not in business on your own, with customers and clients, you are a worker. Agency workers

such as on-call workers' or casual workers of various descriptions, may not fit into that definition because of the triangular relationship involved. Having been a tribunal chairman myself, I can say that being defined as an employee depends on the discretion of those who are sitting.

The most vulnerable members of the workforce are in doubt as to whether they are protected. A tribunal may be required to determine that, but the most vulnerable people in society are least likely to go to a tribunal. There are detriment measures in the Bill to deal with people claiming their rights. However, even with that type of detriment provision in place, people in employment may not always attempt to have their rights enforced.

The Equality Commission does not have jurisdiction over those statutes. We should like to be given jurisdiction over such equality-related matters in a single equality Bill, given that they are so close to equality questions that people come to us. A casual worker might come to us alleging a case of indirect discrimination, but if the legislation had applied to workers, he or she would not have had to trouble us.

There may be issues related to health and safety. Some aspects of working time Regulations are governed by health and safety inspection. Those rights might be enforced through inspection processes rather than through individuals bringing their cases to tribunal.

**The Chairperson:** Can you envisage any implications under section 75 of the Northern Ireland Act 1998 arising from the right to request flexible working, which, as drafted, is limited to parents with children under the age of six or disabled children under the age of 18? What about equality issues relating to parents of older children or carers of adults?

**Ms Harbison:** We are concerned about that and about extending provision only to parents of children under six. It raises issues under section 75.

**Ms McSorley:** In our submission we said that we should like to see the right being made available to parents of children of compulsory school age. There was a suggestion in the Bill that Regulations could provide for an alternative cut-off point. The commission certainly feels that the right should be made available in relation to disabled children while they remain dependent.

**Mr Carrick:** I should like to ask a question on the employee-versus-worker issue. Should that be the basis of an amendment? If so, would it cover self-employed workers? Would you have to divide those who work for an employer from those who work for themselves? Does that not pose a problem?

**Prof Fitzpatrick:** It still poses a problem, but it catches many casual workers. Employment law has not developed to meet the variety of employment relationships

that have proliferated over the past 10 years. There is a genuine question concerning people who might be self-employed for tax purposes and who are still not in a client relationship with the person employing them — they would be included as “workers” under the definition.

The legislation moves the goalposts so that there is much less controversy. It catches some very vulnerable people who are clearly not employees but workers. It tries to draw the line at the genuine self-employed rather than those who have subservient relationships of various descriptions without coming within the definition of “employee”.

**Mr Carrick:** If we use the term “worker”, we specifically exclude the self-employed unless we can find a mechanism to include them. It has its origin in the Inland Revenue definition, which is that of a relationship between master and servant. Is that a definition with which you go along?

**Prof Fitzpatrick:** That is the definition of an “employee”. Terms such as “mutuality of obligation” cater

for people such as casual workers who need not legally turn up or be employed. However, they do indeed turn up, for they need the work and are employed when they do so.

That level of legal semantics means that quite vulnerable people are not protected in the same way as more established workers. On the equality front, though we cannot say for sure, we suspect that many of those in more vulnerable positions are women. Such women are, therefore, losing out. With so many other areas of employment law being driven by the term “worker”, it is disappointing that the Bill is returning to the term “employee”. “Worker” would be much more consistent and appropriate.

**Mr Carrick:** Do you not feel strongly enough to suggest an amendment?

**Prof Fitzpatrick:** We should be perfectly happy to propose one to you.

**The Chairperson:** Thank you. That was very helpful.

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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR  
THE ENVIRONMENT**

Thursday 4 July 2002

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**LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) BILL  
(NIA 7/01)**

**Members present:**

Rev Dr William McCrea (Chairperson)  
Mr Armstrong  
Mr A Doherty  
Mr Ford  
Mrs Nelis  
Mr Poots  
Mr Watson

**Witnesses:**

Mr D Barr )  
Ms M Finnegan ) Department of the Environment  
Dr T Power )  
Mr J McConnell )

**The Chairperson:** I welcome Mr John McConnell, Ms Marie Finnegan, Dr Tracy Power and Mr David Barr, departmental officials, and I apologise for the delay. We received your letter of 2 July 2002 on the Local Government (Miscellaneous Provisions) Bill and would like you to take us through it. It is about amendments to clauses 2, 4, 6 and 7 of the Bill. Our only outstanding issues are from clause 7.

The word “impose” has been mentioned again. Have we got anywhere on that, or is there —

**Mr McConnell:** We do not regard it as a hostage to fortune; it is entirely in the hands of elected representatives. If they want, they can require councils to do something about it at a future date. The consultation document seems to contain the strong possibility — although it is an Northern Ireland Office matter and not for us to judge — that the community safety initiative will be placed under the control of the Assembly through the Office of the First Minister and the Deputy First Minister.

**The Chairperson:** It would be desperate for it to be subsumed by that office, for it would be lost like almost everything else. So you think that is where it will go?

**Mr McConnell:** Perhaps. It may come under the responsibility of the Assembly. As you know, it is held by the NIO, but the consultation paper suggests that it might move. In those circumstances, it would give the Assembly an opportunity to judge its significance at council level. At the moment, however, the scheme is only permissive — it is a matter of whether councils wish to take part.

**The Chairperson:** And the imposition is directly linked to the overriding authority of the Assembly’s resolution.

**Mr Barr:** Absolutely. Any decision must be made by affirmative resolution. At the last meeting, Mr Ford felt that the legislation should say whether we had to consult with councils and others before such draft legislation came forward. We said last week that such consultation would be implicit. We should not put any legislation through without proper and full consultation with councils and others.

However, we could add to the explanatory and financial memorandum. For example, page 7 of the memorandum explains how subsection (3) of the Bill stipulates that no Order may be made under subsection (2) unless a draft has been laid before, and approved by resolution of, the Assembly. I would be happy to add something to the effect that there should be full consultation with councils and other interests. That would overcome the problem which Mr Ford raised.

**Mr Poots:** My basic difficulty with this is that it is supposed to be voluntary. If someone engages in a voluntary act, you are not imposing on him; there must be a two-way engagement. However, the word “impose” implies that one party has the power to define what the other should do. If the engagement between the councils and central Government is to be voluntary, “impose” is not needed. I do not understand why the word is there. I have heard no explanation that justifies its being there. I see no need for it, and I do not understand why there is any debate on the issue.

**Mr Barr:** I explained why the word “impose” is used at the last meeting; perhaps you were not present. First, clause 7(1) of the current Local Government (Miscellaneous Provisions) Bill says that the councils’ role is voluntary. It allows them, if they wish, to join in community safety partnerships. That is also touched on in clause 7(2). It will not override clause 7(1); it is there to enable the Assembly, if it wishes, to make legislation at some future stage in addition to what is in clause 7(1). It provides the safeguards of having to go through a consultation process and the Assembly. The term “impose” would enable such laws to be passed as subordinate legislation.

The non-use of “impose” would mean that if the Assembly wanted councils to do something rather than give them the option of doing it, it would have to be

done through primary legislation. The inclusion of “impose” would enable the Assembly to do it by subordinate legislation, which means that it would be done more expediently and with a better use of public resources.

**Mr Poots:** I understand. However, it is creating a situation in which it might be inviting for a council to enter a voluntary arrangement, and once it did so be told what to do. The only voluntary aspect is the entering into it. Once it is in the scheme, the voluntary aspect ends, and the council must implement every part of the scheme as imposed by the Assembly.

**Mr McConnell:** If a council voluntarily enters the scheme, it can also voluntarily leave. It is voluntary unless, at a future date, the Assembly decides that it is a good thing for the community. It is not intended as a devious method of getting councils to do something. It is a mechanism, and it offers protection.

**The Chairperson:** I would be more worried if the power to impose was left to the Department, but we have endeavoured to ensure that the Assembly has the power. If the Assembly was minded to, it could change the wording of the legislation. I had concerns initially, and I would prefer that “impose” was not in the words

“The Department may by order confer or impose on district councils other functions relating”

— not the functions under clause 7(1) because they may enter those. It is other functions relating to the enhancement of community safety in the district. The two do not come unless the one is entered into voluntarily. However, the Assembly — it is not left to the Department — can make use of the word “impose”, or, if it were so minded, change the legislation at any time.

**Mr McConnell:** The consultative process will give further guidance to elected members if we reach that stage.

**The Chairperson:** There have been major changes in the Bill, and the Committee went through a list of them last week. Ms Lewsley and Mr Poots, because of responsibilities in another place, were unable to hear that, but they both read the Committee documentation on it. The community safety issue has been a sticking point before. A letter from the Belfast City Council says:

“The council also states that a strategy should not impose inflexible working arrangements and should make the best use of existing structures and should not pre-empt brokered arrangements.

It does not rule out the possibility of a merged secretariat for community safety and district policing partnerships. The council says:

“Members will wish to note that paragraph 45 of the document, which includes Belfast City Council, broadly accepts the community safety strategy and sees itself playing a leading role in setting up community safety partnerships in Belfast.”

Seven others who want to enter have written in similar vein. Do we wish to remove that right to enter partnerships? Imposing entry would never happen without the permission of the Assembly. Would anyone like to comment on that, or have we gone as far as possible?

**Mr Ford:** I suspect that we have gone as far as we can. There are still considerable doubts, even after hearing the interpretation by NIO officials of the apparent differences in community safety and policing partnership. The overlap of personnel in setting up arrangements which do not take account of that is sufficient to lead to complications in average-sized or smaller district councils.

**The Chairperson:** Far be it from me to commit the sin of peddling the Department’s view that this does not force any council to do anything in that line. The councils, with the policing partnerships in mind, will have responsibility for deciding what they want to do in this respect.

We will probably consider the Bill clause by clause in early September. That is our intention; but when will we see the draft Regulations for the formula detail? That is important. What consultation arrangements have been made?

**Ms Finnegan:** Much work remains to be done on the Regulations, and we aim to have them tabled for the first meeting after recess. We must consult with councils, which is difficult, because they do not like being consulted over the summer. We will probably send the papers to councils at the beginning of September and give them two to three weeks. They will not have twelve weeks.

**The Chairperson:** They must have at least a month, because they must meet.

**Ms Finnegan:** We shall give them a month. Most council finance officers are familiar with the detail. However, it is not a good idea to send the papers to them during the summer.

**Mr McConnell:** We will send them out as soon as possible and give a closing date for response, taking into account their need for at least four weeks. If the papers are ready before the end of the summer, we shall send them out in any case and allow the councils to judge when their members should see them. I assume that councils will not meet, but I take into account that four weeks are needed.

**The Chairperson:** That is the best route. We shall do our bit to move it forward quickly, but the Committee wants to know what the consultation will produce. We shall see what the councils say about it.

Thank you very much.



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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR  
THE ENVIRONMENT**

Thursday 4 July 2002

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**PLANNING (AMENDMENT) BILL  
(NIA 12/01)**

**Members present:**

Rev Dr William McCrea (Chairperson)  
Ms Lewsley (Deputy Chairperson)  
Mr Armstrong  
Mr A Doherty  
Mr Ford  
Mr Molloy  
Mrs Nelis  
Mr Poots  
Mr Watson

**Witnesses:**

Mr H McKay           )  
Mrs M Hempton       ) Department of the Environment  
Mr J Lambe           )

**The Chairperson:** Good morning.

**Mr McKay:** Good morning. I am pleased to be here for the second week in succession after a long absence. My colleagues are Jackie Lambe, whom some of you will recognise from previous presentations, and Marlene Hempton, who joined the team on promotion. David Small is on annual leave.

The Bill is the first major piece of planning legislation here since 1991. Its origins lie with the former Department of the Environment Northern Ireland and with what the then Ministers considered should be done in response to the Northern Ireland Affairs Committee's report on the planning system here. They made it clear that such matters should be put on hold until devolution. Today, we wish to deal with the provisions of the Bill and answer any queries that Members may have.

**Mr Lambe:** The Bill has 32 clauses and two schedules that cover three main areas. Clauses 1 to 14 propose a substantial strengthening of the Department's enforcement powers. Clauses 1 to 3 propose the introduction of a new system for planning contravention notices; breach of condition notices; and the use of injunctions, whereby the Department can go to court to seek to prevent any actual

or threatened breach of planning control. Those are new provisions.

As part of the package, we propose to increase the level of fines for non-compliance with enforcement notices; for stop notices; and for hazardous substance contravention notices. Clause 7 proposes increasing the current maximum fine that can be imposed in a magistrate's court from £5,000 to £20,000. Last week, we proposed an amendment whereby the £20,000 fine could be increased to £30,000. For the first time in Northern Ireland, people will be able to be tried in a Crown Court for breaching an enforcement notice, a stop notice or a hazardous substance contravention notice. Fines will be unlimited, and the court can take into account the potential benefit that would accrue from the breach of control when setting the fine.

In addition to the proposed level of fine for breaches of enforcement notices, there will be a new provision to introduce a custodial sentence for a person found guilty of contravening a listed buildings enforcement notice. Other changes provided by clauses 1 to 14 will allow for a more streamlined and flexible enforcement regime. For example, clause 11 provides specific new powers of entry directly related to investigating alleged breaches of planning control. We have general powers of entry now, so the new ones will be much more focused.

As part of the more streamlined flexible enforcement regime, the Department can withdraw or vary enforcement notices to take account of changing circumstances; for example, when there has been a delay due to an appeal, or a delay with the Planning Appeals Commission (PAC), or a delay between an enforcement notice's first being served and the hearing by the PAC.

Clauses 15 to 23 contain new controls over development. Clause 15 deals with new controls over the demolition of buildings. The Minister proposes to apply that control initially to buildings attached to areas of townscape character. We will be able to decline to determine repeat planning applications submitted by developers trying to wear down opposition to a development proposal.

Clause 22 is an important provision that introduces the building preservation notice — more commonly referred to as a "spot-listing" notice. It will allow the Department to move quickly when buildings are at risk of demolition and give us breathing space to consider whether or not a building is worthy of being listed and carry out the necessary surveys.

Clause 23, together with clause 14, introduces a new regime aimed at protecting trees. The Bill will introduce higher fines across the board, which will afford greater protection for trees. There will also be new measures, such as imposing a duty on owners to replace trees or be subject to a tree preservation order. There is also a provision to enable the Department to protect trees in a

conservation area and a provision to deal with compensation payable when consent is refused. Present legislation about the development potential of land is unclear. There were several test cases in the Lands Tribunal, and we are taking the opportunity to clarify the law.

Clauses 24 to 32 introduce a range of miscellaneous provisions. Clause 24 introduces a new measure to give primacy to development plans with regard to planning applications. New provisions in clause 25 will give the PAC power to dismiss appeals in certain circumstances and greater operational flexibility in how it determines appeals and reports to the Department. Clauses 26 and 27 extend the Department's grant-aiding powers with respect to the built environment.

The two schedules make minor and consequential amendments to both the Planning (Northern Ireland) Order 1972 and the Planning (Northern Ireland) Order 1991, which are required by the main provisions of the Bill. To conclude, the Department believes that the Bill will significantly improve the legislative framework under which our planning system operates. Importantly, the Bill will enhance the Department's enforcement powers and will enable enforcement action to be taken much more quickly and effectively than at present.

**The Chairperson:** Thank you. I appreciate your overview of the general provisions of the Bill.

It was suggested in consultations that stop notices should take immediate effect in all cases and should be used in respect of unlawful developments. Can you clarify the current situation?

**Mr Lambe:** A stop notice cannot come into effect within three days of its being served. The Bill proposes that where the Department feels it appropriate, perhaps because of the nature of the activity being carried out, be it a danger to life and limb, stop notices can have immediate effect. Stop notices have been served on unlawful developments or on developments without planning permission. We are examining whether, in the context of the proposal to make an amendment, to make such development unlawful.

**The Chairperson:** Developers who want to do that do so at a weekend. Does an immediate stop notice apply then?

**Mr Lambe:** There are difficulties if we are unaware of a need or are not in the office. If we know in advance, we can apply to a court to prevent any threatened breach of planning control.

**The Chairperson:** It often starts at the weekend at about 3.00 am or 4.00 am. It is important that we tackle that. Those breaches are happening in most constituencies, and there are many serious problems.

**Mr Lambe:** That scenario will be addressed through the amendments that the Department proposes to introduce

to make it an offence to carry out development without planning permission. As part of those proposals, I expect that we will be able to take speedy enforcement action and that there will be sufficient cover to ensure that the submission of an application, for example, can rectify the matter, something that would not be considered while we were taking enforcement action.

**The Chairperson:** I would like to be sure that the Bill has this right, because that causes a lot of constituents' complaints. They are concerned about developers gaining financial reward from those practices. We must meet this head on, and it is vital to do that now.

**Mr McKay:** We fully understand that. Although it is easier for officials to be engaged between Monday and Friday, it does not mean that things cannot be done on Saturday and Sunday if necessary. If something happens in the middle of the night, action can be expected quickly the next day, but it is more difficult over weekends or during holiday periods than during the week.

**The Chairperson:** Has the £20,000 to £30,000 level of fine been clarified, or is that still being considered?

**Mr Lambe:** Subject to the formal approval of the Secretary of State, the Department and the Minister propose to introduce an amendment at the appropriate stage to increase the level of fine.

Clause 4 allows us to issue enforcement notices where development goes ahead without planning permission, and the clause defines what constitutes a breach of planning control. The Bill will not make it an offence to begin development; that will be done by way of an amendment.

**Mr Poots:** Should that not be considered in view of past practices where, for example, large developments have been built without planning permission? A long-drawn-out process has ensued between the planners and the developers with legal advisers involved, and retrospective planning permission has been granted that would probably not have been given if the developers had gone down the proper route at the start. Are we not leaving a loophole for people who still intend to do that?

**Mr Lambe:** We are committed to introducing provisions at Consideration Stage that will make it an offence to commence development without planning permission. There is no such provision at the moment.

**Mr Poots:** The Bill is strengthening planning laws significantly, so this exclusion is not necessary.

**The Chairperson:** The Committee needs to see those amendments as soon as possible. We have talked about them but need to consider whether the wording is as forceful as we anticipate or hope it to be.

**Mrs Nelis:** I am reading this on the hoof, so my questions may already have been covered.

Can notice only be served on a developer or landowner under clause 5? Developers and landowners can absent themselves. For example, planners once tried unsuccessfully to serve notice on one developer 58 times. Does the legislation cover that aspect of enforcement?

What about land surplus to development which a developer is not required by law to maintain?

Thirdly, what happens if planning permission is granted and then a change of use application is received a year later for something that originally was opposed? The Bill may not cover that.

**Mr Lambe:** First, an enforcement notice can be served on the owner and the occupier of land to which the notice relates. In addition, we can serve a notice on anyone who has an interest in that land, be he a developer or someone who is using the land, with the owner's agreement, to dump waste material, to ensure that the activity stops and the land is restored to its original condition.

**Mrs Nelis:** Are you sure the legislation is strong enough to address the problem? Landowners and developers have a track record of escaping their responsibilities and the penalties.

**Mr Lambe:** The Bill makes it clear that the current owner of the land has prime responsibility for ensuring compliance with the terms of an enforcement notice. In the past, difficulty arose when ownership changed while an enforcement notice was being served and there was ambiguity about whether the original owner was responsible for ensuring compliance or the new owner had inherited that liability. This legislation places the onus on the current owner to comply with the enforcement notice, even if he was not responsible for the unauthorised activity in the first place.

I think that we published a draft planning policy statement on open space provision some time ago. Since then other policy statements, such as the one on telecommunications, have taken priority. We intend to publish the policy statement on open space later this year.

**Mr McKay:** With pressure of work priority was given to other policy statements, and the one on open space was held back. It has been through the draft stage and will be dealt with as quickly as we can.

**The Chairperson:** Can we clarify who is responsible for open spaces that developers leave — usually wee areas too small for a house? Developers walk away once they have made their money and do not care tuppence about the environment of the estates left behind. Pressure then goes on the councils to take over those bits of ground that no one wants.

**Mr McKay:** Your point is valid, Mr Chairman. We are referring to the policy that should be put in place for such land, and nothing in the Bill relates to an amendment for that. In a development it is always better to ensure

that any land leftover is included in an adjoining development, for example, used to enlarge a garden or put to public use. Pieces of land that are left can become a dumping area or an area for undesirable activities. However, that has to be dealt with under policy.

The third point relates to a change of use, perhaps a year after planning permission has been given. Full planning permission is required for change of land use. Within permitted development some changes of use do not have to have planning permission. People may apply for change of use a year after the original permission is granted, and that is processed as another application.

**Mrs Nelis:** Is it a weakness in the planning legislation?

**Mr McKay:** It is there to enable another land use to be considered, but that does not necessarily mean that the application for the new land use will be granted.

**Ms Lewsley:** This legislation is long overdue, and we are glad to see enforcement being addressed. I welcome the Bill but wait with bated breath to see if it is more efficiently implemented than the last enforcement legislation. What do you mean by

“The provisions will provide the Department with flexibility to require only partial remedy of a breach of planning control”?

**Mr McKay:** It gives the Department flexibility to take into consideration the precise circumstances at the time the enforcement notice is due to have effect. The enforcement process involves an appeal process through the PAC. If the case goes to the courts, it can be drawn out over a long period of time. The proposal allows for partial enforcement, or under-enforcement, when circumstances have changed since the enforcement notice was originally served and some of the unauthorised activities originally specified in the notice have been rectified by the developer or when other factors in the vicinity come into play and render the activities of the developer less serious.

If, for example, a lengthy appeal was taking place and a developer had not complied with a landscaping condition — perhaps he had put up a solid fence instead of a hedge — we could over time consider whether the surrounding properties were such that the fence was now permissible.

**Ms Lewsley:** Do you place the enforcement notice on a whole site or only on part of it?

**Mr McKay:** An enforcement notice has to apply to a piece of land. In other words, a limit is put on the portion of land that you are seeking enforcement action against.

**Ms Lewsley:** Does that represent a change in the legislation?

**Mr McKay:** There is no change. It would still apply to a specific portion of land, or a building or whatever.

**Ms Lewsley:** I had to deal with a case in which two houses at the top end of a cul-de-sac had been raised by 13 feet. The enforcement notice only applied to the two corner houses, and the builder decided to build the rest of the houses up, assuming that the enforcement notice would accept that, as they had been built up, the two corner houses could not be knocked down. They were taken down by eight feet, but if an enforcement notice had been put on the whole cul-de-sac, the builder would have had to take houses down to the level for which he had applied for planning permission. It is important to ensure that enforcement does not have consequences for the whole site.

**Mr Lambe:** An enforcement notice can only be served when there has been a breach of planning control, which is why the notice was served on the two houses that were not built in accordance with planning permission. I do not know the details of the case, but I take it that the remaining houses in the cul-de-sac were built in accordance with planning permission?

**Ms Lewsley:** They were not. There were three phases of cul-de-sacs, all supposed to be built to the same level. There were no objections from the people living behind them, because they were glad to see the land being used, but when the builders got to the third phase, rather than take the water main down the back, they decided to bring it down the middle of the cul-de-sac. They raised the development 13 feet, and enforcement was made on the two semi-detached houses, one of which was built to roof level and the other to the foundations. They built the cul-de-sac up the gradient.

**Mr McKay:** I do not know the details, but I believe that a second enforcement notice would have been required.

**Ms Lewsley:** It was hard to get the first one, never mind a second. It was one of the few enforcement notices in Northern Ireland that was seen through to the end. That is why I welcome this legislation.

**Mr Watson:** I am not convinced that the penalties proposed are adequate, particularly given the demolition of listed buildings in conservation areas. A single property in Botanic Avenue incurred a fine of £250 and an entire terrace in the Armagh area one of £4,500. Given that the loss of historic buildings is not accorded separate recognition in the Bill, being covered by existing measures, have you considered the legislation introduced in the Republic in 1999? They really seemed to mean business with a fine of up to IR£10 million at the time and an optional or additional two-year jail sentence. Have you given serious consideration to the adequacy of the fines?

**Mr Lambe:** Rather than impose a maximum fine as in the Republic, an existing provision could be used — though I believe it never has — to bring such a case to

the Crown Court, where there is absolutely no limit on the forfeit which can be imposed on a convicted person. In assessing the appropriate level of fine, the Crown Court can take into account the likely benefit that has accrued or is likely to accrue to the person responsible for the offence. That is a matter entirely for the Court.

**The Chairperson:** Yes, but you can do that at present. Is that correct?

**Mr Lambe:** I am not aware that we have taken —

**The Chairperson:** But that is the vital point of concern. When will the Department show its teeth? Part of the legislation is mothballed and has never seen the light of day.

**Mr Lambe:** We are committed to giving enforcement greater priority. We are recruiting additional enforcement staff specifically to deal with the new provisions and powers in the Bill.

**The Chairperson:** The two papers prepared on that cover the enhanced offence of unauthorised development and the increased fines. We should appreciate having them as soon as possible.

**Mr McKay:** I know the two cases that Mr Watson mentioned. I was involved in them and was disappointed that higher fines were not imposed. That is clearly a matter for the magistrate. You are aware that we intend to raise the maximum fine. Much stronger will exists among Ministers and officials to act, and the thought that jail is a possibility may lead to a little more understanding. I fully accept that this remains to be proved, but the climate is much more inclined to punish wrongdoers.

**Mr Ford:** I should like to make three points, two of which probably require no answer. It would be useful to know what “schedule of repeals and amendments” means.

Secondly, I should like to repeat the points which Ms Lewsley and Mr Watson have made on enforcement. I am concerned that the explanatory and financial memorandum refers to “marginal financial implications” — something raised at Second Reading by my Colleague, Mr McCarthy, and the Minister. If you start taking serious action on enforcement, there will surely be rather more than “marginal financial implications”. Recognition of that would have been helpful.

My main point concerns trees. There are clearly times when a tree preservation order should apply to a mature tree — or two or three mature trees. However, there are also small woods and copses whose wildflowers are just as important to the landscape and environmental aspects of an area. Current thinking seems to be that, since a tree preservation order only applies to existing mature trees across the UK, you should not widen it. I ask you whether it should be widened to include the whole nature of a wood rather than two or three specimen trees in it.



The law on unauthorised development should not be made solely on the basis of the Shane Park case, but there is the problem of unauthorised development, which often involves clearing a site of trees and then submitting a planning application. There is no way in which that will be dealt with unless specific provision is made to protect trees on a site before plans are submitted.

**The Chairperson:** We have raised that on several occasions. There are infamous cases of sites being raped of trees before applications were submitted. If the applications had been received when the trees were still there, there is no way in which permission would have been given for their removal. It is very serious that someone can accrue the benefits of clearing an area of its trees when we have fewer trees than anywhere else in Europe. It is time that serious notice is taken of that.

**Mr McKay:** We understand that, and we must keep in mind, when deciding to make a tree preservation order, that there are compensation implications with regard to scale. As you said, an order can deal with a single tree or a wood, which, while not in itself significant, has a significant impact on the area.

**Mr Poots:** The last Minister did not seem keen on third-party appeals, though the current Minister seems to be more open minded on that, and it has been raised in discussions on this Bill. Has any more thought been given to including the right of third-party appeal in the Bill?

**Mr McKay:** There was considerable debate on that last week. That was reported back to the Minister in detail, and he is considering the points that were made last week as well as those already raised.

**The Chairperson:** A paper on third-party appeals was promised in due course.

**Mr McKay:** Yes, in due course, but perhaps not as quickly as you would like.

**Mr Armstrong:** Can you give us a broad picture of what you class as advertisements?

**Mr Lambe:** Article 2 of the Planning (Northern Ireland) Order 1991 gives a comprehensive definition of what constitutes an advertisement. It is extensive, defining any individual word that purports to give directions as coming within the definition of an advertisement. We propose a minor extension to that statutory definition to include some of the newer forms of advertising, such as electronic rotating panels. However, there will be no major change to the current controls on advertising.

**Mr Armstrong:** On advertisement hoardings, everyone advertises from his point of view. What will you do about that type of advertisement?

**Mr McKay:** There is a difference between what constitutes an advertisement in planning terms and what

is included in an advertisement. The Planning Order deals with the structure but not the content — we cannot get involved in that.

**Mr Armstrong:** Many different structures have been put up throughout the countryside. They are mobile and can be put anywhere. Will you look into that?

**Mr McKay:** That is a fair point. You cannot drive too far without seeing a great deal of advertising material. I have to believe that some of it does not have planning permission and is unauthorised.

**Mr Armstrong:** Does it have to be taken down after a three-week period?

**Mr McKay:** I think you are referring to election posters.

**Mr Armstrong:** Does that not cover any sort of material?

**Mr Lambe:** Do you mean the type of structures that are on mobile trailers and parked at the side of a road?

**Mr Armstrong:** We are just teasing out what is there. You know as well as I do what is there.

**Mr Lambe:** There are difficulties with enforcing advertising controls. For example, many advertisements, flags and emblems are placed on lamp standards, which are owned by the Department for Regional Development. They are immune from enforcement action by virtue of Crown immunity, so it is extremely difficult to take enforcement action against them. We rely primarily on Departments and agencies to keep their equipment and land free from such advertisements.

**Mr Armstrong:** As you are in planning, should you not be giving direction?

**Mr Lambe:** Periodically, we blitz an area. Together with the Roads Service, Northern Ireland Electricity and the Post Office, we move into an area and arrange for illegal signs to be removed and placed in the local Roads Service depot. People are then told that they can come along and collect them. It is done in a reactive way in small areas rather than as a general approach.

**Mr Armstrong:** If we are going to protect historic buildings, we should be taking action across the whole country.

**Mrs Nelis:** I wish to ask about change of use, for example, when old single-occupancy buildings are given planning permission to become multiple-occupancy buildings for which, the planners tell us, advance permission is not required. People only become aware that this is happening when a developer moves in and it is too late. I am sure everyone here could give examples of permission being given for a building to be converted to five flats and the developer's building ten. Will this legislation deter developers from taking such liberties with the planning legislation, and will the penalties ensure that

such a situation, which is so prevalent, will not happen again?

**Mr Lambe:** The legislation will deter those who effect a change of use that requires planning permission without that permission's having been granted. New levels of fine will be available to the courts. At a more fundamental level, under the current Planning (Use Classes) Order (Northern Ireland) 1989, planning permission is not required for the change of use of a dwelling house for use by up to six persons living together as a household and sharing facilities such as a kitchen.

That rule, if I recall correctly, was used in the 1980s essentially to give a mechanism for the Government's proposal for care in the community — moving people out of residential institutions and into communal facilities and individual houses. It had its origins then, and to return to it would have a broad impact on a range of issues. However, it could be looked at during the next proposed changes to the Planning (Use Classes) Order (Northern Ireland) 1989. We plan to review a range of subordinate legislation following on from the primary legislation.

**Mrs Nelis:** It is a major weakness that must be looked at. Legislation from the 1980s is outdated for now.

**Mr McKay:** We know the problems that houses in multiple occupancy can create for people living in normal family homes. The developer who increased five apartments to ten should have made another planning application.

**Mrs Nelis:** There are no enforcements.

**Mr McKay:** You are right: more breaches have to be enforced.

**The Chairperson:** Enforcement is at the heart of the matter. This legislation will rely on enforcement to be

effective. If it is not to be enforced, there is no use in our sitting around this table trying to get the law right.

A plethora of signs are going up in the countryside. One would think that we lived in the United States. As you enter towns, there are all sorts of advertising boards — and I am not talking about official signs. I know people who were refused a direction sign on a main road — a legal requirement to their business, because it was on a back road off the Glenshane Pass. Yet we see advertisements everywhere. Planners know that such signs are illegal, and they see them as they go to and from council meetings. Small signs are refused while these glaring breaches remain.

You need to tell your officers who see blatant breaches to deal with such infringements because they take away from the beauty of the countryside. I am not talking about election periods, which are limited to three weeks; I am talking about something that is offensive for twelve months of the year. It is a clear breach of legislation, and it is destroying our environment. We do not need more legislation to deal with it, but we do need to have active personnel.

We are waiting for you to do a lot of work on this. Many papers must come to the Committee, and we cannot move quickly without the information we require. Seventeen consultees responded to the Committee, and to assist you during recess, any documents we receive will be forwarded immediately to you. Please remember that we do this without prejudice, for we do not rubber-stamp everything before us. We are letting you know what we have, however, so that the next time we meet we will be able to deal with matters rather than wait. Thank you very much.

**Mr McKay:** I appreciate that, and I am glad that you recognise the amount of work to be done.

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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR  
THE ENVIRONMENT**

Thursday 4 July 2002

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**POLLUTION PREVENTION AND  
CONTROL BILL  
(NIA 19/01)**

**Members present:**

Rev Dr William McCrea (Chairperson)  
Ms Lewsley (Deputy Chairperson)  
Mr A Doherty  
Mr Ford  
Mr Molloy  
Mrs Nelis  
Mr Poots  
Mr Watson

**Witnesses:**

Ms E Harkness )  
Mr N Simmons ) Department of the Environment  
Ms J Purdy )  
Mr D Bell )

**The Chairperson:** I thank Ms Harkness, Mr Simmons, Ms Purdy and Mr Bell from the Department for coming this morning. I am sure they will wish to respond to matters raised in our discussions last week.

**Mr Simmons:** The Department's letter of 1 July addressed points raised by the Committee last week. In the time available we have only been able to give an initial assessment; we have referred the matters to legislative counsel and await a response.

The first points arose over clause 2(4). The Committee asked us to put in a specific requirement in clause 2(4)(a) to consult district councils, and we are happy to do that. The Committee also asked, with regard to clause 2(4)(a), about consultation with small businesses and why the formula "any such businesses" was not used. We are quite happy to insert the reference to "any such businesses". However, as the letter says, we are required when preparing legislation to consider the specific impact on small businesses, so we should like to include, in addition to "any such businesses", a drafting reference to small businesses.

Clause 2(5) concerns prior consultation. By stating the Department's intentions quite clearly, we can deal with that without the need for an amendment. Clause 2(5) is designed to facilitate consultation on the Regulations under the Pollution Prevention and Control Bill. It will enable us to publish those Regulations for consultation as the draft Bill is going forward. The letter says:

"with the possible exception of a consultation paper to be issued on the landfill directive",

since we shall also be using powers under this Bill and may issue the consultation paper before the Bill has been passed. In other words, if we carry out any consultation using the powers under this Bill, the consultation paper will be issued in the normal way; we do not intend to use the provision to rely on any consultation already carried out. We feel that, by a clear statement of intent, we should be able to satisfy the Committee's concerns on clause 2(5).

**Mr Ford:** If we accept that point, which seems to have some merit, will you amend the explanatory and financial memorandum to include a reference to what you just said about consultation under clause 2(5)?

**Mr Simmons:** If it helps clarification, we shall certainly be happy to do so.

**Mr Ford:** That would make the matter very clear.

**The Chairperson:** It is not in law if it is only in the explanatory and financial memorandum.

**Mr Ford:** I appreciate that, but it has slightly more substance than a statement to the Committee has.

**The Chairperson:** Our legal advice still says that that would not be binding. If it is implicit, why is it not explicit? You acknowledge our concern, so why not make it explicit?

**Mr Simmons:** We are keen to move as few amendments to the Bill as possible, and we thought that a clear statement of intent made the point. There is no difference in thinking between us, but if you —

**The Chairperson:** I appreciate that you want as few amendments as possible, but if they are agreed between yourselves, the Department and the Committee, there will be no fear of the amendment going askew. One hopes it will have the approval of the Assembly. If we want to get things right, we should insert the promise as an amendment rather than leave it where there is still a question mark over it. Our advice is that a promise in the explanatory and financial memorandum would leave such a question mark. Rather than leave a point for solicitors to argue, why not be explicit on it?

**Mr Simmons:** We will take the matter back to legislative counsel and keep the Committee informed.

**The Chairperson:** I should appreciate that.

**Ms Harkness:** The next issue raised was over clause 4(6) — specifically the use of the word “concluded” in that subsection. There were two issues. The Department has sought the views of legislative counsel on the definition of the word “concluded”. I have examined the issue again, and my research has not thrown up any particular difficulty with the use of the word “concluded” as opposed to “commenced”. There is no more ambiguity or difficulty attached to “concluded”.

I understand that the Committee has obtained contrary legal advice. I have not had the benefit of that and should welcome an opportunity to see it so that I can see exactly what the difficulty is. I speak here of the technical legal definition of the word “concluded” rather than whether you prefer “commenced”. I have not identified one.

**The Chairperson:** Our legal advice says that it is difficult to define “concluded”. Can you define it?

**Ms Harkness:** My point is this: are there any more difficulties with defining “concluded” than there are with defining “commenced”? Every word in the statute is open to interpretation. My review has not shown any previous case law where the definition of the word “concluded” caused a problem. I have carried out Lexis searches in that respect through the law of this jurisdiction and others based on common law. That is why I want to know the legal advice on what has been missed.

**The Chairperson:** Doctors differ, and patients die. We do not want solicitors making money arguing over the meaning of a word.

**Ms Harkness:** Far be it from me to want to line the pockets of the legal profession, but whatever word is used will be open to interpretation. It is a question of where there is going to be most scope.

**The Chairperson:** Nothing should be left open to interpretation. Words must be used that clearly show the meaning of the legislation. I do not want legal advisers arguing over a word and ignoring the substance.

**Ms Harkness:** Should the portcullis fall at the point which might be called “concluded” or at the point which might be called “commenced”? The overarching purpose of the provision is not to prosecute anyone or chase prosecutions. There is a possibility that certain operations have continued to operate under the cover of an expired licence. Such an operator is not necessarily being fraudulent — maybe neither side was aware that the licence had expired. The purpose of the provision is to bring those persons under the net of the new waste management licences. If those people are brought under that net, the controls of that regime will apply to them, and they will not be able to walk away from a site leaving the potential for long-term pollution.

If anyone was prosecuted for operating after his licence expired — not for having infringed the terms

that would have been attached to the licence had it continued — and acquitted, no offence was committed. If he was convicted, the case is history and should not be reopened. That is what we are hoping to achieve. The alternative is to say that proceedings have commenced rather than been concluded. In such circumstances one official would have commenced a prosecution against a person who continued to operate after the expiry of a licence, and he would have to continue with that prosecution. At the same time another official would be regularising the similar position of another operator. However, that official would not be taking proceedings against that operator. Instead, the expired licence would be renewed and made subject to the provisions of the 1997 Order — inconsistent and unequal treatment of two comparable operators.

On the point of substance, as it has been called, the decision has been to apply this provision in subsection 6 to proceedings that have been concluded as opposed to proceedings that have been commenced. I am sorry for that lengthy explanation, but it is a very complex situation.

**Mr Ford:** It certainly was lengthy. I accept that the thrust of this clause is to do with regularising existing positions. However, you seem to be saying that subsection 6 applies only to prosecutions for the continuation of previously authorised activities. As I see it, that could have a wider effect on prosecutions for activities that were in contravention of licences previously issued. That is the part I have difficulty with, though you may be able to explain it to me.

**Ms Harkness:** Perhaps this arises out of the relationship between subsections 5 and 6. Subsection 5 has been described as the rogue provision — the one that the Department wants to amend. That provision, as it stands, is going too far and would give immunity not only to people who had done what they were previously entitled to do, but done it after the expiry date, but also to people who had done what they should never have been doing, and we do not want to do that. Subsection 6 does not affect that. Subsection 6 concerns situations where there have been criminal proceedings, and that issue is closed. The complexities of re-opening criminal proceedings and getting a situation back to as though those proceedings had never happened are tremendous. I do not know if that answers the point, but I think the question you were posing arose out of the relationship between the two.

**Mr Ford:** Given that subsection 6 refers to the entire section, and we do not know what the Department is proposing for subsection 5, we probably cannot advance this discussion now. I want to look at subsection 6 again when we see the details of the Department’s amendment to subsection 5.

**The Chairperson:** We only have a short time for this, and it is totally unacceptable that we do not have the amendment for subsection 5.



**Ms Harkness:** Legal advice has been sought on this, and part of that advice has been received. However, subject to it, the intention will not be to change the wording — it will be deleted.

**The Chairperson:** We need that clarification, because we must look at subsection 6 in relation to what is removed.

**Mr Molloy:** The best approach is for subsection 6 to become subsection 5.

**Ms Harkness:** Yes. It will move up.

**Mr Molloy:** My concern is similar to what you have expressed. In the United States, for instance, people who dumped and disposed of stuff 30 years ago — particularly asbestos — are now finding themselves being prosecuted because of the way in which the disposal happened. We want to ensure that we can follow cases of past pollution, instances in which people disposed of something wrongly at the time — did not do it under licence, or did it wrongly under licence. The Orders themselves will not do that; they will only implement Directives. Any Directive implemented under this provision will be subject to the regulation-making provisions of the Bill and, therefore, subject to scrutiny in the normal way.

**The Chairperson:** Mr Ford, you were concerned about that. Our legal advice is that it may be fine.

**Mr Ford:** It seems fair enough as Mr Simmons described it.

**The Chairperson:** We got the matter clarified and were advised that it can be a way to move forward.

**Mr Simmons:** We are working on a detailed paper on the consequential amendments and repeals in schedules 2 and 3. We will let you have that as soon as possible. There is a lot in it, so it needs preparation.

**The Chairperson:** You know your limits. You drew them up. We need the papers to do our work.

**Mr Ford:** The fact that there is a detailed list shows the Committee's need to examine it.

**Mr Simmons:** My colleague, Mr Bell, will speak on agriculture. I want to move to the Human Rights Commission. The Department supplied you with the correspondence, including the commitment to consult the commission on the detailed Regulations, which includes material on the powers of entry, et cetera. We will send a copy of the Regulations to the commission for its scrutiny.

**The Chairperson:** Can you clarify that the Bill —

**Mr Simmons:** The Bill has not gone yet. It will be sent to the commission with the Regulations.

**The Chairperson:** So the Bill will be going as well?

**Mr Simmons:** Yes.

**The Chairperson:** It is important that that be clarified.

**Mr Bell:** I will go through the contact we have had with farming organisations and the industry in general. I have been writing to farming organisations for the past couple of years to say that this legislation was on the way. Last January I contacted the Ulster Farmers' Union (UFU) and the Northern Ireland Agricultural Producers' Association (NIAPA) to advise them of the timetable. I arranged to give a presentation to the Northern Ireland Poultry Federation, which represents a range of interests in the poultry industry from farmers to processors and the feed companies. I arranged to make a presentation to the UFU's central pigs committee.

The purpose of the presentations is to show what the Integrated Pollution Prevention and Control (IPPC) Directive is all about and the likely timetable for its implementation here. At the end of the presentations we identified working groups to enable the poultry industry and the pig sector to have more detailed discussion on the technical implications of IPPC for farmers, and meetings have started. We held poultry working groups in May and June, and we have had one meeting of the working group on pigs. Another is scheduled for August.

At an earlier meeting with the Committee we said that we were proposing to follow a similar approach to the rest of the UK in adopting standard farming installation rules here. We have been discussing those rules in detail with the organisations. It has been a useful exchange, and we will continue to have regular contact with the industry until the Regulations are in place.

**The Chairperson:** How are you dealing with the problems that are being identified?

**Mr Bell:** In several areas we have amended the rules as a result of discussions, although the scope for changing some rules is limited. We previously discussed the hierarchy of guidance that comes from the EU, the BAT reference notes, that are then reflected in national guidance. Our approach has been that where we have identified a particular technique in the rules, and where farmers or other sectors of the industry have expressed a particular concern about it and have been able to suggest alternatives that deliver an equivalent level of environment protection, we have been able to use our flexibility and change the rules. That is what the working group meetings are about.

**The Chairperson:** Can you give us some instances of your flexibility and the changes made with UFU and NIAPA?

**Mr Bell:** One example was to do with the dietary requirements of pigs. One of the main thrusts of standard farming installation rules is to try to match the crude protein requirements of an animal with the protein content in its feed. The reason is that if an animal is fed too much protein, it is excreted and additional nitrogen

is excreted — that presents a disposal problem. By matching the protein content of the feed with the needs of the animal, the amount of nitrogen excreted can be reduced.

In one GB rule, there was a requirement for multi-phase feeding systems to be employed in all pig houses for finishers. We amended the rule to make it apply only to new pig houses and to optimise the feeding regimes of existing pig houses.

Another example of where we agreed to change a rule — though we do not have the revised wording yet — relates to the number of diets fed to broilers for roasting or to specialist birds that tend to grow slightly larger. The GB rule required an additional diet after 56 days, which is an absolute cut-off point. We are going to introduce flexibility to that rule also. Those are areas where there are benefits to the industry of allowing a little more flexibility without incurring a significant environmental penalty.

**Mr Molloy:** Is any support being given to farmers? Anaerobic digesters and other ways of creating energy from waste in this type of situation, where there is a cross-departmental role, should allow farmers to draw down financial support. We could then use waste more productively?

**Mr Bell:** There are two parts to that question, and I will answer them separately. I will start with the technical part about anaerobic digesters. There is limited experience of using anaerobic digesters to process animal slurries. However, that could have the potential benefit of energy recovery.

The other issue concerning the disposal of slurry is its nutrient content, particularly its phosphorous content. Anaerobic digesters will not address that. However, it is a useful point that there may be other means of dealing with waste or slurries from intensive livestock installations. An example of that is broiler litter. Elsewhere in the UK, large quantities of broiler litter are sent for energy recovery in a power station or incinerator — the term you use depends on how you look at it. That can generate a phosphorus-rich ash, which can be used as a fertiliser in a more controlled way. There may be merit in looking at disposal routes other than land spreading.

I am looking at support for farmers from the rather narrow perspective of our being a regulator. As such, we cannot push or support people to look at a particular solution. We assess the solutions that people come up with. If they represent an acceptable way forward, given environmental controls, we will authorise them. Trying to encourage people to deal with waste in different ways is relevant, but it is not something for us to address as regulators.

**Mr Molloy:** While I accept that it is not your job to solve the problem, there are different departmental roles.

The Department of the Environment is, perhaps, the project initiator. The cross-departmental element is in line with the Executive programme funds, which are dedicated to innovation and trying to come up with solutions to problems, rather than just regulating and legislating.

**Mr Bell:** The principle employed in regulating other industries is that they must find solutions to their problems. We will help where we can, and that is the purpose of our contacts with the farming industry. We want to ensure that guidance is clear and that we have taken on board the farming industry's concerns about the development of the rules, but from my narrow perspective as a regulator, it is not for me to encourage uptake of other more general waste treatment approaches.

**The Chairperson:** Mr Ford, is your question on the same point because that is what we want to deal with?

**Mr Ford:** It follows from the last point. This is useful information today. Can you give some detail of the case studies that the Scotland and Northern Ireland Forum for Environmental Research (SNIFFER) is funding, and will we have the results before you formulate the regulations?

**Mr Bell:** Certainly. Case study broiler farms have been identified in both Scotland and Northern Ireland. People have asked why we just pick broiler farms. The reason is that they are most likely to get caught early by the Regulations. As you probably know, we said that existing installations will not get called in until as late as possible. Many broiler houses are being built, and that sector is most likely to get caught. The purpose of the study is to get the farmer to compile an IPPC application, using the available documentation, to identify areas that present difficulties and opportunities to improve the guidance documentation. I hope that we will be able to learn lessons from that quickly and amend the documentation. The report on the case study should be complete by the end of September, which will give us time to amend documentation for the first applicants.

In response to Mr Molloy's question on anaerobic digesters, one of the farmers on the working group on pigs was going to look at an anaerobic digester in Devon. He is planning to report back to the group, so we may get some more information on that technology.

**Mr Armstong:** Farmers have been looking at the possibility of using anaerobic digesters since 1980. The Government and officials have given little support to people who wish to explore how they can contribute to lower levels of pollution. If farmers had been making a little more profit in the past six to eight years, they would have done more about it themselves. The work on this is far behind because the Government did not provide enough support. Work is being done with anaerobic digesters in Fivemiletown and Ballymoney.

The by-product is a product itself with an analysis of phosphorus potash and nitrogen. When the by-product becomes a product, there is no pollution. That kind of work must be done, and those who want to bring in this legislation should contribute to it. Farmers are waiting for that kind of effort to be made, for they need that support.

**Mr Bell:** That is the point that I made earlier in the context of the Department's role as a regulator. If someone has an innovative solution that will benefit the environment, he will not have a problem getting a permit. I have a difficulty though in promoting solutions for those whom we regulate.

**Mr Simmons:** This is not my field, but these issues are probably being considered, or will be considered, in the context of the waste strategy, which is being developed. It makes provision for developing agricultural strategies, and that is the sort of forum in which progress on this work will be made.

**Mr Armstrong:** Farmers have been looking at this since 1980, and if they had got their way, we would not have the pollution problem that we have today.

**The Chairperson:** Clause 2, subsection 8a refers to "the first regulations to be made under this section".

There are no further details. How many Regulations does the Department intend to introduce before the Bill is passed? Page 5, paragraph 1, line 4 of the explanatory and financial memorandum refers to

"The first set of regulations made under the Act".

What does that mean?

**Mr Simmons:** The Bill's main purpose is to facilitate the pollution prevention and control (PPC) Regulations. Subsection (8) (a) refers specifically to them because they will be the first Regulations made under it. They will be subject to affirmative resolution because a great deal of the material connected to pollution prevention and control is contained in them. Over and above that, as I said before, the Bill gives the power to implement other statutory requirements by way of Regulations, so

some of the provisions, such as 2(8)(b) and 2(8)(c), will apply to any Regulations made under the Bill. We do not intend to make any Regulations before the Bill is introduced, though we may issue a consultation paper on the landfill Directive before then, which would come under subsection 5.

**The Chairperson:** What about the first set of Regulations?

**Mr Simmons:** The first set will be the PPC Regulations and will be subject to affirmative resolution. Clause 2 (8)(a) is a specific reference to them.

**The Chairperson:** We will send you the remaining questions on this so that every member can see the answers.

Can we go to schedule 1, paragraph (15)(1)(c), which says

"notices requiring them to take steps to remove imminent risks of serious environmental pollution (whether or not arising from any such contraventions)."

What is the definition of serious?

**Mr Bell:** A similar power exists under the Industrial Pollution Control (Northern Ireland) Order 1997, which is the current legislation. That is the power to issue what is known as a suspension notice under PPC, or a prohibition notice under the current legislation, and allows an inspector to shut a site down or require other measures to be taken. That draconian power is required to stop an operation. It is not taken lightly and would be used only if there were imminent danger of serious pollution. I take the point that serious pollution is not defined. We have to rely on the judgement and experience of the inspector to determine the impact a pollution incident would have.

**The Chairperson:** To define it too much could tie the officer's hands. He could be challenged and would defend himself by taking that action.

**Mr Bell:** Such action would be taken only in extremis.

**The Chairperson:** We shall send the remaining questions to you, because our time is up. Thank you.





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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR ENTERPRISE,  
TRADE AND INVESTMENT**

Monday 29 July 2002

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**COMPANY DIRECTORS  
DISQUALIFICATION BILL  
(NIA 15/01)**

**Members present:**

Mr P Doherty (Chairperson)  
Mr Neeson (Deputy Chairperson)  
Mr Armstrong  
Mr McClarty  
Dr McDonnell  
Ms Morrice  
Mr Wells

**Witnesses:**

Mr M Bohill	)	Departmental officials
Ms J Broadway	)	
Mr R Nesbitt	)	
Mr J Reid	)	

**The Chairperson:** I welcome Mr Bohill, Ms Broadway, Mr R Nesbitt and Mr Reid from the Department of Enterprise, Trade and Investment. The purpose of this meeting is to carry out a detailed clause-by-clause scrutiny of the Company Directors Disqualification Bill. Members will have the opportunity to raise any concerns or suggest any amendments.

Members should read the relevant clauses and paragraphs in the Bill and the related commentary in the memorandum. The Bill has 27 clauses and four schedules. Each clause and subsection will need to be considered in turn. The Committee will have two options — to agree that the Committee is content with the clause as drafted; or to agree that the Committee recommend to the Assembly that a clause be amended.

The Bill is to introduce provision for disqualification of unfit directors by consent, without the need for uncontested cases to be heard in court. It also consolidates the Companies (Northern Ireland) Order 1989 and the various amendments that have been made to it since it came into effect in 1991. The Bill will include provisions for disqualification by administrative means, and it will bring Northern Ireland legislation into line with that introduced in Great Britain by the Insolvency Act 2000

on 2 April 2001. The long title is explained on page one of the Bill.

*Long title agreed to.*

**Clause 1 (Disqualification Orders: General)**

**The Chairperson:** Clause 1 is explained on page one of the Bill and pages 5 to 6 of the explanatory and financial memorandum. It defines and sets out circumstances in which a disqualification Order may be made; provides that there is a maximum and minimum period of disqualification under such an Order; establishes a time after the making of the Order on which the period of disqualification begins; and makes it clear that disqualification proceedings may go ahead independently of any separate criminal prosecution which might be brought.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 2 (Disqualification Undertakings: General)**

**The Chairperson:** The clause is explained on page 2 of the Bill and on page 6 of the explanatory and financial memorandum. It makes provision for directors whom the Department considers unfit to consent to a period of disqualification without the need for court involvement, by giving a disqualification undertaking to the Department. The period of disqualification would be for a maximum of 15 years in cases where the company has become insolvent or where an inspector has been appointed to investigate its affairs.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 3 (Disqualification on conviction of offence punishable only on indictment or either on conviction on indictment or on summary conviction)**

**The Chairperson:** The clause is explained on page 2 of the Bill and page 6 of the explanatory and financial memorandum. It provides that disqualification Orders may be made against persons convicted on indictment or convicted summarily of an offence for which they could have been tried on indictment in relation to the promotion, formation, management, liquidation, striking off, or the receivership of a company or its property.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 4 (Disqualification for persistent default under companies legislation)**

**The Chairperson:** The clause is explained on pages 2 and 3 of the Bill and on page 7 of the explanatory and financial memorandum.

The clause provides for the making of a disqualification Order against a person who has been persistently in default in relation to companies legislation requiring the delivery of documents to the Registrar of Companies.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 5 (Disqualification for fraud etc., in winding up)**

**The Chairperson:** Clause 5 is explained on page 3 of the Bill and page 8 of the explanatory and financial memorandum. It makes provision for the making of a disqualification Order by the High Court during the winding up of a company where a person appears to be guilty of fraudulent trading under article 451 of the Companies (Northern Ireland) Order 1986 or fraud in relation to, or in breach of duty to, a company while an officer, liquidator, receiver or administrative receiver of the company's property.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 6 (Disqualification on summary conviction of offence)**

**The Chairperson:** Clause 6 is explained on pages 3 and 4 of the Bill and pages 8 and 9 of the explanatory and financial memorandum. The clause empowers a court of summary jurisdiction to disqualify any person whom it convicts of a summary offence in relation to making returns to the registrar on the occasion of a person's conviction of a third offence in five years.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 7 (Duty of High Court to disqualify unfit directors of insolvent companies)**

**The Chairperson:** The clause is explained on page 4 of the Bill and pages 9 and 10 of the explanatory and financial memorandum. It requires the High Court to make a disqualification Order against a director for a minimum of two and a maximum of 15 years, and gives the High Court guidance on the matters to be considered when an application for disqualification is made.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 8 (Disqualification order or undertaking; and reporting provisions)**

**The Chairperson:** Clause 8 is explained on page 5 of the Bill and pages 10 and 11 of the explanatory and financial memorandum. The clause makes provision for the Department to apply for a disqualification Order in any case where the company has become insolvent and sets time limits for the application. It introduces a new provision allowing any person to give an undertaking in lieu of disqualification proceedings under clause 7. Any such undertaking will have the same effect and contravention of it will incur the same sanctions as if a disqualification Order had been made by the High Court.

**Mr Wells:** The public is aware of a disqualification being made if a company goes to court, but how will the public know about a disqualification Order in this instance?

**Mr R Nesbitt:** There are no advertising provisions in the Bill, but in the past 11 years that the Department has been dealing with directors disqualification there have been press releases.

**Mr Wells:** Therefore if it were covered in the press, the public would know to avoid "Fred Smyth". If it were not covered in the press, the public would have no way of knowing. Is it published in the 'Belfast Gazette'?

**Mr R Nesbitt:** No, but the 'Belfast Telegraph' does print it, and there is a public register.

**Mr Wells:** So this is a less public way of letting people know that a company should be avoided.

**Ms Broadway:** Under the current system, disqualification Orders are not printed in the Gazette.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 9 (Disqualification after investigation of company)**

**The Chairperson:** Clause 9 is explained on page 6 of the Bill and page 11 of the explanatory and financial memorandum. The clause enables the High Court, on the application of the Department, to make a disqualification Order against a person whose conduct appears to be unsatisfactory in relation to his involvement in the management of a company as a result of reports made by inspectors under provisions of the companies legislation or the Financial Services and Markets Act 2000. This also extends to open-ended investment companies.

**Mr Wells:** Fred Smith might go bust and his company leave a string of creditors; the following week a new company called Mrs Fred Smith 2002 emerges doing the same business but with a new director. Does the term "shadow director" apply to that example?

**Ms Broadway:** Company directors are obliged to act upon a shadow director's instructions. "Shadow director" is defined in the Bill as a person in accordance with whose directions or instructions the directors of the company are accustomed to act.

**Mr Wells:** Does that include a family member?

**Ms Broadway:** It could.

**Mr Wells:** Who will decide whether it does?

**Mr Bohill:** That depends on the evidence. The court would decide. A person may de facto act as though he or she is a director.

**Mr Wells:** Would that happen even if that individual did not have previous connections with the company? I know of a road haulage company in south Down that has gone belly up. The son, who had no previous connection

with the company, has been appointed the director of the new company. The debts have been swept under the carpet and the company continues to trade. Given that the father can no longer be the director, the son is acting as a frontman. Will the term “shadow director” prevent such a situation?

**Mr Reid:** That depends on the situation. If the father was disqualified when in charge of the first company and he were to act as a director in the successor company, a court could find him guilty of an offence.

**Mr Wells:** The father has no official connection with the new company. However, a young lad has suddenly become its director. Everyone knows that the father runs the company, whereas the son, who had no previous connection with the old company and was not implicated in its bankruptcy, is the frontman.

**Mr R Nesbitt:** It depends on what really happened in the first company. If disqualification proceedings are taken in relation to the first company, in which the father was involved, he will be debarred. If a creditor provides me with evidence that the father is the director of the new company and signs its cheques, or I receive evidence of that from another source, the father has a problem.

**Mr Wells:** The father runs the company in every way, save that he does not sign anything and his name is not on the company’s headed notepaper. However, records held by Companies Registry show that the son, who is very young, is a director and that his wife is another director. As they were not involved with the original bankruptcy they could not be seen to have been shadow directors in the previous company.

**Mr R Nesbitt:** It is a difficult situation. The outcome depends on the evidence that is gathered and whether creditors are prepared to come forward and state that the father, rather than the son, is running the company.

**Mr Armstrong:** It would need to be proven that the father is receiving a salary from the company as an employee.

**Mr Wells:** If you modified the Order to state that no close relative or cohabitee of a disqualified director would have any right to continue to trade in a similar capacity in a similar company, the problem would cease. When the world and his dog know what is going on, the situation is difficult for creditors.

**Mr R Nesbitt:** That goes into the area of restrictions on trade and, perhaps, human rights.

**Mr Reid:** The Order might not provide the necessary restrictions. The close relative could still operate as a sole trader, not through the medium of a limited company.

**Mr Wells:** The difficulty is that these people previously did not have the remotest connection with the company, except that they happen to be a relative of the bankrupt

director. Suddenly, by an amazing coincidence, the week after the company went under, they take an almost evangelical interest in the activities of the previous company. I know of a kitchen company that went bust, leaving a string of debts and ruining several small companies. Suddenly the wife, who had no idea of how to make a kitchen, has become the director of a company with practically the same name as the original. That Order will not stop such practice.

**Mr R Nesbitt:** It is all about evidence. The situation that you outlined is fraught, and we could do little about it. It depends on someone coming forward and giving us evidence. We have no right to act against the new company, unless it has taken over the assets of the old company. However, the liquidator of the old company must investigate where the assets went.

If they are using the same assets, and have not provided consideration, they will be investigated. He could well lose the new company because of that.

**Mr Reid:** The Bill is designed to address the means by which a director can be disqualified, but it is not in parity with legislation to address that issue. You refer to relatives who act as a front for a director of a failed company.

**Mr Wells:** If disqualification is to mean anything, it must mean that that person cannot benefit from the fruits of his dishonesty for up to 15 years. This way of getting round it means, effectively, that disqualification is something of a farce. You would be amazed at what goes on in the north of Ireland with its extended families.

**Ms Broadway:** In any case, if that second company did sink into insolvency, there would be a full investigation into the directors. There have been quite a few cases of disqualification of someone who was not a named director of a company but who was found to be a shadow director.

**Mr R Nesbitt:** If a disqualified director acts as a shadow director and a new company is formed, he commits a criminal offence.

**Mr Wells:** The onus is upon a creditor to prove that.

**Mr R Nesbitt:** That may well be.

**Mr Wells:** Can the Department sue him?

**Mr R Nesbitt:** No.

**Ms Morrice:** I want to understand. When a director is disqualified with a string of debts and his wife or child sets up a company with a new name, do those debts pertain to the new company?

**Mr R Nesbitt:** They should not do so, because if the former company has gone into liquidation its debts will have been dealt with.



**Ms Morrice:** What about the assets of the former company?

**Mr R Nesbitt:** It is up to the liquidator, trustee or whoever to investigate that situation.

**Mr Reid:** The assets should not be transferred to the successor company unless payment for value is made to the first company.

**Mr R Nesbitt:** That is proper consideration.

**Mr Wells:** It must be remembered that this is a distress sale situation where the assets can be picked up for a song.

**Mr Reid:** Is there not also a restriction of law?

**Mr R Nesbitt:** There must be evidence, and a creditor or anyone with evidence of what you suggest can put it to the Department, who may well appoint inspectors to investigate the company. That is a possibility.

**Mr Bohill:** It does not necessarily need to be a creditor. If we have reasonable grounds for believing that a disqualified director was acting as a shadow director in any company, previously connected or otherwise, we can appoint inspectors to investigate. If that is found to be the case, it is a criminal offence.

**Mr Wells:** How often are offenders caught?

**Mr R Nesbitt:** Quite a few are, and not on the basis of an inspection.

**Ms Broadway:** Under the normal disqualification system there have been numerous cases in which, when the Department investigated, it was discovered that the named directors were not running the company. Often a husband or a father would act as a shadow director.

**Mr R Nesbitt:** Among the three or four directors of a company, someone will say that he was not responsible for running the company, and that he took orders. Provided that that is put on paper, the issue of shadow directorship emerges.

**Mr Wells:** What is wrong with disqualifying immediate family members from taking up similar directorships? I do not mean disqualification from holding directorships in something unrelated to the previous company, because that would be totally wrong. However, if a kitchen company goes bust and suddenly the wife becomes the director of a kitchen company with exactly the same name and minor changes, surely it is not against human rights to prevent that happening?

**Mr R Nesbitt:** It might be, and it may also impact on restraint of trade.

**Mr Armstrong:** That would be unfair if a son was a minor, but on maturity had better qualifications and took up a operation similar to that of his father.

**Mr Wells:** The problem is that this happens within a week of a company going bust. The son suddenly becomes a kitchen magnate, a road haulier or owner of a security firm. Those are the three types of companies where this happens all the time, and it is absolutely sickening for creditors to watch the company trading quite normally, while the whole world and his dog knows that “Fred Smith” is pulling the strings. That is the greatest weakness in disqualification, and we have no mechanism to stop that happening. It is legendary in Northern Ireland, and I am sure that the Department is aware that this is happening everywhere.

**Mr R Nesbitt:** I sympathise with your views, but to disqualify the new persons who become involved — even though they may be family members — might discriminate against them.

**Mr Reid:** It could also be argued that that would be a case of finding an innocent person guilty. The conduct of the son or wife may not have been, in any sense, reprehensible in relation to the first company — indeed, they may not have been involved in it at all. If they are given a chance with a fresh company, there is obviously a risk that the shadow of the relative or the father might control them. Equally, as for preventing them from setting up a company — and perhaps making a success of it — you would have to apply that to everyone, whether or not the relative was behind them.

**Mr Wells:** It is more difficult to do it beyond immediate family, because that becomes very restrictive, but if you cracked down on close relations you would cut out a lot of the shenanigans occurring at present.

**Mr R Nesbitt:** This is a fraught area. We certainly know about these types of cases, and we are mindful of them. However, what our powers are and what we can do is really restricted by law.

**The Chairperson:** Are you making any formal proposals, Mr Wells?

**Mr Wells:** It is an awful pity, given that this is the first opportunity for the Assembly to deal with this flagrant and common breach of company legislation in Northern Ireland. Perhaps it is my rural bias, but in rural parts of south Down everybody knows what is happening with this. It is a scam, which the whole community knows about, but there is no way of proving it. The only way to stop it is to say that if your company goes bust, you and your immediate family are precluded from setting up a similar company for a certain period. It is fine if they want to do something else, but when it is clearly a phoenix-like resurrection of a company that has gone bust, then it is obvious what is going on to everyone. I do not see how that is restraint of trade. I know of one company that has resurrected itself four times with four different members of the family. What



an amazing coincidence that all four of them suddenly took an interest in security services.

**Mr Bohill:** We all have sympathy with what is being said. I would reinforce the point that where there is explicit evidence, or grounds for believing that such a thing was happening, then the Department will act upon it. What is giving us food for thought is that there are particular sectors where we might be more proactive in investigating circumstances such as these. I am happy to take this on board.

**The Chairperson:** Is the Committee content with clause 9?

**Mr Wells:** I am not happy.

**Ms Morrice:** Several Members are concerned. Does this centre on the definition of a shadow director? Is there an amendment that might serve the purpose that Mr Wells is looking for, but which would not be a restrictive practice?

**Mr Bohill:** I feel that we are not talking about the legislation being restrictive, but about how we apply the legislation. We will review that application of the legislation. Picking up on Mr Wells' point, there may be particular sectors or types of business in which we might examine more carefully what is going on.

**Ms Morrice:** What about the whistleblowing aspect?

**Mr Bohill:** The service is open to those who wish to alert it to what is going on.

*Question,* That the Committee is content with the clause, *put and agreed to.*

#### **Clause 10 (Variation etc. of disqualification undertaking)**

**The Chairperson:** This clause allows the High Court, on the application of a person who is the subject of a disqualification undertaking to reduce its period or provide that it ceases to be in force.

*Question,* That the Committee is content with the clause, *put and agreed to.*

#### **Clause 11 (Matters for determining unfitness of directors)**

**The Chairperson:** This clause directs the High Court to consider the matters contained in Schedule 1 (Matters for Determining Unfitness of Directors) when contemplating the making of a disqualification Order against a person.

Schedule 1 sets out the matters which the Court should consider when deciding whether to make a disqualification Order against any person.

Part I of this Schedule provides that in all cases there is a list of matters that are deemed significant in determining the unfitness of directors.

The purpose of this Part II is to define the matters of unfitness that apply in a case where the company has become insolvent.

*Question,* That the Committee is content with the clause, *put and agreed to.*

#### **Clause 12 (Participation in wrongful trading)**

This clause allows the High Court to make a disqualification Order against a person involved in wrongful trading.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Mr Wells:** That will shut down Nutt's Corner market.

#### **Clause 13 (Undischarged bankrupts)**

This clause automatically prohibits an undischarged bankrupt from participation in the management of a company either directly or indirectly.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Mr Armstrong:** That covers Mr Wells's concerns.

#### **Clause 14 (Failure to pay under administration order)**

This clause automatically prohibits anyone who is subject to an Order from the Enforcement of Judgements Office for the administration of his estate for the benefit of all his creditors and who has defaulted on and had that Order revoked from participation in the management of a company either directly or indirectly.

*Question,* That the Committee is content with the clause, *put and agreed to.*

#### **Clause 15 (Persons disqualified in Great Britain)**

This clause provides that a person against whom a disqualification Order is made or who is subject to a disqualification undertaking under the Company Directors Disqualification Act 1986 in Great Britain, is automatically banned from being a director of a company; acting as receiver of a company's property; acting as an insolvency practitioner; or being in any way, directly or indirectly, concerned or taking part in the promotion, formation or management of a company unless the Court provides otherwise.

There is corresponding provision in the Great Britain legislation to disqualify a person who is the subject of a disqualification Order in Northern Ireland.

**Ms Morrice:** Does this mean simply that someone disqualified in Great Britain cannot operate in Northern Ireland and vice versa? What about other parts of the European Union? Can such people operate in the South of Ireland or in France?

**Mr R Nesbitt:** It applies merely to the United Kingdom.

**Mr Wells:** So someone who has been disqualified in the Irish Republic could operate in Northern Ireland, which in a border area might mean crossing a field.

**Mr Bohill:** Yes.

**Ms Morrice:** And someone disqualified in Northern Ireland could operate in the South?

**Mr R Nesbitt:** Yes.

**Mr Wells:** Is there no European treaty, understanding or memorandum on the issue?

**Mr R Nesbitt:** European legislation has not extended that far. The only development in the European Union has been the convention which deals with cross-border insolvency. Certainly nothing has been discussed regarding the disqualification of directors in the European Union.

**Ms Morrice:** And European company law does not cover the issue?

**Mr R Nesbitt:** No.

**Ms Morrice:** Given our circumstances in these islands, I suppose that such bodies as InterTrade Ireland would be very interested in this type of North/South issue.

**Ms Broadway:** I am not sure whether disqualification currently exists in the Republic of Ireland. I believe its Government is considering introducing that penalty. They sent officials up to discuss our own disqualification legislation with us.

**Mr R Nesbitt:** A new corporate body has been set up in the South. The officials wished to speak to us more in relation to company inspections. However, they were also very interested in our procedures for disqualifying directors, the register itself and the use of information technology in their administration.

**Mr Neeson:** The point raised by Ms Morrice and Mr Wells is of such validity that the Northern Ireland Executive Office in Brussels should deal with it to see whether parity legislation might not be introduced whereby the same legislation would apply to all regardless of country. That office is the appropriate channel for the question.

**Mr R Nesbitt:** I believe that there is selective disqualification in the Republic of Ireland, whereby if a liquidator refers a matter to the relevant body, it can exercise its power to disqualify the person involved. However, that obviously happens in only a small number of cases. Liquidators are quite selective in what they examine, and not all of them make reports. That is the best information that I can give without studying the legislation further.

**Ms Morrice:** There are similar problems with driving offences. If one is disqualified from driving in one country, one is not necessarily disqualified in another. Those

things need changing, and this is a similar vein that Brussels should perhaps investigate.

**Mr Wells:** One area in which insolvency is a frequent problem is road haulage. It is a cut-throat, dog-eat-dog industry, and many such companies have now registered themselves in the Irish Republic because of the excise duty and the fuel duty. One could therefore have a situation whereby disqualified directors of de facto Northern Ireland companies which are based, for the sake of argument, in Dundalk, can continue to run them. Friday night's 'Belfast Telegraph' will tell you how many haulage companies are going bust; it is frightening. I find it strange that more thought has not been given to the matter, for it is an increasing problem.

*Clause 15 referred for further consideration.*

### **Clause 16 (Offences)**

This clause provides that contravention of a disqualification Order, or of clauses 13: "Undischarged bankrupts"; 14(2): "Administration of a debtor's estate for the benefit of all his creditors"; or 15: "disqualified in GB"; is an offence punishable on summary conviction by a maximum of 6 months imprisonment or a fine or both or, on indictment, by a maximum of 2 years imprisonment or a fine or both.

**Mr Neeson:** Is that just parity with the GB legislation?

**Ms Broadway:** Yes.

*Question, That the Committee is content with the clause, put and agreed to.*

### **Clause 17 (Personal liability for company's debts where a person acts while disqualified).**

See pages 8 to 9 in the Bill and page 14 in the explanatory and financial memorandum. This clause imposes personal liability without limit for the debts of a company on people or their nominees who act while disqualified or bankrupt.

*Question, That the Committee is content with the clause, put and agreed to.*

### **Clause 18 (Application for disqualification order).**

See pages 9 to 10 in the Bill and page 15 in the explanatory and financial memorandum. This clause provides for 10 days' notice of intent to apply for a disqualification Order; specifies who may apply for the Order; and allows the applicant to appear and call the attention of the court to any matters which seem to be relevant and to call witnesses.

*Question, That the Committee is content with the clause, put and agreed to.*

### **Clause 19 (Application for leave under an order or undertaking).**

See page 10 in the Bill and page 15 in the explanatory and financial memorandum. This clause requires the Department to appear at an application for leave to act as a director, call the attention of the Court to any matters which seem relevant and may give evidence or call witnesses.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 20 (Register of disqualification orders and undertakings).**

See page 10 to 11 in the Bill and pages 15 to 16 in the explanatory and financial memorandum. This clause enables the public to identify persons who have disqualification Orders made against them or who have given disqualification undertakings by continuing the register provided for in the Companies Order 1986 and bringing forward into the new legislation the rules for maintaining the register.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 21 (Admissibility in evidence of statements)**

See page 11 in the Bill and page 16 in the explanatory and financial memorandum. This clause defines the basis on which statements may be used in evidence in proceedings under clauses 7 to 12 or 17 or schedule 1, i.e. civil proceedings, and prohibits their use in criminal proceedings unrelated to insolvency.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 22 (Interaction with the insolvency order)**

See pages 11 to 12 in the Bill and pages 16 to 17 in the explanatory and financial memorandum. This clause provides that certain provisions of the Insolvency Order should be read as one with certain provisions of this Bill and specifies that certain provisions of this Order bind the Crown.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 23 (Application of Act to incorporated friendly societies).**

See page 12 in the Bill and page 17 in the explanatory and financial memorandum. This clause provides that the provisions for disqualification of directors of companies also apply to directors of incorporated friendly societies.

**Ms Morrice:** Can I have a definition of “friendly society”?

**Mr R Nesbitt:** A non-profit making operation, such as a co-operative society.

**Ms Morrice:** Are non-profit making, non-governmental organisations friendly societies?

**Mr McClarty:** Is a friendly society not a society that provides assurance of non-profit making, door-to-door collection of insurance, which covers people for a weekly premium?

**Mr Bohill:** It is defined in the legislation at clause 23(2). References to an incorporated friendly society are within the meaning of the Friendly Societies Act 1992. It is not an industrial provident society.

**Ms Morrice:** Does it simply cover insurance, as Mr McCarty suggested; or is it a credit union or non-provident society?

**Mr Bohill:** It is certainly not a credit union, nor an industrial or provident society. However, I am not entirely sure how it is defined in that Act. The Department will find out and will let the Committee know.

*Question,* That the Committee is content with clause 23, *put and agreed to.*

**Clause 24 (Interpretation)**

**The Chairperson:** This clause provides for the definition of various terms used in the Bill.

*Question,* That the Committee is content with clause 24, *put and agreed to.*

**Clause 25 (Transitional provisions, savings, amendments and repeals)**

**The Chairperson:** This clause provides for transition from previous legislation to this Bill including provisions, savings, amendments and repeals.

Schedule 2 makes provision for the transition from the previous legislation to this Bill.

Schedule 3 makes provision to amend specified legislation so that should the Bill be enacted the Companies Order (NI) 1989 Part II and Schedules 1 to 3 will be removed and replaced by references to this Bill.

Schedule 4 lists the legislation repealed by this Bill when enacted.

*Question,* That the Committee is content with clause 25, *put and agreed to.*

**Clause 26 (Commencement)**

**The Chairperson:** This clause provides for the Act to come into operation at such time as may be specified by Order.

*Question,* That the Committee is content with clause 26, *put and agreed to.*

**Clause 27 (Short Title)**

**The Chairperson:** This clause gives the short title of the Bill.

*Question,* That the Committee is content with clause 27, *put and agreed to.*

*Schedule 1 agreed to.*

*Schedules 2 to 4 agreed to.*

**The Chairperson:** There are eleven paragraphs in Tab H on the matter, which I will sign on behalf of the Committee. I will not read out those paragraphs. I will go through each section. The introduction has three paragraphs. Paragraph 4 outlines the purpose of the Bill. Paragraph 5 is about meetings held. Paragraphs 6 and 7 are about evidence. Paragraphs 8, 9, 10 and 11 are about the Committee's deliberations.

**Mr McClarty:** In paragraph 9, the date should be 29 July, not 31.

**The Chairperson:** Well spotted, Mr McClarty.

**Mr Wells:** Considering how this meeting is going, we could still be here on 31 July.

**The Chairperson:** Originally, we put aside 29 and 31 July. However, we will not need the second day.

**The Deputy Chairperson:** Subject to the date change, that is agreed.

**The Chairperson:** Mr Neeson has proposed that Tab G, which consists of the written submissions that we received, be included in the report. Is that agreed?

Report ordered to be printed.

**Dr McDonnell:** What is the situation with the previous Bill? It cannot be printed until the remaining issue is cleared? That is fine.

**The Chairperson:** Have we any information on timescales? Can we meet in September?

**The Committee Clerk:** We can.

**The Chairperson:** Thank you for your attendance and for your detailed answers to the questions.



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## NORTHERN IRELAND ASSEMBLY

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### COMMITTEE FOR ENTERPRISE, TRADE AND INVESTMENT

29 July 2002

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### INSOLVENCY BILL (NIA 14/01)

#### Members present:

Mr P Doherty (Chairperson)  
Mr Neeson (Deputy Chairperson)  
Mr Armstrong  
Mr McClarty  
Dr McDonnell  
Ms Morrice  
Mr Wells

#### Witnesses:

Mr M Bohill ) Department of Enterprise,  
Ms J Broadway ) Trade and Investment  
Mr R Nesbitt )  
Mr J Reid )  
Mr H Widdis ) Assembly Legal Adviser

**The Chairperson:** You are very welcome. Some of us know each other very well, but this may be the first meeting for others. After you give the Committee your views about the Bill, members may ask some questions.

**Mr Bohill:** Mr Reg Nesbitt, who is the Department's director of insolvency, will discuss both Bills, and the rest of our team shall support him.

**Mr Nesbitt:** The Insolvency Bill, which is now at Committee Stage, relates largely to the moratorium that has been made available to companies in financial difficulties that wish to avail of a company voluntary arrangement. The best way to discuss the Bill is to compare the current law to the changes that we expect as a result of the Bill.

At present, directors of a company that is in financial difficulties can call a meeting of its creditors to vote on whether to accept a compromise offer to pay part or all of its debts over time. A vote in favour of that option binds only those creditors who received notice of the meeting. That is an important part of current legislation.

Under the new law, small companies attempting to enter a voluntary arrangement will have the option of a 28-day moratorium, which can be extended by up to two

months through a meeting of the company and its creditors. A moratorium will temporarily insulate the company from creditors' pressure to give the directors the opportunity to frame a proposal and call a meeting of creditors.

Those two descriptions show the distinct difference between the two procedures. The ethos of the Bill is to save any companies that are salvageable. A major weakness of the current law is that protection is not available. Fixed charge-holders, in particular, can appoint their administrative receiver and therefore thwart the potential to save the company. In a nutshell, that is the aim of the Bill. There are several other minor points on which I will recap if the Committee so wishes.

**The Chairperson:** Please do so, briefly.

**Mr Nesbitt:** Under the present system, an individual obtains protection as a result of the interim order procedure; however, there is no option not to use that procedure. The Bill makes it possible to take out an individual voluntary arrangement without having to obtain an interim order. A landlord who is owed rent would not be able to enter and foreclose premises to obtain payment. In keeping with the European Convention on Human Rights it would no longer be possible for answers obtained under compulsion to be used in any criminal action against an individual.

Liquidators' reports on suspected criminal offences would be made directly to the Department, instead of to the Director of Public Prosecutions. The law would be amended to make available to creditors deceased insolvents' shares in property that is held under joint tenancy. The Department would acquire the powers to make Regulations to give effect to the model law on cross-border insolvency adopted by the United Nations Commission on International Trade Law.

Those are minor but important parts of the Bill. The major feature is the moratorium for small companies, of which there are some 20,000, or 95% of companies in Northern Ireland. It may, therefore, be a useful procedure for them to adopt should they get into financial difficulties.

**Mr Wells:** That procedure is similar to the American practice of suing for protection. When companies such as Enron, which are cooking the books, get into trouble they file for protection and are given 30 days during which no meeting can be called. Is the proposed procedure similar to that?

**Mr Nesbitt:** The two procedures are different, because protection can continue for quite a long time. In this case the company has 28 days in which to decide on a procedure that is acceptable to creditors. If the creditors do not accept it, it fails.

**Mr Wells:** Is there a loophole that would allow a dishonest director to salt away assets and revenues to an offshore account during those 28 days, or to use the opportunity to get rid of as much money as possible to prevent its distribution among creditors?

**Mr Nesbitt:** That would be virtually impossible; the Bill would prevent that. Anyone found out would be in serious trouble.

**Mr Wells:** Is there any evidence to suggest that, had the stay of execution already been available, some companies could have resolved their difficulties with their creditors and avoided going under?

**Mr Nesbitt:** Only six company voluntary arrangements were made last year. The Department does not know what the rate of uptake for the provision will be. I suspect that it will not be high, but we must wait and see. There are no substantive figures relating to its operation in England and Wales that would allow me to give an objective answer.

**Mr Wells:** Is it the case that no one can compel a company to make a voluntary arrangement and that it is entirely voluntary?

**Mr Nesbitt:** Yes.

**Ms Morrice:** The Committee received detailed questions from the Institute of Chartered Accountants in Ireland. In its letter, under the heading "Company Voluntary Arrangements (CVAs) – Status of moratorium period creditors", the institute states:

"It is not clear to us whether this means simply that all creditors who are owed money at the start of the moratorium are bound (for whatever their debt is at the date of approval), or whether it means that creditors are bound for the amount owed to them at the start of the moratorium."

**Mr Nesbitt:** The Department became aware of that matter only 10 days ago. The institute has confused slightly the binding of creditors and the approving of them. It means simply that all creditors are bound to the moratorium and any subsequent voluntary arrangement. The Bill does not provide that the creditors' claim to be included in the arrangement be in place at the date of the moratorium. Creditors' claims will be taken at the date on which they agree the proposal.

**Ms Morrice:** Has the Department already responded to the institute's question, or is this your response?

**Mr Nesbitt:** This is my response.

**Ms Morrice:** Do you think that your answer will clarify the matter for the Institute of Chartered Accountants?

**Mr Nesbitt:** I expect so, although the matter is subject to rules. This detail does not form part of the Bill.

**Ms Morrice:** The institute states that

"the problem arises of the status of any debts arising between the two dates."

**Mr Nesbitt:** The institute quotes the Kenneth George Hoare case in which the court decided that the VAT incurred until the date of the creditors' meeting would form part of their normal claim. Therefore, the amount of the claim on the date of the creditors' meeting will be accepted.

**Ms Morrice:** The institute concludes that

"providing that preferential claims are to be calculated at the date of the arrangement taking effect would avoid this problem."

**Mr Nesbitt:** In its letter, the institute also states:

"We note that the relevant date for calculation of preferential claims is the date of filing of the documents in court".

I am not sure where the institute received that information.

The difference between preferential claims calculated on the date of the moratorium and all other claims commencing on the date of the creditors' meeting would cause confusion. For example, an Inland Revenue claim could involve preferential debts calculated from the moratorium date and unsecured ones calculated from the date of the creditors' meeting.

**Ms Morrice:** I have heard that divorcees who owe money to their ex-spouses — alimony, if you like — can declare themselves bankrupt to avoid payment. Does the Bill prevent that scenario?

**Mr Nesbitt:** We are discussing company voluntary arrangements, whereas your example relates to individuals.

**Ms Morrice:** I am referring to cases where an individual who is declared bankrupt no longer has to pay debts to a spouse.

**Mr Nesbitt:** Such a debt could not result in a bankruptcy order. I do not believe that an alimony debt could form the basis of a petition for a bankruptcy order.

**Ms Morrice:** In other words, the money does not have to be paid if the individual is bankrupt.

**Mr Nesbitt:** In such a family situation there would be a requirement to continue to pay.

**Mr Bohill:** Such a debt would not trigger bankruptcy.

**Mr Nesbitt:** I do not think so, but I would need to check that. We have not come up against such a situation. A motoring fine is not a debt that can be used for a petition for a bankruptcy order. It cannot be claimed from the bankrupt's estate.

**Mr Bohill:** There are two points to be made. The Bill relates to company voluntary agreements; therefore, personal bankruptcy matters are outside the scope of the Bill. Mr Nesbitt is saying that in his experience as the Department's director of insolvency, he has not come across a case where such a debt triggered a personal bankruptcy order.

**Ms Morrice:** The debt would have to be very large.

**Mr Armstrong:** What is your view on the institute's comments on the binding of unknown creditors that

"under current legislation only those creditors who have received notice of the meeting are bound. This change raises a number of potential difficulties, but the one which we feel is most readily susceptible to correction by amendment to the Bill is the effect of these provisions on those with claims under the Third Parties (Rights Against Insurers) Act 1930. We agree in principle that unknown creditors should be bound by an arrangement."

**Mr Nesbitt:** When we did our homework on the institute's letter, we found that many of its points were drawn from the amendments tabled in the House of Lords, which were defeated. As regards this point, there is a remedy: if an application is made to the court under article 236, the person being bound by the voluntary arrangement can be relieved of that and will not lose out.

Normally, if a company employee suffers an injury, the company pays out from its insurance policy. However, if someone is injured and the company goes into insolvency, and an insurance claim is made by the company, the moneys, if not claimed by the individual, become a general part of the assets of the company and are distributed to everybody. However, if a claimant goes into court under a company voluntary arrangement and — which he can do in other insolvency situations such as liquidation — objects to being prejudiced, he can, on the court's approval, approach the insurance company directly and get the moneys paid to him personally.

**Mr Reid:** Common law protection exists already in the form of article 236 of the Insolvency (Northern Ireland) Order 1989. Ultimately, if a person's rights against the insurer are not protected he can apply to the court and have the original decision overturned.

**Mr Nesbitt:** To quote from a House of Lords speech,

"We understand the concerns which lie behind these amendments but we do not consider that they are necessary. In our view — and there is case law which supports this — creditors who are able to make a claim under the Third Party (Rights Against Insurers) Act 1930 and who find themselves bound by a voluntary arrangement should be able to seek relief from a court on the grounds of unfair prejudice under either paragraph 36 of Schedule A1 of the Bill or sections 6 or 262 of the Insolvency Act 1986 as appropriate."

That amendment was defeated in the House of Lords. The Bielecki case was mentioned in the institute's letter, but it was not quoted in full — the extract was therefore somewhat selective.

**Mr McClarty:** In the best traditions of courtroom drama, I have no further questions.

**The Chairperson:** Mr Widdis, would you like to comment, or are you happy with the statements?

**Mr Widdis:** I am happy with them. I followed the explanation and I could repeat it, but I would not be adding anything to it.

**Mr Armstrong:** I have no further questions.

**The Chairperson:** Before we go through the Bill clause by clause, I will state for the record that the Minister has notified the Committee that he may make technical amendments to it.

**Ms Morrice:** Does the Bill constitute parity legislation? How does it compare with other legislation in the UK and in the South?

**Mr Nesbitt:** It establishes parity with the UK, but I am not clear about the position in the Republic.

**Ms Morrice:** Is it simply an extension of the UK legislation without changes?

**Mr Nesbitt:** Yes.

**The Chairperson:** The Committee will include the Minister's letter in the minutes of the session and that will avoid my having to read it aloud. The letter is dated 21 July and is included in section E of the members' packs. According to the Minister's letter, the two amendments are technical, as opposed to substantive, in nature. Do any Committee members wish to express views on it?

**Ms Morrice:** It would be interesting to know exactly what the amendments are and whether they differ from the UK legislation. Will they give us different legislation? Are there different circumstances here?

**Mr Nesbitt:** No, it is entirely the same as GB's. Part 2 of that amendment is an exact replica of the corresponding provision of the Insolvency Act 2000.

**Ms Morrice:** The amendments being introduced by the Minister have therefore been introduced by the Minister in England?

**Mr Nesbitt:** Yes.

**Mr Bohill:** The original Bill was based on that which was introduced in GB. These two particularly important amendments were made during the passage of the Bill in Westminster. We are, therefore, incorporating them into our Bill so that parity is maintained.

**Ms Morrice:** To what to those amendments pertain? What are they about?

**Mr Bohill:** The amendments are technical and quite complicated. They are summarised in the Minister's letter, and when he submits them it will be seen how technical they are. They are not substantial.

**Mr Nesbitt:** To answer your original question, the Office of Legislative Counsel (OLC) had drawn up the Bill differently, only to find that a certain matter had been omitted. We therefore had to adopt the complete English version. It is convoluted, and even I find difficulty in understanding it. Paragraph 20(a), which has been inserted into the Insolvency Act, says that reports by liquidators, supervisors and so on must be

made to the Department. Part 2 amends the Building Societies Act, and there was no provision in 20(a) to allow those reports to be sent to the Financial Services Authority (FSA). An amendment had to be made for that provision.

**Ms Morrice:** Does that relate only to building societies?

**Mr Nesbitt:** Yes.

**Ms Morrice:** They had, therefore, been left out of it?

**Mr Nesbitt:** The reporting provisions had been left out.

**Ms Morrice:** And this is to ensure better reporting provisions for building societies?

**Mr Nesbitt:** Yes.

**The Chairperson:** We will now deal with the Bill itself; all Members have a copy of it. The purpose of this meeting is to carry out a detailed, clause-by-clause scrutiny of the Bill. Members will have the opportunity to raise any concerns or suggest any amendments. Members should read the relevant clauses and paragraphs in the Bill, along with the related commentary in the memorandum. This Bill has 14 clauses and four schedules. Each clause, and any subsections, must be considered in turn. The Committee will have two options: to agree that it is content with the clauses as drafted, or to agree that it recommends to the Assembly that a clause be amended.

The purpose of the Bill is to make available to small companies attempting to enter a voluntary arrangement with their creditors the option of a short moratorium during which they will be protected from legal proceedings, including proceedings for winding-up. This will provide such companies the opportunity to put together a rescue package.

The Bill also includes a range of other measures including: making an interim order — a moratorium — optional in the case of an individual attempting to enter a voluntary arrangement with his creditors; providing for the Department to recognise bodies to authorise persons to act as nominees or supervisors in company or individual voluntary arrangements not being persons who are currently licensed to act as insolvency practitioners; restricting the right of landlords to effect peaceable re-entry where an administration order has been applied for or made; amending article 182 of the Insolvency (Northern Ireland) Order 1989 to provide for allegations of criminal misconduct in connection with company liquidations to be made directly to the Department rather than through the director of public prosecutions; amending article 183 to ensure that it is compatible with the European Convention on Human Rights; amending article 365 so that the value of a deceased insolvent's interests in jointly owned property will be recoverable for the benefit of the insolvent estate; to create power to make Regulations to give effect with or without modifications to the model law on cross-border insolvency which was adopted by

the United Nations Commission on International Trade Law (UNCITRAL) of which the UK is a member state.

The Long Title of the Bill is “A Bill to amend the law about insolvency; and for connected purposes”.

*Question,* That the Committee is content with the Long Title, *put and agreed to.*

**Clause 1 (Moratorium where directors propose voluntary arrangement)**

Clause 1 is explained on page 1 of the Bill and page 5 of the explanatory and financial memorandum. The clause introduces schedule 1 to the Bill, which makes the option of applying for a short moratorium available to an eligible company where its directors intend to put a proposal to the company and its creditors for a company voluntary arrangement.

**Dr McDonnell:** Who determines the length of the voluntary arrangement?

**Mr Nesbitt:** The nominee, but it would depend on the circumstances. If the nominee is happy he will put his proposals in court and the moratorium will commence. He might then have to negotiate with a few parties and the length of the voluntary arrangement may or may not be accepted by the committee of creditors. They will probably determine which way it goes and how long it will be. The Bill states that the moratorium is for 28 days, with extensions for a further two months.

**The Chairperson:** Schedule 1 — moratorium where directors propose voluntary arrangement — is explained on pages 8 to 36 of the Bill and pages 8 to 16 in the explanatory and financial memorandum. Paragraphs 1, 3, 4 and 5 amend the Insolvency (Northern Ireland) Order 1989 so that the directors of eligible companies may apply for a short moratorium for their company during which a proposal for a company voluntary arrangement can be put to its creditors.

Paragraph 2 adds Regulations made under paragraph 5 of the schedule A1 to those Regulations which can be made under the Insolvency (Northern Ireland) Order 1989 which must be laid and approved by the Assembly.

Paragraph 1, schedule A1, defines some of the terms that are used in schedule A1. Paragraphs 2 to 4, schedule A1 set out which companies are eligible for a moratorium. The Minister proposes to table an amendment to paragraph 2 of schedule A1 at Consideration Stage. The details are outlined in the Minister's letter of 21 July. Paragraph 5, schedule A1 allows the Department, by Regulations, to amend the eligibility criteria. Paragraph 6, schedule A1 places a duty upon the directors seeking a moratorium to provide information to the nominee. Paragraph 7, schedule A1 sets out the documents that the directors must file at the High Court to obtain a moratorium. The list of documents may be amended by Regulations.



Paragraph 8, schedule A1 sets out the duration of a moratorium and provides that a moratorium come into force when the documents required to be submitted to the High Court are filed. Paragraph 9, schedule A1 places a duty on the directors of the company to notify the nominee that a moratorium has come into force. Paragraphs 10 to 11, schedule A1, require the nominee to advertise when a moratorium comes into force and when it ends and also notify the registrar and the company. In the case of a moratorium coming into force, he must also notify any creditor who has petitioned for the winding up of the company and, where it ends, any creditor of whose claim he is aware.

Paragraph 12, schedule A1, deals with the effects of a moratorium upon parties other than the company during the period for which a moratorium is in force. Paragraph 13, schedule A1, prevents a floating charge from crystallising, or restrictions from being imposed on the disposal of any of the company's property while the moratorium is in force. Paragraph 14, schedule A1 states that security given over a company's assets during the moratorium will be unenforceable unless there were reasonable grounds, at the time it was granted, for believing that it would benefit the company.

Paragraph 15, schedule A1, outlines the effect on the company. Paragraphs 16 to 22 apply in relation to a company that is subject to a moratorium. The fact that a company enters into a transaction in contravention to paragraphs 16 to 21 does not make that transaction void or unenforceable against the company. Paragraph 16, schedule A1 sets out that all invoices, orders and letters, on which the name of the company appears, must also state the name of the nominee and refer to the fact that a moratorium is in force. Any breach of this provision constitutes an offence.

Paragraph 17, schedule A1, advises that during the moratorium a company may not obtain credit to the value of £250 or more without first telling the person who is giving the credit that a moratorium is in force. A breach of this provision constitutes an offence. Paragraphs 18 and 19, schedule A1, state that during the moratorium the company may only dispose of any of its property or make any payment of a debt which existed at the start of the moratorium if there are reasonable grounds for believing that the disposal or payment will benefit the company, and it is approved by the moratorium committee or by the nominee.

Paragraph 20 and 21, schedule A1, permit the disposal during the moratorium, by the company, by sale or otherwise of charged property and any goods that are in the possession of the company under a hire-purchase agreement if the High Court or the holder of the security or owner concerned agrees.

Paragraph 22, schedule A1, states that when a moratorium is in force a company commits an offence if

it enters into a market contract, grants a market charge or system-charge, gives a transfer order or provides any collateral security. Any officer of the company who authorises or permits the company to enter into such a transaction also commits an offence.

Paragraph 23, schedule A1, imposes a duty on the nominee to monitor the company's affairs during the moratorium in order to form an opinion as to whether the proposed voluntary arrangement, or that arrangement with any modifications of which he has been notified, has a reasonable prospect of being approved and implemented, and whether the company is likely to have sufficient funds to enable it to continue its business throughout the moratorium.

Paragraph 24, schedule A1, sets out the arrangements whereby a nominee must withdraw his consent to act during the moratorium and states that the moratorium comes to an end if the nominee withdraws his consent to act.

Paragraph 25, schedule A1, provides that the High Court, on the application of any creditor, director or member of the company, or any other person affected by a moratorium who is dissatisfied by any decision or act of the nominee, may confirm, reverse or modify that decision or act and give directions to the nominee or make any order that it sees fit, either during or after the moratorium.

Paragraph 26, schedule A1, sets out the course of action that creditors may take if there are reasonable grounds for believing that the company has suffered a loss as a consequence of any act, omission or decision of the nominee, but the company does not propose to take any action.

Paragraph 27, schedule A1, provides that in certain circumstances the High Court may direct that the nominee be replaced by another person with the necessary qualification.

Paragraphs 28 and 29, schedule A1, provide for the summoning, conduct and reporting to the High Court of the outcome of such meetings of the creditors and the company as the nominee calls.

Paragraph 30, schedule A1, provides that the meetings summoned under paragraph 28 shall decide whether or not to approve the proposed voluntary arrangements.

Paragraphs 31 to 33, schedule A1, permit the initial period of the moratorium to be extended for a maximum period of up to two months, provided that certain conditions are satisfied.

Paragraph 34, schedule A1, makes provision where a moratorium is extended for a moratorium committee to be set up to exercise the functions conferred on it by the meetings held under paragraph 28, where those meetings

have approved an estimate of the expenses to be incurred in carrying out the committee's functions.

Paragraph 35, schedule A1, determines when decisions made under paragraphs 30, 31, or 34 are to take effect. It also provides that, in the case of conflict, the decision of the creditors' meeting is to prevail, subject to the right of any member to apply to the High Court for an order that the decision of the company meeting should prevail instead.

Paragraph 36, schedule A1, provides that a decision approving a company voluntary arrangement binds all creditors of the company owed money at the start of the moratorium including unknown creditors.

Paragraph 37, schedule A1, provides, by way of application to the High Court, for the decision approving a company voluntary arrangement to be challenged on the ground that it unfairly prejudices the interests of a specific person or that there has been some material irregularity in the conduct of a meeting held under paragraph 28.

Paragraph 38, schedule A1, provides for the implementation of an agreed company voluntary arrangement, and for the person who is carrying out the functions of the nominee to become the supervisor of the voluntary arrangement.

Paragraph 39, schedule A1, provides that any creditor or member of the company can apply to the High Court if he considers that the company's affairs have been, or are being, managed in a way that is unfairly prejudicial to the interests of creditors or members, or that an actual or proposed act or omission of the directors is, or would be, so prejudicial. The paragraph applies only in relation to directors' acts or omissions during the moratorium.

Paragraph 40, schedule A1, provides that any person who was an officer of the company who did certain acts in the 12 months prior to the start of the moratorium is to be treated as having committed an offence. For example, that applies if the officer has fraudulently removed company property worth £500 or more or if he destroys or falsifies the company's records in relation to its property in that period. Any person who is an officer of the company during the moratorium who does the same thing also commits an offence. The paragraph also provides defences that may be raised in relation to these offences.

Paragraph 41, schedule A1, provides that it is an offence for an officer of a company to seek to obtain a moratorium, or an extension to it, by making a false representation or fraudulently doing, or failing to do, anything.

Paragraph 42, schedule A1, provides that any provision in a floating charge is invalid if it provides for the obtaining of, or any action to obtain, a moratorium, to be an event causing the charge to crystallise or restrictions

to be imposed on the disposal of property or a ground for the appointment of a receiver.

Paragraph 43, schedule A1, gives the Financial Services Authority the right to participate in the moratorium procedure if the company is, or has been, regulated by the authority.

Paragraphs 6 to 12 make consequential amendments to various parts of the Insolvency (Northern Ireland) Order 1989. For example, the amendments to article 197 will not permit suppliers of gas, water and electricity to require a nominee to pay outstanding debts for supply as a condition of supply during the moratorium. The amendment to article 347 provides that the relevant date for determining preferential claims is the date on which the moratorium comes into force. A new article, 362(1), is added to create the power to increase or reduce monetary sums specified in schedule A1. That will take account of the addition of the new company voluntary arrangement moratorium.

*Question*, That the Committee is content with the clause and schedule, *put and agreed to*.

#### **Clause 2 (Company voluntary arrangements)**

Information can be found on page 1 of the Bill and page 5 of the explanatory and financial memorandum. This clause introduces schedule 2 to the Bill. The schedule makes various amendments to the existing company voluntary arrangement procedure.

*Question*, That the Committee is content with the clause and schedule, *put and agreed to*.

#### **Clause 3 (Individual voluntary arrangements)**

Members should refer to page 1 of the Bill and page 5 of the explanatory and financial memorandum. This clause introduces schedule 3 to the Bill, which makes various amendments to the existing individual voluntary arrangement procedure.

Schedule 3, which refers to individual voluntary arrangements, is outlined in pages 41 to 46 of the Bill and page 17 of the explanatory and financial memorandum.

*Question*, That the Committee is content with the clause and schedule, *put and agreed to*.

#### **Clause 4 (qualification or authorisation of nominees and supervisors)**

This clause is outlined on page three of the Bill and page five of the explanatory and financial memorandum. It amends article 3 of the Insolvency (Northern Ireland) Order 1989, which deals with acting as an insolvency practitioner. It also inserts a new article 348A dealing with the arrangements for the authorisation of nominees and supervisors.

*Question*, That the Committee is content with the clause, *put and agreed to*.

**Clause 5 (Administration orders)**

This clause is outlined on page 3 of the Bill and page 6 of the explanatory and financial memorandum. It amends articles 23 and 24 of the Insolvency (Northern Ireland) Order 1989 and provides that a landlord or other person to whom rent is payable may not exercise the right of forfeiture of the lease of a company's premises by means of peaceful re-entry where a company has applied for, or is subject to, an administration order, except with leave of the High Court.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 6 (Investigation and prosecution of malpractice)**

This clause is outlined on page 6 of the Bill and page 5 of the explanatory and financial memorandum. It amends article 182 of the Insolvency (Northern Ireland) Order 1989 and provides that, in a winding up by the High Court, the court may direct the liquidator to report apparent criminal misconduct by past or present company officers or members of the company to the Department rather than to the Director of Public Prosecutions. The clause also requires a liquidator in a voluntary winding up to report suspicions of criminal misconduct by company officers past or present or members to the Department rather than to the Director of Public Prosecutions. It also provides that, when investigating the alleged misconduct, the Department may exercise powers under the Companies (Northern Ireland) Order 1986.

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 7 (Restriction on use of answers obtained under compulsion)**

This clause is outlined in pages 4 and 5 of the Bill and page 6 of the explanatory and financial memorandum. It amends article 183 of the Insolvency (Northern Ireland) Order 1989 so that answers given by an individual under a power of compulsion, conferred by article 182(4), cannot be used against him by the prosecution in subsequent criminal proceedings, except in very limited circumstances.

**Dr McDonnell:** What does that mean, Chairperson?

**The Chairperson:** I do not know. *[Laughter]*.

**Dr McDonnell:** Who sets the limits?

*Question,* That the Committee is content with the clause, *put and agreed to.*

**Clause 8 (Insolvent estates of deceased persons)**

This clause is outlined on pages 5 to 6 of the Bill and page 7 of the explanatory and financial memorandum. It inserts a new article 365A into the Insolvency (Northern Ireland) Order 1989 by addressing the effects of the Court of Appeal decision in the case of *In re. Palmer*

Deceased (A Debtor) 1994 Ch. 316. In March 1994, the Court of Appeal attributed the ordinary, rather than the technical, meaning to "the estate of a deceased person" used in the context of an order-making power in section 421, which is article 365 in Northern Ireland.

The consequence of that is that the debtor's interest, on the day of his death, in his share in property held on a joint tenancy — usually the matrimonial home — does not become available to the trustee to distribute among the creditors of a deceased insolvent. The clause allows the trustee of a deceased insolvent, if certain conditions are met, to apply to the High Court to recover the value of the deceased insolvent's former interest in a jointly owned property from the survivor for the benefit of the estate. The purpose of an order under article 365A is to cover debts and other liabilities of the insolvent estate.

**Ms Morrice:** Does this mean that the matrimonial home is not given over to debtors?

**Mr Nesbitt:** Under the old rules, if someone in a joint tenancy dies, the surviving tenant acquires his or her interest. The effect of this amendment will be that if a joint tenant dies and is found within five years to be insolvent, his interest in the joint tenancy forms part of his estate for insolvency purposes.

**Mr Armstrong:** What if he commits suicide?

**Mr Nesbitt:** The situation would be the same.

**Ms Morrice:** In the past, the interest in the estate went to the surviving spouse. Where does it now go under this amendment?

**Mr Nesbitt:** It now goes to the trustee of the deceased insolvent's estate.

**Ms Morrice:** That is quite an interesting change.

**Mr Nesbitt:** It would depend on the nature of the tenancy of the house. There are two types of tenancy — a tenancy in common and a joint tenancy — and this can happen only in a joint tenancy situation.

**Mr Wells:** In the majority of cases, a husband and wife own the house between them.

**Mr Nesbitt:** The estate would be divided in two.

**Mr Wells:** Ms Morrice's point is important. If a deceased husband were found to be insolvent, would his wife be evicted, with her half-share of the property taken from her and sold?

**Mr Nesbitt:** It depends on the type of tenancy. That happens only in a joint tenancy situation.

**Mr Wells:** This is an important change.

**Mr Nesbitt:** It is an important change in this area.

**Dr McDonnell:** Are you referring to a house owned by a company?



**Mr Nesbitt:** This has nothing to do with company law; it relates to cases of individual bankruptcy.

**Ms Morrice:** My understanding is that the wife would normally have been entitled to the whole house under a joint tenancy, but that this amendment will enable creditors to take half the house from the wife, with the result that she will have to sell the property to pay the debts.

**Mr Nesbitt:** That may be the case.

**Ms Morrice:** This amendment has done that?

**Mr Nesbitt:** Obviously, the matter would have to be settled in court. The Bill brings the law into line with current bankruptcy practice. Normally, in the majority of cases, the wife will obtain 50% of the house.

**Ms Morrice:** Normally, they got the entire house.

**Ms Broadway:** In an ordinary bankruptcy, the spouse would retain 50% of the property and the other half would go to the trustee. This clause will bring the law on deceased insolvency into line with normal bankruptcy law.

**Ms Morrice:** Therefore, it is not changing the procedures, which have been custom and practice?

**Ms Broadway:** It will redress the decision in the case of *In re Palmer Deceased (A Debtor)*, which made the situation unclear. It stated that 100% of the estate would go to the wife, a situation that would not have arisen in an ordinary bankruptcy situation, where 50% would have gone to the trustee.

**Ms Morrice:** Therefore, the wife has to pay the debts of the husband. Where she would normally receive the husband's half of the property, does she now have to give that over?

**Mr Reid:** Normally, if the husband becomes bankrupt while he is alive, the ownership of the property is divided. Half of that is treated as belonging to the wife and the other half as belonging to what is termed the bankrupt's estate. In extreme cases that could result in the husband and wife being evicted if means cannot be found to allow the wife or any of her relatives to buy out the husband's share.

Problems arise in situations where the decision in the *Palmer* case is allowed to prevail. A different decision would be applied where it is discovered that a woman's late husband was insolvent: the money would not go to the creditors; it would pass to the wife. That would have been anomalous vis-à-vis the situation where both husband and wife are alive, and the amendment is intended to redress that anomaly. The widow will lose her husband's interest in the house, which will become the creditors', as applies to any bankruptcy.

**Ms Morrice:** Yes, but there is a big difference if the husband is dead.

**Mr Reid:** I want to address a further inequality in the ownership of the house. Ownership can be through a joint tenancy or a tenancy in common. At present, if ownership is held through a tenancy in common, the wife will lose her husband's interest in the house. In a joint tenancy her husband's interest is safeguarded, and she will not lose out. It is an accident of the nature of the tenancy, and the amendment will address that inequity.

**The Chairperson:** In summary, is this provision rolling back the courts decision?

**Mr Reid:** Before the *Palmer* case, the deceased husband's share in the property would have passed to the creditors. That case decided that in the case of a joint tenancy the ownership would pass entirely to the widow. The Bill would restore the situation that prevailed before the *Palmer* case, that is to say, the value of the house would be divided between the husband and the widow, and the creditors would get the husband's share.

It cannot be denied that the provision is not to the widow's benefit; however, it puts the law on a par with that which would apply if both husband and wife were alive. If a husband becomes bankrupt while he is alive, the matrimonial home can be lost, and, admittedly, that is a serious consequence of bankruptcy. However, if the decision in the *Palmer* case were to prevail, there would be the anomaly that a wife in a joint tenancy would be home and dry, with the matrimonial home preserved in its entirety for her, but that would not be the case in the instance of a tenancy in common.

**Ms Morrice:** A few serious points must be clarified. First and foremost, if the Bill were enacted as it is, a campaign would be needed to inform husbands and wives of the arrangements that would best serve their interests as regards joint ownership of their home if bankruptcy occurs after a partner dies. Married couples must be able to understand what might happen.

Secondly, what is the legal standing of jurisprudence, given that we are amending legislation to overrule the court's decision in the *Palmer* case?

**Mr Reid:** Currently, in order for the wife to retain uninterrupted or unimpaired ownership of the matrimonial home following her insolvent husband's death, she would have to hold the home under a joint tenancy. That situation is an accident caused by the nature of the ownership of the home. Under the new arrangements, the same situation will apply irrespective of the nature of the ownership. I am sure that the average husband and wife, if the husband is engaged in business, would not have been aware that they needed to adjust their tenancy to safeguard the home in the event of the husband dying insolvent.

**Mr Nesbitt:** In the majority of cases, the wife will lose at least 50% of the property.



**Mr Wells:** What happens if the husband has the good sense to sign the whole property over to his wife?

**Mr Nesbitt:** It depends on how many years before the bankruptcy that that is done. If it is done in the last five years before the husband dies, then —

**Mr Reid:** It can be treated as a transfer at an under value. If the property was passed to the wife on the basis of “natural affection” and she did not buy out the interest at its value, that can be overturned at the court hearing following the husband’s bankruptcy. If that happens, the wife might be required to restore the interest to her husband’s estate.

**Mr Wells:** How many years ago does that have to have happened?

**Mr Nesbitt:** Five years. However, that would be settled in court.

**Mr Wells:** Has this clause been equality proofed? Obviously, it is wives who will be affected in the majority of cases.

**Mr Nesbitt:** There are not many cases of that nature — perhaps one or two a year.

**Mr Wells:** It is not unknown for someone to commit suicide because of his debts, leaving a widow. Without wishing to be sexist, the vast majority of business people are still, unfortunately, men. Therefore, the link between death and the discovery of bankruptcy is not an unusual one. I share Ms Morrice’s concern that further equality proofing is needed, given that the vast majority of people who will suffer as a result of this clause will be women who believe that, at least, they have retained the family home. Children are also involved. The only way that a widow would be able to dissolve the debt would be to sell up.

**Mr Nesbitt:** That happens in the majority of cases.

**Mr Wells:** Yes, but the difference in this case is that the woman has lost her husband, is left with a widow’s pension and has to get out.

**Ms Morrice:** The deceased husband will have been bankrupt, and she will be left with nothing. The clause would be a retrograde step.

**Mr Nesbitt:** That situation could exist in the other 98% of cases.

**Ms Morrice:** When they are still alive.

**Mr Nesbitt:** Prior to the Palmer case, the wife would have lost the property. Palmer took the matter to the House of Lords and won on the basis of technical detail.

**Ms Morrice:** Is Palmer a wife?

**Mr Nesbitt:** Palmer is deceased.

**Mr Wells:** The difference is that, in at least 98% of insolvency cases, the husband, wife and family are still together and have a prospect of rebuilding their lives. The husband can eventually get another job, after he has been forgiven for being a bankrupt. However, the cases dealt with by clause 8 are fraught with difficulties because the husband is dead and may have committed suicide or been driven to despair by his debts.

**Mr Armstrong:** The deceased insolvent’s wife could be an invalid, and their house may have been customised to meet her needs.

**Mr Wells:** His wife could be 70 years old.

**Mr Nesbitt:** I understand the social concerns.

**The Chairperson:** Clearly, several of the Committee’s concerns about clause 8 are now emerging. How will those concerns affect the Bill as a whole? If the Committee does not approve clause 8, will its views be taken on board and the Bill be resubmitted to the Committee? I share some of the Committee’s concerns and I am considering what will happen in the future.

**Mr Nesbitt:** The Committee must make known its objections, which we would then consider before returning to the Committee.

**Ms Morrice:** I will pick up on a point made by Mr Wells. The Bill may have been equality-proofed, but, because of its detailed and technical nature, clause 8 could have been missed by the Equality Commission. We could request that the clause be sent back to those responsible for equality-proofing, together with the Hansard copy of this discussion. Those involved could give us advice.

**Mr Wells:** Obviously, this is parity legislation, but I would like to think that our equality legislation is stiffer and more rigorous than that of the rest of the United Kingdom. I can see how that was buried and lost in the document. Granted, the clause may affect only one or two people a year, but knowing my luck, one of them will be from Kilkeel or Ballynahinch. None the less, it would do no harm to send the clause back to Brice Dickson of the Northern Ireland Human Rights Commission or Joan Harbison of the Equality Commission for Northern Ireland and ask their opinion, without delaying matters.

I would like to know about a technical aspect of the progress of the Bill — what are the constraints?

**The Committee Clerk:** The Speaker, rather than the Committee, sends Bills to the Equality Commission, so I will have to check the rules in Standing Orders to find out whether the matter must be referred back through the Speaker.

**Ms Morrice:** The same rules apply for male and female spouses, so there is equality in that respect. However,

the point was raised that, due to the nature of society, 98 % of the spouses are female.

**Mr Reid:** One must also bear in mind the situation of the husband and wife. They may have acquired a luxurious house on the backs of creditors of the husband's business. Although I accept that the clause appears to hit the widow particularly hard when she loses the house, some of the creditors may be operating small businesses and may be hit hard if they cannot gain access to the husband's assets that were acquired with moneys that he had taken from creditors.

**Mr Nesbitt:** The creditors could go to court and the decision could be revisited.

**Dr McDonnell:** That is a valuable point. I have every sympathy with the point pursued by Ms Morrice and Mr Wells. I do not want a vulnerable person to become a victim of circumstances beyond his or her control. Equally, I would sympathise with creditors whose wives and children could be made vulnerable and who may, in turn, go to the wall too.

Some companies go to the wall because someone has overpaid himself. Those companies may not have been in the top 100 of the FTSE share index, but we must be careful, because directors may have paid themselves salaries to fund luxurious lifestyles. Some company directors may have houses worth more than £1 million, but they cannot be allowed to continue living in such luxury at the expense of a creditor. A fine balance must be achieved. Eventually a legal case may result.

**Ms Morrice:** The point is that the matter was decided in court in the Palmer case, and a judgement was made in favour of the spouse of the deceased. Up until now, the Palmer case ensured that the spouse benefited. The legislation will be changed to ensure that the reverse applies and the creditor benefits. The point is that we are changing the law to the disadvantage of spouses.

**Dr McDonnell:** With all due respect, we need to know the details and circumstances of the Palmer case. To draw vague conclusions from vague information can be misleading. I know about several small companies that have been left in the lurch; they resent the fact that a business can just fold up and leave other creditors unpaid. Although we are talking about tragic sudden death or suicide in this case, people hold grudges. Creditors may feel that a fly-by-night merchant has padded himself and his family well and allowed the company to go bankrupt, having stashed his assets in such a way as to make them inaccessible to them.

A fine balance must be achieved, and, although I agree with Ms Morrice's point, we must consider the bigger picture. I find it hard, therefore, to be prescriptive.

**Mr Reid:** If the Bill were to adjust a joint tenancy, and make it an exception that the matrimonial home

could not constitute an asset in the bankrupt's estate — in other words, preserve the exception made by the Palmer case — you would have to do that for all forms of tenancy. Otherwise a more serious inequality will arise: the accident of the nature of the tenancy will dictate whether the matrimonial home is preserved for the wife.

**Dr McDonnell:** Another dimension leading on from that point is that if the matrimonial home is not regarded as an asset in the bankrupt's estate, it cannot be used as security for borrowing. Many businesspeople, especially small business owners, use their matrimonial home as security. By pursuing this policy, we may render that asset invalid as a means of security and, therefore, deprive small businesses of a lever to acquire capital.

**The Chairperson:** Dr McDonnell made the relevant point that the detail of the Palmer case was probably important.

**Dr McDonnell:** We all have strong social consciences, and it is right to examine specific cases, but only in limited circumstances. We must be wary of bouncing — *[interruption.]*

**Ms Morrice:** We are changing the legislation. To date, legislation has allowed judgements to go in favour of the spouse.

**Mr Nesbitt:** Only since the Palmer case.

**Mr Armstrong:** It would still be possible to borrow on 50% of the value of the home.

**Dr McDonnell:** No, it would not be possible. If the home is not an asset, it is not an asset. No bank would lend money to a small business if the home were no longer available as security.

**Mr Reid:** The lender — a financial institution or bank — would take a charge over the matrimonial home as security on a loan to a small company operated by the homeowner, or to the homeowner himself if he owned the small business. If the businessman died insolvent, the lender would be locked out and would not be able to access its security. If the home was held under a joint tenancy and the husband died, the bank's security would be worthless. That places the bank in an appalling situation.

**Dr McDonnell:** I will argue against myself now: before advancing money, on the basis of security in the form of a home or property, the bank could ask the borrower's partner to sign a waiver to take them out of the equation. The issue may not be as major as I thought initially.

**The Committee Clerk:** Standing Order 32(1), "Public Bills: Human Rights Issues", states:

For the purpose of obtaining advice as to whether a Bill, draft Bill or proposal for legislation is compatible with human rights (including rights under the European Convention on Human Rights) —

**Ms Morrice:** We are not dealing with human rights; we are concerned about the equality aspects of the legislation.

**The Committee Clerk:** There is no Equality Commission any more. Is the commission not part of —

**Ms Morrice:** There are two separate organisations: Brice Dickson is head of the Human Rights Commission, and Joan Harbison is head of the Equality Commission.

**The Committee Clerk:** The issue is not covered in Standing Orders.

**Mr Wells:** That is an anomaly or a mistake; it should have been covered.

**The Committee Clerk:** Standing Order 33(1) states:

“For the purpose of obtaining advice as to whether a Bill, draft Bill or proposal for legislation is compatible with equality requirements (including rights under the European Convention on Human Rights) the Assembly may proceed on a motion made in pursuance of paragraph (2).”

Paragraph (2) states:

“Notice may be given by

(a) any member of the Executive Committee, or

(b) the Chairman of the appropriate Statutory Committee ... of a motion “That the ... Bill (or draft Bill or proposal for legislation) be referred to an Ad Hoc Committee on Conformity with Equality Requirements”.

The issue is not covered, as that Standing Order relates only to the setting up of an ad hoc Committee to consider the Bill.

**The Chairperson:** Does that have to be carried out in the Assembly or in Committee?

**The Committee Clerk:** The matter would be brought before the Assembly as a motion. The Committee could write to Joan Harbison to seek her advice on the matter.

**Ms Morrice:** What happens to legislation if the Committee is not happy with a clause that it is scrutinising at Committee Stage?

**The Committee Clerk:** The Committee recommends an amendment to the clause, or its removal.

**The Chairperson:** After it receives advice.

**Ms Morrice:** We must therefore seek advice on whether an amendment is needed.

**Mr Bohill:** Mr Chairperson, would it be helpful if the Department were to carry out some quick research into the problem?

**The Chairperson:** How quick is quick?

**Mr Bohill:** We could prepare that for next week.

**Ms Morrice:** We would need the Equality Commission’s response also.

**The Committee Clerk:** All the information would need to be available by the beginning of September.

**The Chairperson:** Given the timescales involved, will the Committee have an opportunity to meet in September?

**The Committee Clerk:** We will organise a time extension, if required, until 3 October 2002, in case extra time is needed.

**Ms Morrice:** How can you get a motion approved now?

**The Committee Clerk:** We can do so in September.

**The Chairperson:** Can I have members’ views; we have heard a good deal of debate? There is concern, but we need balance also.

**Mr Wells:** That is why the Committee exists; it does not rubber-stamp everything. We merely require clarification, and if the Equality Commission advises that it is content with the matter, or that there is no room for manoeuvre because of parity, we will have to accept that. We will be able to say that we have done our best.

**The Chairperson:** We need to receive clarification on clause 8.

**Ms Morrice:** The question is whether the spouse of the deceased insolvent would be more disadvantaged under the new legislation.

*Clause 8 referred for further consideration.*

#### **Clause 9 (Model law on cross-border insolvency)**

Members should refer to page 6 of the Bill, and page 7 of the explanatory and financial memorandum. This clause enables the Department, with the agreement of the Lord Chancellor, to give effect, with or without modification, to the United Nations Commission on International Trade Law model law on cross-border insolvency by secondary legislation.

*Question, That the Committee is content with the clause, put and agreed to.*

#### **Clause 10 (Interpretation)**

Members should refer to pages 6 to 7 of the Bill, and page 7 of the explanatory and financial memorandum. This clause sets out the meaning of certain terms used in the Bill. Subsection (2) deals with the legislative status of functions conferred on the Financial Services Authority.

*Question, That the Committee is content with the clause, put and agreed to.*

#### **Clause 11 (Orders)**

Members should refer to page 7 of the Bill, and page 7 of the explanatory and financial memorandum. This clause empowers the Department to create subordinate legislation to deal with matters arising as a result of the introduction and implementation of the Bill’s provisions.

*Question*, That the Committee is content with the clause, *put and agreed to*.

**Clause 12 (Repeals)**

Members should refer to page 7 of the Bill, and page 7 of the explanatory and financial memorandum. This clause introduces schedule 4 to the Bill, which lists repeals to the Insolvency (Northern Ireland) Order 1989 and the Companies (No. 2) (Northern Ireland) Order 1990.

Schedule 4, which deals with repeals, appears on page 46 of the Bill.

*Question*, That the Committee is content with the clause and the schedule, *put and agreed to*.

**Clause 13 (Commencement)**

Members should refer to page 7 of the Bill, and page 7 of the explanatory and financial memorandum. This clause provides for the Department to make an order — or orders — bringing the provisions of the Bill into operation except for this clause and clauses 9, 10(1), 11 and 14, which will come into operation on Royal Assent.

*Question*, That the Committee is content with the clause, *put and agreed to*.

**Clause 14 (Short title)**

Members should refer to page 7 of the Bill.

*Question*, That the Committee is content with the clause, *put and agreed to*.



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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR ENTERPRISE,  
TRADE AND INVESTMENT**

Tuesday 3 September 2002

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**INSOLVENCY BILL  
(NIA 14/01)**

**Members present:**

Mr Neeson (Deputy Chairperson)  
Mr Armstrong  
Mr Clyde  
Ms Courtney  
Mr McClarty  
Dr McDonnell  
Mr McMenamin  
Mr Wells

**Witnesses:**

Mr M Bohill	)
Mr R Nesbitt	) Department of Enterprise,
Ms J Broadway	) Trade and Investment
Mr J Reid	)

**The Deputy Chairperson:** Good morning, everyone. I welcome Mr Mike Bohill, Mr Reg Nesbitt, Ms Julie Broadway and Mr Jack Reid from the Department. I thank you for your attendance and apologise for the delay. This meeting is in relation to clause 8 of the Insolvency Bill.

**Mr Bohill:** Mr Nesbitt will deal with the substantive issues, and we shall chip in where necessary.

**Mr R Nesbitt:** The Minister wrote to the Committee on 29 August regarding this matter, giving support to the policy decision to retain clause 8. The reason for the inclusion of clause 8 is that the two key policy-guiding principles underline general UK-wide insolvency law. In particular the guidelines of the specific legislation under which deceased insolvencies are administered are that the assets of someone who is insolvent should be made available to pay his or her debts, and that the interests of creditors are generally paramount.

The effect of the Court of Appeal judgement in the *Crown v Palmer* case was that a feature peculiar to joint tenancies, the passing of a person's interest in property to the co-owners at the instant of their death, had become a cocoon, shielding such an interest in property from the normal operation of insolvency law. The interests of the

surviving partner had come to override the interests of creditors, notwithstanding the possibility of their being well placed financially, compared with the creditors.

The Minister's letter also gave reasons for the necessity to amend the present law. The number of deceased insolvencies is minuscule: from 1997 to the present there have been only three deceased insolvencies in Northern Ireland, and none of those involved a joint tenancy. The present exemption has arisen from a legal technicality peculiar to the form of joint tenancy. It runs counter to the overarching principle behind insolvency law; namely that there should be effective means to ensure that debtors pay their debts. Exemption is at variance with what happens in other insolvency proceedings — in bankruptcies, trustees can and do claim the debtor's interest in jointly owned properties, including their dwelling houses, for creditors' benefit, and they do so despite the disagreeable consequences for spouses and children.

Under the current law, something for which a creditor is not responsible and cannot be expected to foresee when allowing credit — such as a debtor's death — can leave them worse off by denying them access to one of the deceased's assets, such as any interest held in property owned under a joint tenancy.

Under current law, if a property is owned by a husband and wife under a form of title other than a joint tenancy and one of them dies, a trustee would be able to claim the deceased's interest in the property for creditors. However, he would be barred from doing so if the property were owned under a joint tenancy.

Clause 8 will bring the law in Northern Ireland into line with that in Great Britain. To amend the clause on the grounds of its having a potentially unequal impact on women or widows would create a derogation in the rights of creditors in deceased insolvencies in Northern Ireland compared with their counterparts in Great Britain.

However, there is an important safeguard. Clause 8 does not give a trustee administering a deceased insolvency an automatic right to any interest that the deceased insolvent had in property held under a joint tenancy. Under paragraph (3) of the clause, the trustee would have to apply to the High Court for an order to require the survivor to make a payment representing the value of the deceased's interest in the property. The court would have the final say on whether such an order should be made and it would be required to have regard to the interests of the survivor. The Department supports clause 8.

**The Deputy Chairperson:** The Minister's letter states:

"However I do accept that the potential adverse consequences of Clause 8 are likely to fall more heavily on women/ widows."

That does not sit well with the statement contained in the explanatory and financial memorandum that no

adverse impact has been identified for any group listed in section 75 of the Northern Ireland Act 1998. How do we deal with that issue?

**Mr R Nesbitt:** You must look at the whole insolvency scene. If clause 8 were amended, it would create a small area of law for a joint tenancy. In a normal bankruptcy case where there is a joint tenancy, the house is subject to possession and sale. If a bankruptcy order were made on someone who died nine months afterwards, that property, under the earlier bankruptcy order, would be subject to sale. It is only where the insolvency administration order is made after the date of death that a different result would apply, and that is only due to a technical decision made by the Court of Appeal in 1994. Before that, the law dealt equally across the board in all situations. This would go against what happened before 1994.

**The Deputy Chairperson:** Is that not contrary to the thrust of section 75 of the Northern Ireland Act 1998?

**Mr R Nesbitt:** No. It affects men and women equally. Bankruptcy law and the payment of creditors are the paramount considerations, so I do not fully accept the argument.

**Mr Wells:** Jane Morrice and I pursued this matter at length during the last meeting. We expressed surprise when you said that the legislation had been equality-proofed and received a clean bill of health. Did you check to see if that anomaly had been spotted? It is such a complex piece of legislation that it might not have been picked up even though it had been equality-proofed.

**Mr R Nesbitt:** The main thrust of the Bill was about a moratorium, and that was a minor aspect. Unfortunately it has hit the headlines through this Committee. However, the Equality Commission's prime consideration concerns the main thrust of the Bill.

**Mr Wells:** Is Northern Ireland equality legislation stronger than that in the rest of the United Kingdom?

**Mr R Nesbitt:** Yes.

**Mr Wells:** So you are saying that, if we decide to seek an amendment, we should examine derogation from the legislation that pertains to the rest of the United Kingdom. Surely that is indictable if you have stronger equality legislation. There are bound to be instances — and more as time passes — where our equality situation is stronger than that in the rest of the UK. Would stronger legislation be a problem?

**Mr R Nesbitt:** The situation would not be any different if there were a stronger system in England and Wales. We are talking about bankruptcy law versus an equality matter. The requirement is not absolute. However, even from a human rights aspect, bankruptcy law still takes precedence in the law in Great Britain.

**Mr Wells:** Over equality?

**Mr R Nesbitt:** Yes.

**Mr Wells:** Insolvency, debt and suicide are often linked. The most obvious example is where someone cannot cope with their debts and has ended it all — something which has happened in my constituency. In a joint tenancy situation, it is inevitably the wife who has to cope. I should like to think that it is fifty-fifty, but the figures are about ninety-ten in favour of men when it comes to directorships at this level. If that happened, the widow, who has had the trauma of losing her husband, also has the trauma of having to sell her part of the asset to redeem the debt.

**Mr R Nesbitt:** The effect on creditors who are not paid is much the same. If they are put out of business and lose their homes as a result of going into bankruptcy because the deceased was insolvent and could not pay them, they might consider suicide. It applies on both sides, which is why it is a moot point.

**Mrs Courtney:** I hold the same view as Mr Wells. I was about to raise a point about suicide. Quite often, the wife is totally unaware of the scale of her husband's debts until something like that happens, the result being that she is forced to sell her home and is left without a roof over her head. I understand what you are saying about creditors, but, at the same time, there are many women who — even in today's climate where everything is supposed to be open — do not know the extent of their husbands' debts or property. Only when something like that happens are they faced with the trauma.

Women are being discriminated against by this clause, and it should not be included in the Bill. I have every sympathy for creditors who find themselves facing bankruptcy but, more often than not, that happens when people are alive rather than dead. In instances where there has been a suicide or something like that, the same instance should apply whether the debtor is the husband or wife. It should not be discriminatory towards women, as this clause obviously would be.

**Mr R Nesbitt:** It cannot be said that it will be only women who are affected, for men can obviously be affected too.

**Mrs Courtney:** You gave statistics. As Mr Wells said, they prove what happened in the past. We have no reason to believe that in the future women will suddenly hit the top and become property owners and that their husbands will know very little about it. It does not happen like that.

**Mr R Nesbitt:** What about the wives or husbands of the creditors? They are put in the same position.

**Mrs Courtney:** I have sympathy for them.

**Mr R Nesbitt:** Yes, but it is not really any different. What happens if a wife gains from a large property that her husband has built on the backs of creditors and is

handed a large sum of money? Why should that situation arise? It is grossly unfair.

**The Deputy Chairperson:** You can see that it is still a very contentious issue with the Committee. I draw members' attention to a letter from the Equality Commission on the subject. We hope to formalise our report at our meeting next week. It is important that we consider what has been discussed today with reference to Hansard. We shall make up our minds on that basis and on the legal opinion that we have received.

Mr Nesbitt, have you further amendments to bring to the Committee's attention?

**Mr R Nesbitt:** I shall give a résumé of the amendments to date and of the proposed amendment that the Minister has not yet approved.

**Mr Bohill:** Mr Nesbitt will address the amendments that we propose be adopted and which are subject to the Minister's agreement.

**Mr R Nesbitt:** The Department of Trade and Industry discovered that it was essential to amend the Insolvency Act 2000 on which this Bill is based. As the Act is already law in Great Britain, there was no alternative except to amend it by subordinate legislation. The Insolvency Act 1986 (Amendment) (No. 3) Regulations 2002 were made as recently as 25 July, so the Department became aware of the amendments only a short time ago. The Office of the Legislative Counsel has agreed that the necessary corresponding amendments to the law in Northern Ireland be included in the Bill. That is why the Department decided to amend the Bill rather than create secondary legislation.

The first likely amendment will be to insert Schedule A1 into the Insolvency (Northern Ireland) Order 1989 through paragraph (5) of schedule 1 to the Bill. Schedule A1 deals with the optional moratorium that protects small companies attempting to enter a voluntary arrangement with their creditors from legal proceedings

by the creditors. The amendments are designed to ensure that such a moratorium is not available to companies in cases where it would be inappropriate. A company will be ineligible for a moratorium if it is: a holding company of a large group of companies; a party to a capital market arrangement; a project company of a public-private partnership (PPP) project that includes step-in rights; or if it has incurred a liability under an agreement of £10 million or more. Those are the four main criteria, and definitions of the terms "capital market arrangement", "project company", "PPP" and "step-in rights" are given in the Insolvency Act 1986 (Amendment) (No. 3) Regulations 2002.

The amendments are purely technical and do not represent any fundamental change to the tenor of the Bill. The Minister has yet to be formally asked to table the amendments and inform the Committee in writing.

**The Deputy Chairperson:** Is it parity legislation?

**Mr R Nesbitt:** Yes.

**Mr Wells:** I presume that the amendment is to prevent any obvious abuse of that provision.

**Mr R Nesbitt:** That appears to be the policy decision taken by Westminster.

**Mr Wells:** Should we therefore expect the whole group of companies to bear liability for their holding company?

**Mr R Nesbitt:** Yes. Having brought the Order into effect, the Government had second thoughts about who should obtain a moratorium, and they introduced a piece of secondary legislation to cover that.

**Mr Wells:** What is the timetable for the amendments? Will they arise in the Consideration Stage?

**Mr R Nesbitt:** Yes.

**The Deputy Chairperson:** As there are no further questions, I thank you for attending the meeting.





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## NORTHERN IRELAND ASSEMBLY

*This report was not approved formally by the Committee prior to the suspension of the Assembly on 14 October 2002, but is published by order of the Speaker.*

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### COMMITTEE OF THE CENTRE

Wednesday 4 September 2002

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### COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE BILL (NIA 20/01)

**Members present:**

Mr Gibson (Deputy Chairperson)  
Mr Beggs  
Dr Birnie  
Ms Lewsley  
Mr McElduff  
Dr O'Hagan

**Witnesses:**

Ms P Leeson	) Childcare Northern Ireland
Mrs P Jaffa	) Parents' Advice Centre
Mr M Leeson	) Barnardo's

**The Deputy Chairperson:** I welcome Ms Pauline Leeson from Childcare Northern Ireland, Mrs Pip Jaffa from the Parents' Advice Centre and Mr Maurice Leeson from Barnardo's.

**Ms Leeson:** I am the director of Childcare Northern Ireland, which is the main umbrella organisation representing the voluntary childcare sector in Northern Ireland. I thank the Committee for giving us the opportunity to make submissions on the Commissioner for Children and Young People Bill.

I congratulate the Committee on the interest that it has shown in the Bill and for the work that it has undertaken, particularly the extensive inquiry last year into the proposal to create a commissioner for children. That high level of commitment and cross-party support was evident in the number of Committee members who spoke in favour of the Bill during its Second Stage on 2 July 2002 and clearly demonstrates the Committee's commitment to ensuring the best possible future for all our children and young people.

Childcare Northern Ireland has a broad and diverse membership of approximately 80 organisations working directly and indirectly for the benefit and welfare of children. That includes faith-based groups such as the

Church of Ireland Board for Social Responsibility, the Catholic Girl Guides of Ireland and the Presbyterian Orphan and Children's Society. It includes groups that work with children with disabilities, such as Mencap and the National Deaf Children's Society, and minority ethnic organisations such as the Chinese Welfare Association and traveller groups, as well as the larger voluntary organisations that work with children, young people and their families, such as Barnardo's Northern Ireland, the National Society for the Prevention of Cruelty to Children and Save the Children.

Collectively our membership works alongside, and impacts on the lives of, many thousands of children, young people and families in Northern Ireland from a variety of diverse backgrounds and situations. That breadth and depth of experience is why Childcare Northern Ireland chairs the non-governmental organisation forum that was set up to advise the Government on children's issues and is also the vice-chair of the all-party group on children at the Assembly. We have also been a key member of the Putting Children First campaign, which has played a key role in the development of the thinking on the commissioner for children and young people.

In my capacity as chairperson of the Putting Children First campaign, which has also consulted widely on the draft legislation, I would like to introduce the first part of several joint submissions from our voluntary childcare sector. The Committee will hear submissions from Mrs Pip Jaffa, who is chief executive of the Parents' Advice Centre, and Mr Maurice Leeson, who is assistant director of children's services for Barnardo's Northern Ireland. The submissions will address issues relating to the age range covered by the commissioner and the interplay between children's rights and parents' rights. I stress that the Putting Children First campaign and Childcare Northern Ireland have an agreed collective position on those issues.

Next week, the Committee will hear further submissions from Include Youth, the Children's Law Centre and Save the Children. Those submissions will be legal and technical and will focus on issues relating to juvenile justice, the definition of "relevant authority" and the commissioner's powers of investigation. I would be grateful if the Commission could direct questions on those issues to those organisations.

**Mrs Jaffa:** I am the chief executive of the Parents' Advice Centre, but today I am representing the views of Childcare Northern Ireland and Putting Children First. The Parents' Advice Centre has provided support and guidance to parents in Northern Ireland on a diverse range of family issues for 23 years. We operate a daily service that is run by over 100 trained volunteers. The 26 staff include project workers. The projects include parenting education, the men's project and the parenting forum. In an earlier session this afternoon, Dr Birnie

referred to a parents' forum in the Assembly. I assure Dr Birnie and other Members that the Parents' Advice Centre has run a parenting forum in Northern Ireland since 1998.

Our membership is drawn from groups in the voluntary, statutory and community sectors and, most importantly, includes over 200 individuals. The parenting forum provides a wealth of information about what is happening to parents across Northern Ireland.

The Parents' Advice Centre's ethos is to improve the health and well-being of children through their parents. The parents who contact its helpline, come in for appointments or participate on parenting courses — thousands of which are held annually — are eager to consider ways of improving their parenting skills. They are self-motivated to seek help, and fully aware of their influence on their child's development.

Parents make us aware that the limits and shortcomings of services and systems often inhibit their ability to deliver the best environment for their children. As part of our contact is with parents, we work with them for the benefit of the child. The Parents' Advice Centre focuses on enabling the parents to manage their personal difficulties so that they can cope more appropriately with the demands of parenthood. To make any sustained improvement to a child's life, those with the responsibility for his or her nurture are considered as part of the dynamic.

The Parents' Advice Centre is pleased that legislation will soon enable the appointment of an independent children's commissioner. That is a welcome initiative that we believe will make a significant difference to the lives of those most precious beings — our children. Let us be in no doubt that the welfare of children is inextricably linked to the parenting and care that they receive.

For too long the position of children was sidestepped and ignored, with adults taking decisions on their behalf without due regard for children's rights, best interests and well-being. Lately there has been growing recognition that the balance needs to be redressed to enable children to have status commensurate with their needs. Given that the commissioner will be a watchdog for all children living in Northern Ireland, the disadvantages that children have suffered due to lack of effective and efficient policies or practice should, I hope, be addressed.

Some may hesitate to give their full support to the commissioner, feeling uneasy that such an additional measure implemented specifically for the good of our children might diminish the role of the parent. Although I recognise that view, I do not share that concern and believe those fears to be completely unfounded. Furthermore, I envisage that, with the introduction of a children's commissioner, we will be better placed to identify the diverse support needs of parents and respond to them — thus providing a healthier environment for our children.

There are provisions to ensure that the commissioner cannot usurp the proper role of parents in safeguarding the rights and best interests of the child. Clause 2(3) of the Bill states:

"In determining whether and, if so, how to exercise his functions under this Act, the Commissioner shall have regard to ... the importance of the role of parents in the upbringing and development of their children".

That explicit underpinning principle will shape the thinking and function of the commissioner and spells out the approach that will be adopted when considering children's issues. To strengthen that clause, I suggest that the phrase "or primary carer" should be inserted. That would reflect the diverse parenting arrangements that exist in society to support and protect children and young people.

Furthermore, at clause 2(3)(b) the Bill states that the commissioner must have regard to

"any relevant provisions of the United Nations Convention on the Rights of the Child".

As we know, the UN Convention on the Rights of the Child (UNCRC) directs and guides the policy and practice of children's services delivered by statutory, voluntary and community sectors. Articles 5, 9, 12 and 18 of the UNCRC recognise the important role of parents or other primary carers in the lives of their children.

Article 5 says that the state must respect the rights and responsibility of parents and the extended family to provide guidance for the child that is appropriate to his or her evolving capacity. That article gives full acknowledgement to the fact that it is the parents who have the right and the responsibility, first and foremost, to nurture the child.

Article 9 says that the child has the right to live with his or her parents unless it is incompatible with his or her best interest, and that the child has the right to maintain contact with both parents if separated from one or both. That article has specific relevance, given the number of family breakdowns.

Article 12 states that the child has the right to express his or her opinion freely. The important caveat is that the child's opinion will be taken into account on any matter of procedure affecting him or her. That does not mean that parents' opinions will be disregarded. Everyday practice tells us that, in matters concerning children, a balance must be struck between protecting children's rights and protecting parents' rights and responsibilities.

Article 18 states that the state has an obligation to recognise and promote the principle that both parents have common responsibilities for the upbringing and development of the child. It also states that the state shall support parents in this task through the provision of appropriate assistance. As the Bill specifically mentions the need to have regard to any relevant provisions in the

UNCRC by referencing articles 5, 9, 12 and 18, there is an unequivocal understanding that parents' rights and responsibilities will be given their due place.

With the appointment of the children's commissioner, and as his or her function develops, situations that reveal deficiencies in practice or provision will be addressed. Any gaps in the provision of family support services will be highlighted. Effective and efficient widely available family support services, such as parenting programmes, will empower parents to enhance their parenting, thus improving opportunities for children to develop in all aspects of their lives.

It must be acknowledged that the role and function of the children's commissioner will continually change and develop as part of an ongoing process whereby gaps will be filled and new challenges will arise. There is full acknowledgement and well-researched evidence across all disciplines that children's well-being is directly related to their environment. From that flows the necessity to take a holistic approach when determining their welfare, particularly in respect of self-esteem. Central to this is the influence of the family and the other significant adults in children's lives. I am confident that the commissioner will take full account of the roles and responsibilities of parents, while keeping the child's best interests as the primary concern, when voicing opinions or making decisions about a child.

In an earlier meeting, Mr Poots said that, in most cases, mums and dads are children's champions. I totally concur with that view.

**Mr Leeson:** As part of the Childcare Northern Ireland delegation, Barnardo's Northern Ireland welcomes the opportunity to address the Committee on the Commissioner for Children and Young People Bill. Like Mrs Jaffa, I recognise the work that the Committee has undertaken in the development of this important Bill.

Each year in Northern Ireland, Barnardo's works with 7,000 children and their families through a network of more than 30 services. Our work is grouped around the six building blocks that we believe represent what every child needs to have a happy and healthy childhood. These are: a family that can cope; opportunities to learn; emotional, physical and mental health; protection from harm; a sense of belonging in the community; and a stake in society. The vision of Barnardo's is that the lives of all children and young people should be free from poverty, abuse and discrimination. In Northern Ireland, we are working towards a society in which children and young people are free to grow and develop their potential without fear of violence, abuse or exploitation. In such a society, children and young people would be valued and their right to protection and physical integrity would be fully respected.

Barnardo's welcomes the appointment of a commissioner for children and young people. The role of the new commissioner will complement and reinforce the efforts of organisations such as Barnardo's to provide practical help and support to children and young people. We agree strongly with Minister Haughey's description of the Bill as

"the most important piece of Northern Ireland legislation that affects children and young people since the Children (Northern Ireland) Order 1995. It is a watershed in society's attitude to children and young people. It marks the point at which we move away from the traditional, yet narrow, focus on children's welfare to a broader and more rounded appreciation of the importance of children's rights and their best interests." — [*Official Report, Vol 17, No 6, p250*].

I will take this opportunity to develop further the reasons why Barnardo's Northern Ireland, as an organisation that works with children, their families and communities, welcomes and supports this legislation. As part of the Childcare Northern Ireland delegation, Barnardo's particularly wishes to address the issues of children's and parents' rights and of the age range that the commissioner should be responsible for.

The matter of the age range was raised in the Assembly during the Second Stage of the Bill. In our initial response to the consultation document, we argued that the commissioner's remit should cover all children up to the age of 18. However, we advocate that the commissioner continue to be available to disabled children or those who have been in care until they are 25. Our experience is that children who have left the care system face considerable hurdles in establishing an independent life. To include them under the commissioner's remit until the age of 25 would be consistent with the purpose of the Children (Leaving Care) Bill. Children on the disability register should also continue to have access to the commissioner until they are 25.

Article 1 of the UNCRC states that

"For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."

The Children (Northern Ireland) Order 1995 defines a child as a person under the age of 18, except in the case of a young person who is in the care of a public authority, where the relevant age is 21.

With the exception of disabled children and care-leavers, it is entirely appropriate for the age range to be covered by the commissioner to be defined in a way that is consistent with the 1995 Order and article 1 of the UNCRC.

During the Second Stage of the Bill, concerns were raised that the commissioner might not be sensitive to the rights of parents and might undermine the role of the family. I agree with Mrs Jaffa that those concerns are unfounded. As an organisation that works extensively



with families in Northern Ireland and that has consistently campaigned for the provision of properly resourced family support services, we would not support legislation that undermined families.

As I said earlier, Barnardo's recognises family life as one of the essential building blocks that children require in order to experience a happy and healthy childhood. In our current development plan, for example, we state that all of our services and structures should be child-centred. Outcomes to the direct benefit of children are our primary consideration, based on real knowledge and understanding. Children's wishes, feelings, ideas and participation are central to all of our considerations. All services and structures should be family-supportive. All interventions should start from the intention of empowering and supporting families and communities to care for and protect their children.

As an organisation, we approach all of our work from a children's rights perspective. That approach has not led us into widespread conflict with parents: in fact, quite the reverse. In our experience, the vast majority of parents with whom we have contact are even more committed than us or any other organisation to ensuring that their children's rights and best interests are upheld. That is the fundamental basis on which we build partnerships with parents in our work.

It is our practical experience of working with children and families — often in very stressful and difficult circumstances — rather than any ideology that has led us to see no automatic conflict between a strong belief in the rights of the child and a commitment to supporting families. It is for that reason that we have argued for strengthening the commissioner's powers, rather than reducing or qualifying them.

In practice, conflict between the rights of parents and the rights of children can, and often does, arise in situations of child abuse, where parents are unwilling or unable to meet their children's needs. In such circumstances, can there really be any argument that the rights of the child must be paramount and that we must intervene to protect the child regardless of the view of parents? Therefore we believe that the fear that the commissioner might act in ways that undermine families by exercising the powers of the office as described and upholding children's rights is unfounded.

Like Mrs Jaffa, we believe that the qualification in clause 2(3) of the Bill is a very important check. It is worth repeating that

"in determining whether and, if so, how to exercise his functions under this Act, the Commissioner shall have regard to ... the importance of the role of parents in the upbringing and development of their children; and ... any relevant provisions of the United Nations Convention on the Rights of the Child."

The UNCRC, as I said earlier, is supportive of the role of families. Article 5 has this to say about the role of the family:

"States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention."

**The Deputy Chairperson:** Thank you for your splendid presentations.

**Dr Birnie:** A fundamental issue is the perception of possible conflict between the rights of the child and the rights, roles or responsibilities of the parents. You said that clause 2(3) was an adequate protection for the position of parents, particularly the mention of the importance of the role of parents. However, it does not mention the rights of parents. What is the role of parents? Is it defined by the commissioner? If so, I can think of cases in which the commissioner might take a view of that role that would be in conflict with a widespread view in the community as to what it should be. Why do you think that that wording is adequate?

**Mr Leeson:** The legislation, for example the 1995 Order, is very clear in its support of families. It sets out a legal background that is very supportive. Social policy has also been supportive. Voluntary organisations in this field always take the view that the family is the supportive institution and very important to children. If the commissioner were to take a perverse view, he would be going against a whole raft of legislation and policy.

As a voluntary organisation working with families and children in difficult situations, we have never found that a strong belief in the rights of the child has undermined our relationships with parents; quite the reverse. We often find that parents are pleased when dealing with difficult bureaucratic situations to have other people alongside, helping them to get what is in the best interests of their children.

To sum up, it has not been our experience that it is difficult, and the 1995 Order and the UNCRC make it difficult for a commissioner to take a contrary view.

**Dr Birnie:** I understand that in the ongoing debate about corporal punishment by parents, a number of childcare organisations take the view that that is not a proper part of their role and that the law should be changed. However, there is evidence that the majority of parents in Northern Ireland think the opposite — that within certain limits it is a legitimate part of their role. I am not convinced that the wording is adequate.

**Mrs Jaffa:** We are in danger of trying to attach specific examples to something that is giving a power to a commissioner that in some ways is quite general, though specifically applied. At the end of the day, a lot



of common sense should be applied. We could extract particular examples. I do not think that that will be a difficulty, for the reasons that Mr Leeson spelled out. Many of the organisations deal with complex family issues. There is sufficient skill and experience to be able to mould those and keep the best interests of the child at the centre, yet try to empower and enable those parents to fulfil their role in keeping with the legislation and all the other requirements on them to do that within the family. I would be surprised if we got into difficulty on that.

**Mr McElduff:** What is the difference between the “welfare” and the “best interests” of the child?

**Mr Leeson:** That is one of the issues that we raised in our submission, and I understand that a number of other organisations have also raised those. I am unable to answer that question; it is one of the issues that we wanted to raise. The terms are used in different combinations in different parts of the bill. The term “welfare” is used in the 1995 Order.

**Dr O’Hagan:** Ms Leeson said that her organisation was the main umbrella organisation for the childcare sector. What are the feelings of those organisations about this legislation? Do people in the sector feel that the legislation goes far enough? I am thinking specifically about the commissioner’s powers of investigation, and the debate about “best interests” versus “welfare”, which Mr McElduff raised.

**Ms Leeson:** We are pleased that we have got so far with the legislation. We have specific concerns about the definition of “relevant authority” and the way in which terms such as “best interests”, “rights” and “welfare” are used in a confusing way throughout the legislation. We are also concerned about some of the limits on powers of investigation. However, I would be grateful if the Committee could revisit some of those issues next Wednesday, when we will have two other submissions that will go into those matters in some depth.

You are correct: while the sector as a whole welcomes the legislation and hopes that a commissioner will be appointed within the next six months, we have specific concerns about the powers that the commissioner will be able to use.

**Ms Lewsley:** It seems that the commissioner will be seen as a type of facilitator or arbitrator between children and parents, determining who has rights and who does not. I am afraid that some of what it is intended that the commissioner do will be lost in that. Do you think that the commissioner should be involved in individual cases, or should he be involved in areas where he is able to set a precedent, taking on an information and education

role, and taking on issues such as child poverty and child abuse?

**Mrs Jaffa:** The commissioner will be much more involved in the latter area, and he or she will be presented with the principal issues at stake. As we said earlier, it is often parents who say that issues are not being addressed, and that, for example, children have a right to be protected in schools, because we are still hearing about serious instances of bullying. They want to know what is being done in the education sector.

To use another example, are children being protected sufficiently by those looking after them in youth organisations, and are those people being vetted? The commissioner will not be the buffer between parents and children, but will be working for the good of the children, alongside parents who will bring those issues to the commissioner’s attention. Individual cases may well be highlighted, but they will be dealt with on a point of principle.

**Mr Leeson:** I strongly agree with that. I do not anticipate that the commissioner will be involved in arbitration between parents and children.

**Mr Beggs:** You seemed to suggest that most people are content that the Bill has got the balance right between the rights of the parents and the rights of the child. If that is correct, I would welcome your comments on that.

Secondly, I hear that the Parent’s Advice Centre has a parenting forum. Your organisation has a detailed remit in this area. Has that forum met and discussed the Bill? If we are being honest, the examination of legislation is new to Northern Ireland, and I fear that not enough parents will look at it in detail and provide input.

**Mrs Jaffa:** Yes. The parenting forum and the Parent’s Advice Centre made a point of providing submissions on the Bill, because it is important. It is not easy to translate the implications of the legislation into layman’s language.

**Mr Beggs:** Did you make a submission during the drafting of the Bill, and have you examined the final outcome?

**Mrs Jaffa:** Yes, we have looked at the final outcome. It is an ongoing process. The parenting forum, which met today, discussed the subject and is keeping up to date with progress.

**The Deputy Chairperson:** Thank you for coming today and for giving your time and expertise. It is much appreciated.



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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE OF THE CENTRE**

Wednesday 4 September 2002

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**COMMISSIONER FOR CHILDREN  
AND YOUNG PEOPLE BILL  
(NIA 20/01)**

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**Members present:**

Mr Poots (Chairperson)  
Mr Gibson (Deputy Chairperson)  
Mr Beggs  
Mrs E Bell  
Dr Birnie  
Ms Lewsley  
Mr McMenamin  
Mr McElduff  
Dr O'Hagan  
Mr K Robinson  
Mr Shannon

**Witnesses:**

Ms A Laird ) Assembly Officer, CARE  
Miss H McDowell ) Supporter, CARE  
Mr P Gilpin ) Consultant Legal Matters, CARE

**The Chairperson:** Welcome Ms Alison Laird, CARE's Assembly Officer, Mr Philip Gilpin, CARE's consultant on legal matters and Miss Hilary McDowell who is a supporter of CARE. The Deputy Chairperson will conduct the meeting, as I will have to leave shortly due to another appointment. Please make your presentation.

**Ms Laird:** I would like to introduce Miss McDowell, who is a supporter of CARE and is also a former deaconess of the Presbyterian Church in Ireland. She works independently of any denomination as a pastor and teacher with a lay ministry that crosses the community divide.

Thank you for the opportunity to give evidence to the Committee. CARE is a diverse Christian charity that incorporates a network of Christian homes offering hospitality; crisis centres offering support, advice and information to those with an unplanned pregnancy; and

a network of foster families for adults with learning disabilities. We also operate the remand fostering scheme. We work on public policy issues throughout the UK, Brussels and at the UN.

When drafting our submission we consulted with youth and children's workers from small and large church denominations, para-church organisations and parents.

Our evidence will focus on four key areas where the Bill could be enhanced: the rights, responsibilities, best interests and welfare of children; the accountability of the commissioner; the involvement of parents; and the definition of the child.

Our recommendations and observations are set in the context that CARE is committed to a vision of society in which the inherent dignity and worth of each individual is respected regardless of age, gender or any other distinctions that may be drawn. Neither children nor adults are autonomous. Human beings are essentially social, and throughout life we exist and are formed by the various social relationships that we build with others. So it is as social beings, and not as autonomous individuals, that we define ourselves and come to understand our responsibilities, rights and duties.

CARE also believes that every child is born into a family and a community that are to a lesser or greater degree dysfunctional. Families and communities have responsibilities in helping a child to develop — the parents in a unique way and the community in a more general way. This is the context in which we bring our recommendations and suggestions to the Committee. Mr Gilpin will now outline our specific concerns, starting with the rights, responsibilities, best interests and welfare of children.

**Mr Gilpin:** I would like to pick up on the four general areas that Ms Laird outlined and give more detail about CARE's position in relation to them.

We have noted that there is some confusion throughout the Bill about the words "rights", "best interests" and "welfare". In some parts of the Bill "rights" are coupled with "best interests", while in others the phrase used is "rights or best interests". In some parts of the Bill the phrase "best interests" has been dropped in favour of the word "welfare". For the sake of consistency that mixture of phrases should be replaced by one phrase, "rights, responsibilities, best interests and welfare".

As regards the relationship between rights and welfare, Alexander Solzhenitsyn, the Russian who was imprisoned for many years under the Communist regime and who is a great advocate of human rights, said:

"But we have two lungs. You can't breathe with just one lung and not the other. We must avail ourselves of rights and duties in equal measure."

CARE suggests that it is evident that where there is a right, there is also a corresponding responsibility. We

would be doing a disservice to children and to society in general if we were to promote rights without creating an understanding of responsibilities also.

It may help if I were to provide two examples of how that might operate. The European Convention on Human Rights contains the provision that no one should be denied the right to education: we could turn that into its positive form by saying that the state must make suitable education provision. If one looks at that right in isolation and without building in the appropriate responsibilities then one could say that each child has the right to expect the state to provide education. However, that right is no good to a child, and it is not doing any good, if there is not also a responsibility on that child to avail of the education being offered to it. We believe that the right and the responsibility should be coupled together.

The UN Convention on the Rights of the Child contains an obligation to make suitable health provision available for children. However, it is no good for a child if the state fulfils its obligation and the child fails to take up the responsibility to avail of the health provision being provided.

Dealing with the issue of responsibility should be part of the commissioner's remit. It would be very difficult to enforce responsibility in a coercive manner, and we suggest that the commissioner deals with it through promotion, education and by encouraging children to take up the rights being offered to them.

As regards the phrases "best interests" and "welfare", the underlying assumption of acting in the best interests of the child is a well-established practice: it is recognised in Article 3 of the UN Convention on the Rights of the Child. The welfare principle is recognised as the prevailing one in the Children (Northern Ireland) Order 1995. However, best interests and welfare may not necessarily accord with the rights of the child. Essentially, rights and responsibilities are individual issues for a child. The welfare and best interests of a child place it in the context of the wider community, whether that is the child's family or the wider community in which the family resides.

We believe that there are different tests to be applied to ascertain the child's best interests and rights. For example, a child's best interests may include guidance and direction from adults, particularly parents. However, a narrow interpretation may seek to stress the autonomy of the child in decision-making.

CARE believes that children exercise volition: they can make observations and decisions and generate solutions to problems of various complexities from an early age in their development. However, children are, by their very nature, limited in terms of their procedural, declarative and factual knowledge. Quite simply, they have not been here as long as adults, and they do not have an adult's experience to help them make good

decisions. In general we believe that the children's commissioner must be given the remit to take a holistic view and that a combination of rights, responsibilities, best interests and welfare in the Bill will do just that.

As regards accountability, the Bill gives the commissioner wide-ranging and strong powers. There is merit in having effective checks and balances to ensure that there is no misuse of those powers for the four areas for which they are needed.

First, although the First Minister and the Deputy First Minister should appoint the commissioner as outlined in clause 1 of the Bill, the Assembly should be required to ratify the appointment by cross-community vote. I will deal with the second and third areas together, namely, are the commissioner's annual report and the three-year review. The Bill should require the Assembly to pass the commissioner's annual report and the three-yearly review of the Act to the Committee of the Centre for analysis. We note the Committee's recommendation, made in June 2001, that the commissioner should appear before it at least once a year to report on the welfare of the child, and that recommendation has merit. Finally, in relation to the commissioner's accountability it is vital that, when he/she makes recommendations following a formal report on an investigation, each recommendation should be justified.

CARE believes that parents are in the front line of issues affecting children: we also believe that the Bill fails significantly in that the duties imposed on the commissioner by clause 3 do not include one to take reasonable steps to ensure that parents' views are sought on the exercise of his or her functions. Without such input from parents, the commissioner will not receive a broad, representative view of the issues that should concern him or her.

We are pleased that clause 2(3) states:

"In determining whether and, if so, how to exercise his functions under this Act, the commissioner shall have regard to — (a) the importance of the role of parents in the upbringing and development of their children".

However, we are concerned that the rights and responsibilities of parents are not included in the Bill. Article 5 of the UN Convention on the Rights of the Child states that:

"States Parties shall respect the responsibilities, rights and duties of parents".

However, as I stated, rights and responsibilities appear to have been omitted from the Bill. CARE suggests that the commissioner be given a duty to consult with parents and that a permanent parents' forum be established, just as there should be a children's and young persons' forum. The parents' forum should advise the commissioner on the rights, role and responsibilities



of parents, as well as what constitutes the best interests of children.

CARE feels that the definition of a child as given in clause 24 of the Bill is inadequate as it may be taken as not extending a role to the commissioner in relation to children prior to birth. CARE's written submission outlines in detail the legal evidence, which points to the importance of pre-birth children being included in the commissioner's remit. The most important reason for this is the preamble of the UN Convention on the Rights of the Child, which states that

"the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection before, as well as after, birth".

My colleague, Ms Laird, will provide information on the supporting medical evidence.

**Ms Laird:** The commissioner should be given a remit that includes pre-birth children on the basis that the medical evidence clearly indicates that the period of development in utero is extremely important to a child's development after birth. Our written submission states that the mother's diet during and even before pregnancy can have a huge impact on the health of her child.

The mother needs to have the correct intake of folic acid, iron, iodine, vitamins A and D, and long-chain fatty acids from fish oil, which are required for the proper development of the foetus. The use of tobacco and the intake of alcohol and caffeine can endanger the health and development of a child. Research suggests that a baby born at full-term and weighing over two and a half kilogrammes is more likely to grow steadily and suffer less illness. The development of heart disease, hypertension, diabetes and obesity in adults has been linked to foetal growth and birth weight.

New research has also indicated that a baby's birth weight is influenced by the amount of social support that a mother receives during pregnancy. A study found recently that a mixture of support from the mother's existing social networks and external agencies influences foetal growth and birth weight.

Many governments are beginning to acknowledge the importance of the pre-birth period. For example, the British Government's Sure Start scheme, which is described as the

"cornerstone of the Government's drive to tackle child poverty and social exclusion",

aims to

"improve the health and well-being of families and children before and from birth, so children are ready to flourish when they go to school".

Some reports from Canada have been included in our written submission. Canada is at the forefront of taking this stage in the development of a child's life and pressing health and well-being issues. In September 1999 several

Government agencies in Canada produced an overarching public policy report, which defines the period from conception to six years of age as a key area for action. Subsequently each of the partners in Canada's National Children's Agenda formed localised consultation groups, which pooled their proposed strategies.

An example from Prince Edward Island, which is representative of other areas of Canada, is included in our submission. The Prince Edward Island report, 'For Our Children: A Strategy for Healthy Child Development', states that one of the 13 key areas for action is pregnancy, birth and infancy. The evidence from which the researchers drew their conclusions has been included in our submission, as are their objectives, such as ensuring that pregnant women are not exposed to harmful toxins in the workplace and increasing the range of social support for women during pregnancy.

Some Assembly Members believe that the children's commissioner should be given the best remit and the best opportunity to protect and promote the health and well-being of all children, and that is an area in which we could be at the forefront of legislation.

**Miss McDowell:** Good afternoon. My work is with normal people, but I cannot find any. I am eager to do what I can to help the children of our Province reach full potential. Whether they are disabled or able-bodied, I recognise the importance of giving them the best possible start in life. As we have heard, many influences are brought to bear on a child, not merely from birth, but while in the womb. I recognise the importance of that stage of development because I am a congenitally disabled person with seven disabilities from the womb. I believe, therefore, that the period from conception to birth is a vital stage at which we must consider the child.

As a person born with multiple disabilities, I plead for support for both mother and child during and after that vital period of development. In 1981, it was my privilege to write and direct the International Year of Disabled musical, which toured from Derry to Dublin and beyond. The cast consisted of 25 able-bodied people and 25 disabled people, and, believe me, at times the team needed the precision of a moon landing, the effort required to scale Mount Everest and the patience of Job. However, if the project taught me anything, it taught me the potential contribution that disabled people of every possible disability can make to society.

The point has, of course, been well illustrated in history. Sir Walter Scott had a disability; Franklin D Roosevelt suffered infantile paralysis; Beethoven was profoundly deaf; and who could forget the extensive social reforms pioneered by Helen Keller despite her multiple disabilities? More recently, according to a labour force survey carried out by the Department of Enterprise, Trade and Investment for spring 2001, disabled people made up almost 20% of the population of working age in

Northern Ireland, with an estimated 67,454 in employment. That is a sizable contribution to our country.

During the International Year of the Disabled, one question posed was whether disability necessarily means inability. The resounding answer must be “no”. Someone may be born with a disability, but the environment creates the handicap. Many positive and practical steps can be taken to reduce that handicap for us all. For example, environmental adaptation produces better access; changed attitudes foster acceptance and mutual understanding; schools, colleges and universities can facilitate integrated education; and where there are emotional problems, supportive counselling programmes for parent and child can be established. Additional support for a parent who receives a diagnosis of foetal abnormality is important.

My professional experience in a pastoral care role has led me to assert that it is impossible to equate one person’s suffering with another. Therefore I plead for both disabled and able-bodied children in the womb. Can we say that a disabled person suffers more than a divorcee? Does a bereaved person grieve more than those who have lost a limb? Suffering cannot be measured. Hearts break, bodies experience pain, and we all bleed. Parents, children and siblings should all be given support during the pregnancy period and after the child is born.

Concern is often expressed about a child’s potential quality of life. I confess that I will never win the World Cup: due to my physical abilities, I can be sure that I will never be on the winning team. However, how many George Bests are in this room? Is such ability normal? Yet some people consider having that kind of ability as a measure of quality of life.

In relation to intellectual capacity, not everyone has the opportunity to go to university. However, does that preclude them as regards quality of life? In spiritual terms, potential is measured only in eternity. God Himself knows the full potential of every individual. Through my experience with seven disabilities and a prognosis of a maximum of three weeks to live when I was born, I know that with God all things are possible. God put me on my feet literally at the age of eight. In dealing with quality of life, we must consider the whole person and value each child regardless of ability or disability.

The Prince Edward Island report, already mentioned by Mr Gilpin, states that one aim is for a happy, safe and secure childhood. Recent tragic events concerning Holly and Jessica have emphasised strongly the elusiveness of safety, security and happiness for our children in today’s society. Many pitfalls and circumstances are outside our powers to avoid. However, options are open, especially to those in Government, to lay down a secure foundation for the children of our land that will support parent and child, carers and those who in this context are vulnerable members of society.

Thank you for your consideration. It is because I have been there and bought the tee-shirt in the vulnerable area from conception to birth that I thank God that He enables me to wear that tee-shirt with joy, thanking Him for every day of life that I have been granted.

**The Deputy Chairperson:** Thank you.

**Ms Lewsley:** We hear the issues that you raise, particularly as regards the change of words concerning rights, responsibility, best interests and welfare. We have heard that one reason for the wording in the Bill is due to reserved matters over which the Assembly has no control. During the course of the Bill, there were some fractious moments with the Northern Ireland Office. Even to get to the stage we have is an achievement in itself. The fact that whoever becomes the commissioner for children in Northern Ireland will have much more powers and responsibilities than many others, including the commissioner in Wales or the ombudsman in Norway, must be a big advantage for us.

Although we are talking about the commissioner for children, another key area is the children’s strategy. How important will that be with regard to the commissioner for children being able to enhance his or her role?

**Ms Laird:** My understanding is that the children’s strategy is the Executive’s strategy for children. I am sure that the commissioner will have a role in implementing that, but I am not sure whether it will increase his or her power.

**Ms Lewsley:** It will not increase the commissioner’s power, but it is important from the viewpoint that the two need to be in parallel.

**Ms Laird:** It will certainly focus the commissioner in the first few years and set out priorities.

**Mr Shannon:** I agree that children thrive in a stable, secure and loving environment. How can the commissioner help to create healthy families?

**Ms Laird:** The commissioner can stand alongside parents, and that would initially set a culture. Parents have to be concerned about their responsibilities, their rights and their duty to their children, and the commissioner could encourage certain steps such as parenting skills and training — particularly encouraging parents at the pre-natal stage to go to classes to learn how to cope with their children. Those are important areas for which the commissioner could provide influence and encouragement.

**Dr Birnie:** Please elaborate on paragraph 14 of your written submission. You are arguing that in the Bill, as drafted, the concept of the rights of the child taking precedence over the rights of adults, especially parents, is novel. To what extent is the Bill novel in doing that? A phrase such as “the best interests of the child” is distinct from the so-called “rights of the child”.

**Ms Laird:** The best example to indicate the difference between children's rights and their best interests is that of a child having the right to associate with whatever other young person he would wish. A parent may look at the situation and believe that it is not in the best interest of that child to associate with a particular person. That example illustrates the continuing contest between children's

rights and their best interests, and that is why CARE recommends that rights responsibilities, best interest and welfare are lumped together so that the whole picture can be viewed.

**The Deputy Chairperson:** Thank you for your written submission. I wish you all safety, security and happiness.





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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR HEALTH, SOCIAL  
SERVICES AND PUBLIC SAFETY**

Wednesday 4 September 2002

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**PROTECTION OF CHILDREN AND  
VULNERABLE ADULTS BILL  
(NIA 22/01)**

**Members present:**

Dr Hendron (Chairperson)  
Mr Gallagher (Deputy Chairperson)  
Ms Armitage  
Mr Berry  
Rev Robert Coulter  
Mrs Courtney  
Mr Hamilton  
Mr J Kelly  
Ms McWilliams  
Ms Ramsey  
Mrs I Robinson

**Witnesses:**

Mr John Clarke ) The Department of Health,  
Ms Eilís McDaniel ) Social Services and Public Safety

**The Chairperson:** I thank John Clarke and Eilís McDaniel from the Department of Health, Social Services and Public Safety for coming to brief the Committee on the background to the Bill.

**Mr Clarke:** The general purpose of the Bill is to strengthen the arrangements for vetting people seeking to work with children or vulnerable adults by placing the existing arrangements on a statutory basis. New statutory registers will include the names of individuals considered unsuitable to work with children or vulnerable adults. Under the new arrangements, certain organisations will be required to check the new statutory registers before employing an individual in a relevant position. They will also be required to refer the names of those whom they consider to be unsuitable to work with children or vulnerable adults for inclusion on the register.

The Bill seeks to strengthen the existing arrangements through the introduction of offences that an organisation would commit if it knowingly employed an individual who was on the statutory register. It would also be an offence for an individual to work, or seek to work, with children or vulnerable adults while registered on either

of the new lists. To protect the rights of people listed on the registers, the Bill introduces a right of appeal to an independent tribunal.

The Bill is quite large, and I am conscious of the time. There are 11 main subject areas in the Bill, which I will touch on briefly. The first main subject area concerns the maintenance of the lists. The Bill makes provision for two lists: one to deal with those deemed unsuitable to work with young children; and the other to deal with those deemed unsuitable to work with vulnerable adults. The Department will maintain the two lists, and it will be possible to place an individual on both if he or she is deemed to pose a risk to both categories of people.

The other main subject area concerns access to the lists. Where a childcare organisation proposes to offer an individual employment in a childcare position, the organisation will be required to check whether the individual is on the list. The organisation will also be required to check the lists of those deemed unsuitable to work with children on the grounds that they pose a risk which are held by the Department of Education. The legislation interfaces with the suitability of those who wish to work in schools. I am sure that there will be discussion about the fact that the Bill would require only childcare organisations to carry out checks, while other organisations may carry out checks. The Department will facilitate checks against the list. The provisions in relation to vulnerable adults are broadly similar.

Childcare organisations will be required to make referrals to the list of those deemed unsuitable to work with children. The criteria for an organisation to make a referral broadly concern whether an individual has harmed a child.

**Ms Ramsey:** May we comment point by point?

**Mr Clarke:** I am happy to deal with it in that way as the Bill is quite big and I could talk about it for a long time.

**The Chairperson:** It is better to do that as the Bill is extensive.

**Ms Ramsey:** The Committee received a large response to the draft Bill from individuals and organisations involved in this field. I was struck that although the majority, if not all, of those who responded welcomed the Bill, they were all concerned about the definition of childcare organisations. The Bill states that childcare organisations must carry out those checks, and that other organisations may carry them out. I would hate to go half-a-mile down the road with the Bill, with everyone welcoming it, only to go back half-a-mile because of the definition of childcare organisations.

The Bill is for the protection of children and vulnerable adults, but organisations working with vulnerable adults are not classed as childcare organisations, which

means that although the adults are vulnerable, people working with them do not have to undergo the same check as those working with children.

**Mr Clarke:** That would not be right. A duty is placed on those who provide services to vulnerable adults. There is a whole raft of issues concerning what the term “vulnerable adult” means, and we will come to that later. Providers of services to vulnerable adults have a duty, comparable to that of providers of services to children, to make referrals to the relevant list of those unsuitable for work with vulnerable adults.

**Ms Ramsey:** What is the Department’s definition of a childcare organisation?

**Mr Clarke:** The definition of a childcare organisation is contained in the legislation. The whole point of having such a definition is to enable the identification of organisations so that statutory duties can be placed upon them. Clause 18 (1) states that

“ “child care organisation” means an organisation—

(a) which is concerned with the provision of accommodation, health services or personal social services to children or the supervision of children;

(b) whose activities are regulated by or by virtue of any prescribed statutory provision; and

(c) which fulfils such other conditions as may be prescribed”.

The key thing to remember is that the Bill is based on the principle that the childcare organisation is already recognised in the statute. There have been substantial arguments about the suggestion, which many have made, that the duty should be placed on all organisations. That leaves the difficulty of identifying what is meant by “all organisations” and what is “an organisation”. Groups of people can be involved with children but they may not be understood to be an organisation.

When placing a statutory duty on any group, we are always faced with the problem of identifying the group. The Bill seeks to introduce a system of accreditation, which basically provides that if a duty cannot be placed on an organisation, organisations can identify themselves. The view taken in the Bill is that it is most important to be able to identify which groups the duties will be placed on. I know that there are concerns about not proposing that all organisations should make referrals. Presumably we will return to that issue when we go through the detail of the Bill.

**Ms Ramsey:** I am not happy with that and will return to it later.

**The Chairperson:** We will move on.

**Mr Clarke:** As regards appeals, a person will not be placed on either list without being able to make representations to the Department. The Bill sets out the referral process. When the person has been informed of the referral, they are invited to make comments. The

organisation that made the referral may also be required to do so. Only after the Department has considered all the representations made by the individual and the organisation will a decision be taken to place an individual on a list. The person will still have the right to appeal to an independent tribunal.

The Bill creates powers to allow the Department of Education to make regulations that will prevent an individual being employed as a teacher or in other education-related employment involving children. Those regulation powers will be added to the Department of Education’s existing power to make regulations relating to the suitability of people working in the education sector.

The Bill makes it an offence to work in a regulated position, and the definition of “regulated position”, as set out in the Bill, is extremely wide. It covers all areas where people work with children. The Bill also makes provision for disqualification orders to be made. The court will have the power to make a disqualification order on people who have been convicted of certain offences set out in the schedule to the Bill. The effect of the disqualification order will be similar to being placed on the list held by the Department in that it will be an offence to work, or seek work, with children whilst subject to a disqualification order.

There are inter-jurisdictional arrangements. The Bill makes provisions for any disqualification or prohibition from working with children made in another jurisdiction to apply in Northern Ireland. That power is stated widely in the Bill, and the Department will have the power to enforce all disqualifications regardless of where they are imposed — in another European jurisdiction or elsewhere.

The Criminal Records Bureau is associated with the Bill, and it is topical as its mechanism in England and Wales is now receiving adverse publicity. The Department has been informed that the Secretary of State in the Northern Ireland Office, who has responsibility for this area, does not intend to commence the legislation in Part V of the Police Act 1997, which would create a body equivalent to the Criminal Records Bureau in Northern Ireland. That means that the Department will carry out the checks, including criminal record checks. The Department does that in liaison with the police and will continue to do so.

However, I am concerned about that. Although the Department can access criminal record certificates, there is a problem because Part V of the Police Act 1997 also makes provision for enhanced criminal record certificates, which would include certain “soft information”. The enhanced criminal record certificates contain actions that fall short of a criminal conviction. At present the Department does not have a difficulty with accessing criminal records that include convictions and cautions — those are part of criminal records. However, the Department is unclear about whether it can access anything equivalent

to an enhanced criminal record certificate in the absence of commencement of Part V of the Police Act 1997. Departmental officials are continuing to discuss those matters with the Northern Ireland Office because they range outside the Bill into other areas.

The definition of “vulnerable adult” may cause problems. Children are presumed to be vulnerable by virtue of their age, but the same does not apply to adults. The Bill provides a lengthy definition of “vulnerable adult”, but it is an area of concern. The comparable legislation in England and Wales, the Care Standards Act 2000, has not yet been implemented. My understanding is that it is unlikely to commence until next year. Much of the delay has been caused by substantial difficulties in defining the relevant posts for the purposes of identifying people who are working with vulnerable adults. There are problems in identifying vulnerable adults and deciding which posts require checks to be carried out, particularly those in the health sector which are more problematic than those on the social care side.

Our legislation covers an accreditation scheme that will be open to any non-childcare organisations that apply. We would like the organisations to adopt proper child protection standards, including carrying out checks. I must emphasise that carrying out checks is only part of the child protection measures in the Bill. We would expect accredited organisations to undertake wider implementation of protection standards.

Those are my general comments on the Bill. There may be points that Committee members wish to pick up on.

**Ms McWilliams:** One or two of the submissions suggested amendments to the Bill. Can you comment on those at this stage? One submission from the National Society for the Prevention of Cruelty to Children (NSPCC) suggests that the Department might accept its amendment concerning accreditation. You are in a better position to comment because you must be familiar with the consultation process and amendments that have been suggested. Can you tell the Committee what stage the Department is at?

**Mr Clarke:** I am not sure what you want me to say. I am aware of the consultation and what people would like to be changed. We touched on the definition of childcare organisations, for example. Many issues have been raised: do you have a specific one in mind?

**Ms McWilliams:** I will be specific. The NSPCC’s submission says that it proposed an amendment to clause 17. My understanding is that it is saying that the Department has taken that amendment on board. For example, the Committee may be familiar with the famous Martin Huston case. If I remember correctly, he worked for the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) or one of those organisations, but he moved from one organisation to

another and was abusive in each post. An organisation should be able to blow the whistle and alert other organisations about an employee who has moved on. At present, an organisation can only blow the whistle on its own employees.

**Mr Clarke:** That suggests widening the whistle-blowing ability. Despite what the NSPCC has implied, the Department is not in a position to officially accept such an amendment, although it has regular discussions with the NSPCC. That is a policy consideration, and I cannot say that anything has been agreed.

My reaction is that such an amendment would create a new dimension of responsibilities for organisations. The NSPCC might be suggesting that, if an organisation knows that an individual is a potential threat to children, it should inform other organisations. Legislation concerning organisations is generally based on the fact that an organisation has taken some action by dismissing or removing the person from the post. Why should we stop at saying that an organisation should be able to blow the whistle rather than an individual? In other words, anyone should be able to blow the whistle. I am not entirely clear about the logic of allowing one organisation to do it rather than the general public. That opens up some wide-ranging issues.

**The Chairperson:** When we come to the clause-by-clause discussion of those matters, and possible amendments to them, it will be relevant to us.

**Mr Clarke:** We must be careful with the Bill not to open up a situation in which anyone can make a referral about a person. I am not saying that that might not be right as regards child protection, but I would caution against that possibility, or going down that road, because it creates a different dimension in respect of the rights of individuals to make accusations against others.

**Ms McWilliams:** I am certain that the NSPCC is not suggesting that for a moment. I am suggesting that the NSPCC has extensive experience of the problems surrounding the sexual abuse of children and is anxious that the legislation, as currently drafted, does not take on board one of its major concerns. All of us have issues around civil liberties, but the NSPCC has asked that a specific amendment be made. It is obviously the NSPCC’s understanding, but not yours, that the Department is going to take that matter on board. That is all that I wanted to be clarified, because the NSPCC stated that in its submission to us. Clearly, you are not of the same view.

**Mr Clarke:** I am not in a position to make a decision on a policy such as that. It represents a major policy shift in the Bill, and we would have to take cognisance of it if the Committee is supporting it. My initial view is that it makes the position regarding referrals much wider. While I can understand why the NSPCC would put it forward, I am not sure why it would be limited to an



organisation and why individuals would not be permitted to make a referral.

**Ms McWilliams:** The NSPCC has proposed its own amendment, which limits the right of referral to childcare organisations. It has given us a wording that we can look at.

**The Chairperson:** We can go back to that in the clause-by-clause discussion.

**Mr Clarke:** Why would it be limited to a childcare organisation? We are dealing with significant and serious areas of law that involve criminal offences. If referrals were to be permitted, we would have to scrutinise that situation carefully. I would not like to give an off-the-cuff opinion.

**Ms Ramsey:** To be fair, the NSPCC specifically mentioned the Martin Huston case, and the Police Act 1997, as Mr Clarke said. It is not as if individuals were mentioned. It was about individuals working within organisations and the whole issue of whistle-blowing. Martin Huston was able to move from one organisation to another.

**Mr Clarke:** I do not want to create the impression that we are dismissing what the NSPCC said. I have been put on the spot on a serious issue and have flagged that as an issue to be returned to.

**The Chairperson:** We may or may not support that amendment, but it is an important point.

**Mr Hamilton:** Is the Department satisfied that there are sufficient safeguards to protect workers from malicious accusations? The nature of what we are dealing with means that in certain professions a malicious accusation could be enough to wreck an entire career. We must be certain that the safeguards against that happening are strong enough to ensure that the Bill does not create a different kind of victim.

**Mr Clarke:** That is linked to what we have been talking about. Referrals are currently based on the assumption that employing organisations have taken some action, such as dismissal or transfer. There are employment issues there. Before the system in the Bill kicks in, a hurdle must be jumped in that the employer will have decided to remove a person.

Outside this Bill there are implications concerning employment law. My focus is on child protection, and we shall go as far as possible to get it right. However, there is a concern about malicious referrals, as well as referrals that are made negligently without much thought, and the whole set of consequences for the person involved. Although it does not happen day and daily, information has been passed to us, as the branch responsible for the existing Pre-Employment Consultancy System (PECS), which puts us in an invidious position. In the current system the criteria are set out, and they are broadly similar to those in the Bill. If I am told that someone is a

threat to children — and that could well be the case — I cannot simply make assumptions. That could have implications for an individual. There is a danger of malicious referrals, although I do not know how great that danger is, because it concerns employment situations.

There are sufficient safeguards in the Bill as it stands, because the employer has had to jump a hurdle and make a decision in relation to an individual. That has come from the employing organisation and not from someone who has made a referral with no risk to himself. In dismissing or taking action to move a person in his or her employment, the employer has at the very least rendered himself open, under unemployment law, to further action by an individual. In our concern to protect children we must be very careful that our whole legislative framework is not subject to any challenge that could seriously damage it. There are sufficient safeguards, but it is an area of concern.

In my general comments I did not cover fees, resources and implementation. It is not envisaged that the legislation will have major resource implications; however, those could be famous last words. That is partly because PECS is in operation which makes approximately 30,000 checks a year. Unlike other occasions, if the numbers were to rise, we could calculate the difference fairly accurately because a system is already in operation here. For example, if vulnerable adults were to weigh in with an equal number of people, it would not be difficult to calculate the necessary additional staffing resources, which would amount to only three or four people.

Ms McDaniel is giving some thought to streamlining the way in which we do business. Our current system is largely manual and savings could be made if IT were introduced. However, major resource implications are not anticipated. Provision is made for fees to be charged, and those would offset resource implications. Voluntary organisations could be charged fees, and that is an issue. Many issues come to light, and I do not wish to address all of them now.

With regard to implementation, we are much further advanced in relation to children than to vulnerable adults. We could probably commence this for children in approximately one year, which would allow for the revamping of guidance and other matters, as it would not be such a revolution in the work of organisations. The text of existing guidance would be more closely modelled on the legislation. There is a lot of work to be done, but it is achievable in a relatively short time.

The arrangements for vulnerable adults have caused substantial problems in England and Wales and will not commence there for another three years. We are less confident about the timescale. The only vulnerable adults that we currently deal with are adults with learning disabilities, so we do not have the full system, or anything like it, for vulnerable adults at present.



**Ms McWilliams:** My question relates more to the NIO than your Department, but clearly you have been in consultation with the NIO. It relates to soft intelligence, as opposed to hard intelligence, and the enhanced certificate that exists in England and Wales, but not here.

**Mr Clarke:** Strictly speaking, that relates to the commencement of Part V of the Police Act 1997. The Criminal Records Bureau is the mechanism for doing that in England and Wales, and it has many problems. Although we can see an administrative way round being able to get criminal records certificates, as at present, our problem is that the public should be sensitive about situations where people have not been convicted, but where there is sufficient evidence for the police to certify something about those people. It is obvious that we need that, and that legislation already extends to Northern Ireland. There will be communication at ministerial and other levels with the Secretary of State about when it will commence, but there are no plans for that at present. We can go ahead with our legislation because that is outside our legislation. However, I mention it because it is relevant to the child protection issue.

**Ms McWilliams:** That is one of the major areas where problems arise. We all know the difficulty of getting

convictions, especially where there is a clear record of intelligence, but no conviction.

**Mr Clarke:** The release of intelligence requires the legislative backup, which is why that was legislated in the first instance. It is a potentially dangerous area because of people's rights. That is why we have Part V of the Police Act 1997, which already extends to Northern Ireland. We can work the system as this does not affect the Bill — it is working at present. However, for the protection of children that is an element that is missing. It is an element that we need in this area, and it is also needed outside the Bill for other vetting. It is wide-ranging and includes the suitability of people to adopt children. There is a whole raft of issues in the Police Act 1997 that touch on enhanced certificates, and this can only be answered by its commencement or some decision taken in connection with what will be done here about enhanced criminal record certificates.

**Ms McWilliams:** In light of that, perhaps we should ask the NIO to give us evidence.

**Mrs I Robinson:** It is very important.

**The Chairperson:** That would seem reasonable. Thank you Mr Clarke and Ms McDaniel, this has been very helpful.



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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR ENTERPRISE,  
TRADE AND INVESTMENT**

Thursday 5 September 2002

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**EMPLOYMENT BILL  
(NIA 11/01)**

**Members present:**

Dr Birnie (Chairperson)  
Mr Carrick (Deputy Chairperson)  
Dr Adamson  
Mrs Carson  
Mr Dallat  
Ms Gildernew  
Mr Hilditch  
Mr R Hutchinson  
Ms McWilliams

**Also present:**

Mr R Gamble ) Department for  
Mr W Caldwell ) Employment and Learning  
Ms E Regan ) Assembly Research and  
Library Services

**The Chairperson:** We will consider the general principles of the amendments this afternoon. It remains to be seen whether we will complete clause-by-clause consideration today. Eileen Regan of the Assembly Research and Library Services has provided the paper at tab 4a of the Committee's information pack in response to legal and statistical questions that I asked in August about possible amendments. I do not propose to talk about the paper now, but I will refer to it during our discussion of certain amendments because it expands on certain points and provides relevant evidence.

At tab 4h the Minister outlines her proposal to introduce two amendments during the Consideration Stage. The first would create an exemption with respect to the right to request flexible working hours for persons who work in the armed forces. The second would introduce the Labour Relations Agency to arbitrate in cases in which there is dispute over a request for flexibility.

**Mr Carrick:** Do the armed forces include the Territorial Army?

**Mr Gamble:** I am not sure. The amendment was made, at the request of the Ministry of Defence, to the corresponding Employment Act 2002 in Great Britain.

It is designed to deal with problems that arise when staff are required to carry out activity immediately, for example, in national emergencies or for instance, if the Army were sent overseas. I will have to check which organisations the armed forces comprise.

**The Chairperson:** We shall write to the Minister to clarify that point.

**Ms McWilliams:** Surely the amendment would apply to other categories of emergency workers such as ambulance crews and fire fighters?

**Mr Gamble:** The emergency services have schedules and arrangements for dealing with emergencies: that is their job. Presumably the armed forces deal with unforeseen circumstances that involve going overseas with little notice.

**Ms McWilliams:** Would the amendment apply only in relation to deployment overseas?

**Mr Gamble:** I do not know; it could be used for internal deployment also. That is not specified.

**Ms McWilliams:** You said that it was designed to cover emergencies overseas. The other issue would be that it relates to European Directives through which other European countries have exempted their armed forces.

**Mr Gamble:** I do not think this amendment is related to a European ruling.

**Ms McWilliams:** European countries have looked at the issue.

**Mr Gamble:** I do not know the answer to that.

**The Chairperson:** Do you want us to pursue that with the Minister?

**Ms McWilliams:** Yes.

**Mrs Carson:** In the second amendment proposed by the Minister, the Labour Relations Agency would be available as an alternative to the industrial tribunal system. Would cases go to the industrial tribunal system first and only to the Labour Relations Agency if the system were full? Would people be given a choice of arbitration? Who would make the decision?

**Mr Gamble:** The Labour Relations Agency recently introduced an arbitration scheme for cases of unfair dismissal. The rules of the scheme state that if you choose that scheme you give up your right to go to a tribunal. It is a voluntary scheme; both parties in a dispute would decide whether to use that procedure or a tribunal.

**Mrs Carson:** Therefore it is an either/or situation.

**Mr Gamble:** Yes.

**The Chairperson:** Before discussing possible amendments, or amendments in principle, I stress that much of the Bill is extremely welcome in three respects: first, the extension to maternity leave; secondly, the introduction

of new rights relating to paternity and adoption leave; and, thirdly, the obligation on employers to consider seriously requests for flexible working. The provisions that we are examining mirror those in the Employment Act 2002, which has already been enacted in Westminster.

Before we look at the amendments I would like the Committee's agreement that we seek an extension to the Committee Stage, if only as a safety net that we may not have to use. At the moment the Committee Stage ends on 20 September 2002. I would like the Committee's approval to seek an extension until 18 October 2002.

*Members indicated assent*

**The Chairperson:** Let us discuss whether there should be amendments to the Bill, and, if there is time, we will carry out clause-by-clause consideration. Do members have any suggestions or thoughts about amendments?

**Dr Adamson:** Perhaps the term "employee" should be changed to "worker".

**The Chairperson:** How do members feel about that? There are a series of pros and cons to such an amendment. The paper provided by the Assembly's research team gives some background on that. The argument for it is that it would incorporate some of the grey areas — in the last 10 to 20 years the way in which employment contracts are defined has changed. The use of the term "worker" is perceived as more equitable, since a disproportionate number of those in the grey categories, who fall outside the definition of employee but are defined as a "worker", are women. A third argument for such an amendment might be that it anticipates an inevitable change, perhaps as a result of European legislation.

The arguments against are that it might close off an element of business flexibility; that it would impose more costs on small firms; and that there is ongoing consultation on the definition of "employment" in the context of various types of employment rights.

The Assembly Research and Library team's paper attempts to estimate what the additional cost of extending the definition from "employee" to "worker" would be. The estimates have to be rough and ready, because the data are not readily available.

**Mrs Carson:** The definitions of "employee" and "worker" are completely different. An employee is someone who has a contract of employment. The term "worker" may include part-time and seasonal staff, so their inclusion in the Bill could present many difficulties to small businesses. Even someone who did relief milking on a part-time basis would be entitled to paternity or maternity pay, and that might be the last straw for a small business. We must think carefully about that.

**The Chairperson:** The Northern Ireland Equality Commission, which was one of the three groups that gave evidence to us, suggested such an amendment. It argued

that in employment law each statute often adopted a different approach to defining the category that should benefit from such legislation. There is a case for using the term "worker", because it was used in the Employment Rights (Northern Ireland) Order 1996, but other legislation, such as the National Minimum Wage Act 1998, uses a different definition. We have a choice to make.

**Mrs Carson:** What definitions are used in the rest of the United Kingdom or in the European Union?

**The Chairperson:** In Great Britain the term "employee" is used. The Bill as it stands is almost identical to the provisions of the Employment Act 2002, which was enacted ahead of us. If we amend this Bill in the way that has been suggested, from "employee" to "worker", we will have a different definition from that used in England, Scotland and Wales. As for other European countries, I do not know the answer to your question. You would need to seek advice from the Assembly Research and Library Service, and it might be quite difficult to get a clear comparison.

**Mrs Carson:** The Committee had representations from small firms and businesses, and coping with such an amendment might just be the last straw. We have to consider the matter carefully.

**The Chairperson:** I am trying to work out whether there is consensus among Committee members on the issue. Does the Committee wish to retain the term "employee", which would mean that employees only would benefit from its provisions, or should we change it to "worker", which would incorporate additional categories, that is to say greyer areas in respect of which the contractual status is not that of a traditional employment contract?

**Mr Carrick:** We should not adopt the term "worker" as opposed to "employee". The term "worker" needs to be carefully defined because it could include self-employed people and, as Mrs Carson mentioned, seasonal workers, particularly in rural communities. To use the term "worker" without carefully defining it widens the scope of the Bill, with the result that there would be a catch-all situation. I am unsure whether we seek such an outcome.

**The Chairperson:** If we adopted the term "worker", we would have to create our own definition, although some statutes contain definitions. The Equality Commission suggested using the Employment Rights (Northern Ireland) Order 1996. The paper by Assembly Research and Library Service gives other definitions, as does some recent 1990s legislation. The Committee would have to choose a preferred definition; for example, would we include temporary or agency workers, home workers and casual workers? Those categories fall within only some of the definitions. I am not detecting



among members a particularly strong feeling in favour of moving beyond the term “employee” to “worker”.

**Mr Dallat:** I am sure that the inclination would be to try to include as many groups as possible to maximise equality. In the absence of much of the necessary information it is very difficult to be sure.

**The Chairperson:** The information is here. We have to make a judgement based on the findings of Assembly research and the evidence of Committee witnesses.

**Mr Dallat:** The Equality Commission did suggest that the Committee propose the amendment of the Bill to include the term “worker”, and I suggest that we do so.

**Mr Carrick:** If the Committee moves beyond the understood definition of “employee” to adopt the wider term “worker”, I envisage huge problems with the regulatory regime and policing the exercise.

**The Chairperson:** Possibly, but the courts will always have to act based on the definition that they are given. Undoubtedly, cases will be brought by people who feel that they are “employees” despite the fact that their employer says that technically they are not so because of the terms of their contract, or because they do not have a contract. To change the definition does not necessarily mean to create a need for more policing; it would simply be done on a different basis.

**Mr Carrick:** Employers will handle the administrative arrangements of the scheme; however, the proposed definition of “worker” would also include self-employed people.

**The Chairperson:** That is an interesting point. My reading is that the self-employed would not be included within the category of worker unless we specifically added them in.

**Mr Carrick:** Subcontractors in the construction industry, for example, are regarded as self-employed for National Insurance purposes.

**Mr Dallat:** You cannot pin too much on National Insurance considerations. I know from personal experience that local councillors, for example, pay National Insurance contributions, but the law clearly states that they do not have the protection that other employees receive.

**The Chairperson:** That is an interesting example in its own right. It is a revelation to me that councillors are not employees.

**Mr Carrick:** There would be merit in establishing a consistent definition. There seems to be a difference of emphasis even between the Inland Revenue and National Insurance; the principle of a master and servant relationship applies.

**The Chairperson:** All definitions create a margin at the edge of uncertainty. I would incline to the definition

“worker”, which encompasses a broader range of people. I suspect that the law will move in that direction in anyway, so why not try to anticipate those changes? The Northern Ireland Equality Commission has argued that there are definitions of workers in some 1990s legislation.

**Mr Carrick:** To give another illustration, farmers’ sons and daughters who work at home are regarded as self-employed for National Insurance purposes. Will they be —

**Mr Dallat:** The two terms are interchangeable. The Transport and General Workers Union uses the term “worker” whereas other unions use the term “employee”. However, if the term “worker” is likely to help more people, we should use it.

**The Chairperson:** If most members feel that we should move to “worker” as opposed to “employee”, we will have to decide which categories to include under that definition, such as agency staff, casual workers and home workers. There may be others of which I am not aware.

**Mr Carrick:** Before considering that issue at our next meeting, is it possible to have some guidance on widening the definition? As Mr Dallat said, there is a lack of information.

**The Chairperson:** Some of the guidance is available at tab 4a of the information pack, and in particular the answer to question 4: “Is the term “worker” as opposed to “employee” sufficiently robust in employment law?”

The Assembly Research and Library team has listed about half a dozen pieces of legislation from the 1990s that used definitions of “worker”. They are photocopied at the back of that section in the Committee’s information pack. There are some differences. We must consider those and mix and match as appropriate. Does the Committee wish to adopt the wider definition, or is it content with “employee”?

**Mrs Carson:** Were there difficulties with the definition “employee” in the rest of the United Kingdom when the Bill was enacted? What was the reason there for keeping the term “employee” as opposed to “worker”? I am sure that the Bill was equality-proofed in the rest of the United Kingdom. I can see a minefield of work. We would not have the time to pinpoint every category to be included under the new definition.

**The Chairperson:** It would be difficult. No piece of legislation is ever, in practice, exhaustive, so we could list several categories. In practice, anomalies requiring change will always arise, but obviously we must make as good a job as possible at the time.

There is extensive consultation around the creation of the Employment Act in GB and the consultation here. The Government in London would claim that they had struck a reasonable compromise and balance. Obviously,

you can either agree or disagree with that. Various views are being expressed. I am always reluctant to go to a Division, but we may have to do so to get the position crystal clear.

**Mr Dallat:** Perhaps you should recap for Ms Gildernew, who has just come in.

**The Chairperson:** We are talking about amendments in principle. The first is the suggestion that instead of using the term “employee”, the term “worker” be used, albeit that that would be subject to further definition later in the legislation, which we will discuss in due course. Obviously, there are pros and cons. The proposed definition widens the number of persons who benefit under the Bill. It might be perceived as more equitable in that some of the greyer areas of contractual statement in employment probably have a disproportionate representation of women compared to men. It may involve anticipating changes that will occur anyway in this area of legislation, but, on the negative side, it will cost more money. There will be more burdens on business, and there is ongoing departmental consultation on the definition of employment status with respect to employment rights.

**Mr Carrick:** The administration of the scheme under the Employment Bill will be at national level, not at regional level. Any change in the fundamentals of the Bill regarding who does and does not qualify will create huge administration problems at national level.

**Mrs Carson:** At our meeting yesterday, I said that some industrialists are already working towards the United Kingdom system. They reckon that that system will be adopted. They have found problems with it and say that it will be a minefield. If we widen the legislation to include workers, the timeframe here will be longer. However, as the Deputy Chairperson said, we must work with the consensus of the rest of the legislation area.

**Ms Gildernew:** I am in favour of using the term “worker”. The aim is to provide flexible working arrangements for parents. It may be more complicated, it may result in more work for the Committee, and it may cost more; however, we have a duty to ensure that we get the best package for people. Not every worker is necessarily an employee. Because more women fall into the category of worker, we have a social obligation to provide the best legislation. Those who come under the category of “worker” will need these working and leave arrangements most. Therefore, it is important that we get it right, and if that means extra work, so be it. That is not a problem.

**Mr Carrick:** There are arguments on both sides. I want to know the practicalities and the additional costs involved in widening the definition.

**The Chairperson:** I anticipated that sort of question and asked the Assembly Research and Library staff to estimate the additional costs. Rough estimates are given

at tab 4(a). Question 3 on page 2 of Ms Regan’s paper shows that by rough multiplication it can be calculated that an extra £3 million will be required to set up the scheme, plus £1 million extra in each subsequent year. That was based on the assumption that in the Northern Ireland labour force there are approximately 16% more workers than there are employees — there are some 600,000 employees compared with 700,000 workers, so you multiply up by one-sixth. However, that is a rough calculation, a point that is made in the answer. If anything, the additional costs might be smaller.

Those sums — while not absolute — are small in relation to the size of the Northern Ireland economy, though there may be measurement problems. Before the Committee votes — and I have to work out what form that will take — I would like Mr Gamble to comment on why “employee” was used in the Bill rather than “worker”. A range of definitions is included in legislation already in force, so why was “employee” used?

**Mr Gamble:** Many people, such as part-time workers and people on fixed-term contracts, will be included in the definition “employee”. Anyone with a recognised employment relationship will be included. It is a fairly wide term, but the issue of employment status is complicated. People know what an employee is but are not sure of some of the other definitions. Different definitions have been used for different purposes and different legislation.

A study and consultation about employee status and untypical employment arrangements are under way. It was felt that there was so much uncertainty about other forms of working arrangements that it was better to use the term “employee”, because most people are familiar with it. We will then consider the findings of the detailed work being carried out to understand the other forms of working arrangement. There is a difficulty in understanding how many other types of arrangement there are and what forms they take.

**Ms McWilliams:** Statutory legislation provides definitions. Will you address the current pieces of legislation that use the term “worker”? Why was “worker” rather than “employee” used in most statute law from 1995? Is it because the trend in the labour market is changing so rapidly?

**Mr Gamble:** I do not understand your question.

**Ms McWilliams:** As shown on page three of tab 4(a), the Employment Rights (Northern Ireland) Order 1996, the Employment Relations (Northern Ireland) Order 1999, Working Time Regulations (Northern Ireland) 1998, the National Minimum Wage Act 1998, the National Minimum Wage Regulations 1999 and the Trade Union and Labour Relations (Northern Ireland) Order 1995 all refer to “worker”. It is not the case that it is not in statute and has not been introduced into legislation; it has been.

The probable reason for that is that these new pieces of legislation had to take on board the different circumstances under which different people are employed.

**Mr Caldwell:** It appears that those pieces of legislation directly apply minimum standards, many of which emanate from European level. Those minimum standards would apply to any individual working in any capacity, whereas the Employment Bill's proposals do not emanate purely from any European Directive. They are new rights that will apply to a range of individuals.

They are not minimum rights that everyone in every type of employment should necessarily enjoy. After all, there is the question of the relationship between employer and employee. It is not a case of an employer imposing rules on employees or of an employee making demands on an employer. It is intended to be an area in which there is mutual agreement. If "employee" were changed to "worker", the intention of the Bill would change massively. The term "worker" would include people whose inclusion in the scheme was not anticipated.

**The Chairperson:** We must try to decide whether the Committee wants to propose an amendment. This is one of the broader amendments; we may vote on smaller ones later.

*Question put, That "employee" be changed to "worker" in the Employment Bill.*

*The Committee divided: Ayes 5; Noes 4.*

*AYES*

Ian Adamson, Esmond Birnie, John Dallat, Michelle Gildernew and Monica McWilliams.

*NOES*

Mervyn Carrick, Joan Carson, David Hilditch and Roger Hutchinson.

*Question accordingly agreed to.*

**The Chairperson:** Shall we now discuss the categories that would be included, or do you want to return to that after having had a further paper from Assembly Research and Library Services? If we opt for "worker", we must include some details on the definition — do we include home workers, casual workers, agency workers and so forth?

**Mrs Carson:** We will have to leave that for someone to research for us. We do not have enough time today to come up with all the categories.

**The Chairperson:** We will probably return to that next week. In the intermediary time you could look again at Eileen Regan's paper, particularly question four on pages three and four.

Question four on pages three and four mentions the types of legislation that include the term "worker". At the back are photocopies of the legislation. The definition of "worker" in that legislation will give you a range of the options available. One does not necessarily have to follow them, but a combination may be useful.

**Dr Adamson:** The age limit that applies to disabled children should be reduced.

**The Chairperson:** That is a possible amendment. It relates to the right to request flexible working conditions. As it stands, the Bill suggests that parents whose children have not yet reached the age of six have the right to request flexible working conditions. It is a right to request, not a right to such conditions.

The Bill also suggests that where a child is disabled and has not reached the age of 18 the same provision should exist. It could be argued that since this is designed to help parents who have dependent on them young or disabled people, the age limit is not relevant and should be removed. Therefore a younger person who is dependent and disabled, regardless of age, should be included in the provision. If that were the case more parents would be helped, as would the dependants of such parents.

There is an argument against that amendment — the cost. When I first considered this amendment, I felt that it looked reasonable because the numbers involved might be small. However, the latest advice from the Assembly Research and Library Services — and it is difficult to get precise figures — is that there are many disabled people in Northern Ireland. Unfortunately, Ms Regan did not have that data when she wrote the paper at tab 4(a).

**The Committee Clerk:** It depends on the definition of "dependants" and if they are "younger".

**The Chairperson:** Surely that is true by definition.

**The Committee Clerk:** It would be useful to speak to Ms Regan about that.

**The Chairperson:** How do members feel about that as a possible amendment? Would you like to hear some statistical and contextual background from the researcher about the disabled and the right to request flexible working.

*Members indicated assent.*

**Mr Dallat:** There is official and unofficial adoption. The adoption process is long and protracted, and it remains unofficial for a long time. The term is accepted in other parts of law.

**The Chairperson:** Can any of the officials comment on that? There may be a grey area before an adoption is officially cleared, and the prospective adopters would need help during that period.



**Mr Gamble:** I do not feel qualified to comment on that.

As departmental officials, our sitting at this table may not serve a purpose. This is a Committee debate, and we will clarify points, where possible, but we seem to be being addressed as if we were giving evidence.

**The Chairperson:** Yes, I am aware of that. Are you happy to remain in the room, and if there is a technical problem — albeit there is always the problem of how you define technical as opposed to —

**Mr Gamble:** I am not seeking to be obstructive in any way, but we do not want to be part of the Committee's debate. The Committee has to make to the Minister submissions about which she will be seeking our advice. We could be compromised if we took part in this debate.

**The Chairperson:** Would you prefer to be away from the table?

**Mr Gamble:** I would prefer to be called at your discretion.

**The Chairperson:** Thank you for your help so far.

Thank you for coming, Ms Regan, and thank you for your paper, which attempts to answer some of the questions that we thought might arise about amendments. We want to discuss the possibility of changing the qualification with respect to parents of disabled children by removing the under-18 age limit. The question therefore arose of how many more parents or families would be affected by such a change, and hence the cost implication. Were you able to get any angle on that?

**Ms Regan:** The statistics unit in the Research and Library Services provided me with figures. It is difficult to ascertain precise numbers with accuracy. The figures show that there are three different types of statistics that must be looked at to ascertain the potential impact of extending the age limit of disabled dependants beyond 18. They are: disability living allowance (DLA), which is the best allowance for disabled people under 65; attendance allowance, which kicks in for those over 65; and incapacity benefit for the self-employed. The numbers for severe disablement allowance are too small to make any difference to the estimates.

According to the most recently published figures, from May 2002, 145,741 were on DLA and 65,657 were on attendance allowance, making a total of 211,398. That means that one-eighth of the population of Northern Ireland claim one of those financially exclusive benefits. I have been advised that, in estimating the associated costs with disability, it is possible to take into account the statistic that 13,000 under 18-year olds receive DLA. That could be multiplied by a factor of around 16.

We need to know the figure that the Department included in its estimate of the number of employees

with disabled children. That could be multiplied by 16 to obtain an estimate of the revised costs. On an estimate, based on the advice of the statistics unit, more than 100,000 potential beneficiaries would result from an expansion to include disabled dependants. If the Committee wishes to have further work done, the statistics unit would be happy to pursue it. Unfortunately, I do not have a background in statistics.

**The Chairperson:** That would be helpful. Although the position is vague, that information nevertheless indicates that there would be a considerable increase in the numbers affected. My view is that the Committee should probably not consider an amendment at this time. However, if further data to indicate something different became available in the future, we could consider an amendment.

**Dr Adamson:** I would be happy with that. I was unaware of the figures.

**The Chairperson:** Are there any other views about disabled flexible working?

**Mr Dallat:** Did the Equality Commission have any proposed amendments?

**The Chairperson:** The Equality Commission suggested that the age limit should be removed for disabled children for as long as they are dependants, regardless of whether they are 18, 25 or 35.

**Ms Gildernew:** I agree with removing the age limit. Those of us with young children know the necessity of flexible working arrangements, but a disabled child relies on a parent for everything. We must seriously consider cost implications, but we really need to try to make a difference. Perhaps it would be worthwhile for the Minister to look for extra resources to ensure that we make the necessary provision to entitle the parents of disabled children to flexible working leave.

**Mr Carrick:** The clause gives the parents of young children the right to apply for flexible working arrangements. There is a concession for those with disabled children under eighteen years. If there were no age limit on the definition of a disabled child, would that result in an entitlement for life? A disabled child remains the child of a parent for life.

**The Chairperson:** Yes, if it can be established that a disabled child is dependent. I do not know whether Ms Regan can comment on the definition of dependency. Would the removal of the age limit mean that the parent of a disabled child would qualify automatically, or could the dependency qualification kick in or change? Could a disabled child cease to be dependent? How would that be proven or established?

**Ms Regan:** It would depend. I understood that, for disabled dependants, the provision would extend beyond children. That was the intention. Arguably it would



depend on how it is defined or described. For example, will it be limited to children or will it be extended beyond that? There are other forms of dependence.

**The Chairperson:** That is also an issue.

**Ms McWilliams:** This is such a complex issue, going beyond the current age group, that a separate piece of legislation would be needed, or a huge burden would be put on this Bill. This matter is being examined in other areas of legislation such as benefit payments, carers' allowances et cetera. We may wish to proceed with what has been agreed and at another stage examine it as a piece of legislation. There is a lobby group that suggests that. Currently, it seems that parents of able-bodied and disabled children want the existing age groups. In my experience of disability, the state tends to take over the dependency after that.

**The Chairperson:** Both views have been expressed, and I sense that most members would not favour such an amendment. Does anyone feel strongly that a Division should be called?

**Mr Dallat:** Yes.

**The Chairperson:** You are a political masochist.

**Mrs Carson:** How does the issue tie in with the equality agenda? The parents of young people doing A levels and going on to further education might feel that they were being discriminated against if there was an age limit. I am acting here as devil's advocate.

**The Chairperson:** Are you saying that any age limit for any category is discriminatory?

**Mrs Carson:** It will be thus if it concerns disabled children and young persons without setting an upper age limit for that group. I agree with Monica McWilliams; it has been examined in other areas, and we should perhaps leave it as it is for now. Someone with 17- or 18-year-old children might want flexible working hours.

**The Chairperson:** When the issue has been dealt with, I shall invite Members to suggest other amendments. An amendment might possibly be made to that; however, it is up to Members to decide whether they wish to examine the definition of "flexible" for non-disabled children. Should the upper age limit remain at six, or should it be higher?

**Mr Dallat:** The purpose is to underscore the relevance. This concerns not only disabled children; the family of a disabled child is also disabled. Comparisons must not be made between that situation and that of someone who is studying for A levels. Perhaps it is necessary to be associated with a family to understand the situation.

**The Chairperson:** That is the counter-argument; however, the Bill as it stands is positively discriminatory or biased towards the parents of disabled children. Most people feel that it is right for the age limit in such cases

to be under-18 as opposed to under-six. There is differential treatment, and most people feel that to be appropriate, given Mr Dallat's argument.

The wording of the question is:

"That flexible working be extended to all working parents of disabled children so long as they are dependants."

Are members happy with that? If the Committee accepts it, the "younger than 18" requirement is removed. A proposer is needed.

**Ms McWilliams:** I take it that it does not refer to the statistics which Eileen Regan gave earlier and that it is a different category. You initially referred to disability living allowance and incapacity benefit.

**Ms Regan:** This group is broader.

**Ms McWilliams:** There are therefore no accurate statistics, and we do not know how many people are affected.

**Ms Regan:** There are statistics, but those you rely on do not correlate directly with what you seek to do. There is therefore an element of guesswork.

**Ms McWilliams:** We do not have an accurate record of the number of disabled dependants who are over 18 and still living at home.

**The Chairperson:** I have a question for the officials. What statistics did the Department have for the number of people who would be affected by a right for parents of disabled children up to the age of 18 to request flexible working hours?

**Mr Gamble:** The Department conducted a regulatory impact assessment. I do not have it here, and I am not sure whether it had to cover that much detail, since such assessments deal with the costs which will be imposed. As this is an arrangement for flexible working hours, the cost of the measure is in question. I do not recall whether the Department used statistics or whether it simply came to a conclusion following the consultation and the suggestions made in that about the age of disabled and non-disabled children whose parents should be entitled to flexible working hours. A consensus emerged that the appropriate age was six for non-disabled children and 18 for disabled children. The decision was probably not made in a scientific way. People cease to be children after their eighteenth birthday, and the Bill concerns children, parenting and employment.

**Ms Gildernew:** A 22- or 23-year-old who is wheelchair-bound and cannot fend for him- or herself is, to all intents and purposes, a dependent child. Age does not matter, for such people will not be able to get out of their wheelchairs and fend for themselves at the age of 18. Parents still need flexible working hours. The system is so poor at caring for such young people that many parents have had to give up work altogether to look after their children

full-time, and there will be many families to whom the arrangements will not apply, since the parents cannot work. A person of 22 who is dependent on his parents is a child, and age should not be a consideration.

**Mr Gamble:** That matter is for the Committee to decide. The proposal is what is contained in the Bill.

**Mrs Carson:** Does Mr Gamble know the legal definition of a child?

**Ms McWilliams:** A child cannot be left unattended below the age of 14.

**The Chairperson:** This broader area of discussion is drawing us away from the Bill.

**Ms McWilliams:** It is a fair question, however.

**Mrs Carson:** Such people are children in every sense but their age. Their parents think of them as children, but what is the legal definition of a child? Social services state that children cannot be left alone until the age of 14 and that a child must leave a special school at the age of 19, at which point he or she is no longer considered a child.

**Ms McWilliams:** That is a different matter, since that is the leaving age for disabled children. A parent may be prosecuted for leaving a child unattended under the age of 14.

**Mrs Carson:** Can we clear the matter up?

**The Chairperson:** I am not sure how relevant that is to the Employment Bill, although it is an important issue in its own right.

**Ms McWilliams:** It is relevant because children coming out of school cannot be left as “latchkey kids”, as they were once known. That is the reason for asking for flexible working hours. Children cannot be left “home alone” from the end of the school day until the parent gets home from work. Most parents will require flexibility if they do not wish to pay child-minders to look after that age group. Obviously, they are for children below the age of six. The issue is partly about keeping people in the labour market. In the past, when women had children below that age, they tended to give up work completely.

**The Chairperson:** We are dealing with an issue that could be covered in another amendment, which we may come to in due course. We are finding it difficult to find the right form of words for the question. Is an 18-year-old disabled child legally defined as a child?

**Ms Gildernew:** It depends on whether the child is dependent. Your child is always your child, even if he is 30. He is considered a child so long as he depends on his parent.

**The Chairperson:** I appreciate the point in the social and moral sense. However, the problem is that using a different form of words leaves us open to situations in

which a dependant is not a child. For example, he could be a nephew or an adopted child.

**Ms Gildernew:** If they are adopted, they are your children. We are not talking about extended families; we are talking about flexible working hours for parents of children with disabilities who are dependent on them.

**The Chairperson:** Yes. The issue is whether we can use the word “child” if the person in question is above the age of 16. Is that right?

**The Committee Clerk:** We could invite the researcher to define children and then discuss the matter further.

**Ms Regan:** There are several definitions. Does the amendment seek to have a catchment of disabled dependants, or does it focus solely on disabled dependants who are the children of those on whom they depend?

**The Chairperson:** Yes. That is a good point. Are we considering disabled dependants, which is a broader category than disabled children who are dependent on their parents, or simply disabled children, even though they may not legally be defined as such because they are above the age of 16?

**Mr Carrick:** Is it not clear that the clause gives parents of young children the right to apply for flexible working hours? Moving outside that area would widen the clause. The parents are the people for whom the clause makes provision.

**The Chairperson:** We should use that form of words. Should flexible working hours be extended to all working parents of disabled children?

**Ms Gildernew:** The Equality Commission recommends that a proposed right to request flexible working be extended to parents of disabled children, so long as the children are dependants.

**The Chairperson:** That sounds like a good form of words.

**Mr Carrick:** Let me clarify this — when a disabled child reaches the age of 18, another social support system kicks in. Is that right?

**Ms McWilliams:** Yes. However, if the state takes over, disabled children are not considered dependants of their parents. We know of parents who do not want their children to move into residential or respite homes or whatever accommodation the state offers. It is likely that many parents work shifts — one working days, the other nights — to enable them to care for disabled adult dependants.

**Mr Carrick:** The key words are “adult dependant”. At some point, the child must move from being a child dependant to becoming an adult dependant. That is a critical stage.

**Mrs Carson:** That happens at the age of 18. Children who attend special schools must move on when they turn 19, as there is no special educational provision for them beyond that age.

**The Chairperson:** I suggest that we use the same form of words as the Equality Commission. There may be a legal tangle with that, since dependent children are not actually children beyond the age of 18. We should use those words anyway, however. If we agree to the amendment, we shall have to come to terms with that.

**Ms McWilliams:** Although I use the term “adult dependant”, I think that the Equality Commission’s wording would cover that group. The Commission intends that disabled children be considered children as long as they are dependent. That would include people with cerebral palsy who may have the mental age of a child of four but a biological age of 44. Therefore, the definition which the Equal Opportunities Commission has suggested would include all those.

*Question put, That flexible working be extended to all working parents of disabled children, so long as they are dependants.*

*The Committee divided: Ayes 3, Noes 4.*

AYES

Monica McWilliams, Michelle Gildernew and John Dallat.

NOES

The Chairperson, Dr Ian Adamson, Mervyn Carrick and Roger Hutchinson.

*Question accordingly negatived.*

**The Chairperson:** Are there any views on other possible amendments? Obviously, we do not have to make amendments if we not wish to. That in itself is a decision which we can take.

**Dr Adamson:** I am happy enough with the rest of it.

**Ms Gildernew:** We should consider other recommendations made by the Equality Commission about flexible working rights for parents of children of school age or under and about the rights of workers who have other care responsibilities.

**The Chairperson:** We shall deal with those separately. Under the provisions of the Bill, parents of children under six would be eligible to request flexible working arrangements. Ms Gildernew, you suggest that it be amended so that parents would be eligible until their children turned 16. That is a slightly grey area — should we specify the age of 16 or the age at which the child leaves school? That secondary issue could be clarified.

**Ms Gildernew:** A 16-year-old is capable of looking after him- or herself.

**The Chairperson:** My point is that a 16-year-old could still be at school.

**Ms Gildernew:** But compulsory schooling lasts only until the pupil is 16.

**The Chairperson:** The other issue concerns other categories of carers. We sought advice from the Assembly Research and Library Service, and question 5 in section 4(a) of the document asks:

“If the age limit for children was raised from 6 to 16 to allow working parents to request flexible working, how many more people would be affected?”

Under the existing suggested provision, 120,000 employees are affected. It is estimated that there would be an increase of approximately 70% to about 200,000. The costs of the Bill would obviously be increased because of the greater numbers involved.

**Mr Carrick:** I have reservations about increasing the age limit because of the potential impact on small businesses. We are asking small businesses to embrace new circumstances wherein they must seriously consider a request for flexible working arrangements. The existing provision in the Bill for an age limit of five or six — or 18 for disabled children — will impact upon small businesses and make it difficult for them to accommodate the new arrangements. If the age limit were to be increased to 16, it would place an unbearable burden on them.

**Mr Dallat:** The counter-argument is that the effects could be measured in other ways. If parents had flexible working arrangements, juvenile vandalism, drug addiction, attacks on small businesses, joyriding and other social problems could well be curtailed and standards of literacy and numeracy could be raised through homework. There are more arguments for raising the age limit than there are against doing so.

**Ms Gildernew:** Mrs Carson mentioned the case of the local factory which was forced to close because the owners were unable to find employees. If businesses were a little more sympathetic to parents’ needs, there would no recruitment problem. They could employ people to work during school hours and be more flexible about working hours when the children came home from school. The proposals could help small businesses.

**Mr Carrick:** I wish that I could agree with that theoretical assessment, but it flies in the face of existing evidence. Many parents already stay at home, and yet young people run riot in the street. The new arrangements are not the answer to the problem.

**Ms McWilliams:** The figures may exaggerate the case. Many employers already offer flexible hours. The figures include those employers, not just those who are

new to the idea. We do not know how many parents would be offered flexible working hours for the first time. The Civil Service is a perfect example of employment where flexible working hours currently exist.

**The Chairperson:** That is true. I do not know if Eileen Regan would want to add to anything in her paper, but all those statistics must be “back of the envelope”, since the available data are not that good. Monica McWilliams’s point is correct: some flexibility already exists.

**Ms Regan:** Personnel in the Statistics Unit would echo the concern about the amount of guesswork involved.

**Mr Carrick:** Is it not true that many of the flexible working arrangements involve being able to start within the first one or two hours and cease within the last two hours of the working day? Is that not the current trend? That restriction exists, and the practice is not necessarily the answer which the Employment Bill is looking for when seeking to offer parents of young children flexible working hours.

**Ms McWilliams:** No. It gives that opportunity to others. One advantage of offering flexible hours is that it gives parents the ability to take children to school and to leave work earlier so they need not pay huge child-minding costs.

**Mr Carrick:** My question was whether that was not flexible enough. Are those arrangements — starting in the first two normal working hours and ceasing in the last two hours — flexible enough to address the domestic issue?

**Ms McWilliams:** There is also job-sharing and part-time working, which could be considered flexible. The whole labour market is moving towards greater flexibility, but under different names. Some are measured in hours, some in categories of jobs.

*Question put,* That the right to request flexible working be extended to all parents of children under the compulsory school-leaving age.

*The Committee divided: Ayes 3, Noes 5.*

*AYES*

John Dallat, Michelle Gildernew and Monica McWilliams.

*NOES*

The Chairperson, Mervyn Carrick, Joan Carson, David Hilditch and Roger Hutchinson.

*Question accordingly negatived.*

**The Chairperson:** The other area of possible broad amendment, which Michelle Gildernew suggested earlier, was that the right to request flexible working be extended

to employees who have other caring responsibilities, for example, for elderly parents.

**Ms McWilliams:** This is known as an employment Bill for parents. In some instances, you are moving to the issue of grandparents. Are they a category of parents? People may care for someone else’s parents rather than their own. You are talking about carers as opposed to parents. That moves beyond the legislation’s remit.

**The Chairperson:** Arguably, it does. However, some would say that it does so in a good sense. That is open for us to judge.

**Mr Carrick:** I should also pose that question. Is it a complement?

**The Chairperson:** That is a good technical point. Does anyone have any other comments on that? I did not seek statistical advice on the point, but I imagine the answer would once again be that we do not know the precise numbers involved, but that they would be considerable. It is difficult to be exact. Our understanding is that legislation on caring responsibilities other than for parents and children may be forthcoming. Can the officials tell the Committee whether such legislation is pending?

**Mr Gamble:** I am not aware of any such legislation coming from my Department.

**Mr Caldwell:** The Department of Employment and Learning is not working on it. However, the Bill is really about working parents — it stems from consultation on work and parenting.

**The Chairperson:** The Committee must decide whether to try to squeeze the provision into this Bill or propose separate legislation. Members and Committees can sponsor any legislation they wish, although they would be hard pressed to find time to do so at present.

**Ms McWilliams:** In addition to what the Committee has heard about work/life balance, the explanatory and financial memorandum says that the Bill was intended to facilitate a balance between “family and work commitments”. However, the legislation facilitates a balance between “parenting and work commitments”. Had the Bill used the wider term of family commitments, the issue of looking after elderly relatives could have been included. That is a real issue, because the longer people live, the more the working population will have to take on caring responsibilities. Unfortunately, it goes beyond the remit of the legislation.

**The Chairperson:** Does the Committee wish to put the question about other carers to a Division, or are there members who feel strongly that this Bill is not the place for such provisions?



**Ms Gildernew:** It should be addressed. I am happy to accept that the Bill is about parents, but the Committee should examine the issue next term.

**The Chairperson:** The Committee will leave that amendment out but bear in mind that it is a significant area for future legislation. Are there any further possible amendments?

**Ms McWilliams:** Did the Federation of Small Businesses propose any definitive amendments? I noticed one about the number of employees.

**The Chairperson:** Everything is in the pack under tab 4(c). The Federation of Small Businesses did not specify amendments; it said that no distinction is drawn between large and small companies. However, it suggests a specific amendment for clause 112(f) on flexible working and mentions that the self-employed are not covered, which is true.

Rather than providing worded amendments, the federation has laid down broad principles, and you can take its comments on board if you wish. Ideally, they would like some sort of amendment saying that the provisions relating to matters such as employment and parenting rights should apply only to companies employing more than 50 workers, for example, and a size band would have to be exempted.

There are several arguments against doing that. It would increase the complexity of the Bill, and you would be open to the argument that you have created inequity for two employees in similar circumstances. For example, an employee in a company with 24 workers would not get the right while another in a company employing 26 would. The parity with Great Britain would be broken with respect to the way in which the Inland Revenue system works in this area. Nevertheless, there is an argument about the burden on small-and medium-sized enterprises, and that should be taken seriously.

**Ms McWilliams:** In the light of the amendments which we have proposed, I have a question inspired by an issue raised by Jones and Cassidy Solicitors in relation to their expert knowledge of anti-discrimination law. Are there categories which suggest that the Bill be left as it is, now that we have eliminated some categories covered by anti-discrimination law?

**The Chairperson:** Are you talking about the Bill as it stands?

**Ms McWilliams:** I am including our amendments. To ensure compliance with anti-discrimination provisions, they are saying that employers are required to consider all requests by employees for flexible working based on balancing work and domestic responsibilities. We have considered the matter as far as we could in the light of parental responsibilities. Discrimination law goes beyond that.

**The Chairperson:** That is between those with dependants and those without dependants under section 75 of the Northern Ireland Act 1998.

**Ms McWilliams:** That is right. Has anybody examined the question regarding the equality impact?

**The Chairperson:** I am sure that we asked the officials a similar question when they gave evidence, but not in the way in which it has been couched. How far has the Department considered that, and is the Department confident that the Bill, as it stands, is not vulnerable to some sort of challenge on equality grounds under any of the categories listed in section 75? Did the equality impact assessment produce a convincing result that there were not differential impacts which would be vulnerable to challenge? Sometimes differential impact is allowed if it corrects a perceived or actual imbalance.

**Mr Gamble:** The equality impact assessment found that the Bill would have no adverse effect on any group.

**Mr Caldwell:** An assurance has been received that the Bill, as drafted, is in compliance with the Human Rights Act 1998.

**The Chairperson:** Ms McWilliams referred to the title of the Employment Bill, and we asked the officials about that. There are good reasons for keeping it short, and the tradition is to do so. However, if members have had further thoughts about the matter, can we amend the title?

**Ms McWilliams:** We can; it has been done in another Committee and accepted by the Department.

**The Chairperson:** Members may feel that there could be a better description for the Bill.

**Ms McWilliams:** I proposed the title in question, as it would be good to have short titles for our Bills. Many Bills were being introduced as No. 1, No. 2, No. 3 and No. 4, and that was a bland description of the important work contained in them. The Department of Health, Social Services and Public Safety accepted a different title and named a Bill descriptively. The custom and practice is that the title must be fewer than nine words. We should not need many words to describe what this Bill will do.

**The Chairperson:** It might prove quite awkward to find an exhaustive form of words. We could have "Parents and Adopters". Do members have any proposals for the title?

**Ms Gildernew:** What about "Flexible Working Arrangements for Parents"? An adopter is a parent when he or she adopts.

**The Chairperson:** "Flexible Working Arrangements for Parents".

**Ms McWilliams:** That title only describes the descriptor. The long title describes what the Bill will do. It could be the “Work/Life Balance Bill” or anything that shows that it is interesting.

**The Chairperson:** Yes. It would show what the Bill delivers.

**Mr Dallat:** It could be “Parents and Guardians”.

**The Chairperson:** We have several alternatives: “Flexible Working Arrangements for Parents” or “Work/Life Balance”.

**Ms McWilliams:** The Bill deals with more than just flexible work, and that is the difficulty with “Flexible Working Arrangements for Parents”. It includes adoption leave and extends parental rights in employment. Perhaps we might leave the decision on the title until next week, as it is difficult to come to one now. If we all gave some thought to it, we could come up with a few interesting alternatives to the present two words.

**The Chairperson:** “Work/Life Balance” has been suggested. We should always check an acronym — WLBA — in case it stands for something threatening or obscene.

Are there any other suggestions or possible amendments?

**Mr R Hutchinson:** You have given everyone enough time, Mr Chairman.

**The Chairperson:** That is what I had hoped for. I shall wrap up this section of the meeting.

We have agreed the broad principle of an amendment, changing the term “employee” to “worker”. Ms Regan’s letter of 4 September to the Committee is relevant to the Equality Commission’s evidence. The Equality Commission suggested that we use the definition of “worker”, as in the Employment Rights (Northern Ireland) Order 1996. We should need to ask it directly, but I wonder why it went for that definition as opposed to the one used in the Employment Relations (Northern Ireland) Order 1999, which seemed to have a broader scope. Perhaps only the commission can answer that question.

Secondly, if we use the word “worker”, as opposed to “employee”, what categories might we want to include in the definition? Thirdly, it struck me that the definition of “worker” does not include those who are self-employed. Is there any reason for that, and is there anything positive or negative which the Committee must consider before including the self-employed in the definition? Perhaps those are difficult questions to answer at short notice, but the Committee will probably make that amendment and ask the Department for more research on the matter. Other members may have questions too.

**Ms Regan:** It would be helpful if the Commission could explain its rationale for using the definition from

the Employment Rights (Northern Ireland) Order 1996. I imagine that it concerns the scope of the legislation. In relation to the question about who is included in the definition of “worker”, the Committee may have certain groups in mind.

**The Chairperson:** For example, what groups are included in the legislation passed in the 1990s?

**Ms Regan:** Agency workers and freelancers might be included under a specific definition. The Committee might want to extend the scope of the definition. I have itemised some groups of workers in my written response, including home workers. It may be worthwhile to make more comprehensive comparisons with that last group so that I can spell out some groupings and their extent.

As for including the self-employed, the Committee might want to engage further research, for employment law is a minefield in certain ways, and including them might require a broader definition.

**The Chairperson:** I am asking you to speculate, but is that why the self-employed have historically been left out? Is it so difficult to define “employees” and “workers” that the law has not reached the point of including the self-employed, or is there another reason?

**Ms Regan:** It is pure speculation on my part, but I imagine that self-employed people are defined as different from freelancers. However, I would need to research the difference.

**The Chairperson:** Thank you. As there are no more questions about the legal aspects of that matter, we shall move on. We shall defer the clause-by-clause consideration of the Bill until next week. As the Committee agrees in principle to using the term “worker” instead of “employee”, we must go through the Bill and identify the clauses which must be altered. The Committee will also seek the further research which Ms Regan mentioned. As there are no further comments, I should like to thank Mr Gamble and Mr Caldwell for coming to the meeting and Ms Regan and the Assembly researchers for their help.

There is one question about how the Committee should proceed. The two possible amendments which we are discussing are notably the change from “employee” to “worker” and, possibly, the title of the Bill. Do members feel that the Deputy Chairperson and I should seek a meeting with the Minister at a reasonably early stage to make her and the Department aware of the Committee’s thinking? The Minister might agree to amend the Bill as she did with the last Bill about the name change of the Department.

*Members indicated assent.*

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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR  
THE ENVIRONMENT**

Thursday 5 September 2002

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**PLANNING (AMENDMENT) BILL  
(NIA 12/01)**

**Members present:**

Rev Dr William McCrea (Chairperson)  
Ms Lewsley (Deputy Chairperson)  
Mr Armstrong  
Mrs Carson  
Mr Ford  
Mr McClarty  
Mrs Nelis  
Mr Poots

**Witnesses:**

Mr D Small ) Department of the Environment  
Mr J Lambe )

**Mr Small:** I apologise for the absence of Hugh McKay, the chief executive of the Planning Service, who was to lead the presentation today. He is unwell and, at short notice, we must proceed without him. If you are content, Mr Lambe and I shall lead the presentation.

**The Chairperson:** Please send Mr McKay our good wishes.

**Mr Small:** The presentation involves a clause-by-clause consideration of the Bill, dealing specifically with issues raised by consultees. Before it, however, I should like to update you on three issues, which were the subject of earlier discussion: third-party appeals, increasing the level of fines in the Bill and provisions to make it unlawful to begin development without planning permission.

The Committee will be pleased that the Minister hopes to put a paper before the Executive on 19 September, seeking their agreement to introduce amendments on two issues: the proposal to increase the level of fines and the creation of a new offence to make it unlawful to start development without planning permission. The paper to the Executive will be copied to you. After further consultation with the Committee, the Minister intends to seek the agreement of the Secretary of State to the two amendments, because they concern reserved matters.

On the subject of third-party planning appeals, the Department has prepared a model for discussion with the Committee, as agreed at an earlier meeting. The model and a detailed discussion paper are with the Minister, and the intention is to present them to the Committee in the next week or so. The Minister is keen to have this meeting, and dates are being considered.

Given that the Minister will appear before the Committee on those points, I do not propose to spend further time today addressing them, as they have been raised by individual consultees. If you are content, Mr Lambe and I will deal with other issues raised by consultees. Those issues cover considerable ground and detail. The amount of consultation makes that difficult to avoid. We shall pause after every two or three clauses, or sooner if wished, to take questions.

***Clause 1 (Planning contravention notices)***

**Mr Small:** Clause 1 deals with planning contravention notices to seek information on alleged breaches of planning. Several comments were made on this. The Royal Society for the Protection of Birds (RSPB) has reservations about article 67(C), relating to planning contravention notices, which provides for a person to agree to a particular remedial action, or to bring forward a planning application, or to amend slightly what was being done to resolve a problem.

It seems that as an opportunity that individuals may use as a delaying tactic rather than a proper effort to resolve a situation. We do not share that concern. The use of a contravention notice is only one action available to us. If a satisfactory outcome is not achieved, we will use our other powers in the legislation and, for instance, pursue an enforcement notice. The RSPB is concerned that the provision in article 67C might be used as a delaying tactic. It may be right about that, but we intend to try to resolve matters as far as possible before using the more serious powers. However, those powers are available, and we will use them when necessary.

The Woodland Trust is concerned about article 67C and the problem of developers clearing trees from sites before applying for planning permission. That is a wider issue than the purpose of planning contravention notices: should removing trees require planning permission? We do not think it should. To introduce that sort of provision would have major operational implications for the planning process, the Planning Service and private house owners who might want to cut down a tree on their property. Blanket control over the removal of trees should not be introduced, and this was discussed at some of the Committee's previous meetings.

***Clause 2 (Enforcement of conditions)***

**Mr Small:** Clause 2 deals with the enforcement of conditions and breaches of conditions attached to planning permission. A number of concerns were raised about



that. The Planning Appeals Commission was concerned that there is no provision in the Bill for an appeal against a breach of condition notice, and it suggested that there might be human rights issues there. The Department “human rights-proofed” the Bill before introducing it to the Assembly, as is required, and it is satisfied that the Bill is human rights-compliant. When conditions are being attached to planning permission an applicant can appeal those conditions at that time or subsequently. There are provisions already in the legislation that allow an individual to apply to the Department to have any condition removed, so we are satisfied that the Bill is human rights-compliant.

The Planning Appeals Commission also raised concerns about article 76A, and suggested that the wording be reviewed. It said that the wording should be more flexible to give the Department more discretion. We are content with the current wording, which is designed to deal with specific and clear breaches of planning conditions. Where the Department feels that a different approach should be adopted, it will use enforcement powers that are available in the legislation.

The RSPB also raised a concern about clause 2. It said that the Department must closely monitor compliance with conditions when they are attached to planning permission because that would allow a more rapid response. We accept that we should be more proactive on enforcement, and we have made commitments to be so at previous Committee meetings. There are limits on how effective we can be in that, but we do accept the point.

Another concern raised by the RSPB relates to article 76A and a breach of conditions. The RSPB asked if the suggested fine was a sufficient enough deterrent. We are satisfied that the proposed fine of £1,000 is adequate and consistent and proportionate with other fines in the Bill. The breach of condition notice process is designed to deal with clear, specific and, usually, minor breaches of planning control. Where we feel that something is more serious, we will use the other powers available by way of an enforcement notice when higher fines will be available.

### **Clause 3 (Injunctions)**

**Mr Small:** Clause 3 deals with injunctions, and no specific comments were made about the new powers.

**The Chairperson:** Does any member want to raise anything about clause 1 and clause 2?

**Mrs Nelis:** I understand the difficulties of protecting trees given prior planning permission, but how do you propose to do it? We all have experience of developers clearing sites and cutting down trees, resulting in disruption to and protests from people. How can we protect the environment?

**Mr Small:** We have concerns about blanket protection to prevent the removal of any tree without prior approval

from the Department. That would have serious operational difficulties, as well as implications for house owners who simply wanted to trim or cut trees in their gardens. Our intention is to be more proactive in the use of tree preservation orders and in how we use the powers given to us by them. We are conscious of the recent occasions on which developers have gone into sites, cleared them and created development sites. The Minister is aware of the problem and is concerned about it. We propose to move more quickly with tree preservation orders and to work more proactively to identify where they might offer better protection.

**The Chairperson:** Many trees have been destroyed, and there is much dissatisfaction about developers clearing away good mature trees for financial gain and nothing else. No consideration is shown for the environment. Unfortunately, trees are destroyed and taken away before the Department arrives. That happens often, and usually at around 4 o'clock in the morning. That is the “sneaky beaky” way in which these boys do it, and it must be stopped. People must have planning permission before they begin a development, and not only for building. Cognisance must be taken of the environment and the need to preserve it. Every one of us deals with constituency issues that prove that members of the public are very dissatisfied. They feel that the Department is weak in this, and it will take some real action by the Department to convince them that enforcement means anything.

Effective measures must be taken to satisfy the community. We have few enough trees; Northern Ireland is one of the weakest areas in Europe for tree planting. We should demand more of that rather than allow the destruction of beautiful trees that add to the environment and the enjoyment of it by people. We must act firmly to stop what has been happening recently, and the Committee would like the Department to re-examine clause 1, which needs more teeth.

With regard to clause 2, many feel that £1,000 is not a sufficient fine. Many representations have been made on the matter, but the Department seems to be happy with the amount.

**Mr Small:** The Department’s view is that the breach of condition notice will be used in specific circumstances for very clear-cut, minor breaches of planning control. In more serious cases and where we feel that a different approach is needed, action will be taken through the enforcement notice process. In a Magistrates’ Court, people can be fined £30,000 and, in the High Court, fines are unlimited. As we intend to use the breach of condition notice in a targeted way, we are satisfied that £1,000 is sufficient. We will use a different process if a tougher approach is needed.

**Mr Ford:** This should be a simple procedure for dealing with issues that are not being dealt with by the existing procedure. Introducing a fine as low as £1,000



might affect someone's decision to add a porch to a house but not the decision to add anything bigger than that. This does not represent real remedial action, and you will have to carry out full enforcement action. This does not add anything to your powers, and I cannot understand why you are not prepared to act above level 3 on the standard scale and introduce a meaningful fine. Without that, you have the choice of a completely nugatory process or full enforcement action, which you already have enough difficulty finding the staff, time and resources to deal with.

**Mr Small:** As I said, the intention is to target the use of this new power, which is designed for use in the case of clear-cut and usually minor breaches of planning conditions. Rather than use the full enforcement process, the Department has chosen to introduce this more straightforward measure.

**Mr Ford:** Do you not accept that a development would have to be minor for £1,000 to be a significant sum?

**Mr Small:** Yes, and the fine is likely to be used in cases of minor breaches.

**Mr Ford:** How minor would the development have to be for that fine to seem significant?

**Mr Small:** We have in mind cases where landscaping has not been done in accordance with planning conditions. The provision would be used to ensure that the landscaping was corrected, and where it was not, we would impose the fine. However, we do not anticipate this measure being used in cases where, for example, a three-storey building was built when there was permission for only a two-storey building. In such situations, we would use much stronger powers.

**Mr Ford:** The Department will not impose the fine, but it will take a prosecution and hope that the magistrate will impose a fine of £1,000 at most. In such a situation, the developer would say that he forgot to plant the additional trees and would agree to complete the landscaping. The magistrate would then fine him £50. It is pointless to have a maximum fine of £1,000.

**The Chairperson:** Given that the maximum fine in a Magistrates' Court is £30,000, why does this measure not have a maximum level of £5,000? What is wrong with that? Why are we so afraid to give the court that power? Nothing convinces me that there will be a rash of cases going to the High Court. The majority of cases will go to the Magistrates' Court, despite the fact that many of them will not be minor. There seems to be consensus that there should be a maximum fine of £5,000 for minor cases. I can assure you that £1,000 means very little today, and to many it would be nothing.

**Mr Small:** We will take those comments back to the Minister.

**The Chairperson:** Tell the Minister that the Committee is resolute about the matter.

**Mr Small:** We will probably have to reconsider the whole range of fines in the Bill, which we do not mind doing, to ensure that there remains some consistency in the fines and penalties.

**The Chairperson:** It is difficult to persuade courts to impose the maximum fine. The tragedy is that if the maximum fine is £1,000, the fine imposed is likely to be £50. People will laugh because that means nothing.

**Mr Small:** We must seek to get better results from the courts, which will be a long process.

**Mrs Carson:** You have said that

"if the breach is serious an enforcement notice is the correct mechanism to use. £1,000 is considered consistent and proportionate with other levels of fines."

If the fine is £1,000, it does not give much hope for fines for further breaches.

**Mr Small:** If a breach is serious, an enforcement notice with higher levels of fines will be used. In those circumstances, the maximum fine will be £30,000 in a Magistrate's Court and unlimited in the Crown Court. The fine of £1,000 for the breach of condition notice, if we pursue that process, is considered consistent with other levels of fines and penalties in the Bill. However, we have taken on board the points made by the Committee and will re-examine those issues.

#### *Clause 4 (Time limits on enforcement action)*

**Mr Small:** Clause 4 deals with new time limits on enforcement action and sets down when it can be taken. It introduces changes to the current arrangements whereby a breach of planning control can be immune from enforcement action if it falls within certain dates.

Coleraine Borough Council said that subsection (3) should be amended to exclude immunity for significant breaches in planning control. The council broadly accepts the changes in time limits but feels that that circumstance should be excluded when a significant breach is involved. It is extremely unlikely that we will be able to take successful enforcement action against breaches that occurred more than 10 years ago. It would be difficult to acquire the necessary evidence. Rather than waste valuable resources on enforcement action that is unlikely to be successful, we prefer to target our resources on areas in which we might get a positive result. The changes are being made for that very reason. We believe that the shift in time limits is still appropriate.

The Construction Employers Federation (CEF) and Lisburn Borough Council raised a second point about the words "substantially completed" in article 67. It was suggested that the wording is unclear. In fact, that wording was deliberately chosen to give effect to previous case

law and court rulings in which courts expressed doubt about anything more firm than “substantially completed”. The initial proposal was that “completed” should be included, but previous case law and court rulings suggested that we should instead use the more vague “substantially completed”.

Finally, the Woodland Trust raised issues concerning article 67A and suggested that planning permission should be required for the removal of trees. We have discussed that point and agreed to re-examine it and report back to the Minister.

#### **Clause 5 (Enforcement notices)**

**Mr Small :** Clause 5 deals with enforcement notices and the process for enforcement. Lisburn Borough Council suggested that the provisions should be amended to ensure that district councils are consulted at appropriate stages throughout the process. We are concerned that doing so would considerably delay the enforcement notice process, when, in fact, the purpose of the enforcement provisions is to try to speed up the process. There is already concern that enforcement action takes far too long — given the various appeals, it can take a year or more. We would be concerned about any provisions to consult district councils that would further extend that period. There is no indication from the other consultation responses of any support for the suggestion from Lisburn, and at this stage we have no plans to amend the provisions.

The RSPB had reservations about the term “under enforcement” and suggested that the criteria should be made clearer. The difficulty lies in the words in the provisions where “under enforcement” is mentioned, and a better choice of words would be “targeted enforcement”. The provision is intended to give us more discretion, so rather than having to enforce against every single breach where we might be content to grant permission, we can be very selective in where we take enforcement action. It is not “under enforcement”, but “targeted enforcement”.

Finally, the CEF and Lisburn Borough Council referred to article 68 and suggested amending the wording to clarify what a “replacement building” means: where the Department has powers to require a replacement building. Article 68A(7) already prescribes what constitutes a replacement building and sets out the circumstances of what is required. We are not aware of how that provision can be made more precise. If a dispute were to develop over what was required, the Planning Appeals Commission or the courts would have to resolve it.

**Mr Poots:** You said that the RSPB only takes up the case of certain breaches and not others and that the breaches might be permissible. How can the breaches be permissible after they have been carried out, if that was not your opinion when approval was granted?

**Mr Lambe:** Quite often the type of enforcement action we take is not as a result of a failure to comply with

planning permission but to deal with unauthorised development, be that in the form of a structure for which somebody has not applied for planning permission or a small extension that a person thought was permitted development that subsequently slightly exceeded those boundaries. When we serve an enforcement notice on a site, we must specify every breach of planning control on that site, even those that, if permission had been applied for, we would have allowed. This targeted enforcement is a means of allowing us, when taking enforcement action, to home in on specific breaches that we think incapable of being approved by a subsequent planning application and so concentrating our resources on the more serious breaches of control on a particular site.

**Mr Small:** Occasionally we simply miss what might be regarded as a breach of planning control when we are concentrating on specific points brought to our attention, and after the appeal process has begun, and the appellant refers to this other breach that we failed to recognise, the whole process is lost. We want to avoid that, and that is the primary purpose of creating the greater discretion. When an individual raises concern about a particular piece of development, we will take enforcement action against that. If we happen to miss some other minor discretion or breach, the whole process of purposeful enforcement is lost.

**The Chairperson:** We must be careful because, although an officer might dismiss a breach of the rules as a minor matter, a person, who knew that he would not have got away with his plan when he first applied, might have done it deliberately. As far as you are concerned, he complied with the paperwork and did what he wanted afterwards. In your book that would be regarded as a minor breach, but it could have untold implications for the person’s neighbours or others to have to live with it.

**Mr Small:** The Department does not intend to ignore planning breaches. However, It wants to ensure that the whole process does not fall apart because it concentrates its efforts on one or two cases and innocently misses a minor breach. The Department intends to act on every identified breach.

**The Chairperson:** How strongly did Lisburn Borough Council raise certain matters, such as replacement buildings?

**Mr Small:** Lisburn council asked for clarification of what is meant by a replacement building. Article 68A(7) sets out what that means. It is not clear how we can make that more precise.

**Mr Poots:** Does the rule apply only to dwellings, or does it apply to commercial and sporting premises as well? The policy is that if a dwelling is abandoned, for example if it is on a farm and used for storage of fodder or for housing cattle, it is no longer classed as a dwelling. Does the same apply to commercial activity, if, for

example, an industrial shed is no longer in use? Can it be reclaimed for industrial use, despite the fact that it has been used for other purposes for several years?

**Mr Lambe:** That is a detail of the way in which planning policy operates, rather than a provision of the Bill. The Department can look at the issue and try to respond to it. However, I am not sure how it relates to the provision in the Bill.

Lisburn Borough Council said that the term “replacement building” must be clarified. It did not suggest how that could be done, and the Department is not sure how to do it.

**The Chairperson:** What do members think about the suggestions for ensuring that district councils are consulted at appropriate stages when enforcement action is being taken?

**Mr Small:** It is not current practice to consult the relevant district council at each stage of the process, and there is no provision for doing so.

**The Chairperson:** I thought that consulting district councils failed to bring about enforcement action, because so little action has been taken.

**Mr Small:** It would add further delay to the enforcement process, which is already slow.

**The Chairperson:** Coleraine was mentioned in relation to breaches in planning control in the past 10 years.

**Mr McClarty:** The council mentioned that because it felt strongly about it. However, I take Mr Small’s point about concentrating the resources on recent cases rather than going back such a long time.

#### ***Clause 6 (Appeal against enforcement notice)***

**Mr Small:** Coleraine Borough Council raised an issue about strengthening the provisions of the clause. It suggested that there should be some form of penalty for retrospective applications. The Department is considering that in the context of the ongoing review of planning fees. This is not new and has been raised in the past. It is closely linked to the new provisions that we are proposing that will make it unlawful to start development without planning permission. The introduction of a penalty retrospective fee would be another way of dealing with that. We are looking at that in the context of our review of fees, which may well result in a change to the fees Regulations. It would mean subordinate rather than primary legislation.

The Northern Ireland Environment Link asked how quickly stop notices can take effect and suggested that they should take effect immediately. The provisions already allow a stop notice to take effect immediately, but the form of wording allows us some discretion on when it should take effect. That is to ensure that any other requirements, such as health and safety legislation, can be accommodated. It might be that a stop notice will

take effect within half a day or one day to allow certain other statutory requirements to be met. When a serious incident takes place and we think that it should stop, the provisions allow a stop notice to take immediate effect.

#### ***Clause 7 (Offence where enforcement notice not complied with)***

**Mr Small:** As well as a range of comments about higher levels of fines on an enforcement notice, which we are dealing with separately, Down District Council referred to the need to clarify the references to a continuing offence. It was concerned about the wording, which is complicated, but its effect is simply to allow daily fines to be imposed where a continuing offence is taking place, or for fines to be imposed weekly or monthly. It broadens the discretion available to impose a fine. We are not sure how that could be made clearer. It is a form of legislative wording that defines the scope for dealing with continuous offences and the range of penalties available.

#### ***Clause 8 (Execution of works required by enforcement notice)***

**Mr Small:** Down District Council referred to the need for an increase in the level of fines for wilful obstruction of unauthorised work in compliance with an enforcement notice. Our position is that the level of fine is consistent with others in planning legislation concerned with wilful obstruction. The fine imposed under clause 8 is limited to the execution of works by the Department, or by others on its behalf, to ensure that work required by an enforcement notice is carried out. We have other wider powers under our enforcement notice procedures, which would only be used in specific circumstances. Given that we have undertaken to look at the other levels of fines in the Bill, however, we shall do the same in this instance.

#### ***Clause 9 (Stop notices)***

**Mr Small:** The Hearth Revolving Fund and the Association of Preservation Trusts made the point that stop notices should have immediate effect, which we have already dealt with. The Historic Buildings Council makes the point that, in relation to the new article 73(7C) that is proposed in clause 9, there should be powers to order the reinstatement of buildings. In that respect, the Department already has power under article 77 to require the reconstruction of a listed building.

**The Chairperson:** You have already said that you are looking at the Coleraine Borough Council’s suggestion regarding penalty fees for those who go ahead with unauthorised development. The issue of stop notices has come up in relation to both clause 6 and clause 9. There is no doubt that a stop notice should mean “Stop”. Surely it should be made clear in the legislation that the only work that can be done is that which is necessary for health and safety purposes. “Stop” should mean “Stop”, but at the moment it does not. It means “Carry on”.



People are driving a coach and horses through this. A stop notice means absolutely nothing to them. They carry on.

I appreciate your saying that you need legislation to ensure that other legislation is not breached in relation to, for example, health and safety. It should be specific. An immediate stop notice should mean “Immediate stop”, and the reasons for it should be a very clear. They are laughing at this whole situation, and the community is angry. When people are told that a stop notice has been put on, they expect that to mean “Stop”. An elected representative can tell them that a stop notice has been put on a development, but the next day the work carries on. When are you going to ensure that we have stop notices that are really effective, with the one proviso for what is clearly identified as health and safety work? And then there must be immediate fines.

**Mr Small:** The provision will allow us to impose a stop notice that will take effect immediately where we feel that it is necessary. Part of the problem is that the penalties available to the Department are low. Even when a stop notice is put in place and takes immediate effect, it may simply be ignored. Other provisions in the Bill relating to fines will increase the penalties available for stop notice action to £30,000 in a Magistrates’ Court or to an unlimited amount in the Crown Court.

We are already taking specific powers to increase the action that the Department can take in the event of a stop notice’s not being complied with. We are satisfied that the provisions as worded will allow us to impose a stop notice that takes immediate effect.

**The Chairperson:** I would not be very satisfied at all.

**Mr Small:** Once a stop notice is in effect and is breached or not complied with, the developer has committed an offence. It is then that the Department must respond quickly in terms of prosecution.

**The Chairperson:** The proposed new article 73(3B) says that

“a stop notice shall not take effect until such date as it may specify (and it cannot be contravened until that date), being a date not earlier than 3 days after the date when the notice is served, unless the Department considers that there are special reasons for specifying an earlier date and a statement of those reasons is served with the stop notice”.

Surely that is backside forward? A stop notice should be immediate, and the three days should be for a special reason such as health and safety. That is the very opposite of what it says here.

**Mr Lambe:** The three-day period is a feature of current law.

**The Chairperson:** We are talking about seeking to get the law amended to satisfy the needs of the community.

**Mr Small:** Current law states that a stop notice cannot take effect until after three days. This provision

will allow us to make it take effect within one day, or half a day, or immediately if we choose.

**Mr Ford:** Could we not go the whole hog and say that it should apply immediately unless there are good reasons for its being delayed for a period of between three and 28 days?

**The Chairperson:** We have to be specific. What does health and safety mean? If three days are given, not to carry on building, but for health and safety purposes identified by the Department, what actions should be taken on those days? We must address this because it is wrong.

**Mr Small:** Health and safety was quoted to illustrate the point. There may be other reasons for it not being possible to stop immediately.

**The Chairperson:** You must let the Committee know.

**Mr Small:** My concern is that we cannot provide an exhaustive list in the legislation because we cannot foresee every circumstance.

**The Chairperson:** We cannot foresee every circumstance but we can foresee that a stop notice will not mean “Stop” — it will mean “Carry on”. It would be more appropriate for the Department to put up a big “Carry on” notice because people are absolutely sickened by recent events. There is not one isolated case; it happens repeatedly. Developers are snubbing their noses at ordinary, law-abiding people, and there seems to be nothing that elected representatives can do. We are told that it will come down to the legislation. We must stop the gap while we can, because, as the Minister knows, once legislation is in place it is difficult to amend.

**Ms Lewsley:** What impact will a stop notice have if it applies to only part of a site?

**Mr Small:** A stop notice will target a particular type of activity, which could be unauthorised. It will, therefore, be specific. If a development or an operation is taking place that the Department feels should be stopped, the stop notice will clearly give its reasons.

**Ms Lewsley:** I know of a case in which a stop notice applied to two houses only. The developer continued to work on the houses on either side because he assumed that the houses that were causing the problem would not be taken down. In the end, there was a compromise; the houses were lowered by 8ft when they had been raised by 13ft in the first place.

**Mr Small:** That how the process operates. If the unauthorised development related to two houses, the immediate desire would have been to stop that. If the developer stopped his activities, that stop notice was successful. If, however, he moved on and repeated the offence elsewhere, further stop notices would be issued. A stop notice cannot be issued to stop something that



has not started. In such circumstances, the Department uses the other enforcement powers available to it.

**Mrs Nelis:** On whom is a stop notice served? It is unclear in the legislation. I know of enforcement officers who tried to serve a stop notice but have found that the developer or the owner of the site was absent. If the developer or owner is not present, and a building contractor is on operating the site, is the stop notice served on every person working there?

**Mr Lambe:** Stop notice powers can only be exercised in conjunction with an enforcement notice, so a stop notice can be served on the same people on whom we serve an enforcement notice. Those people include the owner, the occupier or anyone with an interest in the development.

**Mrs Nelis:** Does that include the site workers?

**Mr Lambe:** No. Mrs Nelis is talking about circumstances in which it is difficult to serve statutory notices. Courts have legislation to deal with that type of situation. For example, there is a procedure whereby a stop notice can be left at the feet of a person on a site, which, in certain circumstances, satisfies the law. Such situations are dealt with in criminal law rather than civic or planning law.

**Mr Ford:** I will respond briefly to the reference to the three days. We have been told that it would be difficult to specify the precise reason for the delay, but the Bill, as it stands, does not specify the reasons for an earlier date. You have given no logical reason for its not applying immediately, unless you determined that there were special reasons for its being delayed.

In the proposed new article 73(7C)(b), why, if we are talking about conviction on indictment, are we discussing fines alone, if we are considering something that might be of sufficient importance to merit imprisonment? There must be other areas where the possible penalty is imprisonment for a major breach.

**Mr Small:** At present, the only penalty that can be imposed for non-compliance with an enforcement notice

or many of the other breaches is a fine. The only exception to that, which is incorporated in the Bill, relates to the demolition of listed buildings, where a custodial sentence is a possibility.

**The Chairperson:** Yes. That is in the proposed legislation. Let us forget about the current legislation: it has been totally abused and has proved ineffective. It is no use for the future. Let us talk about the legislation that will stop abuse. Mr Ford said that just because it was not in the previous legislation does not mean that it cannot be incorporated into it now. What is to stop the courts, if it were so permitted in the Bill, considering a custodial sentence?

**Mr Small:** That is a valid point. We will consider it and respond to it later.

**Mrs Nelis:** I am unhappy with the response about whom a stop notice is served on, which was unclear. A developer in Derry, where I live, received planning permission to build eight flats, but he built 14. The planners tried to serve a stop notice and an enforcement notice, but they could not. How does the proposed legislation address that weakness in the current planning legislation?

**The Chairperson:** Will you think about that, and we will start with that question at the next meeting?

**Mr Small:** Yes.

**The Chairperson:** Instead of putting them on the long finger, we will start with the points that have been raised today at our meeting next week and carry on where we left off. It would also be helpful because members can read the responses in conjunction with other documents in the folder in preparation.

Thank you for your presentation, and please send our good wishes to Mr McKay.



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**NORTHERN IRELAND  
ASSEMBLY**

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**COMMITTEE FOR  
THE ENVIRONMENT**

Thursday 5 September 2002

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**POLLUTION PREVENTION AND  
CONTROL BILL  
(NIA 19/01)**

**Members present:**

Rev Dr William McCrea (Chairperson)  
Ms Lewsley (Deputy Chairperson)  
Mr Armstrong  
Mrs Carson  
Mr Ford  
Mr McClarty  
Mrs Nelis  
Mr Poots

**Witnesses:**

Mr D Bell )  
Ms E Harkness ) Department of  
Mr N Simmons ) the Environment  
Mr J Waterworth )

**The Chairperson:** I give a warm welcome to Mr David Bell, Ms Ethne Harkness, Mr Norman Simmons and Mr John Waterworth from the Department of the Environment. We are delighted that you have come before the Committee again. Mr Simmons will begin the presentation, and questions will follow the initial presentation. If any of the witnesses or members wishes to raise any points, feel free to do so and help us with our deliberations.

**Mr Simmons:** I shall begin by talking to the letter of 28 August 2002 that we sent the Committee. That letter covered the draft amendments plus other points relating to the drafting of the Pollution Prevention and Control Bill. I shall then move on to our letter of 6 August, which covers other points raised by the Committee during earlier presentations. We have received a couple of responses to the Committee's consultation, and we shall update you on those. Finally, I shall say a few words about the draft Regulations, which we sent the Committee on 29 August 2002.

The letter of 28 August deals with substantive matters relating to the Bill. At the Committee's request, we have provided a detailed breakdown of the provisions in schedules 2 and 3. We have provided the text of the current

legislation, the text of the seven proposed amendments and a short note that explains the overall effect that they would have. The amendments are reasonably self-explanatory, so unless any member has a particular question I intend to proceed quickly.

**Mr Ford:** As the member who asked for that letter and who has not had time since yesterday to study it in detail, I agree that it appears to be fairly clear. However, I would reserve my right to possibly ask another awkward question next week.

**The Chairperson:** That right shall be given you.

**Mr Simmons:** The meat of the letter is in the amendments. We have drafted seven amendments and received the Minister's approval to table them at Consideration Stage. The amendments are, in the main, drafted to address points raised by the Committee at earlier meetings.

Amendment No 1 is a simple amendment, which inserts "( ) district councils;" into clause 2, thereby placing on the Department a specific requirement to consult district councils on all Regulations that are made under the Bill. That meets the point raised by the Committee at earlier hearings.

Amendment No 2 is partially consequential on amendment No 1. It removes the requirement to consult bodies or persons representative of district councils in favour of district councils and also replaces the term "small businesses" with the term "businesses", thereby placing the Department under a requirement to consult businesses, rather than just small businesses. Again, that meets the point raised by the Committee at an earlier stage.

**The Chairperson:** Although amendment No 1 appears to be logical, those representing councils — the Northern Ireland Local Government Association (NILGA) or the Northern Ireland Public Service Alliance (NIPSA) — are now excluded from that provision.

**Mr Simmons:** They are not named specifically, but we intend to consult them, as originally intended, using what is currently clause 2(4)(b),

"such other bodies or persons as it may consider appropriate."

**The Chairperson:** Why would they not be named? In several other situations it was felt that they should be named, rather than just be any other

"bodies or persons as it"

— the Department — "may consider appropriate."

**Mr Simmons:** We would be happy to do that. If the Committee provides us with the names of the bodies in which it would be especially interested, we could name them specifically.

**The Chairperson:** I would like you to consider that, and the Committee will come back to you on it.

Clause 2(4)(a) states:

“persons appearing to it to be representative of the interests of district councils”.

That would certainly mean the staff of the different bodies.

**Mr Simmons:** No, that would now be left out. Amendment No 1 would insert a specific requirement to consult district councils. To be absolutely clear, paragraph (a) would now read: “such bodies or persons appearing to it to be representative of the interests of industry, agriculture and business”.

**The Chairperson:** That relates to people who represent staff. The proposed clause 2(4)(a) specifically relates to district councils.

**Mr Ford:** The new first paragraph is to read “(a) district councils;”. Is it possible for that to also include

“and such bodies or persons appearing to be representative of district councils and their staff;” ?

**Mr Simmons:** Do you mean reinstating the original wording?

**Mr Ford:** No, I mean is it possible to relate the wording of the current paragraph (a) to district councils as well as to “industry, agriculture and business”?

**The Chairperson:** In other words, new paragraph (a) would cover district councils, including such bodies or persons appearing to be representative of the interests of district councils and their staff and paragraph (b) — currently (a) — would concern industry, agriculture and business.

**Mr Simmons:** We shall certainly consider that and take it to the legislative counsel.

Amendment No 3 concerns a change to clause 2(5). It is designed to deal with the question of what is meant by a “prior consultation”. Again, no difference exists between what the Committee and the Department are trying to achieve with the clause. However, as we indicated at an earlier meeting, we took it to the legislative counsel, who drafted an amendment. The legislative counsel has asked us to say that he feels that it is not an issue that cannot be dealt with in drafting terms. He supports the Department’s view that the matter would be best dealt with outside of legislation, although he has provided a possible amendment.

Ms Harkness will go into more detail on the Department’s reservations.

**Ms Harkness:** Clause 2(5) reads:

“Consultation undertaken before the passing of this Act shall constitute as effective compliance with subsection (4) as if undertaken after that passing.”

The amendment would insert at the beginning:

“Except where the regulations in question contain provisions by virtue of paragraph 20(2)(b) or (d) of Schedule 1,”.

That means that prior consultation would not be acceptable for Regulations in connection with the Directive on waste or Regulations in connection with any other Directive designated by the Department for the purposes of subsection (5). Prior consultation would be acceptable for Regulations made under the Pollution Prevention and Control Bill or the EU Landfill Directive.

Legislative counsel has drafted amendment No 3 in an attempt to meet the Committee’s concerns about the possible scope of clause 2(5). The Department suggested an alternative solution that would involve it giving a commitment that the provision would only be used in very limited, exceptional circumstances. In particular, under no circumstances would the Department introduce proposals for new Regulations using that provision to proceed on the basis of consultation that had already been carried out. If necessary, that undertaking could be incorporated into the explanatory and financial memorandum.

I discussed the matter at length with legislative counsel, and he said that that proposal would be preferable to the proposed amendment. His reasoning arises from the fact that the enabling provisions of schedule 1 must be read as a composite unit. When subordinate legislation is made, it must be within the scope of the power conferred by schedule 1. However, it is not usual to break down the enabling provisions into their component parts, or to attempt to allocate each later provision, or sub-provision, exclusively to an individual provision or sub-paragraph in the schedule. In other words, the schedule should be read as a whole, and it is drafted in that context. Legislative counsel’s view is that to select certain sub-paragraphs for differential treatment threatens the integrity of the overall provision, and it may lead to legal and practical problems in drafting, interpreting or implementing subsequent legislative provisions.

I agree with those reasons, and the legislative counsel is reluctant to proceed with amendment No 3. He recommends exploring the alternative solution of an agreement or undertaking by the Department.

**The Chairperson:** Our legal advisers see both sides of the story, and they suggest that it might be appropriate to place the undertaking in the explanatory and financial memorandum that accompanies the Bill, with no amendment to clause 2(5).

**Ms Harkness:** That reflects my conversation with your legal adviser.

**Mr Ford:** If our legal advisers say that their legal advisers may be right, we should listen to them. If there is a clear statement in the explanatory and financial memorandum, it is something that we should consider. I presume that the Department can give us a draft of that.

I am not happy with the argument that this is not what is usually done. We are a new body and we should be



able to do whatever we want. We must listen to the advice that the integrity of the Bill could be damaged.

**The Chairperson:** We should seriously consider the advice that has been given. The Committee would like to see the wording of the explanatory and financial memorandum. That may allow us to see it afresh and with a more open mind. I cannot give a commitment, but the view of the Committee and that of the Department may not be miles apart on the issue.

**Mr Simmons:** Amendment No 4 is a simple amendment to remove a reference to subsection (5) of clause 4 in clause 4(2).

Amendment No 5 removes subsection (5). The amendment was discussed at earlier meetings of the Committee. It gives effect to the clause's overall intent, which is that only people who have continued to operate within the terms of the original disposal licence will be able to benefit from the clause. Subsection (5) would have had the effect of allowing those who had continued to operate outside the terms of the disposal licence to benefit. We all thought that that was wrong, so we have removed subsection (5) in order to bring the clause into line with the original intention.

Amendment No 6 deals with the Committee's point about the definition of the words "which have been concluded" in clause 4(6). The legislative counsel has considered this and has provided a textual amendment, which reads: "in which the accused has been convicted".

His view is that that is the most effective way to deal with the matter. Ms Harkness has been in contact with the legislative counsel and can give the Committee the details of the reasons behind that.

**The Chairperson:** Our legal advisers have accepted that that is a reasonable way forward.

**Ms Harkness:** Yes. I have discussed that amendment with your legal advisers.

**Mr Simmons:** The Committee was advised of amendment No 7 to the Pollution Prevention and Control Bill at an earlier meeting. Mr Waterworth from the Environment and Heritage Service will speak about that amendment.

**Mr Waterworth:** The purpose of amendment No 7 is to insert after clause 4 a clause titled "Financial Assistance by Department". Subsection (1) of the new clause states:

"The Department may make grants to any body having among its objects —

(a) the furtherance of the objectives of the strategy in relation to the recovery and disposal of waste prepared by the Department under Article 19 of the Waste and Contaminated Land (Northern Ireland) Order 1997 (NI 19); or

(b) the prevention or control of environmental pollution."

Subsection (2) states:

"Grants under this section shall be made

(a) in accordance with arrangements approved by the Department of Finance and Personnel; and

(b) subject to such conditions as the Department may determine (including conditions for repayment in specified circumstances)."

That follows on from a key element of the Department's action plan for implementing the waste strategy for Northern Ireland. The action plan was launched in March 2002. The key action is the provision of grant aid to various stakeholders identified in the strategy. The strategy was built on stakeholder involvement and consultation.

Grant aid is to be made available to district councils, industry, and to the waste and resources action programme (WRAP). WRAP is a new UK-wide organisation. Among its objectives is the development of sustainable waste management.

The voluntary sector has also lobbied for grant aid through the Waste Management Advisory Board for Northern Ireland, which the Department established, with stakeholder involvement, to advise and direct the strategy's implementation. Unfortunately, the Department has direct powers to provide grant aid to district councils under section 5 of the Local Government Act (Northern Ireland) 1972 only. That proved to be problematic when the Department tried to develop initiatives such as the industry fund. The Department had to join with Invest Northern Ireland, which is an agency of the Department of Enterprise, Trade and Investment, to make use of its statutory powers. The Department had to find a mechanism through the Budget (No. 2) Act (Northern Ireland) 2002 to provide funding for WRAP for the current year. Unfortunately, officials would have to seek that power again for future years. The Department has no powers to fund the voluntary sector.

**The Chairperson:** Members may have accepted your argument. Does anyone oppose it?

**Mr Ford:** I assume that, as part of a consultation process, the Committee can expect to hear about the criteria for grant aid from the Environment and Heritage Service.

**The Chairperson:** We have quite a bit of business to discuss and, although I do not want to interrupt your comments, if we are agreed on that issue, you should take that as a helpful sign that the Committee wants to help the Department to introduce the necessary legislation.

**Mr Simmons:** That concludes the seven amendments.

The remaining issue contained in the letter of 28 August concerns the Council for Nature Conservation and the Countryside's (CNCC) response. At an earlier meeting, we advised the Committee that the Department

would contact CNCC for clarification of its comments. It has confirmed that the comments that it made to the Committee are identical to those made in response to the Department's original consultation. The Department responded to those comments by letter on 20 June and a copy of that letter was given to the Committee. Therefore, the CNCC's comments contain nothing new.

At the start of the meeting, I referred to a letter dated 6 August, in which the Department provided an update of the current state of discussions with the farming industry. Mr Bell will further brief the Committee on that.

**Mr Bell:** At a further meeting with the integrated pollution prevention control (IPPC) working group on pigs, which we referred to at the previous Committee meeting, we completed the initial review of the Standard Farming Installation Rules. Therefore, the Department has finished its study of those Rules with the working groups on pigs and poultry and must revise the Rules as agreed. We have a further — *[Interruption]*.

**The Chairperson:** Were certain issues agreed at those meetings?

**Mr Bell:** Yes, and the Department must revise and reissue the Rules to reflect those changes.

**The Chairperson:** Do changes to those Rules mean that the Ulster Farmers' Union and the Department are agreed on how to tackle the issue, or does the union continue to raise major issues?

**Mr Bell:** The issues that have been raised are points of clarification. I do not claim that the Ulster Farmers' Union thinks that the Standard Farming Installation Rules are great and what it has been waiting for. However, we have explored areas with potential for flexibility, and I received the impression from the meetings that there is a consensus that the Rules are a practicable way forward.

**The Chairperson:** Will you identify the farming industry's areas of concern for us? If there has been movement and agreement, when can the Committee look at those issues and consider its position?

**Mr Bell:** The Rules are detailed and consist of a set of requirements to which the farmers are prepared to sign up in order to avail themselves of lower charges. I referred to a couple of changes at the previous meeting, such as the change to diet rules. We have simplified some documents such as the water audit document. We have also identified some areas in the supplementary guidance to the Rules in which more information is required to help people.

Some concern was expressed about the odour control provision in the Rules. We have endeavoured to take a pragmatic approach to that, in that there would only be a requirement for applicants to address odour control issues if they had sensitive receptors, such as residences

within 400 metres, or if complaints had been made. It is accepted that that is a reasonable approach. At the meeting there was some discussion among members about how the Department would deal with issues of odour complaint. That cannot be reflected in the Rules; all that I could say was that it was the Department's intention to deal with odour complaints pragmatically and that a single odour complaint would not necessarily result in additional requirements being imposed on a farm. Those practical issues have been the focus of our discussions.

**The Chairperson:** How close are you to agreement on the entire issue?

**Mr Bell:** We have identified where changes are required in the Rules. Once those changes are made, my proposal is that we would run with that version for the first applicants when the Regulations come into effect next year. It is our intention to have an ongoing dialogue with the industry, and the Rules may be changed and developed in the future. Therefore, it is not a final document. Some of the new installations will be introduced quite early; applicants must apply by 1 January 2004. We shall be running with this version of the document, although further minor changes may be made if issues arise in discussions.

The Scotland and Northern Ireland Forum for Environmental Research (SNIFFER) case study for a poultry farm in Scotland and Northern Ireland is going well. The dummy applications have been submitted from both the Scottish and Northern Irish farms. An initial assessment of their applications has been made and we anticipate that, in the next few months, we shall issue a report on the case study. A main outcome will be good practice examples for applications, rather than just guidance. That will benefit farmers and can be adapted and used in the preparation of applications. We express our appreciation at the effort that individual farmers have put into the scheme; it has been extremely helpful.

We have also identified several areas from the case study in which we can improve the application documentation, and we intend to do that. It has been a helpful exercise.

**Mrs Nelis:** When will the case study be completed?

**Mr Bell:** The recommendations should be available in about two months' time.

**Mr Simmons:** The next issue in the letter of 6 August refers to the Northern Ireland Human Rights Commission (NIHRC). We indicated on 4 July that we had sent a copy of the Bill to the NIHRC. It has confirmed that it has no comments to make on the Bill. We have also provided the NIHRC with advance copies and final copies of the draft Regulations. We shall take into account any comments the commission makes on those and share them with the Committee.

In its letter of 8 July, the Committee asked several further questions, and we have dealt with those in the annex to our response of 6 August. I shall go through them quickly for the benefit of the Committee.

We have already dealt with clause 2(5) and the prior consultation issue. As regards clause 3, the Committee asked about the arrangements for waste disposal plans and the three-year transitional period in the Waste and Contaminated Land (Northern Ireland) Order 1997. That Order contains transitional provisions to enable us to move from the system of disposal licences to the new system of waste management licences.

The original proposal for waste management licences was that current disposal licences could remain extant for three years. We have changed that period to an open-ended one in the Bill. The original proposal also made similar provisions for council disposal plans under the Pollution Control and Local Government (Northern Ireland) Order 1978. It provided that such plans should remain in place for three years before being replaced by new waste management plans under the Waste and Contaminated Land (Northern Ireland) Order 1997.

However that particular proposal was overtaken by events: there was an infraction case against the UK in respect of the Waste Framework Directive involved in the preparation of those plans. The entire procedure has been accelerated, and that is outlined in our response of 6 August. The three-year period for disposal plans is now not practical because the whole issue has been overtaken by events. Waste management plans will be in place either later this year or early next year.

**The Chairperson:** The advice given to the Committee is that no issue remains on that point.

**Mr Simmons:** The next request from the Committee was for a simple definition of the term “appointed day” as it appears in clause 4(1)(a) of the Bill. The term “appointed day”, as used in the Bill, means the day on which the new system of waste management licensing will come into operation. We must provide a time frame within which the provisions of clause 4 will have effect. It cannot be an open-ended clause. At one end of the time frame is the “relevant day”, which is a day 12 months before the passing of the Act. At the other end of the timeframe is the “appointed day”, which is the day for waste management licensing. If the Act were to be passed in January 2003 and waste management licensing were to be introduced in November 2003 the clause would effectively apply for the period from January 2002 until November 2003. After that it would cease to have any practical effect.

**The Chairperson:** However, the letter of 6 August contained a relatively clear explanation of the term. Although it is clear in the letter, is there a reason why

the meaning of the “appointed day” is not clear in the explanatory and financial memorandum?

**Mr Simmons:** We shall put it in the explanatory and financial memorandum; there is no problem with that. I thought the Committee was requesting a drafting change.

**The Chairperson:** The Committee is asking for a change, but it is trying to be as helpful as possible.

**Mr Simmons:** A definition will be included in the explanatory and financial memorandum.

**The Chairperson:** That is necessary for clarity.

**Mr Simmons:** Certainly.

Clause 4(5) will be removed by amendment No 5. The Committee asked why, in clause 4(7), district councils should have a duty to let those affected know about the effect of the new legislation. The simple reason is that district councils are the regulatory authority. They hold all the information on disposal licences, and they are the people best placed to inform licence holders about the new arrangements.

**The Chairperson:** The district councils are the best organisations to do the donkey work?

**Mr Simmons:** They are the regulatory authority. They issue the disposal licences and have all the information on licence holders. No one else can do it.

**The Chairperson:** We have been advised that that is not an issue.

I want to give members an opportunity to ask questions, so that we know that everyone is saying the same thing.

**Mr Simmons:** Paragraph 15(1)(b) to schedule 1 refers to financial security, and the Committee asked for details about what that means in practice. That provision is contained in the Bill, but it will not be reflected in the Regulations, because head (b) is designed to deal with a major pollution incident costing millions of pounds, which would require an arrangement of that type. It is not in the Regulations at present because we do not envisage an incident on that scale happening in Northern Ireland. If it were to occur, the Regulations could be changed accordingly.

**Mrs Nelis:** What do you mean by “on that scale”?

**Mr Bell:** I should say that the facility is not reflected in the Regulations under the Pollution Prevention and Control Bill or anywhere else. The Department has the power to require financial security

“pending the taking of remedial action”.

I imagine that the legislation would deal with a situation in which widespread contamination occurred. I cannot think of a situation that could occur in Northern Ireland that would require that power. I suppose, if there was soil contamination in a wide area by some sort of



persistent material, it might be appropriate to require financial security before taking remedial action.

**The Chairperson:** What sort of financial security would be required?

**Mr Simmons:** I am not sure. The clause appeared in the UK legislation, but it has not been reflected in the Regulations. I imagine that it would be some sort of bond.

**The Chairperson:** The issue, and the type of financial security to be provided, requires clarification.

**Mr Simmons:** We shall provide that.

**The Chairperson:** It would be helpful if you could find out exactly what it means. The clause is included in the legislation, so must mean something in some part of the UK. We need some clarification as to whether the clause has been used in the past or what it is intended to cover.

**Mr Simmons:** I agree with that.

The Committee raised a concern about serious pollution, which is mentioned in paragraph 15(1)(c) to schedule 1. Mr Bell dealt with that point on 4 July, and in our letter we set out the position again as to how we envisage the power being operated.

**The Chairperson:** In light of those responses, do members have any other questions? Is it considered that the use of the word “serious” is reasonable?

**Mr Ford:** I wish to return to paragraph 15(1)(b). Is that a requirement of an EU Directive or has it been added to the United Kingdom legislation? If it is a requirement of an EU Directive and we do not have the necessary Regulations in place, are we failing in our duty?

**Mr Simmons:** That is not the case; the requirement is a UK measure only.

**The Chairperson:** Can we be sure that it is in no way a requirement of an EU Directive?

**Mr Simmons:** Yes, we can.

The final point relates to different levels of fines detailed in paragraph 25 to schedule 1. That is a difficult and tricky problem, although there is no difference of opinion between the Department and the Committee in what we are trying to achieve. In effect, the Pollution Prevention and Control Bill is based on the “polluter pays” principle. The problem is how to put the paragraph into effect practically. Two aspects are involved, the first of which is that polluters should not escape from meeting the cost of pollution that they cause. The Regulations state clearly that a court has the power, not only impose a penalty, but to require polluters to remedy the pollution and to meet the cost. The second aspect is more difficult in that polluters should not be able to gain financially from their activities.

**The Chairperson:** I was checking with the Clerk to the Committee to discover whether you had sight of a new provision to cover the issue.

**Mr Simmons:** Yes, we have. That covers the second aspect where we see practical difficulties arising. Having considered the relevant provision in the Planning (Amendment) Bill, it would be reasonably easy, in legal terms, to provide something in the Bill along those lines. However, the practical outworkings might be more problematic as it is more difficult to quantify pollution incidents than it would be, for example, to quantify land development or land values. It would be difficult to draw a direct parallel between what we put in the Planning (Amendment) Bill and what would be in the Pollution Prevention and Control Bill.

Mr Bell may wish to elaborate on the operational side.

**Mr Bell:** To reiterate, there are two sides to the problem, one of which is to cover polluters who potentially could escape the cost of putting right any damage. That seems to be covered in regulation 26(2), which allows enforcing authorities to take steps to remedy pollution and recover the costs, as well as regulation 36, which allows courts to order offenders to remedy any matters.

The other issue is where there is a financial incentive or benefit in breaking the law. To use the analogy of the planning situation, if someone knocked down a listed building and built a block of apartments on the site, there would be a clear financial benefit. There is not a direct parallel with integrated pollution prevention control (IPPC) installations — a situation in which people would accrue a financial benefit from polluting deliberately. An example was given of the illegal dumping of toxic waste. That is not related directly to pollution prevention control (PPC) installations where it is the installation that is being permitted.

Arguably, were there a difference in the standards applied to similar installations, one might have lower costs if the standards were less stringent. However, that is more about consistency of permitting than someone gaining financially from breaking the law deliberately. There is not a direct parallel with regard to financial benefit from breaking the law. To ensure that people are accountable for putting right any damage that they cause is a valid point, but that aspect is addressed effectively in the Regulations.

**Mr Ford:** I accept that paragraph 18 to schedule 1 refers to the issues of remedial action and cost. Given the difficulties that we sometimes have with the judiciary, at all levels, in getting realistic recognition of penalties, does a case not exist for saying that paragraph 25 to schedule 1, which deals with offences, should include the issue of costs alongside fines? Mr Simmons referred to the Department getting back its costs, but



finances do not benefit the Environment and Heritage Service or any part of the Department of the Environment. They are lost in the Treasury. It may or may not have been the case up to now, but by failing to tie the issue of compensation and costs into the issue of penalties, an opportunity has been lost to flag that up.

**Mr Bell:** Compensation and costs are addressed, but in addition to the penalty. The penalty would be the punitive aspect. The remedial costs could greatly exceed the fine, and the offender would also have to pay those costs.

**Mr Ford:** The opportunity to add on those costs while a criminal prosecution is ongoing, rather than the Department having to take a further civil case for the recovery of costs, would have time benefits for your staff if nothing else.

**Mr Simmons:** Provision is made in the Regulations for the court to do that. The Regulations state specifically that in imposing a penalty

“the court may, in addition to or instead of imposing any punishment”,

require the offender to do the remedial works and to pay all the costs. That is an additional power.

**Mr Ford:** That is part of the criminal prosecution?

**Mr Simmons:** Yes.

**Ms Harkness:** That is regulation 36.

**Mrs Nelis:** The operative word here is “may”. It states: “the court may”; should it not state “the court will”?

**Mr Simmons:** There is a limit to how far you can go in determining what the judiciary is or is not going to do, and “may” would be a standard word in such a case. It would be difficult to impose a mandatory requirement on a court in such circumstances.

**Mrs Nelis:** It is a serious weakness. We all know that polluters do not pay. As officials, are you convinced that the Regulations will ensure that polluters will pay? For example, if a manufacturer sets up a dyeing installation that pollutes the water, will he be made to pay for doing so? Are the Regulations strong enough?

**Mr Bell:** The power exists, but it is a matter of ensuring that the costs of remedial action are met.

**The Chairperson:** That is the problem. The power is there, but the courts must be made to exercise that power; that will not happen with the inclusion of the word “may”. Clause 2(4) of the Bill stated that the Department “shall” consult district councils. That gave the district councils responsibility, and it should be the same for courts. That has grieved many people in the past because they felt that the polluter was leaving society to pay for his actions. There is a price to pay.

**Mr Simmons:** Those are legal issues, but departmental officials will discuss them with the legislative counsel.

**The Chairperson:** Our office suggested the inclusion in the Bill of the following provision:

“In determining the amount of any fine to be imposed on a person convicted of an offence under this Article, the court shall in particular have regard to the seriousness of the pollution incident(s), the environmental impact of the pollution and, where relevant, details of the costs of restoration and prosecution and to any financial benefit which has accrued or appears likely to accrue to a person in consequence of the offence.”

**Mr Simmons:** I shall take that draft to the legislative counsel.

**Ms Harkness:** There are difficulties involved in mandatory sentencing provisions of that type, which can cause difficulties regarding human rights and the lack of flexibility for the sentencing authorities. Although it may be appropriate to encourage more stringent actions, there may be other ways to do that. Use of the word “shall” imposes obligations and will cause difficulty.

**The Chairperson:** The use of clear legislation was appropriate in the Planning (Amendment) Bill. Where possible, the same should apply in the Pollution Prevention and Control Bill because of the human rights issues involved. As Mr Simmons said, it is difficult to see from where the finances will come, but decisions must be made. Why can the court not make a decision where appropriate just as it will under the Planning (Amendment) Bill? That matter should be looked at again.

**Mr Simmons:** As I have said, if the Committee provides us with the draft I shall discuss it with the legislative counsel.

**The Chairperson:** The Committee raised its concerns about the levels of fines under the Pollution Prevention and Control Bill and suggested that the maximum should be increased from £20,000 to £30,000, in line with the proposals under the Planning (Amendment) Bill.

**Mr Simmons:** The figure of £20,000 is the standard maximum fine in Northern Ireland environmental legislation. That is not to say that it cannot be changed.

**The Chairperson:** It has been changed in the Planning (Amendment) Bill.

**Mr Simmons:** That the levels of fines are a reserved matter also presents a difficulty.

**The Chairperson:** That is also the case for the Planning (Amendment) Bill, but the Minister of the Environment will make representation to the Secretary of State. I request that, on the same day, the Minister mentions this Bill.

**Mr Simmons:** The Secretary of State, in giving his approval to the Bill, made it clear that it was on the understanding that the level of fines were identical to those in Great Britain.

**The Chairperson:** He has made those determinations before and has seen the wisdom of other people's opinion. With the same vigour and vitality with which I ask you, I ask you to ask the Minister to present the case to the Secretary of State. If it is presented half-heartedly there is no chance of getting anywhere.

**Mr Simmons:** We can certainly do that, but the matter is outside our direct control.

As regards the letter of 6 August, the item outstanding is that headed "Consultation Responses", which deals with the comments from the Council for Nature Conservation and the Countryside (CNCC).

**The Chairperson:** Unfortunately, two other groups from the Department are outside waiting to meet the Committee. I apologise, but we shall have to deal with those matters next week.

**Mr Simmons:** We have no further issues to raise on the CNCC. The matter has been dealt with, unless the Committee has more questions.

**Mrs Carson:** It is a valid point that there seems to be no detail on the procedures of transboundary consultation for the councils concerned. Have you considered including powers in the Bill to cover that?

**Mr Simmons:** Those procedures on transboundary consultations are set out in the Regulations. The procedures are required under the Directive and that is reflected in the Regulations.

**Mrs Carson:** In my constituency, we are concerned about the headwaters of the River Erne that go into Fermanagh and South Tyrone.

**Mr Simmons:** The only other matters left to deal with are the responses that the Committee received from the Northern Ireland Meat Exporters' Association (NIMEA)

and the Northern Ireland Chief Environmental Health Officers' Group (CEHOG). CEHOG's response says little other than it is looking forward to reading the Regulations, of which they now have a draft copy.

NIMEA expressed concern about the 26 district councils' interpretations. For all practical purposes, slaughterhouses are dealt with through part A and IPPC processes. Therefore, they are subject to control by the chief inspector, and uniform procedure. At the moment, slaughterhouses that are not covered by legislation are exempt from control altogether. In all likelihood, all slaughterhouses will eventually fall within part A and will be permitted by the chief inspector. We are content that we can deal with that matter easily enough.

**The Chairperson:** There were concerns that, as there are 26 councils, there would be 26 interpretations of the same piece of legislation.

**Mr Simmons:** It is unlikely that all the slaughterhouses will be covered by the councils. They will be dealt with by the chief inspector, so the issue does not arise.

We do not believe that the legislation is simply gold plating. It reflects the requirements of the Directive. NIMEA also requested copies of the draft Regulations, which have been forwarded for consultation.

**The Chairperson:** Have you contacted NIMEA to answer its concerns and queries?

**Mr Simmons:** We can write to NIMEA directly or perhaps respond through the Committee. We can provide the Committee with a response to send on to NIMEA.

**The Chairperson:** We have made significant progress on the Bill today. Time is running out, but we still have issues that must be addressed. Thank you.

# **Written Answers**





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# NORTHERN IRELAND ASSEMBLY

Friday 21 June 2002

## Written Answers to Questions

### OFFICE OF THE FIRST MINISTER AND THE DEPUTY FIRST MINISTER

#### Targeting Social Need: Budget

**Mr S Wilson** asked the Office of the First Minister and Deputy First Minister to detail, in each of the past 5 years, (a) the percentage of its budget relating to Targeting Social Need; (b) the actual spend for TSN; (c) the number of people employed relating to TSN; (d) the number of people who benefited from these programmes; (e) the actual and practical benefits as a result of its TSN programmes; and (f) the tasks specifically undertaken and completed. (AQW 2920/01)

**Reply:** New Targeting Social Need is the Executive's main policy for addressing social deprivation and is a key element of the Programme for Government. New TSN is not a policy with its own budget rather it is a theme that runs through all relevant departmental spending programmes and operates by using more of our existing resources to benefit people in greatest objective social need.

The Executive adopted New TSN in June 2000 and Ministers took full responsibility for its effective implementation, through New TSN Action Plans. Action Plans cover a three-year period and commenced on 1 January 2000. This Department has been working hard to deliver its commitments.

A report on this Department's progress is included in our revised Action Plan for 2001-02. In addition, the New TSN Annual Report 2001 provides specific examples of progress across the Administration over the period 1 January 2000 to 31 March 2001, and arrangements are already in place to publish the next progress report. Copies of both documents can be accessed at the New TSN website, [www.newtsnni.gov.uk](http://www.newtsnni.gov.uk).

Within our Department a core team of 8 officials are dedicated solely to New TSN. All staff within OFMDFM have responsibility for ensuring that New TSN issues are considered within their policy areas.

Our Department has central policy and executive responsibility for New TSN and has built New TSN considerations into the Programme for Government, the Budget, and the Executive Programme Funds. Consequently, New TSN is given significant consideration, particularly in determining the funding of relevant policies, programmes and services.

Our main area of programme spend is focused on key New TSN relevant areas, as our actions are centred on reducing inequality and community differentials, within the areas of community relations, equality and victims.

Through our Promoting Social Inclusion Working group on ethnic minorities we have established a fund in support of minority ethnic groups and projects. In the first year of its operation 17 groups and projects benefited from the scheme. The fund has £444,000 available for the current financial year.

We have also established a two-year Victims Strategy Implementation Fund with £1.5m from the Social Inclusion Fund which has been matched by the same amount from the Northern Ireland Office. This Fund will be for Departments and Agencies to bid against to provide projects delivering practical help and services to victims.

New TSN is also concerned with redirecting efforts, which means changing the way Government deliver policies, programmes and services so that the poorest in our society benefit.

The New TSN policy involves long-term change and benefits therefore an explicit commitment to evaluate New TSN was built into the policy. Preparations for the evaluation are reaching their final stages and first outcomes planned for the end of 2002. The aim of this interim evaluation is to assess the effectiveness of its implementation and to examine its initial impact.

Our department is leading the evaluation, which involves all departments, and will draw on independent external experts. Ministers will consider the outcomes of the evaluation to help inform future thinking on New TSN. All final reports from the evaluation of New TSN will be made publicly accessible.

#### Victims' Groups

**Mr Berry** asked the Office of the First Minister and the Deputy First Minister what strategy is in place after 2004 to help victims' groups to sustain and carry out their work. (AQW 2992/01)

**Reply:** "Reshape, Rebuild, Achieve" explains that it is not prudent at the present time to plan strategically beyond 2004. This is because of two major factors occurring within the next two years, namely the possible transfer of some of the functions currently carried out by the Northern Ireland Office to the devolved administration

and the ending of some sources of funding, including Peace II, currently accessed by victims' groups.

Both these factors are addressed by "Reshape, Rebuild, Achieve" which contains specific actions to ensure that the strategy is reviewed and rolled forward from 2004 and will be responsive to emerging needs and developments. The strategy also points out that a Task Force will be established to consider the long term sustainability of the voluntary and community sector, including the needs of victims.

### Equality Impact Assessments

**Mr S Wilson** asked the Office of the First Minister and the Deputy First Minister to outline (a) the number of Equality Impact Assessments (EIA) carried out by the Office to date; and (b) the total cost of (i) research; (ii) consultation; (iii) printing; and (iv) dissemination, for each EIA. (AQW 3768/01)

**Reply:** Our office has carried out 9 Equality Impact Assessments (EIA) to date. Details of the total cost of research, consultation, printing and dissemination of each EIA are set out in the attached table.

In three cases the EIA was carried out as part of a wider consultation exercise and it is not possible to separate the cost of the EIA from the total cost. Research and consultation costs relate to external costs such as consultants or consultation meetings. Costs for the circulation of documents for consultation purposes are included under printing and dissemination.

#### EQUALITY IMPACT ASSESSMENTS

EIA	Research £	Consult- ation £	Printing £	Dissemin- ation £
Commissioner for Children for Northern Ireland	Nil	Nil	£360.00	£240.00**
Community Relations Council	£5,000.00	Nil	Nil	Nil
*Consultation paper on a Victims' Strategy	Nil	N/A	N/A	N/A
Corporate Strategic Framework	Nil	Nil	£900.00**	£100.00**
Equality Commission (Time Limits) Regulations (Northern Ireland) 2001	Nil	Nil	£1332.10	£157.00**
Guide to Evacuation in Northern Ireland	Nil	Nil	£855.52	£187.00**

EIA	Research £	Consult- ation £	Printing £	Dissemin- ation £
*Implementation of Burden of Proof Directive, and Proposals to Simplify and Speed up Equal Pay Tribunal Cases (jointly with DHFETE)	Nil	Nil	N/A	N/A
*Public Private Partnerships	Nil	£272.62	N/A	N/A
*** Children's Fund	N/A	N/A	N/A	N/A
<b>Total 9</b>	<b>£5,000.00</b>	<b>£272.62</b>	<b>£3,447.62</b>	<b>£684.00**</b>

\* Overall consultation exercise including EIA

\*\* Estimated costs

\*\*\* EIA carried out in conjunction with DFP

### Reinvestment and Reform Initiative

**Rev Robert Coulter** asked the Office of the First Minister and the Deputy First Minister to detail the progress of the Re-investment Reform Initiative since its launch on 2 May 2002. (AQO 1520/01)

**Reply:** We are working to establish the new Strategic Investment Body as soon as possible to help us take a more strategic approach to investment in our infrastructure. The Project Board, which we have established to advise us about this, met for the first time on 11 June.

An Executive sub-Committee is being established to oversee the work.

### North Belfast Initiative

**Mr Cobain** asked the Office of the First Minister and the Deputy First Minister to give an update on their 23 November 2001 initiative for Upper Ardoyne, Belfast; and to make a statement. (AQO 1524/01)

**Reply:** On 17 May, we wrote to elected and community representatives seeking their agreement on a way ahead. We sought comments and views by 24 May. We received written responses from the Lower Ardoyne community interests, the Concerned Residents of Upper Ardoyne (CRUA) and the Board of Governors of Holy Cross Girls' School (which took account of views expressed at a meeting of parents).

We carefully considered the responses we received and on Friday last (7 June) we wrote again to the interested parties setting out how we intend to move forward. A copy of our letter has been placed in the Assembly Library.

## Seville Summit

**Dr McDonnell** asked the Office of the First Minister and the Deputy First Minister to outline (a) the agenda for the Seville Summit and (b) any consultations in respect of the Seville Summit to date. (AQO 1554/01)

**Reply:** The Seville summit closes the Spanish Presidency and will take place 21-22 June. The main issues it will cover are: policy to tackle illegal immigration, progress on the Future of Europe debate, further work on the economic reform agenda, and the EU's sustainable development strategy.

The First Minister and Mr Haughey, representing the Deputy First Minister, attended a meeting of the Joint Ministerial Committee on 11 June with the Foreign Secretary, other Whitehall Ministers and Ministers from the other devolved regions, where the Seville Summit was discussed.

## AGRICULTURE AND RURAL DEVELOPMENT

### Illegally Imported Meat

**Mr Gibson** asked the Minister of Agriculture and Rural Development what steps she has taken to prevent the passage of illegally imported meat and plants at sea-ports and airports. (AQW 3869/01)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** Under the Landing of Carcasses and Animal Products Order (Northern Ireland) 1985 [as amended] and the Diseases of Animals (Importation of Poultry) Order (Northern Ireland) 1965 [as amended], it is an offence to import an animal product into Northern Ireland except in accordance with a licence issued by the Department. Limited exceptions are permitted for small amounts intended for personal use only (i.e. by the individual or their family or friends – goods brought into Northern Ireland under these exceptions should not be sold or used commercially in any way).

A press release was issued on 7 June 2002 setting out the rules concerning personal imports of animal products and plants from Great Britain, the Channel Islands, other Member States and Third Countries. It informs the general public of the fact that general licences for personal imports of animal products have been reinstated due to the reduced risk from FMD. These controls are in line with those in Great Britain and are as follows:

Fresh (uncooked) meat may not be brought into Northern Ireland from a non-EU country for personal use under any circumstances.

Permitted personal imports are:

- 1.0 kg of meat cooked in a hermetically sealed container
- 1.0 kg of fish
- 1.0 kg of milk powder (from listed countries only)
- 2.0 kg of raw fruit or vegetables (not potatoes)
- 1 bouquet of cut flowers
- 5 retail packets of seeds (not potatoes) and from the Euro-Mediterranean area only
- 2.0 kg of bulbs, corms, tubers and rhizomes
- 5 other plants

Regular checks are made by DARD Portal staff at ports and airports to ensure that travellers are complying with these limits. Consignments identified during Customs checks will be checked to ensure that they comply with the limits. Travellers exceeding these limits should declare and surrender material in the Red Channel at Customs. Failure to do so may result in confiscation of the material and prosecution.

Airline and ship operators are already required to make announcements to passengers concerning controls on the import of animal products and the risk of bringing exotic diseases into Northern Ireland. A letter reminding these operators of the requirements will issue later this month. New posters are also currently being produced for the information of travellers as well as a Guide of Roles and Responsibilities. The Guide, which covers both animal products and plants, is essentially a summary of the controls and enforcement activity faced by an importer/traveller as they reach the point of entry into Northern Ireland. In addition, further steps are being considered in conjunction with DEFRA to minimise the risk to the Northern Ireland's agricultural industry presented by animal products and plants.

### Royal Show

**Mrs Carson** asked the Minister of Agriculture and Rural Development, pursuant to AQW 2949/01, to detail (a) the Department's involvement with the Royal Show in the past 5 years; (b) who took the decision that the Department would not be involved with the Royal Show 2002; and (c) what advice was given and by whom resulting in the decision of non-participation at the Royal Show 2002. (AQW 3915/01)

**Ms Rodgers:** The Department was involved with the Royal Show in 1997, 1998 and 2000. In 2001 the Royal Show was cancelled. This year due to a need to reprioritise resources within DARD I reluctantly suspended my Department's arrangements for involvement at the Royal Show 2002. My officials provided advice on the reprioritisation of financial resources available to the Department for expenditure in the current financial year.

I will keep the position of my Department's involvement at the Royal Show in future years under review.

### Tuberculosis: Animals

**Mr Shannon** asked the Minister of Agriculture and Rural Development what is the normal timescale between TB incidents being notified and the animals being removed.  
(AQW 3922/01)

**Ms Rodgers:** The normal timescale for the removal of Tuberculosis infected and in-contact animals from is 20 days from the date of confirmation of infection.

### Tuberculosis: Animals

**Mr Shannon** asked the Minister of Agriculture and Rural Development how many TB incidents have there been per county area for each of the last 3 years.  
(AQW 3923/01)

**Ms Rodgers:** My Department does not hold TB statistics on a "per County" basis but by Divisional Veterinary Office areas. The following table shows the number of TB incidents (herds with reactor animals) by DVO area for the years requested.

#### YEAR

DVO Area	1999	2000	2001
Ballymena	113	140	99
Coleraine	186	232	233
Larne	150	118	98
Londonderry	34	37	34
Omagh	175	234	200
Armagh	259	312	227
Dungannon	168	228	170
Enniskillen	183	253	244
Newry	475	359	289
Newtownards	267	230	214

### Scrapie in Sheep

**Mr Ford** asked the Minister of Agriculture and Rural Development to detail the incidences of scrapie in sheep in each of the last 3 years.  
(AQW 3925/01)

**Ms Rodgers:** The incidence of Scrapie in sheep in each of the last 3 years is detailed in the table below.

Year	No of Outbreaks	No of Sheep
1999	1	1
2000	2	6
2001	1	6

### Agricultural Colleges

**Mr Armstrong** asked the Minister of Agriculture and Rural Development to make a statement on the role agricultural colleges have in promoting and enhancing education and development within the agricultural industry; including her plans for future development of local agricultural colleges.  
(AQW 3959/01)

**Ms Rodgers:** The DARD colleges continue to have an important role in promoting and enhancing education and development within the agricultural industry.

The colleges provide a wide range of full-time, part-time and short courses from NVQ Level 2 up to degree level in agriculture, horticulture, food supply management, food technology and related disciplines. These cater both for people entering the industry and those already working in the industry wishing to develop their skills, knowledge and understanding.

The colleges develop their courses in association with industry to meet changing industry needs. New programmes introduced recently include Good Business Sense and Good Farming Practice. Another recent initiative recognises that some young people wish to combine off-farm employment with farming on a part-time basis. To meet this need the DARD colleges work with some Further Education Colleges to deliver a Multi-skilling Programme on a partnership basis.

Under the EU funded Programme for Building Sustainable Prosperity, the colleges also perform an important role in identifying, assessing and demonstrating new technologies, processes and systems and in supporting people in the industry to adopt those which offer benefits to their businesses.

The Vision for the Future of the Agri-food Industry report identified 'Developing People' as one of the ten Key Themes covering the Recommendations for Actions required to realise the vision of a dynamic, integrated, innovative and profitable agri-food industry. Competence development is also an essential pre-requisite for delivery of other Key Themes e.g. "Exploiting the Opportunities offered by Information and Communications Technology".

Given the critical importance of education and training in securing sustained industry development through the adoption of technological, management and environmental best practice in businesses, the colleges will have a vital role in the future. They are already working on the development and piloting of the first Challenge Programmes, which help farmers and others to learn while applying best practice in their businesses. I hope to achieve a rapid roll-out of these programmes. Colleges are also working on other initiatives such as the Rural Portal, which will enable farmers and others to obtain easier and more efficient access to services and information on the Internet.



The O'Hare Report, which made recommendations about Education and R&D in Agriculture and Food Science, is presently out to public consultation. During the summer I will be considering these recommendations and the views of stakeholders in the broader context of modernising the Department. An important issue will be whether changes in the organisation and management of the colleges might help them to satisfy the ever-changing needs of the agri-food industry and rural communities more effectively.

## CULTURE, ARTS AND LEISURE

### Illegal Line and Rod Fishing

**Mr Shannon** asked the Minister of Culture, Arts and Leisure to outline (a) the bailiff record for prosecutions of illegal line and rod fishing; (b) the frequency of such prosecutions; and (c) the number of checks made for illegal line and rod fishing. (AQW 3926/01)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** The Fisheries Conservancy Board (FCB) is responsible for the conservation and protection of the salmon and inland fisheries of Northern Ireland, except for the fisheries of the Londonderry and Newry areas which are the responsibility of the Loughs Agency of the Foyle, Carlingford and Irish Lights Commission.

The Board's officers carry out regular enforcement patrols of the waters within their area of responsibility, including the public angling estate, in order to detect offences including fishing without the relevant licence or permit.

The statistics requested in respect of bailiffing records in the FCB area are as follows:

- (a) There were 92 prosecutions for illegal rod and line fishing in 2001 (23 Lough Neagh area, 19 Northern area, 47 South Eastern area and 3 South Western area).
- (b) The overall prosecution rate on files submitted is 99.9%.
- (c) 1059 checks were made for illegal line and rod fishing in 2001 (276 Lough Neagh area,

270 Northern area, 218 South Eastern area and 295 South Western area).

Bailiffing activities in 2001 were, of course, somewhat curtailed by the outbreak of foot-and-mouth disease.

### Public Libraries: Staffing

**Mr S Wilson** asked the Minister of Culture, Arts and Leisure to outline (a) the total number employed in

Public Libraries; (b) the number of males employed in Public Libraries; and (c) the number of males as a percentage of the total number employed.

(AQW 3988/01)

**Mr McGimpsey:** The five Education and Library Boards currently employ a total of 1,051 staff in the Public Library service. Of this figure, 219 are male which represents 20.8% of the total workforce.

### Odyssey Trust

**Mr J Kelly** asked the Minister of Culture, Arts and Leisure to make an assessment of (a) the procurement procedures adopted by the Odyssey Trust; (b) the openness and transparency of the procedures; and (c) the control by the Trust over the disposal of capital assets.

(AQW 4095/01)

**Mr McGimpsey:** All the procurement procedures for the Odyssey project at Queen's Quay, Belfast, were tendered strictly in accordance with European Union procurement regulations.

The disposal of capital assets by the Trust is tightly controlled by the funding agreement of 21 December 1998 between the Department of Education (now Department of Culture, Arts and Leisure) and Odyssey Trust Company. Any changes which would impact on the funding agreement require Departmental approval.

### Odyssey Trust

**Mrs Nelis** asked the Minister of Culture, Arts and Leisure to make an assessment of (a) the gender and religious balance of the Odyssey Trust; and (b) the Chairman's competency to fulfil his duties.

(AQW 4096/01)

**Mr McGimpsey:** The Odyssey Trust Company Limited (referred to in legal documents as The Charity) is a private company limited by guarantee and not having a share capital. As such I have no authority to address questions which are specific to this company.

### Sports Clubs: Funding

**Mr Shannon** asked the Minister of Culture, Arts and Leisure what financial assistance is available for junior football teams to upgrade their current facilities.

(AQW 4134/01)

**Mr McGimpsey:** 'Club Sport' is a Sports Council Lottery Fund capital programme, which assists sports clubs and governing bodies with the development of locally-based sports facilities. Eligible costs include the upgrading of facilities for club use. The closing date for

receipt of applications is 30 August 2002 and 70% grant, subject to a maximum of £100k, is payable.

## EDUCATION

### Pre-School Education

**Mrs Courtney** asked the Minister of Education to list the provision of pre-school education in other funded centres by (i) playgroups; (ii) day nurseries; and (iii) others. (AQW 3886/01)

**The Minister of Education (Mr M McGuinness):** The current level of funded pre-school education in voluntary and private centres is as follows:

	Play-groups	Private Day Nurseries	Private Play Groups	Total
No of funded places	5,337	273	400	6010
No of centres	329	21	25	375

### Pre-School Education

**Mrs Courtney** asked the Minister of Education to list by board area the number of children in funded pre-school education in (a) nursery schools; and (b) nursery classes, by (i) full; and (ii) part-time status. (AQW 3887/01)

**Mr M McGuinness:** The information requested is as follows:

	BELB	WELB	NEELB	SEELB	SELB	All Boards
<b>(a) Nursery Schools:</b>						
(i) Full-time	1,550	343	336	547	605	3,381
(ii) Part-time	104	546	1,179	673	210	2,712
<b>(b) Nursery Classes:</b>						
(i) Full-time	937	832	382	235	1,143	3,529
(ii) Part-time	456	667	805	1,300	255	3,483
<b>Total</b>	3,047	2,388	2,702	2,755	2,213	13,105

### Pre-School Education

**Mrs Courtney** asked the Minister of Education to make a statement of his stated plans not to disadvantage community-based playgroups within the context of a decision by his Department to expand pre-school education to cover 3 out of 4 children. (AQW 3888/01)

**Mr M McGuinness:** I am aware that concern has been expressed by a number of voluntary and private providers that the establishment of new statutory nursery provision close to them will threaten their viability.

In planning and implementing the Expansion Programme the Pre-School Education Advisory Groups (PEAGs) have adhered to a set of jointly agreed and adopted principles on “displacement” and PEAGs have actively sought to avoid displacing good quality pre-school provision. The existence of funded provision in existing voluntary and private settings has been taken into account when the locations of new statutory settings are being determined.

The ultimate aim of the Programme, as set out in the Executive’s Programme for Government, is a year’s funded pre-school education for every child whose parents wish it by March 2003.

### Pre-School Education

**Mrs Courtney** asked the Minister of Education when he last visited community-based playgroups in the Western Board area; and to make a statement on their future. (AQW 3889/01)

**Mr M McGuinness:** I visited a voluntary playgroup in the Western Education and Library Board area in January 2001 and had a meeting with representatives from 4 voluntary playgroups based in the Derry area in April 2001.

In planning and implementing the Expansion Programme the Pre-School Education Advisory Groups (PEAGs) have adhered to a set of jointly agreed and adopted principles on “displacement” and PEAGs have actively sought to avoid displacing good quality pre-school provision. The existence of funded provision in existing voluntary and private settings has been taken into account when the locations of new statutory settings are being determined. Under the Expansion Programme the voluntary and private playgroup sector is, for the first time, able to access funding for places which have in the past been funded largely from parental contributions or other sources.

### Transport: Schoolchildren

**Mr Shannon** asked the Minister of Education to outline (a) any assistance available for pupils who are injured and have special transport needs; and (b) who qualifies for bus or taxi transport. (AQW 3900/01)

**Mr M McGuinness:**

- (a) Education and Library Boards are required to make such arrangements as they consider necessary in relation to getting children to and from school. The provision of transport in exceptional circumstances is also a matter for individual Boards, and, in the case of a pupil being injured, special provision can be made. Pupils will usually be provided with transport on the recommendation of a Clinical Medical Officer

or on receipt of documented medical evidence. Boards would also have regard to the school attended by the pupil when deciding on the level of assistance to provide.

- (b) Pupils normally qualify for transport assistance by either: living beyond two miles, in the case of Primary school pupils, or beyond three miles for Post-primary pupils, from their nearest suitable school; or, if they have been unable to secure a place in all suitable schools within the appropriate distance limit. A “suitable school” is defined solely as one in the categories of Maintained, Controlled, Integrated, or Irish Medium and, in the grammar sector, denominational and non-denominational schools.

### Pupil Numbers

**Mrs Courtney** asked the Minister of Education to list the pupils by school age in (i) special schools; (ii) hospital schools; and (iii) independent schools. (AQW 3916/01)

**Mr M McGuinness:** The information requested is as follows:

Age at 1 July 2001	(i) Special Schools	(ii) Hospital Schools	(iii) Independent Schools
2	23	2	0
3	115	2	34
4	245	6	105
5	258	11	106
6	238	11	89
7	270	7	80
8	323	12	78
9	364	8	65
10	387	11	77
11	376	12	100
12	412	19	80
13	412	11	61
14	452	47	62
15	391	70	61
16	187	12	26
17	154	3	24
18	100	2	19
19	2	0	5
20	1	0	0
All Ages	4,710	246	1,072

### Edexcel GCSE Examinations

**Mrs I Robinson** asked the Minister of Education to outline (a) the names of schools affected by the exclusion

of the examination body EDEXCEL from providing GCSE exams in Northern Ireland; (b) the number of pupils affected; and (c) the nature and amount of compensation offered to schools affected. (AQW 3953/01)

**Mr M McGuinness:** In the 2000/2001 school year, a total of 152 schools entered approximately 12,335 pupils for Edexcel GCSE winter and summer examinations. A list of schools is attached at Appendix A. No compensation has been offered to schools as no contract has been broken by Edexcel’s decision not to offer their GCSE provision here.

School Name	School Address
Abbey Grammar School	Newry
Antrim Grammar School	Antrim
Ashfield Boys’ High School	Belfast
Ashfield Girls’ High School	Belfast
Ballee Community High School	Ballymena
Ballycastle High School	Ballycastle
Ballyclare High School	Ballyclare
Ballyclare Secondary School	Ballyclare
Ballymena Academy	Ballymena
Bangor Academy	Bangor
Belfast Boys’ Model School	Belfast
Belfast High School	Newtownabbey
Belfast Model School For Girls	Belfast
Belfast Royal Academy	Belfast
Bloomfield Collegiate	Belfast
Campbell College	Belfast
Carrickfergus Grammar School	Carrickfergus
Castle High School	Belfast
Christian Brothers’ Secondary School	Belfast
City Of Armagh High School	Armagh
Coleraine Boys’ Secondary School	Coleraine
Coleraine Girls’ Secondary School	Coleraine
Comber High School	Comber
Convent Grammar School	Strabane
Cookstown High School	Cookstown
Corpus Christi College	Belfast
Craigavon Senior High School	Portadown
Cross And Passion College	Ballycastle
Crumlin High School	Crumlin
Cullybackey High School	Cullybackey
De La Salle High School	Downpatrick
Dominican College	Belfast
Down Academy	Downpatrick
Down High School	Downpatrick
Drumcree College	Portadown
Drumragh College	Omagh

School Name	School Address
Duke Of Westminster High School	Enniskillen
Dunclug College	Ballymena
Dundonald High School	Dundonald
Dungiven High School	Dungiven
Dunmurry High School	Dunmurry
Edmund Rice College	Newtownabbey
Enniskillen High School	Enniskillen
Erne Integrated College	Enniskillen
Faughan Valley High School	Cross
Fivemiletown High & Community College	Fivemiletown
Fort Hill College	Lisburn
Foyle & Londonderry College	Londonderry
Friends' School	Lisburn
Glastry College	Ballyhalbert
Gransha High School	Bangor
Grosvenor Grammar School	Belfast
Hazelwood College	Newtownabbey
Holy Trinity College	Cookstown
Integrated College Dungannon	Dungannon
Knockbreda High School	Belfast
La Salle Boys' School	Belfast
Lagan College	Belfast
Larne Grammar School	Larne
Larne High School	Larne
Laurelhill Community College	Lisburn
Lismore Comprehensive School	Craigavon
Lisnasharragh High School	Belfast
Lisnaskea High School	Lisnaskea
Little Flower Girls' School	Belfast
Maghera High School	Maghera
Magherafelt High School	Magherafelt
Meanscoil Feirste	Belfast
Methodist College	Belfast
Monkstown Community School	Newtownabbey
New-Bridge Integrated College	Loughbrickland
Newtownabbey Community High School	Newtownabbey
North Coast Integrated College	Coleraine
Oakgrove College	Londonderry
Omagh High School	Omagh
Orangefield High School	Belfast
Our Lady Of Lourdes High School	Ballymoney
Our Lady Of Mercy Girls' School	Belfast
Our Lady Of Mercy High School	Strabane
Our Lady's Grammar School	Newry
Parkhall College	Antrim
Portadown College	Portadown

School Name	School Address
Priory College	Holywood
Regent House School	Newtownards
Royal School Armagh	Armagh
Royal School Dungannon	Dungannon
Sacred Heart College	Omagh
Saintfield High School	Saintfield
Shimna Integrated College	Newcastle
Slemish College	Ballymena
St Aloysius' High School	Cushendall
St Breacan's High School	Londonderry
St Brigid's High School	Londonderry
St Brigid's High School	Armagh
St Catherine's College	Armagh
St Cecilia's College	Londonderry
St Ciaran's High School	Ballygawley
St Colman's High School	Strabane
St Colmcille's High School	Crossgar
St Colm's High School	Draperstown
St Columban's College	Kilkeel
St Columbanus' College	Bangor
St Columba's College	Portaferry
St Comgall's High School	Larne
St Comhghall's High School	Lisnaskea
St Dominic's High School	Belfast
St Eugene's College	Roslea
St Fanchea's College	Enniskillen
St Gabriel's Secondary School	Belfast
St Gemma's High School	Belfast
St Genevieve's High School	Belfast
St John's High School	Dromore
St Joseph's Boys' High School	Newry
St Joseph's College	Belfast
St Joseph's College	Enniskillen
St Joseph's College	Londonderry
St Joseph's High School	Plumbridge
St Joseph's High School	Coleraine
St Joseph's High School	Crossmaglen
St Joseph's High School	Coalisland
St Louis' Grammar School	Ballymena
St Louise's Comprehensive College	Belfast
St Malachy's High School	Castlewellan
St Mark's High School	Warrenpoint
St Mary's College	Londonderry
St Mary's College	Irvinstown
St Mary's College	Portglenone
St Mary's Cristian Brothers Grammar	Belfast



School Name	School Address
St Mary's High School	Belleek
St Mary's School	Limavady
St Olcan's High School	Randalstown
St Patrick's & St Brigid's High School	Claudy
St Patrick's Co-Ed Comp College	Maghera
St Patrick's College	Belfast
St Patrick's College	Ballymena
St Patrick's College	Banbridge
St Patrick's College	Dungannon
St Patrick's Grammar School	Downpatrick
St Patrick's High School	Dungiven
St Paul's College	Kilrea
St Paul's High School	Bessbrook
St Paul's Junior High School	Lurgan
St Peter's High School	Londonderry
St Pius X High School	Magherafelt
St Rose's High School	Belfast
Strabane Grammar School	Strabane
Strabane High School	Strabane
Strathearn School	Belfast
Templemore Secondary School	Londonderry
Thornhill College	Londonderry
Victoria College	Belfast
Wellington College	Belfast

### Edexcel GCSE Examinations

**Mrs I Robinson** asked the Minister of Education to outline (a) if negotiations between his department and EDEXCEL, leading to their exclusion from providing GCSE exams in Northern Ireland, involved the payment of money to EDEXCEL; and (b) if EDEXCEL has received any money from the Department of Education since the completion of negotiations. (AQW 3955/01)

**Mr M McGuinness:** The Council for the Curriculum, Examinations and Assessment (CCEA) and not my Department, took part in negotiations with Edexcel. I understand that CCEA did not make any payment of money to Edexcel following their decision not to offer GCSEs in Northern Ireland, and neither has Edexcel received any money from my Department since the completion of negotiations.

### Educational Psychologists

**Mr S Wilson** asked the Minister of Education what reports have been issued by educational psychologists over the last 5 years. (AQW 3962/01)

**Mr M McGuinness:** The majority of reports issued by Educational Psychologists relate to the assessment of individual children with special educational needs, (SEN) and these are confidential. The Educational Psychology Service has also issued awareness raising and good practice guidance on aspects of SEN, such as Dyslexia, Attention Deficit Hyperactivity Disorder and Autism.

### Pupils Suspended/Expelled

**Mr S Wilson** asked the Minister of Education to detail, since 2000, the number of school-age children (a) suspended; and (b) excluded, by (i) year; and (ii) Board area. (AQW 3963/01)

**Mr M McGuinness:** My Department collects the information sought on a school year basis and for 2000-01 is:

Board	Belfast	North Eastern	South Eastern	Southern	Western
Pupils Suspended	783	1,189	803	763	919
Pupils Expelled	5	29	11	22	19

### Edexcel Examinations

**Mr S Wilson** asked the Minister of Education to outline (a) the number of examinations organised under EDEXCEL for each of the last 5 years; and (b) if any problems were encountered during this period. (AQW 3964/01)

**Mr M McGuinness:** The number of examinations organised under Edexcel for the past 5 years is as follows :

LEVEL	1996/97 Total Exam Entries	1997/98 Total Exam Entries	1998/99 Total Exam Entries	1999/00 Total Exam Entries	2000/01 Total Exam Entries
GCSE	6,583	8,832	10,486	13,110	15,304
GCE A Level	2,540	2,570	2,441	2,189	2,343
GNVQ Foundation	0	67	65	82	108
GNVQ Intermediate	218	404	615	792	892
GNVQ Advanced	223	265	545	626	1088

Over recent years, there have been a number of well-documented instances in which pupils here have been affected by the administration of examinations by Edexcel. My Department has registered its concerns with the Qualifications and Curriculum Authority which regulates Edexcel, and continues to monitor the situation closely in conjunction with QCA and CCEA.

### Classroom Assistants

**Mr S Wilson** asked the Minister of Education what assessment he has made regarding classroom assistants and if their introduction has led to an identifiable improvement in the quality of children's education.

(AQW 3965/01)

**Mr M McGuinness:** Classroom assistants have played an important role in the school system for some time and evidence gathered through school inspections by the Education and Training Inspectorate indicates that benefits do arise from the provision and effective deployment of skilled classroom assistants.

### Saintfield High School

**Mrs I Robinson** asked the Minister of Education to detail the number of pupils from each local primary school that have been granted a place in Year 1 at Saintfield High School for the year 2002-03. (AQW 3966/01)

**Mr M McGuinness:** The number of pupils from each local primary school that have been granted a place in Year 8 (Form 1) at Saintfield High School for the year 2002/03 is set out below:

Number of pupils accepted by Saintfield High School for admission in September 2002	Primary School Attended
22	Academy Primary School, Saintfield
15	Alexander Dickson Primary School, Ballygowan
1	Andrews Memorial Primary School, Comber
3	Ballycloughan Primary School, Saintfield
1	Cairnshill Primary School, Belfast
1	Carr Primary School, Lisburn
2	Carrickmannon Primary School, Ballygowan
9	Carryduff Primary School
1	Crossgar Primary School
1	Derryboy Primary School, Crossgar
3	Killinchy Primary School
1	Killyleagh Primary School
4	Moneyrea Primary School
1	St Mary's Primary School, Comber
<b>65</b>	<b>Total</b>

### Ministerial Transport

**Mr K Robinson** asked the Minister of Education, pursuant to AQW 3660/01, to outline (a) the exact nature of the GPA criteria 'suitability of security measures' applied in the selection of the Ministerial car; (b) the

firm that supplied the Ministerial car; (c) the reason why he chose to select the Ministerial car outside of the practice of other Executive Ministers; and (d) the reason why he chose to supply his own driver which is outside of the practice of other Executive Ministers. (AQW 3973/01)

**Mr M McGuinness:**

- The 'suitability of security measures' related to the ability of potential suppliers to meet the security measures specified in my requests.
- I am not prepared to disclose the name of the supplier.
- & (d) The arrangements were determined by my business and security requirements.

### Holy Cross Primary School

**Lord Kilclooney** asked the Minister of Education to detail (a) the number of new enrolments in each of the past 5 years at Holy Cross Primary School, Ardoyne, Belfast; and (b) the number of new pupils accepted for the academic year beginning in September 2002.

(AQW 3975/01)

**Mr M McGuinness:** The actual admissions to Holy Cross Girls' Primary School over the past 5 years were as follows:

School Year	Admissions
1997/98	51
1998/99	27
1999/00	25
2000/01	34
2001/02	29

The school has received 20 applications for admission in the 2002/03 school year.

### Burns Report

**Mr Bradley** asked the Minister of Education to outline (a) the current position regarding delivery of the 'Burns Household Response Form for 11+ Burns Report and Post-Education' to the residents of BT34 post code area; and (b) if the closure date 28 June 2002 for responses will be extended to accommodate those not yet in receipt of the forms. (AQW 4036/01)

**Mr M McGuinness:** This is the largest consultation ever undertaken on an education issue and the household response form has been distributed to over 670,000 households. Distribution has taken longer than was originally anticipated due to the massive scale of this exercise. All residents in the BT34 area should have received their form by the end of week commencing 3<sup>rd</sup> June.

The deadline for comments is 28 June 2002 and I believe this still allows sufficient time for everyone to respond.

### Equality Impact Assessment

**Mrs E Bell** asked the Minister of Education if he has carried out an Equality Impact Assessment (EIA) on the provision of pre-school nursery and childcare places in the (i) controlled; (ii) maintained; (iii) integrated; and (iv) Irish language sectors. (AQW 4059/01)

**Mr M McGuinness:** My Department has, in conjunction with education and library boards and CCMS, commenced an equality impact assessment on the Pre-School Education Expansion Programme which will take account of inter-sectoral provision.

### Pre-School Education

**Mrs E Bell** asked the Minister of Education to outline the methodology for providing state funding to (i) controlled; (ii) maintained; (iii) integrated; and (iv) Irish language schools, in relation to pre-school places; and to make a statement. (AQW 4060/01)

**Mr M McGuinness:** I would refer the Member to the reply I gave to AQO 1599/01 in so far as it refers to the planning and implementation of the Pre-school Education Expansion Programme by the Pre-school Education Advisory Groups.

### Pre-School Education

**Mr Ford** asked the Minister of Education to list the number of children, by Board area, in funded part-time and full-time pre-school education in (a) nursery schools; and (b) nursery classes. (AQW 4061/01)

**Mr M McGuinness:** I refer the member to the answer given in AQW 3887/01.

### Pre-School Education

**Mr Ford** asked the Minister of Education to list the number of pre-school children in funded full time and part-time education places in (a) playgroups; (b) day nurseries; and (c) other places. (AQW 4062/01)

**Mr M McGuinness:** The information requested for 2001 is as follows:

	Number of Children in Funded Places (Part-time)
Playgroups	5,125
Day Nurseries	207
Other Places	8
<b>Total</b>	<b>5,340</b>

### Pre-School Education

**Mr Ford** asked the Minister of Education to make a statement on the future of community-based playgroups, in the context of his Department's decision to expand pre-school education, and his plans to ensure community based playgroups are not disadvantaged.

(AQW 4063/01)

**Mr M McGuinness:** Under my Department's Pre-School Education Expansion Programme, the voluntary and private playgroup sector has become a valued partner of the statutory sector in providing pre-school education and is, for the first time, able to access government funding. In planning and implementing the Expansion Programme the Pre-School Education Advisory Groups (PEAGs) have adhered to a set of jointly agreed and adopted principles on "displacement" and PEAGs have actively sought to avoid displacing good quality pre-school provision in the voluntary and private playgroup sector. The existence of funded provision in existing voluntary and private settings has therefore been taken into account when the locations of new statutory settings are being determined.

### Pre-School Education

**Mr Ford** asked the Minister of Education when he last visited community-based playgroups in the Western Board area; and to make a statement on their future.

(AQW 4064/01)

**Mr M McGuinness:** I would refer the Member to my answer to AQW No 3889/01.

### Pre-School Education

**Mrs E Bell** asked the Minister of Education what assessment he can make of the equality impact to community-based playgroups in light of the state funding proposals for pre-school provision. (AQW 4067/01)

**Mr M McGuinness:** My Department has, in conjunction with education and library boards and CCMS, commenced an equality impact assessment on the Pre-School Education Expansion Programme which will take account of the equality impact on community-based playgroups.

### Pre-School Education

**Mr Ford** asked the Minister of Education what funding and support is in place for community-based playgroups that have developed independent provision in their local communities and may now be subject to displacement by other state funding. (AQW 4070/01)

**Mr M McGuinness:** Under my Department's Pre-School Education Expansion Programme, the voluntary and private playgroup sector is, for the first time, able to access government funding. The current rate of funding for centres is £1,190 per place, increasing to £1,230 per place for the 2002/03 academic year. In planning and implementing the Expansion Programme the Pre-School Education Advisory Groups (PEAGs) have adhered to a set of jointly agreed and adopted principles on "displacement" and PEAGs have actively sought to avoid displacing good quality pre-school provision. The existence of funded provision in existing voluntary and private settings has therefore been taken into account when the locations of new statutory settings are being determined.

### Counselling/Counsellors

**Ms Ramsey** asked the Minister of Education, following the publication of the Counselling in Northern Ireland report, to outline (a) the number of people currently providing counselling to school children, (b) the number who are accredited or working towards accreditation and (c) the number who are supervised; and to make a statement. (AQO 1598/01)

**Mr M McGuinness:** My Department does not have the information sought. School children can access counselling support through their school, education and library board, health and social services and from a range of private and voluntary organisations. As the recently published DHSS&PS report 'Counselling in Northern Ireland' has highlighted it is difficult to establish the number of persons who are counsellors, the number who have appropriate qualifications and are adequately supervised without a statutory system of registration.

### Educational Standards

**Mr J Kelly** asked the Minister of Education to outline (a) why he chose to visit Finland and (b) if he intends to visit other international models of best practice in education; and to make a statement. (AQO 1596/01)

**Mr M McGuinness:** I visited Finland because it is one of the countries which performed best in the PISA research into educational standards. I also visited the German education system and I intend to learn more about the French education system. The information gathered will be helpful in considering the way forward in the post-primary review.

### Sport in Schools

**Mr McGrady** asked the Minister of Education what assessment he has made on the provision of sport in schools; and to make a statement. (AQO 1606/01)

**Mr M McGuinness:** My Department, through the Education and Training Inspectorate (ETI), continually monitors the provision of Physical Education, including sport, as part of the statutory curriculum in schools. An ETI report on Physical Education in Secondary Schools, published in 2000, has identified areas of good practice in teaching and learning, standards of performance and planning. A Survey of Good Practice in Primary Physical Education, published in 2001, provides a number of good practice case studies to help promote health related physical education in primary schools.

### Pre-school Education Advisory Groups

**Mrs I Robinson** asked the Minister of Education to detail the amount of Pre-school Education Advisory Groups (PEAGs) resources to be allocated to the statutory nursery school sector (AQO 1574/01)

**Mr M McGuinness:** There are 34 statutory nursery units on which building work has yet to be completed under my Department's Pre-School Education Expansion Programme. This will involve estimated capital expenditure of £4.3 million spread over this financial year and the next. The recurrent resources required to support these places amount to £4.2 million over the next three years.

### Autism

**Mr Byrne** asked the Minister of Education what steps are being taken to increase the number of educational psychologists to assist in the early diagnosis of autistic children in West Tyrone. (AQO 1577/01)

**Mr M McGuinness:** Since the introduction of the Special Educational Needs Code of Practice in 1998, my Department has made available additional funding to enable the employment of more Educational Psychologists in each Education and Library Board. In the case of the Western Education and Library Board there are now 22 full time and 4 part time educational psychologists covering the whole area.

I am aware of the need for the earliest possible assessment, diagnosis and provision for children with autism. This was highlighted in the recently published report of the Task Group on Autism. I shall be bringing all interested parties together at a Conference in the autumn, to discuss how best we can take the recommendations forward.

### Literacy and Numeracy

**Mr Dallat** asked the Minister of Education to outline his plans for publishing statistical information to enable comparisons to be made on levels of literacy and numeracy in each of the education and library boards. (AQO 1586/01)



**Mr M McGuinness:** A recent NI Audit Office report recommended the publication of a range of statistical indicators, including on literacy and numeracy, in each Education and Library Board. This was discussed by the Public Accounts Committee and my Department will respond to the PAC's report in due course. However, the Department has already indicated that it accepts this recommendation. It will be necessary to discuss with the Boards, and the Education Committee, what form this statistical compendium should take.

### E-Government

**Dr McDonnell** asked the Minister of Education to outline (a) any progress which has been made on introducing e-Government methods and programmes within his Department over the last 3 years and (b) any plans which are in place for further developments in the next 3 years. (AQO 1601/01)

**Mr M McGuinness:** You asked me to outline any progress which has been made on introducing e-Government methods and programmes within my Department over the last 3 years and any plans which are in place for further developments in the next 3 years. In my answer I advised you that I would write to you with the information.

I trust the following will give you an idea of the work undertaken to date, and of our outline plans for further work in this area.

#### 1999/2000

During this period the Department of Education launched the Northern Ireland Network for Education (NINE) to provide teachers with information and an on-line discussion facility. Using NINEConnect, we linked 1280 schools in Northern Ireland to the National Grid for Learning (NGFL).

We also commenced the publication of all DE reports, including school inspection reports, on the DE website.

#### 2000/01

Circulars were provided to schools electronically.

We also contributed to the 'Moving House' Life Event for UKOn-Line by providing a simple schools portal which allowed members of the public to click on a post code on a map of Northern Ireland and access details of schools in that post code area.

#### In 2001/02

An on-line consultation facility was provided for key initiatives, including the Review of Post Primary Education.

Electronic forms were piloted for a school survey on drugs for the Education and Training Inspectorate.

The DE website was redeveloped to reflect key customers' information needs and was relaunched in February 2002.

The CLASSROOM 2000 project began providing additional computers to schools.

### Plans for the next 3 years

In relation to plans for e-government development in the next 3 years my department intends to agree and refine further targets for electronic services delivery with our partner bodies across the Education Service, including access to pupil services.

An e-business strategy has been commissioned in the Education and Library Boards and from this more specific key targets will be defined which will include aspects of cross-departmental working, for example, the provision of pupil information to the Schools Medical Programme (DHSSPS), and to the Department for Employment and Learning.

We will increase access to information and technology in schools by providing 40,000 internet ready PCs to 350,000 students and 20,000 teachers in NI schools in the CLASSROOM 2000 project.

The current departmental website is being enhanced to incorporate features which will afford greater access to the visually impaired, and will allow for provision of feedback from the general public.

The NI schools portal will be further developed to provide additional information about schools and services.

The capability for electronic information collection for example, school surveys on all aspects of education, will be increased, as will the capacity for electronic consultation relating to DE policy issues and key initiatives.

We will continue with preparations for the replacement of the Teachers' Payroll and Pensions Systems which, in addition to paying teacher salaries and pensions, will provide an on-line facility to enable teachers to access general and personal information about salaries and pensions.

### Academic Selection

**Mr McElduff** asked the Minister of Education what proportion of post primary schools have moved away from the system of academic selection. (AQO 1595/01)

**Mr M McGuinness:** Only grammar schools may select pupils on the basis of academic ability. I am not aware of any grammar schools which have moved away from the system of academic selection.

## EMPLOYMENT AND LEARNING

### Training Needs: Disabled

**Mrs Nelis** asked the Minister for Employment and Learning to detail (a) the training facilities available within her Department for those with disabilities; and (b) the organisations servicing the training needs of the disabled. (AQW 3890/01)

**The Minister for Employment and Learning (Ms Hanna):**

- (a) My reply assumes that the question concerns all people with disabilities not just staff within my Department. My Department funds a wide range of training provision available to people with disabilities. This includes provision in Jobskills, Further Education, New Deal for Disabled People (and other New Deals), and a range of specialist providers.
- (b) The organisations funded by my Department, which provide training for people with disabilities include Further Education Colleges, Jobskills providers, New Deal consortia, and specialist providers. Other bodies providing funding for training of people with disabilities include Health and Social Services Trusts, the European Social Fund and other EU programmes.

### University Applications

**Mr Hussey** asked the Minister for Employment and Learning to detail her plans to encourage universities to (a) proactively seek applications from students resident in socially deprived areas; and (b) broaden the social class composition of university entrants. (AQW 3893/01)

**Ms Hanna:** My Department has introduced a number of funding measures to encourage universities to widen participation, including funding premia and the funding of special projects to allow the universities to develop partnerships with schools with traditionally low levels of participation in HE. The universities have been required to produce new three year Strategies and Action Plans which detail activities, targets and performance indicators associated with widening participation.

### UK Convention: Traffic in Persons

**Ms McWilliams** asked the Minister for Employment and Learning to make a statement on the applicability of the UK convention for the Suppression of Traffic in Persons for the purposes of sexual exploitation of women from Eastern Europe recruited to work in lap-dancing clubs. (AQW 3901/01)

**Ms Hanna:** Schedule 2 of the NI Act 1998 lists 'excepted matters', and these include international relations and, specifically, observing and implementing international obligations. It is therefore a matter for the UK Government to ratify, observe and implement international agreements.

The UK Government has not ratified the UN Convention For the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others (1949).

I am advised that the UK Government has signed up to the UN Protocol To Prevent, Suppress and Punish Trafficking In Persons, Especially Women And Children which supplements the UN Convention Against Transnational Organised Crime, and has negotiated a European Union Framework Decision on Combating Trafficking in Human Beings which will be adopted shortly.

Earlier this year the UK Government published a White Paper: *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain*, setting out a strategy which focuses on strengthening the law; tackling criminals through intelligence and enforcement; international co-operation and prevention in source and transit countries, and dealing appropriately with the victims of trafficking.

There is at present no offence of trafficking, although most of the elements of the offence are already criminalised. For this reason the Government is introducing a new offence of trafficking for prostitution within the current Nationality Immigration and Asylum (NIA) Bill. This offence carries a maximum penalty of 14 years imprisonment.

The Home Office is currently developing new and more wide-ranging criminal offences, with the intention of presenting a Bill when parliamentary time permits. The Government is also strengthening the law against people smuggling in the NIA Bill by increasing the maximum penalty to 14 years imprisonment.

I would add that the issues raised by the trafficking of women for sexual exploitation are mainly matters of human rights, serious crime and immigration law and policy, rather than employment law or policy.

### Newcastle Harbour Watch House

**Mr M Murphy** asked the Minister for Employment and Learning if she has any plans to purchase the Watch House at Newcastle Harbour, further to the Newcastle Harbour Maritime Association's suggestion that the building be used for the teaching of traditional crafts and IT. (AQW 3910/01)

**Ms Hanna:** I have no plans to purchase this property. The provision of accommodation for training is a matter

for the FE sector or local private or community based training providers.

### Student Support Regulations

**Mrs I Robinson** asked the Minister for Employment and Learning if she would consider amending the Student Support Regulations in order to enable students to travel to institutions in GB to study tertiary level courses, other than degree and HND courses, which are not currently available in any Northern Ireland university.

(AQW 3954/01)

**Ms Hanna:** Full-time tertiary level courses below degree and HND are deemed to be further education courses. Students undertaking such courses at institutions outside Northern Ireland can apply to the Education and Library Boards for means-tested discretionary awards. An award made under these arrangements provides for the payment of tuition fees; a means-tested grant towards living costs of up to £1,633 and supplementary grants. These grants do not have to be repaid, and I have no plans to replace them with student loans, under the Student Support Regulations, which would have to be repaid.

### Essential Skills

**Mr R Hutchinson** asked the Minister for Employment and Learning if target setting structures will be rigorously applied to ensure improvements in Essential Skills provision.

(AQW 4038/01)

**Ms Hanna:** Based on available research data, the Department has established a target to engage 25,000 learners by March 2005. The Department has asked CCEA to provide advice on how achievement of learners might be tracked and recorded. This advice is required to ensure providers are consistent in their approaches in collecting data and to determine the usefulness and validity of the information.

### Merger: University of Ulster and NI Catering College

**Mr McClarty** asked the Minister for Employment and Learning to outline progress to date of the proposed merger between the University of Ulster and the Northern Ireland Hotel and Catering College.

(AQW 4088/01)

**Ms Hanna:** A consultation exercise on the proposed merger concluded on 22nd March 2002. The responses received from consultees have been considered by officials within my Department as have other issues raised by various interested parties. This included the Assembly Committee for Employment and Learning whom I met with on 11th June. I am currently considering all pertinent

issues and will advise in due course of my final decision on the proposed merger.

## ENTERPRISE, TRADE AND INVESTMENT

### Pension Funds

**Mrs Nelis** asked the Minister of Enterprise, Trade and Investment to detail (a) what overseas pension funds are used for inward investment; and (b) what industries/businesses are in receipt of overseas pension fund investment.

(AQW 3891/01)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):**

- (a) None. The use of pension funds and contributions is a reserved matter. The financial assistance that is offered by my Department to help secure inward investment for Northern Ireland is part of the Northern Ireland bloc. However, I understand that Northern Ireland venture capital funds have invested in a small number of inward investment cases. The NI Local Government Officers' Superannuation Scheme (NILGOSS) has also invested in the new Viridian Growth Fund which became operational in January 2002.
- (b) With regard to the investment of overseas funds in NI companies in the wider sense, it would not be possible for the Department to supply this information except at disproportionate cost to the Department.

### Wind Turbines

**Mrs Carson** asked the Minister of Enterprise, Trade and Investment if the Northern Ireland Tourist Board has been consulted by the Planning Service in relation to Wind Turbine Farm planning applications.

(AQW 3927/01)

**Sir Reg Empey:** Although the Northern Ireland Tourist Board (NITB) was consulted in 1994 on one wind turbine farm planning application, it is not normal practice for Planning Service to ask NITB to comment on applications which fall outside its statutory remit. Applications for wind turbine farms would fall into this category.

### Electricity and Gas Industries

**Dr Birnie** asked the Minister of Enterprise, Trade and Investment to outline (a) how many responses has he received to his Department's consultation paper, 'Towards a New Energy Market Strategy for Northern Ireland'; and (b) how many responses (i) supported; and

(ii) objected to the introduction of legislation to enable a more efficient financing of costs within the regulated monopolies, within the electricity and gas industries in Northern Ireland. (AQW 3947/01)

**Sir Reg Empey:** Sixty responses were received in response to the consultation document, including 7 nil returns.

Six supported the introduction of a legislative provision to enable refinancing of costs within the electricity and gas industries in Northern Ireland. Seven respondents objected to refinancing that would impose burdens on future customers.

### Energy Strategy

**Dr Birnie** asked the Minister of Enterprise, Trade and Investment when he plans to publish a summary of the responses to his Department's consultation paper 'Towards a New Energy Market Strategy for Northern Ireland'. (AQW 3948/01)

**Sir Reg Empey:** Except where a respondent requested confidentiality, responses have been published in full on my Department's website, located at [www.detini.gov.uk/energy/](http://www.detini.gov.uk/energy/). A summary of these responses will also be published alongside the draft energy strategy later this year. An analysis of the responses relating to priority areas requiring legislation is included in the recently issued consultation paper on the draft Energy Bill.

### Electricity Prices

**Dr Birnie** asked the Minister of Enterprise, Trade and Investment to detail his strategy for reducing electricity prices. (AQW 3949/01)

**Sir Reg Empey:** I am currently considering recommendations from consultants about options to reduce electricity prices in Northern Ireland. I am in the process of sharing these recommendations with the Enterprise, Trade and Investment Committee and engaging with the Regulator and key industry players. I expect to announce an action plan in due course.

### Electricity and Gas Industries

**Dr Birnie** asked the Minister of Enterprise, Trade and Investment to make a statement on proposals for legislation to enable a more efficient financing of costs within the regulated monopolies, within the electricity and gas industries in Northern Ireland, in a wider context to the issue of long term contracts and financing.

(AQW 3950/01)

**Sir Reg Empey:** I refer to my answer to Question 3949/01. Since analysis of the issue is not complete, I

have not included a provision for legislation backed financing in the initial Energy Bill proposals on which my Department is now consulting.

### 'Teleworking'

**Mr Armstrong** asked the Minister of Enterprise, Trade and Investment to make a statement regarding the feasibility of increased 'Teleworking', and any plans he might have to promote high speed internet access.

(AQW 3958/01)

**Sir Reg Empey:** DETI and Invest NI are broadly supportive of the concept of teleworking provided it is supported by a sound business case which demonstrates that employment issues have been addressed.

Teleworking relies heavily on the availability of affordable broadband and both the Department and Invest NI have initiated a range of pro-active promotion and support measures. These include, inter alia, establishment of the E-Solutions Centre; regional business demonstration events; funding of the SME Broadband Satellite programme; the provision of ICT advisors; funding pilot studies to demonstrate the commercial application of various broadband technologies. And, if they so wish, "e-workers" can locate in their nearest Enterprise Centre where high speed connections are available to all tenants.

### Wind Turbines

**Mr Armstrong** asked the Minister of Enterprise, Trade and Investment to outline the progress made in developing renewable energy sources, particularly in terms of promoting wind turbines throughout Northern Ireland. (AQW 4019/01)

**Sir Reg Empey:** The development of renewable energy projects is a matter for the private sector. However it is known that planning permission is being sought for 2 wind farms (one in Co Tyrone and one in Co Fermanagh). A consultation exercise and environmental assessment are underway in respect of another proposed wind farm in Co Fermanagh.

In November last year, under the Building for Sustainable Prosperity Programme, my Department introduced an Energy Demonstration Scheme. This offers grant aid towards the capital cost of small scale renewable energy projects. To date, 3 projects have received grant aid to a total of almost £35,000. These projects involved wind turbines, solar panels and a heat pump.

### Closure of Warners (UK) Ltd

**Mr Poots** asked the Minister of Enterprise, Trade and Investment what steps he is taking to offset the



announcement that Warners (UK) Ltd are pulling out of Northern Ireland. (AQW 4094/01)

**Sir Reg Empey:** Prior to the announcement of the closure of the Warners factories in Keady and Dromore, the Company's management met with staff in Invest NI. At this meeting the possibility of Invest NI intervention was discussed to save the NI operations and associated jobs. However, it was made very clear that a corporate decision had already been made and there was no possibility of it being reviewed.

As the decision is final, my Department, through Invest NI, is working in partnership with relevant interests, namely Armagh City & District Council, Banbridge District Council and the respective Enterprise Agencies. Through this partnership various initiatives will be offered to former Warners employees. These include:

1. Business clinics - where information and advice will be provided to allow employees to consider the option of self-employment.
2. Through the Building Sustainable Prosperity programme and other European Funding, the councils have planned various initiatives which have potential to impact on the employability of the workforce.

My colleague, Minister for Education and Learning, will also have a role to play in the reintegration of the workforce into employment.

## THE ENVIRONMENT

### Marine Environment

**Mr Gibson** asked the Minister of the Environment what measures he is taking to protect the marine environment for future generations. (AQW 3850/01)

**The Minister of the Environment (Mr Nesbitt):** My Department protects the marine environment by means of a range of legislative, contingency planning and research measures.

The legislative measures are contained in European, UK and Northern Ireland legislation. Northern Ireland also contributes to meeting the UK's obligations under international conventions.

A number of European Directives are targeted at bathing waters, coastal waters vulnerable to nutrient enrichment, waters which support shellfish, and marine natural habitats and wild birds. My Department's Environment and Heritage Service (EHS) has comprehensive programmes of designations for Northern Ireland's coastal waters under each of these Directives, together with action plans and monitoring systems.

The Food and Environment Protection Act 1985 is designed to control deposits of materials and substances in the sea, and thereby protect the marine environment, by means of a licensing system. This Act is administered in Northern Ireland by EHS.

In addition to the Northern Ireland regulations which implement the European Directives, the Water (NI) Order 1999 enables EHS to control discharges of effluent to waters within three nautical miles of the coastline.

Northern Ireland contributes to meeting the targets set for the UK by two international conventions - the London Convention on the Prevention of Global Marine Pollution, and the OSPAR (Oslo and Paris) Convention for the Protection of the North East Atlantic. In addition, a number of marine environment issues are addressed in the report Biodiversity in Northern Ireland: Recommendations to Government for a Biodiversity Strategy, published in October 2000 in compliance with the Convention on Biological Diversity.

EHS has in place a range of measures to provide an effective response to marine pollution incidents. These include comprehensive incident response procedures, and contingency plans covering the NI coastline and its ports and harbours. EHS also participates in the UK-wide National Contingency Plan for large-scale marine pollution incidents.

Finally, EHS has commissioned several major research projects on the marine environment. Details of these are available on the EHS website [www.ehsni.gov.uk](http://www.ehsni.gov.uk)

### Removal of Abandoned Vehicles: Cost

**Mr M Robinson** asked the Minister of the Environment to detail (a) the cost to each district council of the removal of abandoned vehicles in the current year; and (b) the cost of removals in each of the last 3 years. (AQW 3936/01)

**Mr Nesbitt:** The information sought is not held centrally by my Department and therefore I am unable to provide the information requested.

### Foxhunting

**Mrs I Robinson** asked the Minister of the Environment to detail, by constituency, (a) the number of foxhunts held each year; and (b) their location. (AQW 3957/01)

**Mr Nesbitt:** My Department does not have any responsibility for foxhunting. This activity is allowed under the terms of the Welfare of Animals Act (Northern Ireland) 1972 which is administered by DARD.

## Waste Management: Recycling

**Mr Hussey** asked the Minister of the Environment what plans he has to encourage an expansion of the market for products utilising recycled materials.

(AQW 3978/01)

**Mr Nesbitt:** My Department's plans for waste management, including recycling, are set out in the Waste Management Strategy for Northern Ireland published in March 2000. The Strategy sets targets to increase recycling to meet the requirements of the EU Landfill Directive.

Among the actions planned in the Strategy to increase recycling is the establishment of a Market Development Programme to stimulate local demand for recycled materials and products.

The Programme consists of a number of elements, including an Industry Fund and membership of the UK-wide Waste to Resources Action Programme (WRAP).

I was pleased to launch the Industry Fund on 6 June 2002. This will provide grant-aid to businesses to encourage sustainable markets for recovered and/or recycled materials. I am also pleased that taking membership of WRAP will allow Northern Ireland to benefit from a comprehensive UK approach to market development.

Under the auspices of the North/South Ministerial Council, work is underway to develop an all-island strategic approach to market development for recyclable material throughout the island, taking account of developments in Great Britain and making appropriate linkages between the Market Development Programme in the two jurisdictions.

Final draft Waste Management Plans are due to be submitted by District Councils to my Department by 28 June 2002. These will provide the basis for the establishment of an integrated network of facilities to meet the targets for recycling/recovery set out in the Strategy and in the Landfill Directive.

My Department has also set up the Waste Management Advisory Board to assist with the promotion and implementation of the Strategy and to oversee the Market Development Programme. The Board comprises a wide range of stakeholders with an interest in waste management. The Board has established a number of sub-groups, one of which focuses on Reduction, Recycling and Recovery.

I am confident that these measures will help to stimulate expansion of the market for products utilising recycled materials.

## Ards Borough Council Planning Dept: Staffing

**Mr Shannon** asked the Minister of the Environment to outline in Downpatrick (a) the current number of staff

on sick leave; and (b) the current level of staff shortage, for the Ards Borough Council Planning Department.

(AQW 3994/01)

**Mr Nesbitt:** There are currently 2 members of staff from the Ards Development Control Section on sick absence. One Officer has been out of the office since 6 May 2002 and the other since 10 June.

The staff complement in the Ards Section is based on current workload. Indeed the complement, which is kept under review, has recently been increased by one Higher Professional and Technical Officer post and it is expected that this new post will be filled from a promotion board held last month. While, therefore, there is no staff shortage in the Section, sick absences can cause short term difficulties.

## Planning Applications: Ards Borough Council Area

**Mr Shannon** asked the Minister of the Environment to outline the number of staff required by Downpatrick Planning Service to process planning applications in the Ards Borough Council area.

(AQW 3995/01)

**Mr Nesbitt:** The current approved staff complement for dealing with planning applications for the Ards District Council Area is 10. It consists of one Senior Planning and Technology Officer (SPTO), 3 Higher Professional and Technology Officers (HPTO), 4 Planning and Technology Officers (PTO) and 2 Administrative staff.

The complement is based on current workload and is kept under regular review.

## Planning Applications

**Mr Wells** asked the Minister of the Environment how many planning applications for single dwellings in the countryside were granted in each of the last 10 years.

(AQW 4031/01)

**Mr Nesbitt:** The numbers of single dwellings in the countryside, including replacement dwellings, which were granted planning permission, are set out below.

Financial Year	Applications Approved
1992/93	2,777
1993/94	2,610
1994/95	2,829
1995/96	2,998
1996/97	3,422
1997/98	3,674
1998/99	3,879
1999/00	4,469
2000/01	5,583
2001/02	5,769

## Planning Appeals Commission: Applications

**Mr K Robinson** asked the Minister of the Environment to outline (a) the number of appeals from property developers made to the Planning Appeals Commission for the periods (i) 1 April 2000 to 31 March 2001 and (ii) 1 April 2001 to 31 March 2002 and (b) the number of appeals which were successful and unsuccessful for each period. (AQW 4112/01)

## Epilepsy

**Mrs I Robinson** asked the Minister of Finance and Personnel to outline the number of people who die each year from (a) epilepsy; and (b) Sudden Unexpected Death in Epilepsy (SUDEP). (AQW 3835/01)

**Dr Farren:** The table below shows the number of cases in each of the last 10 years where Epilepsy was recorded as the main cause of death.

CAUSE OF DEATH (AQW 3835/01)

ICD 9 Code	Description	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
345.1	Generalised convulsive epilepsy	1	3	1	1	1		1			1	1
345.3	Grand mal status				2	2	1	1	1	1	2	4
345.9	Unspecified	18	11	14	16	19	22	24	18	21	14	18
345	Total deaths from Epilepsy	19	14	15	19	22	23	26	19	22	17	23

Coding of deaths registered in 2001 is not yet finalized.

**Mr Nesbitt:** During the periods 1 April 2000 to 31 March 2001 and 1 April 2001 to 31 March 2002 a total of 68 and 65 appeals respectively, were submitted to the Planning Appeals Commission by property developers. Details of the progress of these appeals are set out below.

	1 April 2000 to 31 March 2001	1 April 2001 to 31 March 2002
Successful	44	26
Unsuccessful	10	5
Decisions outstanding	6	25
Withdrawn	8	9
<b>Totals</b>	<b>68</b>	<b>65</b>

## Freedom of Information

**Dr Birnie** asked the Minister of Finance and Personnel what measures he has taken to ensure that the publication schemes required under the Freedom of Information Act will be completed by November 2002. (AQW 3872/01)

**Dr Farren:** Under the direction of the Department of Finance and Personnel's openness champion a departmental information manager has been appointed to progress corporate information matters, including the preparation of a departmental publication scheme. This is well-advanced in draft with contributions coming from information managers who have been appointed within each business area to help prepare for freedom of information requirements.

The Department's NDPBs are also on track to complete their Schemes on time.

I expect to approve the draft DFP Scheme in early September, following which it will be submitted to the Information Commissioner for approval. A copy will also be forwarded to the Departmental Assembly Committee for information.

## FINANCE AND PERSONNEL

### Ministerial Engagements

**Mr Hilditch** asked the Minister of Finance and Personnel to detail his engagements for the morning of 29 May 2002. (AQW 3827/01)

**The Minister of Finance and Personnel (Dr Farren):** I attended the following engagements on the morning of 29 May 2002:

- Meeting with the First Minister and Deputy First Minister,
- Executive pre-brief (SDLP), and
- Meeting of the Executive.

### Head of Civil Service

**Mr Close** asked the Minister of Finance and Personnel which Accounting Officer is answerable to the Public Accounts Committee for the effective use of resources involved in Senior Civil Service recruitment competitions and particularly the current competition for the Head of the Civil Service. (AQW 3917/01)

**Dr Farren:** Senior Civil Service recruitment competitions are administered by Recruitment Service, Department of Finance and Personnel (DFP). The Permanent

Secretary, DFP, is the Accounting Officer in respect of the generality of Recruitment Service expenditure.

In the conduct of competitions for specific senior posts, Recruitment Service acts as the agent of the employing Department, which retains direct responsibility for some aspects of the arrangements. These include responsibility for direct expenditure such as advertising costs, panel expenses etc. The Head of NICS is employed by the Office of the First Minister/Deputy First Minister, and the employing department is accountable for that expenditure.

### Head of Civil Service

**Mr Close** asked the Minister of Finance and Personnel to outline (a) if the Head of the Civil Service is involved in the advertised open competition for the selection of his successor; and (b) if it is consistent with normal public sector best practice for incumbent officials to be involved in the selection of their successors when the post has been publicly advertised. (AQW 3921/01)

**Dr Farren:** The Head of the Northern Ireland Civil Service was a member (not chairperson) of the selection panel for the current HOCS recruitment competition. The choice of panel members is a matter for the employing Department, but any such competition has to adhere to the Civil Service Commissioners for Northern Ireland Recruitment Code. This stipulates that all selection panels for posts at senior level in the Civil Service must be approved by Commissioners. The necessary approval was obtained for this competition.

### Equality Impact Assessment

**Mrs Courtney** asked the Minister of Finance and Personnel if he has received an Equality Impact Assessment and new TSN guarantees from the Minister of Education in light of the Minister of Education's decision to fund pre-school places in (i) state controlled; (ii) integrated; and (iii) Irish language sectors. (AQW 3931/01)

**Dr Farren:** I understand that the Department of Education, in conjunction with the education and library boards, plans to commence an equality assessment on the Pre-School Education Expansion Programme this year. There is, however, no specific requirement for Equality Impact Assessments to be forwarded to the Department of Finance and Personnel.

With regard to new TSN guarantees, the Pre-School Education Expansion Programme is an important element of both the interdepartmental childcare strategy and the Department of Education's strategy for Targeting Social Need (TSN). The Department of Education are therefore using an appropriate method for targeting financial allocation based on social need.

### Head of Civil Service

**Mr B Bell** asked the Minister of Finance and Personnel why the conditions attached to the advertised competition for the post of Head of the Civil Service prevented anyone who has been in the post of Comptroller and Auditor General for more than 3 years from applying.

(AQW 3946/01)

**Dr Farren:** In line with the requirements of the Civil Service Commissioners' Recruitment Code, it is the responsibility of the selection panel to determine eligibility criteria which are justifiable against the requirements of the job. The criteria set for this competition reflect the skills and experience which the panel believes are necessary for this high level post, which includes a major leadership role in a large, diverse organisation. The present Comptroller and Auditor General has raised the same point and has been advised that a full response to his letter will be issued once the present process has been completed.

### Review of Rating System

**Mr R Hutchinson** asked the Minister of Finance and Personnel what plans he has to introduce transitional arrangements designed to avoid hardship, following a review of the rating system, to limit financial impact on ratepayers. (AQW 3967/01)

**Dr Farren:** Until decisions have been taken in the autumn on the way forward it would be premature to speculate about the introduction of transitional relief. However, I can confirm that, for any change in the rating system, consideration will be given to carefully planned transitional arrangements to avoid hardship.

### Accommodation Review

**Mr Attwood** asked the Minister of Finance and Personnel, pursuant to AQO 1006/01, to outline the current status of the accommodation review. (AQO 1611/01)

**Dr Farren:** The public consultation exercise on the Interim Report was completed in May and I am currently awaiting advice from the consultants in relation to the responses received. The initial consultation period, until 19 April, was extended, by 2 weeks, primarily to allow sufficient time for individual Assembly Committees to respond.

### Spending Review

**Mr Byrne** asked the Minister of Finance and Personnel to provide an update on the Spending Review 2002. (AQO 1608/01)



**Dr Farren:** The outcome of the national Spending Review is expected to be announced by the Chancellor of the Exchequer in July. We are continuing to press the Treasury for additional resources over and above the Barnett formula to make it possible for us to match the rate of increase on, for example, spending on health and education services now being made available in England. Although, I stress again that it is for the Executive and the Assembly to set our own spending priorities as part of the budgetary process. The first stage of our own Budget 2002 process concluded recently with the presentation of the Executive's Position Report to the Assembly on 5 June.

### European PEACE II: Funding

**Mr Berry** asked the Minister of Finance and Personnel what action will be taken to ensure that there will be a fair and equal distribution of European Peace II funding between the Protestant and Roman Catholic communities (AQO 1578/01)

**Dr Farren:** PEACE II funds will be targeted at areas, sectors, communities and or groups adversely affected by political unrest and which demonstrate that they will contribute to the Programme's objectives. In targeting these groups project promoters must have due regard to equality of opportunity and balanced intervention which is one of a number of horizontal principles that govern the way the PEACE II Programme will be implemented. Compliance with horizontal principles and Section 75 requirements will be monitored by the Special EU Programmes Body.

### Review of the Executive Programme Funds

**Mr McGrady** asked the Minister of Finance and Personnel what discussions have taken place with Departments in respect of bids for (a) the Executive Programme Funds and (b) the Chancellor's Reform and Regeneration Initiative. (AQO 1607/01)

**Dr Farren:** Following the Executive's recent Review of the Executive Programme Funds, a call for bids was issued under the Innovation and Modernisation Fund, the Social Inclusion/Community Regeneration Fund and the Children's Fund (departmental allocations). These bids are in the process of being scrutinised and this process will involve discussions between DFP, OFMDFM and departments. We are also currently evaluating the bids which have been received under the Infrastructure EPF and the Reinvestment and Reform Initiative and DFP will again be liaising directly with departments on these bids, in conjunction with OFMDFM.

### Public-Private Partnerships

**Mr O'Connor** asked the Minister of Finance and Personnel to list the locations of public meetings associated with the use of Public-Private Partnerships in Northern Ireland. (AQO 1612/01)

**Dr Farren:** The Executive are undertaking a detailed consultation on the issues it faces in relation to investment in Public services in the future with a specific focus on the report published on 21 May on the "Review of Opportunities for Public Private Partnerships in Northern Ireland".

The locations for the public consultations are as follows:

Town	Date	Time	Venue
Belfast	Tues 18 June	7.00pm	Atrium Room, W5
		9.00pm	The Odyssey
Derry	Wed 19 June	10.00am	Millennium Forum
		12.00 noon	
Dungannon	Thurs 27 June	7.00pm	Oaklin House Hotel
		9.00pm	

### HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

#### Intensive Care and High Dependency Provision

**Mr Berry** asked the Minister of Health, Social Services and Public Safety to outline her policy on intensive care and high dependency bed allocation for 2001-2003. (AQW 1794/01)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** My policy is to ensure an expansion of intensive care and high dependency provision in line with the review of those services by the Chief Medical Officer in February 2000.

Is é an polasaí atá agam ná leathnú soláthar dianchúraim agus ardspleáchais ag teacht le hathbhreithniú ar na seirbhísí sin ag an Phríomh-Oifigeach Míochaine i Mí Feabhra 2000.

#### Human Bioethics

**Mr Wells** asked the Minister of Health, Social Services and Public Safety to outline (a) what assessment can she make on the Report of the Scottish Council on Bioethics which states there is a scarcity of independent research on the safety of the morning-after pill; and (b) any guidelines she has issued to the medical profession in

order to protect women from the ill-effects of the morning-after pill. (AQW 3528/01)

### Ms de Brún:

- (a) The Report of the Scottish Council on Human Bioethics concerning the morning-after pill (MAP) has been considered by the appropriate professional advisers in my Department. The new progestogen only product (brand name Levonelle 2 containing levonorgestral 0.75mg) was authorised in November 1999 following advice from the independent expert scientific advisory body, the Committee on Safety of Medicines (CSM) who were satisfied as to the quality, safety and efficacy of the product for the intended purpose. Substantial evidence reviewed by the CSM included 2 World Health Organisation (WHO) sponsored pivotal studies. One study involving approximately 2000 women in 14 countries has been published in the Lancet (1998). The other published in Human Reproduction (1993) involved 880 women. CSM has also considered evidence from a study of the effects of self-administering emergency contraception (New England Journal of Medicine, 1998). None of this important research is referred to in the report from the Scottish Council on Bioethics.

There is considerable experience of worldwide use of levonorgestral. It has been available here and in Great Britain in other contraceptives and hormone replacement therapy products for 30 years, although only recently for emergency hormonal contraception (EHC). It has been used for emergency contraception in other parts of the world since the 1980s and between 9 and 23 million women have taken it. No major safety issues have emerged to date. The Medicines Control Agency continues to monitor the safety of the MAP and will review any potential safety issues in the light of any new evidence which may emerge.

- (b) As regards guidelines on the use of the MAP, every GP here has received copies of very detailed advice on the MAP from a unit at Queen's University, Belfast, which is funded by my Department. In addition detailed advice is also available both to Health Professionals and patients, on the website of the Royal College of Obstetricians and Gynaecologists, Faculty of Family Planning and Reproductive Health Care. Patients also receive detailed notes on the use of the MAP with each supply.

- (a) Rinne na comhairleoirí gairmiúla cuí sa Roinn s'agam machnamh ar an Tuirisc de chuid Chomhairle na hAlban ar Bhitheic Dhaonna maidir leis an phiolla an mhaidin dar gcionn (MAP). Ceadaíodh an tairge nua ina raibh prógaistigin amháin (Levonelle an t-ainm branda ina bhfuil 0.75mg de levonorgestral ann) i Samhain 1999 i ndiaidh comhairle ón shainchomhlacht neamhspleách comhairleach eolaíochta, an Coiste ar Shábháilteacht Chógas (CSM) a bhí sásta faoi

cháilíocht, shábháilteacht agus faoi éifeachtúlacht an tairge úsáidte don chuspóir a bhfuiltear ag súil leis. I measc na fianaise suntasaí a d'athbhreithnigh an CSM bhí 2 staidéar lárnach urraithe ag an Eagraíocht Dhomhanda Sláinte (WHO). Foilsíodh staidéar amháin in The Lancet (1998) a raibh thart ar 2000 bean páirteach ann i 14 tír. Bhí 880 bean sa cheann eile foilsithe in Human Reproduction (1993). Rinne CSM machnamh ar fhianaise ó staidéar ar iarmhairtí frithghiniúna práinní a thug na mná dóibh féin (New England Journal of Medicine, 1998). Ní dhéantar tagairt do chuid ar bith den taighde tábhachtach seo sa tuairisc ó Chomhairle na hAlban ar Bhitheic.

Tá taithí fhairsing ann ar úsáid dhomhanda levonorgestral. Tá sé ar fáil anseo agus sa Bhreatain Mhór i dtairgí frithghiniúna agus teiripe athsholáthar hormón le 30 bliain anuas, cé nár úsáideadh é d'fhrithghiniúint hórmoín phráinneach ach le gairid (EHC). Úsáideadh é le haghaidh frithghiniúna práinní in áiteanna eile sa domhan ó bhí na 1980í ann agus ghlac idir 9 agus 23 milliún bean é. Níor tháinig mórcheisteanna sábháilteachta chun solais go nuige seo. Leanann an Ghníomhaireacht Rialaithe Cógas léi ag monatóireacht sábháilteacht MAP agus déanfar athbhreithniú ar cheisteanna féideartha sábháilteachta ag brath ar fhianaise nua a thiofadh chun solais.

- (b) Maidir le treoirínte ar úsáid MAP fuair gach DG anseo cóipeanna de chomhairle iontach mion ar an MAP ó aonad ag Ollscoil na Banríona, Béal Feirste, a mhaoiníonn an Roinn s'agam. Ar a bharr tá comhairle mhion ar fáil do Ghairmithe Sláinte agus othair araon, ar líonláithreán an Choláiste Ríoga Lianna Ban agus Cnáimhseoirí, Dámh Pleanáil Chlainne agus Cúram Sláinte Atairgí. Faigheann othair mionnótaí ar úsáid an MAP le gach soláthar cógais.

## Mental Health Legislation

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety to consider amending the mental health legislation in line with that operating in England and Wales, which would enable the Mental Health Commission in Northern Ireland to have access to patients' records in order to review the treatment of such patients. (AQW 3633/01)

**Ms de Brún:** It would not be practical to attempt to amend the Mental Health legislation on this issue alone. My Department has initiated a Review of Mental Health Policy and Legislation, which will include a review of the Mental Health (Northern Ireland) Order 1986 in its entirety. All relevant issues, including access to patients' records, will be considered during that review, and any proposals to amend the legislation will be subject to consultation.

Ní bheadh sé praiticiúil iarracht a dhéanamh an reachtaíocht ar Mheabhairshláinte a leasú faoin ábhar seo amháin. Tá tús curtha ag mo Roinn le hAthbhreithiú ar Pholasáí agus Reachtaíocht Mheabhairshláinte, a chuirfidh athbhreithniú ar an Ordú um Mheabhairshláinte (Tuaisceart Éireann) 1986 ina iomláine san áireamh. Déanfar measúnú i rith an athbhreithnithe sin ar gach saincheist ábharthach, lena n-áirítear rochtain ar thaifid na n-othar, agus beidh aon mholadh maidir leis an reachtaíocht a leasú faoi réir ag comhchomhairle.

### Vocational Rehabilitation Programmes

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety what financial assistance is being allocated to local authorities for the provision of vocational rehabilitation programmes for people with acquired brain injuries. (AQW 3656/01)

**Ms de Brún:** It is not possible to specify the financial allocation for such programmes. Funding for services for people with acquired brain injury is provided within the Physical/Sensory Programme of Care, which in 2000/2001 amounted to £48.9m.

Ní féidir an dáileadh airgid a léiriú dá leithéid de chláir. Soláthraítear maoiniú do sheirbhísí daoine a bhfuil lot inchinne faighte acu laistigh den Chlár Cúraim Fhísicigh/Chéadfaigh a raibh £48.9m san iomlán ann sa bhliain 2000/2001.

### Bowel Cancer

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety what is the recommended ratio of bowel cancer consultants per head of population. (AQW 3736/01)

**Ms de Brún:** There is no set ratio for the number of bowel cancer consultants per head of population.

Níl cóimheas socrúithe do lianna comhairleacha ailse inne de réir líon an daonra.

### E.N.T. Operations: West Tyrone

**Mr Byrne** asked the Minister of Health, Social Services and Public Safety to outline the current target for reducing waiting lists for Ear, Nose and Throat operations, in West Tyrone. (AQW 3762/01)

**Ms de Brún:** “Priorities for Action 2002/03” issued in April this year, requires Boards and Trusts to ensure that 75% of people receive hospital treatment within three months and that 90% receive treatment within one year. I am advised that the Western Health and Social Services Boards’ targets relating to waiting lists for ear,

nose and throat operations in West Tyrone are broadly in line with this requirement.

Éilíonn “Tosaíochtaí le hAghaidh Gnímh 2002/03” eisishe in Aibreán na bliana seo, ar Bhoird agus ar Iontaobhais le cinntiú go bhfaigheann 75% de dhaoine cóireáil otharlainne laistigh de thrí mhí agus go bhfaigheann 90% de dhaoine cóireáil laistigh de bhliain amháin. Cuireadh in iúl dom go bhfuil spriocanna Bhord Sláinte agus Seirbhísí Sóisialta an Iarthair, i dtaca le liostaí feithimh d’obráidí cluaise, sróine agus scornaí, leagtha amach go ginearálta de réir an choinníll seo.

### Carers

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to outline, per Board area, (a) the number of carers of relatives who have learning disabilities; and (b) the age bracket the carers fall into; (i) 40-60 years old; (ii) 60-80 years old; and (iii) 80+ years old. (AQW 3784/01)

**Ms de Brún:** The information requested is not available.

Níl fáil ar an eolas a iarradh.

### NI Fire Authority: Staffing

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety how many of the following stations (i) Newtownards; (ii) Comber; (iii) Donaghadee; (iv) Ballywalter; and (v) Portaferry, have been backed up, due to staffing shortages, by pumping stations outside the station area, in the last 12 months. (AQW 3815/01)

**Ms de Brún:** In the twelve-month period to 31 March 2002 the fire stations at Newtownards, Comber and Donaghadee have been backed up due to staffing shortages

Sa tréimhse dhá mhí déag go dtí 31 Márta 2002 tugadh tacaíocht do na stáisiúin dóiteáin i mBaile Nua na hArda, sa Chomar agus i nDomhnach Daoi de dheasca na heaspa oibrithe.

### TSN Areas: Health Care

**Mr Hilditch** asked the Minister of Health, Social Services and Public Safety what measures she is taking to improve health care for those in TSN areas. (AQW 3828/01)

**Ms de Brún:** My Department’s New TSN Action Plan for the period April 2001-March 2003 sets out some sixty targets and actions designed to improve health and health care for the benefit of the most disadvantaged people, groups and areas. These include:

- the development of a public health strategy “Investing for Health”;
- launching an “Investing for Healthier Communities” grants programme and taking forward actions which focus on tackling health inequalities in identified areas of need through the work of the four Health action Zones;
- maximising the use of New Opportunities Fund for out of school childcare in areas of social need;
- providing 17 additional residential care places for children in three new homes;
- addressing the health and social well-being needs of Travellers through a community led health care programme ;
- the implementation of 15 Sure Start first round projects aimed at families with young children in disadvantaged areas;
- making available an additional £1.8 million from April 2001 for the creation of a small number of projects for pre-school children in areas of high deprivation not covered by the first round Sure Start programme.
- implementing the Drug and Alcohol Regional and Local Action Plans which target marginalized groups such as young vulnerable people, those in prison or juvenile justice centres, and parents and families of problem drug and alcohol users.

A key action in improving health care services to those in need is the implementation of systems to ensure more equitable distribution of resources to HSS Boards and guidelines to assist HSS Boards in the allocation of resources to HSS Trusts in their area.

Leagann amach Plean Gníomhaíochta ARS Nua mo Roinne seasca sprioc agus gníomh don tréimhse Aibreán 2001- Márta 2003, leagtha amach le sláinte agus le cúram sláinte a fheabhsú ar mhaithe le daoine, grúpaí agus le ceantair is mó faoi mhíbhuntáistí. Ina measc tá:

- straitéis sláinte poiblí “Infheistíocht sa tSláinte” a fhorbairt;
- clár deontas “Infheistíocht le hAghaidh Phobail níos Sláintiúla” a lainseáil agus beart a chur chun cinn a thabharfaidh go príomha faoi éagothromaíochtaí sláinte i gceantair aitheanta faoi mhíbhuntáistí trí obair na gceithre Chríos Gnímh ar Shláinte;
- úsáid an Chiste Nuadheiseanna a íosmhéadú do chúram páistí taobh amuigh den scoil i gceantair faoi mhíbhuntáistí sóisialta;
- 17 áit bhreise cúraim chónaithe do pháistí a sholáthar i dtítheach nua;
- tabhairt faoi riachtanais shláinte agus leasa shóisialta an Lucht Taistil trí chlár cúram sláinte pobalbhunaithe;

- 15 scéim chéad bhabhta Sure Start a chur i bhfeidhm dírithe ar theaghlaigh le páistí óga a chónaíonn i gceantair faoi mhíbhuntáistí;
- £1.8 milliún breise a chur ar fáil ó Aibreán 2001 le líon beag scéimeanna a chruthú do pháistí réamhscoile i gceantair a bhfuil anás ard ann nach bhfuil clúdaithe i gclár chéad bhabhta Sure Start.
- Pleananna Réigiúnacha agus Áitiúla Gníomhaíochta a chur i bhfeidhm ar Dhrugaí agus ar Alcól a dhíreoidh ar dhreamanna imeallaithe amhail daoine óga soghonta, iad siúd i bpriosún nó in ionaid cirt agus dlí do na haosánaigh, agus tuismitheoirí agus teaghlaigh úsáideoirí drugaí agus alcóil a bhfuil fadhbanna acu.

Eochairbheart i bhfeabhsú seirbhísí cúraim sláinte dóibh siúd ar an anás is ea cur i bhfeidhm córas le cinntiú go ndáilfear acmhainní ar bhonn níos cothroime ar Bhoird SSS agus go mbeidh treoirilínte ann chun cuidiú le Boird SSS na hacmhainní a dháileadh ar Iontaobhais SSS ina gceantar.

## Recruitment of Nurses

**Mr Hilditch** asked the Minister of Health, Social Services and Public Safety to detail the latest figures for the recruitment of nurses. (AQW 3829/01)

**Ms de Brún:** Around 475 nurses should complete their training in August this year and most have attended a Job Fair held at Queen’s University on 1<sup>st</sup> May at which 16 Trusts were represented. In addition, 71 nurses are currently engaged in Return to Professional Practice Training and further courses are being arranged later this year to deal with waiting lists for places.

Ba chóir go geríochnódh 475 altra a n-oiliúnt i Mí Lúnasa na bliana seo agus d’fhreastal an chuid is mó acu ar Aonach Poist ag Ollscoil na Banríona ar 1 Bealtaine ar a raibh 16 Iontaobhas ionadaithe. Ina theannta sin, tá 71 altra ar Fhilleadh ar an Chleachtas Gairmiúil agus tá cúrsaí breise le socrú níos moille sa bhliain seo le dul i ngleic le liostaí feithimh d’áiteanna.

## Epilepsy: Funding

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to outline (a) the amount of funding available to combat the numbers of adults and children dying from epilepsy-related deaths; and (b) if future monies will be ring-fenced specifically to tackle this issue. (AQW 3830/01)

**Ms de Brún:** Epilepsy is a condition stemming from a variety of causes, which is treated within a number of different hospital specialties and in primary care by a range of health professionals. It is therefore not possible to specify the amount of funding used to deal with this



condition, nor would it be possible to ring-fence resources for it.

Níl an t-eolas a iarradh ar fail. Is amhlaidh seo go príomha toisc gur riocht é an titimeas, a eascraíonn ó roinnt fáthanna, a gcuirtear cóir leighis air laistigh de speisialtachtaí in otharlanna éagsúla agus i bpríomhchúram ag réimse gairmithe sláinte. Toisc gur amhlaidh sin, d'fheicfinn deacrachtaí móra, gan aon bhuntáiste sóiléir, le hiarrachtaí a dhéanamh chun airgead a chur ar leataobh ar a shon sin.

### Epilepsy

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety, of those people diagnosed with epilepsy, how many are forewarned of the risk of Sudden Unexpected Death in Epilepsy (SUDEP).

(AQW 3831/01)

**Ms de Brún:** The information requested is not available.

Níl fáil ar an eolas a iarradh.

### Fire Stations: Staffing

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to outline, in the last year, if the fire stations at (i) Newtownards; (ii) Comber; (iii) Donaghadee; (iv) Ballywalter; and (v) Portaferry, have (a) failed to turn out to incidents due to staffing shortages; and (b) turned out with staffing levels below those specified by the NI Fire Authority. (AQW 3840/01)

**Ms de Brún:** For the year ended 31 March 2002, crews at the Fire Stations in Newtownards, Comber, Donaghadee, Ballywalter and Portaferry failed to turn out to incidents due to staff shortages and turned out with crewing levels below those specified by the Fire Authority as shown in the following table:

Station	Failed to turn out due to staff shortages *	Turned out with crewing levels below those specified by the Fire Authority
Newtownards	12	3
Comber	6	9
Donaghadee	11	53
Ballywalter	2	7
Portaferry	2	0

\* In these instances fire cover was provided from neighbouring stations

Don bhliain ag críochnú ar 31 Márta 2002, theip ar fhoirne Stáisiúin Dóiteáin i mBaile Nua na hArda, ar an Chomar, i nDomhnach Daoi, i mBaile Bháltair agus i bPort an Pheire freastal ar theagmhas toisc easpa foirne agus d'fhreastal siad le foireann ar leibhéal níos lú ná

iad sonraithe ag an Údarás Dóiteáin mar a léirítear sa tábla a leanas:

Stáisiún	Teipeadh ar an fhreastal toisc easpa foirne*	Freastal le leibhéal foirne níos lú ná ná iad sonraithe ag an Údarás Dóiteáin
Baile Nua na hArda	12	3
An Comar	6	9
Domhnach Daoi	11	53
Baile Bháltair	2	7
Port an Pheire	2	0

\* Sna teagmhais seo sholáthair na stáisiúin maguaird clúdach dóiteáin

### NI Fire Authority: Staffing

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to outline (a) any plans and programmes the NI Fire Authority has to rectify staffing shortages in the fire stations at (i) Newtownards; (ii) Comber; (iii) Donaghadee; (iv) Ballywalter; (v) Portaferry; and (b) if a proactive recruitment campaign will be put in place to address staff shortages. (AQW 3841/01)

**Ms de Brún:** During week commencing 27 May 2002 a countrywide advertising campaign began to attract potential recruits into the retained fire-fighter ranks. This recruitment drive will continue until adequate staffing levels are attained. The areas being particularly targeted include Newtownards, Comber, Donaghadee and Ballywalter.

Portaferry is not being targeted, as the current staffing levels there are satisfactory.

Le linn na seachtaine a thosaigh ar 27 Bealtaine 2002, thosaigh feachtas fógraíochta fud fad na tíre ag mealladh eacach ionchasach mar ghnáthchomhraiceoirí dóiteáin coinneáilte. Leanfaidh an feachtas earcaíochta seo go mbainfear amach an lion sásúil oibrithe. I measc na gceantar áirithe ar ar dhírigh sé bhí Baile Nua na hArda, An Comar, Domhnach Daoi agus Baile Bháltair.

Níltear ag díriú ar Phort an Pheire, mar go bhfuil líon na n-oibrithe ansin sásúil faoi láthair.

### NI Fire Authority: Staffing

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to outline (a) the staffing levels in the fire stations at (i) Newtownards; (ii) Comber; (iii) Donaghadee; (iv) Ballywalter; (v) Portaferry; (b) the staffing levels required for each station as listed; and (c) if the retained fire-fighters at these stations are on (i) 24 hours' availability; or (ii) limited availability. (AQW 3842/01)

**Ms de Brún:** The required staffing levels (establishment) and current availability for the fire stations listed is as follows: -

Station	Establishment	Availability	
		24 Hour	Limited
Newtownards	22	6	15
Comber	12	5	5
Donaghadee	12	5	3
Ballywalter	12	5	7
Portaferry	12	9	4

Seo a leanas líon na n-oibrithe atá de dhíth (gnáthoibrithe) agus an líon atá ar fáil faoi láthair sna stáisiúin dóiteáin: -

Stáisiún	Gnáthoibrithe	Ar Fáil	
		24 Uair	Teoranta
Baile Nua na hArda	22	6	15
An Comar	12	5	5
Domhnach Daoi	12	5	3
Baile Bháltair	12	5	7
Port an Phéire	12	9	4

### Hospital Acquired Infection

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety to make a statement on progress towards reducing hospital-acquired infections.

(AQW 3852/01)

**Ms de Brún:** Since April 2001 my Department has put in place a number of measures to enable us to determine the rates of hospital acquired infection here. These include the establishment of the Healthcare Infection Surveillance Centre (HISC) in November 2001 and making surveillance of MRSA bacteraemias a mandatory requirement for Trusts. Data from both these surveillance schemes will be available later this year which will establish baseline levels for hospital acquired infections against which the effectiveness of any interventions aimed at lowering the rates of these infections can be monitored. Reducing the rates of hospital acquired infections is one of the priority areas identified in my Department's Antimicrobial Resistance Action Plan (AMRAP). Board and Trusts are already taking action as recommended in the report to reduce hospital acquired infections.

My Department also initiated a hospital environmental cleanliness exercise last year, following which I have allocated £300,000 this year to a special exercise in this field. Priorities for Action 2002/03 also make reference to environmental cleanliness in hospitals and a workshop in April involving the key players from Trusts further highlighted its importance.

Ó Aibreán 2001 chuir mo Roinn roinnt beart i bhfeidhm le cur ar ár gcumas rátaí ionfhabhtaithe a tógar san otharlann a chinntiú. Ina measc seo tá bunú Ionad Faire ar Ionfhabhtú i gCúram Sláinte (HISC) i Samhain 2001 agus faire ar MRSA bacteraemias sainriachtanach do na hlontaobhais. Beidh an dáta ón dá scéim faire ar fáil níos moille anonn sa bhliain a gheobhaidh amach bonnleibhéil d'ionfhabhtuithe a thógtar san otharlann, agus uaidh sin inar féidir monatóireacht a dhéanamh ar éifeacht idirghabhálacha ar bith a bhfuil sé mar aidhm acu rátaí na n-ionfhabhtuithe seo a ísliú. Is é ceann de na tosaíochtaí atá aimsithe i bPlean Gníomhaíochta Frithmhiocróbach mo Roinne. Tá an Bord agus na hlontaobhais i mbun gnímh cheana de réir mar a mhol an tuairisc le hionfhabhtuithe a thógtar san otharlann a laghdú.

Thionscnaigh mo Roinn cleachtadh glaineacht timpeallachta otharlann anuraidh agus ina dhiaidh chuir mé £300,000 ar leataobh maidir le cleachtadh speisialta sa réimse seo. Déanann Tosaíochtaí le haghaidh Gnímh 2002/03 tagairt do ghlaineacht timpeallachta in otharlanna agus do cheardlann in Aibreán a bhfuil na heochairpháirtithe ó lontaobhais ann lena thábhacht a thabhairt chun solais.

### Careers in Medical Profession

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety what plans she has to encourage more people to choose a career in the medical profession.

(AQW 3853/01)

**Ms de Brún:** As already indicated in my response to AQW 1453/01 there are no reported difficulties in filling university places with students who wish to study for the medical profession.

Notwithstanding this, the specialist medical workforce is reviewed annually and the numbers in training are adjusted, resources permitting, to take account of the changing situation. In recognition of the current staffing position for the medical profession the intake of medical students was increased in 2001 from 166 to 180.

Mar a chuir mé in iúl cheana féin i mo fhreagra ar AQW 1453/01 ní raibh deacrachtaí ar bith ann i líonadh áiteanna ollscoile le mic léinn ar mian leo staidéar a dhéanamh i ngairm na míochaine.

Ina ainneoin seo, déantar athbhreithniú ar an tsainmheitheal mhíochaine go bliantúil agus coigeartaítear an líon daoine in oiliúint, de réir na n-acmhainní ar fáil, leis an riocht athraitheach a chur san áireamh. Mar aitheantas ar riocht reatha na n-oibrithe i ngairm na míochaine, méadaíodh an glacadh isteach de mhic léinn míochaine ó 166 go 180 sa bhliain 2001.

### NI Fire Authority

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to outline the NI Fire Brigade's

risk assessment for pumping appliances turning out to incidents with (a) 2 fire-fighters on board; and (b) 3 fire-fighters on board. (AQW 3854/01)

**Ms de Brún:** The Fire Brigade applies three forms of risk assessment when fire appliances are mobilised with crewing levels of less than four per appliance.

The first aspect of risk assessment is the weekly monitoring of likely availability of personnel to crew fire appliances. This determines the need for mobilisation of a fire appliance from an adjacent Station.

The second measure is the Incident Command System, which proactively assesses the risks at incidents, for example, by maintaining up-to-date information on premises with particular risks.

The third form is a Dynamic Risk assessment undertaken by the Incident Commander when the fire appliance arrives at the incident, which determines the extent to which mobilised appliances and their crew can effectively cope.

All risk assessments take into account the safety of personnel and the operational needs at incidents.

Úsáideann an Bhriogáid Dóiteáin trí chineál measúnaithe baoil nuair a úsáidtear gléasanna dóiteáin ina bhfuil líon na foirne níos lú ná ceathrar an gléas.

Is í an chéad ghné den mheasúnú baoil monatóireacht sheachtainiúil a dhéanamh ar infhaighteacht dhochúil na foirne le dul i bhfeighil na ngléasanna dóiteáin. Cinníonn seo an gá le gléas dóiteáin a úsáid ó Stáisiún cóngarach dó.

Is í an dara gné an Córas Ordaithe Teagmhas a dhéanann measúnú proghníomhach ar na baoil ag teagmhais, mar shampla, trí eolas a choinneáil suas chun dáta ar áitribh le baoil ar leith.

Is í an tríú gné Mearmheasúnú Baoil déanta ag an Cheannasaí Teagmhais nuair a shroicheann an gléas dóiteáin an teagmhas, a chinníonn a mhéad agus is féidir leis na gléasanna in úsáid agus lena bhfoireann é a láimhseáil go héifeachtach.

Cuireann na measúnuithe baoil go léir sábháilteacht na foirne agus na riachtanais fheidhmiúla ag teagmhais san áireamh.

### NI Fire Authority: Belfast to Bangor Road

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety, in light of the number of accidents on the Belfast to Bangor Road, what action is she taking to ensure that Bangor pumping appliances are not taken out of the area to provide cover in under-resourced areas. (AQW 3856/01)

**Ms de Brún:** When responding to accidents on the Belfast to Bangor Road, the Fire Brigade has potentially

18 fire appliances available to attend to incidents there. These fire appliances are drawn from 3 Belfast fire stations, as well as Holywood, Bangor and Newtownards fire stations.

All of these fire appliances are available to mobilise to the wide variety of incidents on the Belfast to Bangor Road.

Although the fire appliances at Bangor fire station are used to support the fire stations in North Down and Ards, the Fire Brigade considers that it has adequate resources to respond to incidents on the Belfast to Bangor Road.

Nuair a fhreagraíonn sí ar thimpistí ar Bhóthar Bhéal Feirste go Beannchar, tá an cumas ar an Bhriogáid Dóiteáin 18 gléas dóiteáin a bheith ar fáil acu le riar ar theagmhais ansin. Faightear na gléasanna dóiteáin seo ó 3 stáisiúin dóiteáin i mBéal Feirste, agus ó stáisiúin dóiteáin in Ard Mhic Nasca, i mBeannchar agus i mBaile Nua na hArda chomh maith.

Tá na gléasanna dóiteáin go léir ar fáil le húsáid ag réimse leathan teagmhas eagsúil ar Bhóthar Bhéal Feirste go Beannchar.

Cé go n-úsáidtear na gléasanna dóiteáin i stáisiún dóiteáin Bheannchar le tacú leis na stáisiúin dóiteáin i nDún Thuaidh, agus in Aird, síleann an Bhriogáid Dóiteáin go bhfuil acmhainní go leor acu le freagairt ar theagmhais ar Bhóthar Bhéal Feirste go Beannchar.

### Latex Allergies

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if she will consider using an alternative to latex in medical products due to the dangers attributed to latex allergies. (AQW 3859/01)

**Ms de Brún:** My Department has issued guidance to the HPSS on the potential dangers posed by latex allergies. An increasing number of latex free products are already in use and others being introduced to use where available.

D'eisigh mo Roinn treoir chuig na SSSP ar na contúirtí féideartha le hailléirgí laitéise. Tá líon méadaithe tairgí saor ó laitéis in úsáid agus tá tairgí eile á dtabhairt isteach nuair atá siad ar fáil.

### Hospital Acquired Infection

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety if patients can claim compensation for problems arising from hospital acquired infection. (AQW 3861/01)

**Ms de Brún:** In order to claim compensation for problems arising from hospital acquired infection, patients would have to be able to establish that the hospital in

question was legally liable for the patient acquiring the infection. In other words the patient would have to prove that the hospital was negligent in some way or was in breach of some statutory duty placed upon it.

Chun gur féidir cúiteamh a éileamh mar gheall ar fhadhbanna a eascraíonn ó ionfhabhtú a tógadh san otharlann, níor mhór don othar bheith ábalta a chruthú go raibh an otharlann i gceist faoi dhliteanas ar son an othair a thóg an t-ionfhabhtú. Lena chur ar dhóigh eile, bheadh ar an othar a chruthú go ndearna an otharlann neamart ar dhóigh nó a sháraigh dualgas reachtúil éigin a cuireadh uirthi.

### Methadone

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety to detail, by health board, the total expenditure on methadone prescriptions, in each of the last 3 years. (AQW 3862/01)

**Ms de Brún:** The total cost of methadone items dispensed on Health Service prescriptions here, by Board area, in each of the last three financial years is as follows:

Board	1999/2000	2000/01	2001/02
Northern	£221	£189	£551
Southern	£236	£400	£186
Eastern	£3,671	£4,175	£5,660
Western	£125	£89	£157
Unallocated	£46	£676	£200
<b>Total</b>	<b>£4,299</b>	<b>£5,529</b>	<b>£6,754</b>

Seo a leanas costas iomlán na n-ábhar methadone ullmhaithe mar oidis na Seirbhíse Sláinte anseo, de réir Bordcheantair, i ngach bliain de na trí bliana deireanacha airgeadais:

Bord	1999/2000	2000/01	2001/02
Tuaisceartach	£221	£189	£551
Deisceartach	£236	£400	£186
Oirthearach	£3,671	£4,175	£5,660
Iartharach	£125	£89	£157
Neamhdháilte	£46	£676	£200
<b>Iomlán</b>	<b>£4,299</b>	<b>£5,529</b>	<b>£6,754</b>

### Infection Control

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety what action is taken when a hospital fails to meet infection control standards.

(AQW 3863/01)

**Ms de Brún:** All hospitals are required to have an infection control policy. Earlier this year all Trusts were

asked to benchmark their infection control standards against new standards developed by the Regional Advisory Committee on Communicable Disease Control. In addition my Department recently ran a regional workshop to facilitate Trusts in developing their approach in this area. Approaches to address any deficiencies are agreed jointly between Trusts, Boards and the Department. Some funding is available to assist any Trusts having difficulties in meeting the standards.

Ní mór do gach otharlann polasaí rialaithe ionfhabhtaithe a bheith acu. Iarradh ar gach Iontaobhas pointe cóimheasa a fháil dá gcaighdeáin i dtaca le caighdeáin nua a d'fhorbair an Coiste Coimhairleach Réigiúnach ar Rialú Galar Teagmhálach. Ar a bharr reachtáil mo Roinn ceardlann Réigiúnach leis na hIontaobhais a éascú chun a gcur chuige a fhorbairt sa réimse seo. Tá cur chuige le tabhairt faoi easpaí ar bith comhaontaithe idir Iontaobhais, Boird, agus an Roinn. Tá roinnt maoinithe ar fáil chun cuidiú le hIontaobhais a bhfuil deacrachtaí acu caighdeáin a bhaint amach.

### Infection Control

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety what action has been taken to ensure that there is documentary evidence of a structured infection control programme in each hospital.

(AQW 3864/01)

**Ms de Brún:** At the end of 2001 my Department undertook a regional survey of infection control procedures in all Trusts here. This covered all aspects of infection control, including the existence of infection control policies and their implementation and evaluation within the Trust. Preliminary data from this survey indicates that there is a structured infection control programme in each hospital.

Ag deireadh 2001 thug mo Roinn faoi shuirbhé réigiúnach ar nósanna imeachta ar rialú ionfhabhtaithe i ngach Iontaobhas anseo. Chlúdaigh seo gach gné de rialú ionfhabhtaithe, go raibh polasaithe ann ar rialú ionfhabhtaithe, a gcur i bhfeidhm agus a meastóireacht laistigh den Iontaobhas. Tugtar le fios ón chéad dáta go bhfuil clár struchtúrtha ar rialú ionfhabhtaithe i ngach otharlann.

### National Insurance

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety, in light of higher levels of national insurance contribution, if she intends to increase the provision of funding for hospices. (AQW 3873/01)

**Ms de Brún:** The higher employer's national insurance contribution will increase the costs for HPSS and other employers from April 2003. I would hope that the



Executive's Budget settlement for 2003-04 will reflect that situation. In deciding how to deploy my Department's resources for that year I will take account of the financial pressures facing all services funded from my budget.

Méadóidh ranníocaíocht árachas náisiúnta is airde an fhostóra na costais do na SSSP agus d'fhostóirí eile ó Aibreán 2003. Bheinn ag súil go léireoidh socrú Buiséid an Fheidhmiúcháin do 2003-04 an riocht seo. Nuair a bheidh mé ag déanamh cinnidh ar an dóigh le hacmhainní mo Roinne a dháileadh don bhliain sin cuirfidh mé san áireamh na brúnna airgeadais atá ar na seirbhísí go léir maoinithe ó mo bhuiséad.

### Paramedics: Numbers

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety to outline, by each board area, (a) the number of ambulance paramedics currently employed; (b) the optimum number required; and (c) the reasons for any variance between these figures.

(AQW 3874/01)

**Ms de Brún:** The numbers of paramedics employed as at 28 May 2002 in each Ambulance Service Division and the optimum numbers required are shown in the table below. The variance in the figures has arisen primarily as a result of a shortfall in the training budget. However, additional resources provided for staff training will enable the Ambulance Service to substantially address this skill mix imbalance in the current year by training 36 Emergency Medical Technicians [EMTs] as paramedics.

Division	Number employed	Establishment Figure
North	55	66
South	43	56
East	83	107
West	39	50

Tá líon na bparaimhíochaineoirí fostaithe faoi 28 Bealtaine 2002 i ngach Rannóg na Seirbhíse Otharcharr agus an líon is fearr atá de dhíth léirithe sa tábla thíos. D'eascair an difear sna figiúirí go príomha ón easnamh sa bhuiséad oiliúna. Cuirfidh na hacmhainní breise soláthraithe don fhoireann ar chumas na Seirbhíse Otharcharr áfach le tabhairt faoin éagothromaíocht seo i leibhéal na scileanna sa bhliain reatha trí 36 Teicneoir Éigeandála Míochaine [TÉManna] a oiliúint mar pharaimhíochaineoirí.

Rannóg	Líon Fostaithe	Figiúr na nGnáthoibrithe
Tuaisceart	55	66
Deisceart	43	56
Oirthear	83	107
Iarthar	39	50

### Ambulance Call-Outs

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety to outline (a) the number of ambulance call-outs in South Belfast in each month since January 2002 to date; (b) the average call-out time in each of these months; and (c) the target response times in each of these months.

(AQW 3875/01)

**Ms de Brún:** Data on ambulance call outs is collected at station level. The information provided below relates to activity and performance from 1 January 2002 to 30 April 2002 at the two stations, which primarily cover the South Belfast area, Templemore Avenue and Knockbracken. The target response times for the Ambulance Service in the Eastern Health and Social Services Board area are to respond to 50% of emergency calls within 8 minutes and to respond to 95% of emergency calls within 18 minutes.

#### TEMPLEMORE AVENUE AMBULANCE STATION

Month	Total Calls	Ave Response Times
January	469	07:07s
February	515	07:24s
March	639	07:09s
April	645	07:07s

#### KNOCKBRACKEN AMBULANCE STATION

Month	Total Calls	Ave Response Times
January	357	08:55s
February	102	09:55s
March	221	09:57s
April	200	10:04s

Tá dáta ar scairteanna amach otharchairr bailithe ag an staisiún. Baineann an t-eolas a soláthraíodh le gníomhaíocht agus feidhmiúchán ó 1 Eanáir 2002 go 30 Aibreán 2002 ag an dá staisiún a chlúdaíonn ceantar Bhéal Feirste Theas, Ascaill an Teampaill Mhóir agus Knockbracken go príomha. Is é an spriocaga freagartha don tSeirbhís Otharchairr i mBordcheantar Sláinte agus Seirbhísí Sóisialta an Oirthir ná go bhfreagrófar ar 50% de scairteanna éigeandála laistigh de 8 bomaite agus go bhfreagrófar ar 95% de scairteanna éigeandála laistigh de 18 bomaite.

#### STAI SIÚN OTHARCHAIRR ASCAILL AN TEAMPAILL MHÓIR

Mí	Scairteanna san Iomlán	Meán-Agaí Freagartha
Eanáir	469	07:07b
Feabhra	515	07:24b
Márta	639	07:09b
Aibreán	645	07:07b

## STAI SIÚN OTHARCHAIRR KNOCKBRACKEN

Mí	Scairteanna san Iomlán	MeánAgaí Freagartha
Eanáir	357	08:55b
Feabhra	102	09:55b
Márta	221	09:57b
Aibreán	200	10:04b

## Freedom of Information

**Dr Birnie** asked the Minister of Health, Social Services and Public Safety what measures she has taken to ensure that the publication schemes required under the Freedom of Information Act will be completed by November 2002. (AQW 3876/01)

**Ms de Brún:** My Department will seek to ensure that it complies fully with the provisions of the Freedom of Information Act. To this end, an Information Manager has been appointed to oversee corporate Freedom of Information and Data Protection matters. This includes preparation of the Publication Scheme in time to meet the November 2002 deadline.

Féachfaidh mo Roinn chuige le cinntiú go gcomhlíonfaidh sí forálacha an Achta um Shaoirse Eolais ina n-iomlán. Leis seo a dhéanamh, ceapadh Bainisteoir Eolais le cúrsaí a bhaineann le Saoirse chorparáideach Eolais agus le Cosaint Sonraí a stiúradh. Ina measc tá ullmhú tráthúil Scéime Foilsitheoireachta roimh an spriocdháta i Samhain 2002.

## Attention Deficit Hyperactivity Disorder

**Mr Hamilton** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3344/01, if she has any plans to commission research into Attention Deficit Hyperactivity Disorder (ADHD). (AQW 3877/01)

**Ms de Brún:** There are no plans currently to commission research into ADHD. The Department of Health, Social Services and Public Safety funds research largely through the HPSS Research & Development (R&D) fund which is managed by the Research and Development Office for the HPSS to implement the HPSS R&D strategy. In common with other NHS R&D Strategies it is neither disease specific nor disease driven.

The Research and Development Office has established a Child Health and Welfare Recognised Research Group (RRG) which has committed almost £1.8 million for research into child health and welfare. At present there are no specific research projects directly related to the question.

Níl sé beartaithe taighde ar NEAH a choimisiúnú. Maoiníonn an Roinn Sláinte, Seirbhísí Sóisialta agus

Sábháilteachta Poiblí taighde den chuid is mó trí chiste Taighde agus Forbartha (T&F) na SSSP atá stiúrtha ag Oifig Taighde agus Forbartha na SSSP le straitéis T&F na SSSP a chur i bhfeidhm. Cosúil le Straitéisí T&F eile na SNS níl sí socruithe de réir sainghalair nó galair ar leith.

Bhunaigh an Oifig Taighde agus Forbartha Grúpa Aitheanta Taighde ar Shláinte agus ar Leas Páistí (GAT) a gheall £1.8 milliún do thaighde ar shláinte agus ar leas páistí. Faoi láthair, níl tionscadail taighde ar leith bainteach go díreach leis an cheist.

## Children in Care

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety to detail her plans to ensure more stability for looked-after children. (AQW 3883/01)

**Ms de Brún:** The stability and effectiveness of placements are fundamental to the long term well being of children in care and the Programme for Government gives priority to the development, by March 2003, of a strategy to promote stability and security for looked after children through permanency planning and adoption.

Children's Services Plans, which establish the framework for the delivery of services within each HSS Board, should include objectives and targets for securing the permanent placement of looked-after children. In addition, I plan to strengthen the range of placement options available through implementation of the Children Matter Task Force's plans for residential care, improved recruitment and retention of foster carers and increased emphasis on adoption as a means of securing permanency.

I am committed to increasing, by March 2003, the number of residential care places by 52 above the level at July 2001 in order to reduce the short-fall in existing provision. HSS Boards and Trusts are required to consolidate and improve fostering services by meeting the Foster Care Standards relating to care planning, support for carers and management structures. With a view to having at least 4% of looked after children adopted, HSS Boards and Trusts are also required to implement the recommendations of the recent Social Services Inspectorate Reports.

Tá seasmhacht agus éifeachtacht na socruithe rithabhachtach do leas fadtéarmach páistí i gcúram agus tugann an Clár um Rialtas tosaíocht d'fhorbairt straitéise, faoi Mhárta 2003, le seasmhacht agus sábháilteacht a chur chun cinn do pháistí faoi chúram trí phleanáil bhuan agus trí uchtú.

Ba chóir cuspóirí agus spriocanna le socrú buan a chinntiú do pháistí i gcúram bheith sna Pleananna Seirbhísí Páistí, a chumann an chreatlach do sholáthar seirbhísí laistigh de gach Bord SSS. Ina theannta sin, tá sé ar intinn agam réimse na roghanna socraithe ar fáil a neartú trí phleananna an Tascfhórsa Ní Cuma Faoi

Pháistí do chúram cónaithe a chur i bhfeidhm, trí fheabhsú in earcaíocht agus i gcoinneáil feighlithe altrama agus trí níos mó béime a chur ar uchtú mar mheán le socrú buan a chinntiú.

Tá me geallta do mhéadú i líon na n-áiteanna cúraim chónaithe faoi Mhárta 2003, sin 52 áit níos mó ná an leibhéal in Iúil 2001, chun an t-easnamh sa soláthar faoi láthair a laghdú. Tá ar Bhoird agus ar Iontaobhais SSS seirbhísí altrama a neartú agus a fheabhsú trí Chaighdeáin Chúraim Altrama i dtaca le planáil cúraim, tacaíocht d'fheighlithe agus le struchtúir bhainistíochta a chomhlíonadh. Agus an toil ann le 4% ar a laghad de pháistí faoi chúram a uchtú, tá ar Bhoird agus ar Iontaobhais SSS moltaí Thuairiscí déanacha Fhoireann Chigireachta na Seirbhísí Sóisialta a chur i bhfeidhm chomh maith.

### Health Authorities and Trusts: Funding

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety what progress has been made in revising the funding formulae for the allocation of resources to health authorities and trusts.

(AQW 3884/01)

**Ms de Brún:** Research is on-going to revise the funding formulae for the allocation of revenue resources to the four Health and Social Services Boards. Two of the current five projects being undertaken are scheduled for completion by end July but it will be at least the end of the year before the other projects are finished. Following completion of the research, there will be a quality assurance process, which is expected to include peer review, an Equality Impact Assessment and public consultation, before implementation can be made.

Tá taighde ag dul ar aghaidh leis na foirmlí maoinithe úsáidte le hacmhainní a dháileadh ar na ceithre Bhord Sláinte agus Seirbhísí Sóisialta a leasú. Tá dhá cheann de na ceithre thionscadal a bhfuiltear ag tabhairt fúthu le bheith críochnaithe faoi dheireadh mhí Iúil ach ag deireadh na bliana ar a laghad a chríochnófar na tionscadail eile. I ndiaidh chríochnú an taighde, beidh próiseas dearbhú cáilíochta ann ina mbeidh athbhreithniú ar na comhghleacaithe, Measúnú Tionchair ar Chomhionannas agus comhairliú poiblí, atáthar ag súil, sular féidir é a chur i bhfeidhm.

### Paediatric Pathology: Royal Victoria Hospital

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety when a paediatric pathologist will be appointed at the Royal Victoria Hospital to deal with the current backlog of cases. (AQW 3905/01)

**Ms de Brún:** I am aware of the difficulties with the paediatric pathology service at the Royal Victoria Hospital. I am advised that measures for providing a service across all Board areas are currently being urgently considered.

Tá na deacrachtaí leis an tseirbhís péidiatraiceach phaiteolaíochta in Otharlann Ríoga Vichteoiria ar eolas agam. Cuireadh in iúl dom go bhfuil machnamh práinneach á dhéanamh i láthair na huaire ar na bearta le seirbhís a sholáthar ar fud na mBordcheantar go léir.

### Integrated Primary Health and Social Care Centre: Kilkeel

**Mr Bradley** asked the Minister of Health, Social Services and Public Safety what assessment she has made on the business case presented to the Department for the provision of a new Integrated Primary Health and Social Care Centre in Kilkeel. (AQW 3906/01)

**Ms de Brún:** The business case for the provision of an Integrated Primary Health and Social Care Centre in Kilkeel was subjected to a detailed scrutiny by my Department and found to be satisfactory. As the cost of the project is above the delegated limit for DHSSPS approval, the business case was referred to the Department of Finance and Personnel, which approved it on 29 January 2002.

Rinne mo Roinn mionscrúdú ar an chás gnó do sholáthar Ionad Imeasctha Príomhchúraim agus Cúraim Shóisialta i gCill Chaoil agus chinn sí go raibh sé sásúil go leor. Mar go bhfuil costas na scéime níos mó ná an chailc thiomnaithe d'fhortheas na RSSSP, cuireadh an cás gnó faoi bhráid na Roinne Airgeadais agus Pearsanra, a bhí a fhortheas ar 29 Eanáir 2002.

### Acute Hospitals

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety to outline (a) what consultation her Department had with the University of York; and (b) what advice was submitted or given relating to Acute Hospital provision. (AQW 3911/01)

**Ms de Brún:** My Department has had no consultation with nor received any advice directly from the University of York relating to hospital provision.

Ní raibh an Roinn s'agam i gcomhairle le, nó níl comhairle dhíreach faighte aici ó Ollscoil Eabhaic bainteach le soláthar otharlainne.

### Operating Theatres

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety to detail in percentage terms by hospital (a) the number of hours surgery theatres are

in use; (b) the number of hours surgery theatres are used for elective surgery; and (c) the number of hours surgery theatres are used for orthopaedic surgery.

(AQW 3912/01)

**Ms de Brún:** This information requested is not available.

Níl fáil ar an eolas a iarradh.

### Numbers of Surgery Theatres

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety to detail by hospital (a) the number of surgery theatres; (b) the number of hours surgery theatres are in use; and (c) the number of hours surgery theatres are used for elective surgery; and (d) the number of hours surgery theatres are used for orthopaedic surgery. (AQW 3913/01)

**Ms de Brún:** The number of operating theatres by hospital is provided in the table below.

#### NUMBER OF OPERATING THEATRES IN MARCH 2001

Hospital	Quantity
Altnagelvin	9
Erne	2
Tyrone County	3
Antrim	4
Coleraine	2
Mid-Ulster	2
Route	2
Whiteabbey	2
Craigavon Area	6
Daisyhill	4
Downe	3
Lagan Valley	3
South Tyrone	3
Ards	2
Belfast City	12
Mater Infirmorum	5
Musgrave	6
RBHSC	3
Royal Maternity	1
Royal Victoria	17
Ulster	10
Belvoir Park Nicco	1
<b>Total</b>	<b>102</b>

Source: KH02 return

Information on the number of hours theatres are in use is not collected centrally.

Tugtar líon na n-obrádlann de réir otharlainne sa tábla thíos.

#### LÍON NA NOBRÁDLANN I MÁRTA 2001

Otharlann	Líon
Alt Na Ngealbhan	9
An Éirne	2
Contae Thír Eoghain	3
Aontroim	4
Cúil Raithin	2
Lár-Uladh	2
Route	2
An Mhainistir Liath	2
Ceantar Craigavon	6
Daisyhill	4
An Dún	3
Gleann An Lagáin	3
Tír Eoghain Theas	3
Aird	2
Cathair Bhéal Feirste	12
Mater Infirmorum	5
Musgrave	6
RBHSC	3
Otharlann Ríoga Mháithreachais	1
Ríoga Vichteoiria	17
Uladh	10
Páirc Belvoir Nicco	1
<b>Iomlán</b>	<b>102</b>

Foinse: KH02 tuairisceán

Ní bhailítear eolas go lárnach ar líon na n-uaireanta ina bhfuil obrádlanna in úsáid.

### Elective Surgery

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety to detail, by hospital, the number of patients currently waiting for elective surgery. (AQW 3914/01)

**Ms de Brún:** Information on patients waiting for inpatient admission to the surgical specialities for quarter ending March 2002 (the latest date for which information is available) is detailed in Table 1 below.

**TABLE 1: PATIENTS WAITING FOR INPATIENT ADMISSION TO THE SURGICAL SPECIALTIES BY TRUST, POSITION AT 31 MARCH 2002**

Trust/Provider	Total Number of Patients Waiting
Belfast City Hospital HSS Trust	6,658
Greenpark Healthcare HSS Trust	4,836
Ulster Community & Hospitals Trust	5,431
Royal Group of Hospitals HSS Trust	11,904
Mater Infirmorum Hospital HSS Trust	1,589



Trust/Provider	Total Number of Patients Waiting
Down Lisburn HSS Trust	824
United Hospitals Group HSS Trust	5,486
Causeway HSS Trust	2,211
Altnagelvin Group HSS Trust	3,913
Sperrin Lakeland HSS Trust	1,954
Craigavon Area Hospital Group HSS Trust	7,092
Newry & Mourne HSS Trust	963
Northern Ireland Total	52,861

Tá eolas ar othair ag fanacht le dul isteach sna speisialtachtaí máinliachta mar othair chónaitheacha don ráithe dar chríoch Márta 2002 (an dáta is déanaí dá bhfuil eolas ar fáil) léirithe i dTábla 1 thíos.

**TÁBLA 1: OTHAIR AG FANACHT LE DUL ISTEACH SNA SPEISIALTACHTAÍ MÁINLIACHTA DE RÉIR AN IONTAObHAIS, AN RÍOCHT AR 31 MÁRTA 2002.**

Iontaobhas/Soláthraí	Líon Iomlán na nOthar ag Fanacht
Iontaobhas SSS Otharlann Chathair Bhéal Feirste	6,658
Iontaobhas SSS Chúram Sláinte na Páirce Glaise	4,836
Iontaobhas SSS Pobail & Otharlanna Uladh	5,431
Iontaobhas SSS Ghrúpa Ríoga na nOtharlann	11,904
Iontaobhas SSS Otharlann an Mater Infirmorum	1,589
Iontaobhas SSS an Dúin Lios na gCearrbhach	824
Iontaobhas SSS Ghrúpa na nOtharlann Aontaithe	5,486
Iontaobhas SSS an Chlocháin	2,211
Iontaobhas SSS Ghrúpa Alt na nGealbhan	3,913
Iontaobhas SSS Speirín Tír na Lochanna	1,954
Iontaobhas SSS Ghrúpa Otharlann Cheantar Craigavon	7,092
mult0Iontaobhas SSS an Iúir agus Mhúrn	963
Iomlán i dTuaisceart na hÉireann	52,861

## Acute Hospitals

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety what consultation she has held with those who can inform and advise professionally on the future of acute hospital provision. (AQW 3918/01)

**Ms de Brún:** I have considered carefully the responses received from all sources, including the professional and other bodies which responded to the pre-consultation on the Acute Hospitals Review Group report. My Department's professional advisory groups have also provided information and advice.

Tá dianmhachnamh déanta agam ar gach freagra a fuarthas ó gach foinse, na comhlachtaí gairmiúla agus comhlachtaí eile a thug freagra ar an tuairisc réamhchomhairliúcháin an Ghrúpa Athbhreithnithe ar Ghéarocharlanna. Thug grúpaí gairmiúla comhairleacha na Roinne s'agam eolas agus comhairle chomh maith.

## Physiotherapists: Ulster Hospital

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety how many physiotherapists are available at the Ulster Hospital to help patients recuperate. (AQW 3919/01)

**Ms de Brún:** The information requested is given in the table below:

**PHYSIOTHERAPY STAFFING AT THE ULSTER HOSPITAL – JUNE 2002**

	Headcount	WTE <sup>1</sup>
<b>In Patients service</b>		
Physiotherapists	30	23.04
Assistants	8	6.4
<b>Out Patients service</b>		
Physiotherapists	8	8
Assistants	1	1

<sup>1</sup>Whole Time Equivalent

Tugtar an t-eolas iarrtha sa tábla thíos:

**LÍON NA NOIBRITHE FISITEIRIPE IN OTHARLANN ULADH – MEITHEAMH 2002**

	Líon	CLA <sup>1</sup>
<b>Seirbhís Othar Cónaitheach</b>		
Fisiteiripeoirí	30	23.04
Cúntóirí	8	6.4
<b>Seirbhís Éisothar</b>		
Fisiteiripeoirí	8	8
Cúntóirí	1	1

<sup>1</sup>Coibhéis Lánaimseartha

## Bonfire Injuries

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety how many people have been injured at bonfire events in the last year due to non-supervision of such events and venues. (AQW 3929/01)

**Ms de Brún:** The information requested is not available.

Níl fáil ar an eolas a iarradh.

## Cancelled Operations

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety to outline (a) the number of operations cancelled by health trusts in the last 12 months; (b) the proportion this figure represents of all scheduled operations in the last 12 months; and (c) how this figure compares with the previous year.

(AQW 3932/01)

**Ms de Brún:** Information is not readily available in the form requested and could only be provided at disproportionate cost.

Níl eolas ar fáil go réidh san fhoirm iarrtha agus ní fhéadfaí é a fháil ach ar chostas díréireach.

## Tobacco Addiction

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety how much has been spent combating tobacco addiction by each health board in each of the last 3 years.

(AQW 3934/01)

**Ms de Brún:** Health Board expenditure on combating tobacco use cannot be separately identified from overall expenditure on promoting healthy lifestyles. However, the resources made available by my Department in each of the last three years to facilitate the development of comprehensive smoking cessation services in each Health Board area are as follows:

Health Board	1999/00	2000/01	2001/02	Total
Northern	£16,250	£66,000	£106,000	<b>£188,250</b>
Eastern	£82,785	£119,000	£189,000	<b>£390,785</b>
Southern	£5,500	£49,000	£80,000	<b>£134,500</b>
Western	£13,000	£46,000	£75,000	<b>£134,000</b>

Ní féidir an t-airgead caite le tabhairt faoi thobac a scaradh ón airgead iomlán caite le stíleanna sláintiúla beatha a chur chun cinn. Seo a leanas áfach na hacmhainní curtha ar fáil ag mo Roinn i ngach bliain de na trí bliana deireanacha chun forbairt seirbhísí cuimsitheacha staonadh ó chaitheamh tobac a éascú i ngach ceantar Boird Sláinte.

Bord Sláinte	1999/00	2000/01	2001/02	Iomlán
Tuaisceartach	£16,250	£66,000	£106,000	<b>£188,250</b>
Oirthearach	£82,785	£119,000	£189,000	<b>£390,785</b>
Deisceartach	£5,500	£49,000	£80,000	<b>£134,500</b>
Iartharach	£13,000	£46,000	£75,000	<b>£134,000</b>

## Psychiatric Hospitals: Women

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety how many women have been admitted to psychiatric hospitals and units for (a)

alcoholic psychosis; and (b) alcoholic dependence syndrome, in each of the last 3 years. (AQW 3937/01)

**Ms de Brún:** Information is not readily available in the form requested and could only be provided at disproportionate cost.

Níl eolas ar fáil go réidh san fhoirm iarrtha agus ní fhéadfaí é a fháil ach ar chostas díréireach.

## Health Service: Delayed Discharges

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 2463/01, what progress is being made with regard to delayed discharge in the health Service.

(AQW 3938/01)

**Ms de Brún:** Whilst the incidence of delayed discharges usually peaks over a winter period it is increasingly a sign of the year round pressure on both the acute and community sector. The provisional figures for the end of March 2002 show there were 353 care managed patients remaining in hospitals after the date that they were deemed medically fit for discharge, representing a decrease of 3% from 364 at the end of February 2002. The provisional figures for March show that in the seven months from September 2001 to March 2002 the number of patients classified as delayed discharges had dropped by 104 (23%).

I have allocated additional funding of £19.1m for community care services this year. Part of that money will be invested in utilising the appropriate range of HPSS skills to support an additional 1000 people in settings in the community, which facilitate a return to independence and reduce the need for long-term residential and nursing home care. Priority is to be given to minimising delayed discharge, reducing waiting lists in the community and to the restoration of domiciliary care as a realistic alternative to institutional care.

The First Report of the Community Care Review was published on 22 April. This Report identified a range of innovative and good practice schemes in place in Trusts, designed to reduce admissions to hospital, to facilitate faster, safe discharges and to provide hospital at home services. My Department is now preparing a database of good practices accessible by Board and Trust staff to help replicate the principles of such practices across Trusts.

Cé go mbíonn líon na ndaoine scaoilte amach go mall ar a mhéad i rith tréimhse an Gheimhridh de ghnáth, is mór an comhartha é ar an bhrú ar an earnáil ghéarotharlainne agus phobail araon an bhliain ar fad. Léiríonn na figiúirí sealadacha do dheireadh mhí an Mhárta 2002 go raibh 353 othar cúramstiúrtha ag fanacht go fóill in otharlanna i ndiaidh an dáta ar fáthmheasadh iad mar folláin go leor le scaoileadh amach, is ionann sin agus laghdú 3% ó 364 othar ag deireadh mhí Feabhra 2002. Léiríonn na figiúirí sealadacha do mhí an Mhárta gur tháinig laghdú

104 (23%) i líon na n-othar rangaithe mar scaoilte amach go mall sna seacht mí ó Mheán Fómhair 2001 go Márta 2002.

Dháil mé maoiniú breise de £19.1m ar sheirbhísí cúraim phobail i mbliana. Infheisteofar cuid den airgead sin in úsáid an réimse chuí de scileanna na SSSP chun tacú le 1000 duine breise i suímh sa phobal, a éascaíonn an filleadh ar ais go neamhspleáchas agus a laghdaíonn an gá le cúram fadtéarmach cónaithe agus tí altranais. Tá tosaíocht le tabhairt d'íosmhéadú i scaoileadh amach mall, do laghdú i liostaí feithimh sa phobal agus d'aiseag cúraim baile mar rogha réadúil eile in áit cúraim institiúide.

Foilsíodh an Chéad Tuairisc den Athbhreithniú ar Chúram Pobail ar 22 Aibreán. D'aimsigh an Tuairisc seo réimse scéimeanna nuála agus dea-chleachtas i bhfeidhm in Iontaobhais, leagtha amach le glacadh isteach daoine in otharlanna a laghdú, le héascú níos gasta a dhéanamh, le daoine a scaoileadh amach go slán sábháilte agus le níos mó seirbhísí otharlann sa bhaile a sholáthar. Tá mo Roinn ag ullmhú bunachar sonraí dea-chleachtas anois is féidir le hoibrithe Boird agus Iontaobhais a úsáid chun cuidiú le prionsabail a leithéid de dhea-chleachtais a athdhéanamh ar fud na nIontaobhas.

### Parkinson's Disease

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety, in respect of a diagnosis of Parkinson's Disease, what is the current average time from GP referral to the first consultation with a neurologist in each Board area. (AQW 3969/01)

**Ms de Brún:** Information is not available in the form requested.

Níl an t-eolas ar fáil ar an dóigh iarrtha.

### York Health Economics Consortium

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety to outline if there has been any contact with the York Health Economics Consortium, either by her Department or by Dr Hindle, to discuss their findings as part of further research by Dr Tony Hindle; and to make a statement. (AQW 3984/01)

**Ms de Brún:** Neither my Department nor Dr Tony Hindle has been in contact with York Health Economics Consortium about the Consortium's Review of the Acute Hospital Review Group Report. Dr Hindle was asked to undertake a review of the material produced by the Consortium and also the material produced by Colin Stutt consulting in relation to the report "A New Acute Hospital for the South West of Northern Ireland: Report to Fermanagh District Council" in order to provide advice to the Department on the different conclusions made in these reports.

Ní raibh mo Roinn nó an Dr. Tony Hindle i dteagmhail le Cuibhreannas Eabhraic um Eacnamaíocht na Sláinte faoi Athbhreithniú an Chuibhreannais ar Thuairisc an Ghrúpa Athbhreithnithe ar Ghéarotharlanna. Iarradh ar an Dr. Hindle athbhreithniú a dhéanamh ar na hábhair a sholáthair an Cuibhreannas agus na hábhair a sholáthair Colin Stutt a bhí i gcomhairle maidir leis an tuairisc "A New Acute Hospital for the South West of Northern Ireland: Report to Fermanagh District Council" chun comhairle a chur ar fáil don Roinn ar na tátail dheireanacha a rinneadh sna tuairiscí seo.

### Down Lisburn Trust: Funding

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety what action she will take to address any funding imbalance in the Down Lisburn Trust and so ensure the appropriate level of services.

(AQW 4020/01)

**Ms de Brún:** I refer the Member to my answer to AQW 3727/01. The Eastern Health and Social Services Board receives an equitable share of the total resource available here for health and social care. It is a matter for the Board to ensure that this is distributed as equitably as possible across their population. The recent exercise makes a valuable contribution to the assessment of the current situation. As indicated previously the Board intends to bring forward proposals, in the autumn, for public consultation as to how the issue is to be addressed within its area.

Treoraím aird an Bhaill do mo fhreagra ar AQW 3727/01. Faigheann an Bord Sláinte agus Seirbhísí Sóisialta sciar cothrom de na hacmhainní ina n-iomlán atá ar fáil do shláinte agus cúram sóisialta. Is ceist í seo don Bhord le cinntiú go ndáiltear seo chomh cothrom is féidir ar fud a bpobail. Cuireann an cleachtadh ar na mallaibh go mór le measúnú na staid reatha. Mar a cuireadh in iúl roimhe tá sé mar rún ag an Bhord moltaí a thabhairt chun tosaigh, san Fhómhar, le haghaidh comhairliúcháin phoiblí le fáil amach cad é mar a thabharfar faoin cheist laistigh dá limistéar.

### Learning Disability

**Ms Ramsey** asked the Minister of Health, Social Services and Public Safety what measures she proposes to take to tackle the social exclusion that can be suffered by people with learning disabilities. (AQO 1615/01)

**Ms de Brún:** My Department and the Health and Social Services Boards and Trusts are working with the wider statutory and voluntary sector to support people with a learning disability in accessing the services and activities they wish to use and enjoy.

I recently launched the report 'A Fair Chance', which records the views expressed by people with a learning disability about the services they use and how these might better address the equality of opportunity issues they face. The report has been distributed widely to health and social services and to other Departments and their agencies. This will help to inform future service development.

Tá mo Roinn agus na Boird Sláinte agus Seirbhísí Sóisialta agus na hIontaobhais ag obair leis an earnáil reachtúil agus leis an earnáil dheonach le tacaíocht a thabhairt do dhaoine faoi mhíchumas le gur féidir leo teacht a bheith acu ar na seirbhísí agus ar na gníomhaíochtaí is mian leo a úsáid agus a mbaineann siad taitneamh astu.

Sheol mé an tuairisc 'Deis Chothrom' le déanaí a dhéanann taifead ar thuairimí daoine faoi mhíchumas faoi na seirbhísí a mbaineann siad úsáid astu agus caidé mar a d'fhéadfadh siad seo aghaidh níos fearr a thabhairt ar na ceistanna comhdheise a mbíonn orthu déileáil leo. Cuireadh an tuairisc chuig mórán seirbhísí sláinte agus sóisialta agus chuig Ranna eile agus a ngníomhaireachtaí. Cuideoidh sé seo le heolas a chur ar fáil d'fhorbairt na seirbhíse sa todhchaí.

### Outpatient Primary Care: Kilkeel

**Mr M Murphy** asked the Minister of Health, Social Services and Public Safety when will funding be released to provide new facilities for outpatient primary care in Kilkeel. (AQO 1573/01)

**Ms de Brún:** At the end of last year a bid was made on Executive Programme Funds to allow the Kilkeel project to begin but this was unsuccessful. I have put the Kilkeel project forward again as a bid on the additional funding recently announced by the Chancellor Gordon Brown. If this is successful the development will of course be able to proceed immediately.

Ag deireadh na bliana seo caite, rinneadh tairiscint ar Chistí Chlár an Choiste Feidhmiúcháin le tús a chur le tionscadal Chill Chaoil; ach níor éirigh léi. Chuir mé tionscadal Chill Chaoil chun tosaigh arís mar thaisircint ar an mhaoiniú breise a d'fhógair Seansailéir Gordon Brown le déanaí. Má éiríonn leis, rachaidh an fhorbairt ar aghaidh láithreach, ar ndóigh.

### Primary Care

**Mr Close** asked the Minister of Health, Social Services and Public Safety what action has she taken to address deficiencies in the Primary Care prescribing process to minimise the risk of further financial loss. (AQO 1587/01)

**Ms de Brún:** My Department, in conjunction with Boards, has taken a number of steps to reduce financial loss. These include:

- the use of pharmaceutical advisors to promote cost effective prescribing by GP's.
- the promotion of the adoption of prescribing formularies by practices.
- the promotion of the use of less expensive generic rather than branded drugs.
- reviews of repeat prescriptions.
- the introduction of the "Managing Your Medicines" initiative in which pharmacists help to ensure individual compliance with treatment regimes.

The four Boards, together with the Central Services Agency, are also currently reviewing the prescribing payments system to reduce the potential for miscoding of items dispensed by pharmacists.

Reducing financial loss through tackling fraud is also a priority for my Department whether this is due to members of the public wrongly claiming exemption from charges or practitioners making erroneous or fraudulent claims for payment.

Steps taken to address this issue include:

- the introduction of Point of Dispensing checks by which community pharmacists indicate whether proof of eligibility for exemption from charges has been shown by individuals.
- the introduction of Fixed Penalty Charges to further deter illegitimate claims for exemption, and ultimately a criminal offence for persistent offenders.
- the establishment of a Counter Fraud Unit within the Central Services Agency to pursue cases of illegitimate claims for exemption and carry out investigation of potential fraud by practitioners.

Ghlac mo Roinn, in éineacht le Boird, roinnt céimeanna le caillteanas airgeadais a laghdú, lena n-áirítear:

- comhairleoirí cógaisíochta a úsáid le eisiúint oideas chostas-éifeachtach a chur chun cinn
- úsáid foirmlí ordaithe oideas ag cleachtais a chur chun cinn
- úsáid a bhaint as drugaí cineálacha atá níos saoire thar drugaí mairc.
- athbhreithnithe ar athoidis
- tionscnamh "Ag Bainistiú do Mhíochainí" a thabhairt isteach trína gcuidíonn poitigéirí a chinntiú go gcloítear le réimeanna cóireála.

Tá na ceithre Bord in éineacht leis an LárGhníomhaireacht Seirbhísí ag déanamh athbhreithniú faoi láthair ar an chóras íocaíochtaí dailte leis an deis do míchódú míreanna a dháileann poitigéirí a laghdú.

Is tosaíocht i mo Roinn é laghdú a dhéanamh ar chaillteanas airgeadais tríd dhul i ngleic le calaois cé acu a thig seo ó dhaoine a bheith ag éileamh díolúintí ó mhuirir



go mícheart nó lucht cleachtais a bheith ag déanamh éilimh earráideacha nó calaoiseacha maidir le híocaíochtaí.

Ar na bearta a rinneadh le haghaidh a thabhairt ar an tsaincheist seo tá:

- seiceálacha ag Pointí Dáilte trína dtaispeanann poitigéirí pobail cé acu a thaispeáin duine go raibh cruthú aige go bhfuil sé saor ó dhíolúine.
- Muirir Phionós Socraithe a thabhairt isteach le héilimh neamhdhlisteanacha ar dhíolúintí a chosc a thuilleadh, agus sa deireadh coir coiriúil do shíorchiontóirí.
- Aonad Frith-Chalaoise a bhunú sa LárGhníomhaireacht Seirbhísí le dul sa tóir ar chásanna d'éilimh neamhdhlisteanacha ar dhíolúine agus le imscrúdú a dhéanamh ar chalaois a d'fhéadfadh a bheith ar bun ag lucht cleachtais.

### Audit Arrangements

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety what plans has she to review audit arrangements within her Department, in light of the Chancellor of the Exchequer's proposals to introduce independent auditing of health structures in England and Wales? (AQO 1576/01)

**Ms de Brún:** Having reviewed the changes announced in England, I have indicated to Executive colleagues my intention to move ahead with the existing proposals to transfer the external audit function from my Department's Health Service Audit to the NIAO. The Department of Finance and Personnel will bring forward, in September, legislation to give effect to this change.

These new arrangements, with the audit function undertaken by a body independent of my Department, are in line with the thrust of the proposals announced by Alan Milburn.

I ndiaidh athbhreithniú a dhéanamh ar na hathruithe a fógraíodh i Sasana, chuir mé in iúl do mo Chomhghleacaithe sa Choiste Fheidhmiúcháin go bhfuil sé ar intinn agam leanúint ar aghaidh le moltaí iniúchadh seachtrach a aistriú ó Iniúcháireacht Seirbhíse Sláinte mo Roinne go dtí an Oifig Iniúcháireachta. Tabharfaidh an Roinn Airgeadais agus Pearsanra reachtaíocht isteach i mí Mheán Fómhair leis an athrú seo a chur i bhfeidhm.

Tá na socrúithe nua sin ar chomhchém leis na moltaí a d'fhógair Alan Milburn; rachaidh comhlacht atá neamhspleách ar mo Roinn i mbun cúrsaí iniúchta.

### Acute Care

**Mr O'Connor** asked the Minister of Health, Social Services and Public Safety what work has been carried out to consider the equality impact and TSN implications of her proposals on acute care. (AQO 1622/01)

**Ms de Brún:** A preliminary assessment of the equality implications of the proposals has been carried out and deprivation indices have been reviewed in relation to the location of a new acute hospital in Fermanagh/Tyrone. Details of the equality assessment are contained in the consultation paper, *Developing Better Services: Modernising Hospitals and Reforming Structures*, a copy of which has been sent to all MLAs.

Rinneadh réamh-mheasúnú ar impleachtaí comhionannais na moltaí agus rinneadh athbhreithniú ar na hinnéacsanna easnaimh maidir le suíomh ospidéal ghéarmhíochaine nua i bhFear Manach/Tír Eoghain. Tá sonraí an measúnaithe chomhionannais sa pháipear comhairliúcháin, *Ag Forbairt Seirbhísí Níos Fearr: Ag Nuachóiriú Otharlann agus ag Athchóiriú Struchtúr*; cuireadh cóip de seo chuig gach Comhalta Tionóil.

### Acute Care

**Mr Gallagher** asked the Minister of Health, Social Services and Public Safety what is the timescale for decision making and implementation of her proposals on acute care. (AQO 1621/01)

**Ms de Brún:** Following discussions at the Executive, I have published a consultation paper on the way forward on the Acute Hospital Review. The consultation paper was issued on Wednesday, 12 June 2002, and the consultation period will run until 30 September. Allowing an appropriate period for an analysis of responses, it is hoped that final decisions can be reached during the course of 2002. The proposals in the consultation paper are designed to be implemented over a 10 year period.

I ndiaidh plé a dhéanamh ag an Choiste Feidhmiúcháin, d'fhoilsigh mé páipéar comhairliúcháin ar an bhealach chun tosaigh ar Athbhreithniú na nOspidéal Géarmhíochaine. Eisíodh an páipéar comhairliúcháin Dé Céadaoine 12ú Meitheamh 2002, agus leanfaidh an tréimhse chomhairliúcháin ar aghaidh go dtí an 30ú Meán Fómhair. Ag cur tréimhse chuí le haghaidh anailise ar fhreagraí san áireamh, táthar ag súil go dtiocfar ar chinní deiridh le linn na bliana 2002. Ceapadh na moltaí sa pháipéar comhairliúcháin le go gcuirfí i bhfeidhm iad thar thréimhse 10 mbliana.

### 'Wyncroft' Respite Centre, Newry

**Mr Bradley** asked the Minister of Health, Social Services and Public Safety what plans she has to provide alternative facilities for the patients and families affected by the announced closure of 'Wyncroft' Respite Centre, Newry. (AQO 1571/01)

**Ms de Brún:** Newry and Mourne Trust advises that as a result of negotiations with the owner of Wyncroft, the facility will remain open until the end of August

2002. In the meantime, the Trust has written to all families affected by the proposed closure advising them that it is actively working to secure alternative places for those who use the facility.

Tugann Iontaobhas an Iúir agus Mhúirne le fios, mar thoradh ar idirbheartaíochtaí le húinéir Wyncroft go bhfanfaidh an áisíneacht ar oscailt go dtí deireadh mhí Lúnasa 2002. Idir an dá linn, scríobh an t-Iontaobhas chuig gach teaghlach a gcuirfeadh an dúnadh beartaithe isteach orthu ag rá leo go bhfuil sé ag obair go gníomhach le áiteanna eile a fháil dóibh siúd a bhainann úsáid as an áisíneacht.

### ‘Adopting Best Care’ Review Report

**Mr J Kelly** asked the Minister of Health, Social Services and Public Safety to ensure that the recommendations contained in the Social Services Inspectorate’s review report ‘Adopting Best Care’ will be implemented in full.

(AQO 1614/01)

**Ms de Brún:** The ‘Adopting Best Care’ report contains a number of recommendations to my Department, Boards and Trusts aimed at improving adoption services. In launching the report I gave a commitment that adoption services would remain high on my Department’s agenda and my officials are presently working to address how the recommendations directed at the Department might best be taken forward. The Social Services Inspectorate will be following up the inspection findings with each Board and Trust and will require Boards and Trusts to submit by 1 November 2002, a formal report to the Department outlining their progress in implementing the report’s recommendations.

Tugann an tuarascáil ‘Ag Glacadh Togha an Chúraim’ moltaí do mo Roinn, do Bhoird agus d’Iontaobhais a bhfuil sé mar aidhm acu seirbhísí uchtaithe a fheabhsú. Agus mé ag seoladh na tuarascála, gheall mé go mbeadh tús áite ag seirbhísí uchtaithe ar chlár oibre mo Roinne; tá mo chuid feidhmeannach ag obair ar conas is fearr na moltaí a díriodh ar an Roinn a chur i bhfeidhm. Beidh Foireann Cigireachta na Seirbhísí Sóisialta ag obair ar thorthaí na cigireachta i gcomhar le gach Bord agus Iontaobhas, agus beidh sí ag iarraidh ar Bhoird agus Iontaobhais tuarascáil fhoirmiúil a chur faoi bhráid na Roinne faoin 1ú Mí na Samhna 2002, ag cur síos ar an dul chun a rinne siad maidir le moltaí na tuarascála a chur i bhfeidhm.

### Occupational Activities: Residential Homes

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety what plans she has for ensuring that the occupational activities pursued by patients in many residential homes are available to all.

(AQO 1583/01)

**Ms de Brún:** The comprehensive assessment by care management of an individual’s care needs should include an assessment of the person’s social, emotional and spiritual needs, together with a profile of his or her social activities, hobbies or other interests. This information enables care home staff to plan a range of activities that meets the needs and interests of residents.

Boards’ Registration and Inspection Units regularly inspect the quality of life within care homes to ensure that activities are appropriate to the needs and capacity of residents.

Nuair a dhéanann an bhainistíocht cúraim measúnú cuimsitheach ar riachtanais chúraim duine ba chóir measúnú a bheith ann ar a riachtanais shóisialta, mhothúcháin agus spioradálta, chomh maith le cur síos ar a ghníomhaíochtaí sóisialta, caithimh aimsire agus spéiseanna eile. Cuireann sin ar chumas fhoireann an tí chúraim gníomhaíochtaí a phleanáil a fhreastalaíonn ar riachtanais agus spéiseanna na gcónaitheoirí.

Déanann Aonaid Chláraithe agus Cigireachta Bord cigireacht rialta ar cháilíocht na beatha i dtithe cúraim lena chinntiú go dtagann na gníomhaíochtaí le riachtanais agus le spéiseanna na gcónaitheoirí.

### Pre-School Education

**Mrs Courtney** asked the Minister of Health, Social Services and Public Safety if she has been consulted on the provision of pre-school places by the Department of Education in terms of the health, childcare and quality of life issues.

(AQO 1600/01)

**Ms de Brún:** The Department of Education has not consulted with me on the provision of pre-school places in terms of the health, childcare and quality of life issues. In terms of inspection arrangements for pre-school play-groups necessary under the Pre-School Education Expansion Programme, the Education and Training Inspectorate of the Department of Education inspects for the educational content of the curriculum provided, while the Health and Social Services Trusts inspect on the standards of health, childcare and quality of life issues.

The Pre-School Education Expansion Programme document *Investing in Early Learning*, published in 1998, was devised in consultation with a wide range of groups and individuals with an interest in pre-school education including government Departments. The Pre-School Education Expansion Programme also forms part of the wider *Children First* strategy which was also informed and developed through a formal consultation process in February 1999.

Ní raibh an Roinn Oideachais i gcomhairle liom faoi shláinte, cúram leanaí agus cáilíocht na beatha a sholáthar in áiteanna réamhscoile. Faoi na socruithe cigireachta do ghrúpaí súgartha réamhscoile is gá faoin

Chlár Leathnaithe Oideachais Réamhscoile, déanann Cigireacht Oideachais agus Oiliúna de chuid na Roinne Oideachais cigireacht ar ábhar oideachais an churaclaim; is iad na hÍontaobhais Seirbhísí Sláinte agus Sóisialta a dhéanann cigireacht ar chaighdeán sláinte, chúram leanaí agus cáilíocht na beatha.

Chuathas i gcomhairle le cuid mhór grúpaí agus daoine ar suim leo an t-oideachas réamhscoile, Ranna Rialtais san áireamh, nuair a bhíodas ag dréachtú na cáipéise *Ag Infheistiocht sa Luathfhoghlaim* a foilsíodh i 1998. Tá an Clár Leathnaithe Oideachais Réamhscoile ina chuid de straitéis níos leithne *Páistí ar dTús*; chuidigh comhairliúcháin foirmiúil i mí Feabhra 1999 an straitéis seo a fhorbairt agus a chur ar an eolas.

### Hospitals: Cavan and Sligo

**Mr Attwood** asked the Minister of Health, Social Services and Public Safety how many times she has raised the issue of acute hospital provision with Micheal Martin TD, Minister of Health and Children.

(AQO 1619/01)

**Ms de Brún:** I have spoken with Micheál Martin TD, Minister for Health and Children. I have also sent him a copy of the recently published consultation paper on the way forward for acute services, 'Developing Better Services: *Modernising Hospitals and Reforming Structures*'. We have agreed to meet shortly to discuss the issues involved. The matter has also been the subject of a meeting and correspondence between senior officials of my Department and the Department of Health and Children in Dublin, in relation to the potential of hospitals in Cavan and Sligo to provide services to patients from the North.

I also considered carefully the findings of the York University Health Economics Consortium. It was apparent, from the current stage of planning for hospital services in the South, that there is not sufficient certainty as to whether the relevant hospitals in the South will deliver, over the longer term, the capacity and services equivalent to those provided by the nine proposed acute hospitals in the North. Any information which emerges during the course of the consultation will be taken into consideration before reaching final decisions.

On virtually every occasion that I have spoken with Micheál Martin, issues raised touched upon acute hospital provision.

Le do chhead, a Cheann Comhairle, freagróidh mé ceisteanna 7,8,18,19 le chéile mar go mbaineann siad uilig le húsáid ospidéal sa Deisceart.

Phléigh mé an t-ábhar seo le Micheál Martin TD, an tAire Sláinte agus Leanaí. Chuir mé cóip chuige fosta den pháipéar comhairliúcháin ar an bhealach chun tosaigh do ghéarsheirbhísí a foilsíodh le deireannas 'Ag

Forbairt Seirbhísí Níos Fearr: ag Nuachóiriú Otharlann agus ag Athchóiriú Struchtúr'. D'aontaíomar go mbuailfimid le chéile ar ball le plé a dhéanamh ar na hábhair seo. Bhí an t-ábhar faoi chaibidil fosta ar chruinniú agus bhí comhfhreagras air idir feidhmeannaigh shinsearacha mo Roinne agus na Roinne Sláinte agus Leanaí i mBaile Átha Cliath le fáil amach arbh fhéidir le hotharlanna i gCondae an Chabháin agus i gCondae Shligigh seirbhísí a chur ar fáil do othair ón Tuaisceart.

Rinne mé machnamh cúramach ar chinneadh Chuibhreannas Eacnamaíocht na Sláinte de chuid Ollcoil Eabhrac. Ba léir ó staid reatha pleanála do sheirbhísí ospidéal sa Deisceart go raibh amhras ann cé acu a bheadh na hotharlanna ábhartha sa Deisceart in ann acmhainneacht agus seirbhísí a sholáthar san fhadtréimhse a bheadh inchurtha leis na seirbhísí a sholáthraítear sna naoi n-otharlann géarmhíochaine sa Tuaisceart. Cuirfear cibé faisnéis a thiocfas as an chomhairliúcháin san áireamh sula nglacfar na cinntí deiridh.

Gach uair, a bheag nó a mhór, a labhair mé le Micheál Ó Máirtín, bhí baint de chineál éigin ag gach ceist a tógadh le soláthar géarotharlainne.

### Distinction and Meritorious Service Awards

**Mr C Murphy** asked the Minister of Health, Social Services and Public Safety if she is satisfied that the Distinction and Meritorious Service Awards system is sufficiently fair and transparent.

(AQO 1616/01)

**Ms de Brún:** My Department conducted a review of the scheme in November 2000. The main purpose of the review was to address the process by which Awards are made to ensure that equality of opportunity is afforded to all consultants on the basis of merit alone. The review was completed in July 2001 and a number of important changes were made to the scheme. The changes made were designed to achieve a fairer and more open and transparent system.

Negotiations on a framework for a new consultants' contract have recently been agreed between the Health Departments, the BMA and the NHS Confederation. Within this framework, there is provision to replace the Distinction and Meritorious Service Awards with Clinical Excellence Awards.

Detailed negotiations on the introduction of, and the format and guidance for the new Clinical Excellence Awards are continuing but there is no obligation on the devolved administrations to replicate the exact scheme that will be introduced in England. As is the case in Scotland, my Department will be conducting a root and branch review of the existing scheme to consider how the proposed Clinical Excellence Awards scheme should be applied here.

Rinne mo Roinn athbhreithniú ar an scéim i mí na Samhna 2000. Ba í príomhaidhm an athbhreithnithe ná dul i gceann an phróisis trína ndéantar Dámhachtainí lena chinntiú go dtabharfar comhionannas deise do gach sainchomhairleoir ar bhonn tuilleantais amháin. Críochnaíodh an t-athbhreithniú i mí Iúil 2001 agus rinneadh roinnt athruithe tábhachtacha ar an scéim. Rinneadh na hathruithe le córas níos cothromaí agus níos oscailte a chruthú.

Le deireannas, aontaíodh caibidlí ar chreat do chonradh úr do shainchomhairleoirí idir na Ranna Sláinte, Cumann Míochaine na Breataine agus Comhcheangal na Seirbhíse Sláinte Náisiúnta. Cruthaíonn an creat seo deis Dámhachtainí Oirrcis Chliniciúil a chur in áit na nDámhachtainí Gradaim agus Seirbhíse Fiúntais.

Tá mionchaibidlí ag dul ar aghaidh ar fhormáid agus ar threoir do na Dámhachtainí Oirrcis Chliniciúil nua agus ar conas iad a thabhairt isteach, ach níl sé de fhiachaibh ar na riaracháin chineachta aithris bheacht a dhéanamh ar an scéim a thabharfar isteach i Sasana. Mar atá amhlaidh in Albain, beidh mo Roinn ag cur athbhreithniú ó bhonn aníos ar an scéim le machnamh a dhéanamh ar conas scéim bheartaithe na nDámhachtainí Oirrcis Chliniciúil a thabhairt isteach anseo.

### New Hospital: Dr Tony Hindle

**Mr Byrne** asked the Minister of Health, Social Services and Public Safety if she has commissioned Dr Tony Hindle of the University of Lancaster to undertake further research into the siting of a new hospital to serve the rural west; and to make a statement on the outcome of his analysis. (AQW 4145/01)

**Ms de Brún:** My Department commissioned Dr Tony Hindle to review the reports:

- A Review of the Acute Hospitals Review Group Report: Final Report, by York Health Economics Consortium; and
- A New Acute Hospital for the South-West of Northern Ireland: Report to Fermanagh District Council, by Colin Stutt Consulting.

Copies of Dr Hindle's review have been placed in the Assembly Library and on my Department's Internet Website.

Choimisiúnaigh mo Roinn an Dochtúir Tony Hindle le hathbhreithniú a dhéanamh ar na tuarascálacha:

- Athbhreithniú ar Thuairisc an Ghrúpa Athbhreithnithe ar Ghéarospidéal: Tuairisc Dheiridh le Cuibhreannas Eacnamaíocht na Sláinte Eabhrac; agus
- Géarospidéal Úr do Iar-Dheisceart Thuaisceart na hÉireann: Tuairisc do Chomhairle Ceantair Fhear Manach le Colin Stutt Comhairleach.

Cuireadh cóipeanna d'athbhreithniú an Dr. Hindle i leabharlann an Tionóil agus ar Láithreán Gréasáin mo Roinne.

## REGIONAL DEVELOPMENT

### Safety on Rural Roads and Footpaths

**Mr P Doherty** asked the Minister for Regional Development to detail the road safety criteria used to determine the provision of footpaths on rural roads, particularly those adjacent to built-up rural areas such as hamlets and housing estates. (AQO 1353/01)

**The Minister for Regional Development (Mr P Robinson):** I can assure you that my Department's Roads Service will play its role, from an engineering point of view, in improving road safety on our rural roads and footpaths.

In this context Roads Service takes account of any road safety issue when assessing a request for the provision of a footway on any road. However, as the funds available for such works are limited, all requests for footways and other minor works proposals are assessed and prioritised in the basis of need. In assessing the priority for footway schemes consideration is given to road safety and other factors, including:

- pedestrian counts;
- traffic volumes;
- the potential for pedestrian and traffic growths;
- accident histories;
- environmental factors, for example, the presence of schools which tend to generate frequent pedestrian flows etc;
- the practicality of constructing the schemes; and
- the cost of schemes and the availability of funds.

### Water Supply System

**Mr Byrne** asked the Minister for Regional Development to detail the annual financial cost of water leakage from the water supply system in the Western region. (AQW 3750/01)

**Mr P Robinson:** It is estimated that leakage, or unaccounted for water, in Water Service's Western Division is approximately 52 million litres per day. Based on the marginal operating costs of providing water, which takes account of additional expenditure such as electricity, chemicals and sludge treatment, this represents a cost of some £1.1 million per annum.



Water Service intends to invest £4 million on leakage reduction measures in the Western Divisional area over the next 4 years. The aim is to reduce leakage by 23 million litres per day and achieve the economic level of leakage by 2006.

### Dillon's Court, Whiteabbey

**Mr Hilditch** asked the Minister for Regional Development, pursuant to AQW 3219/01, to outline the results of the examination regarding the possibility of raising the fencing behind Dillon's Court, Whiteabbey. (AQW 3792/01)

**Mr P Robinson:** Translink has advised that it considers that by securing and strengthening the fencing behind Dillon's Court, Whiteabbey, it has taken all reasonable steps to prevent access to the track at this vicinity. Accordingly it has decided not to raise the fence.

### Public Water Supply

**Mr Byrne** asked the Minister for Regional Development how many households in West Tyrone remain unconnected to the public water supply. (AQW 3811/01)

**Mr P Robinson:** Based on a combination of census and Valuation and Lands Agency information, it was estimated that some 2,300 houses in the Omagh and Strabane District Council areas were unconnected to the public water supply.

Water Service has carried out a study of these, and 3 other Council areas. Taking account of properties which are not domestic (for example outbuildings) and long-term vacant properties, it is estimated that some 2,000 houses in Omagh and Strabane District Council areas are actually not connected. Of these, some 1,800 are "deemed to be served" since there is already a watermain in the nearest public road.

Schemes to provide a public water supply to some 30 houses in the Omagh and Strabane District Council areas are presently at design or construction stage. My officials are currently in discussions with other Government Departments, and public bodies such as District Councils, with a view to developing a scheme to provide assistance to improve the water quality of those houses which will remain dependent on individual private water sources.

### Senior Citizen Smart Passes

**Mr Byrne** asked the Minister for Regional Development how many senior citizens have applied for the Senior Smart Pass. (AQW 3812/01)

**Mr P Robinson:** Translink report that 136,490 applications had been received for Senior Citizen

Smartpasses by 10 June 2002, of which 134,025 had been processed and posted.

### Comber Bypass

**Mrs I Robinson** asked the Minister for Regional Development to outline (a) the date tender documents will be issued for the Comber bypass; and (b) the on-site commencement date. (AQW 3832/01)

**Mr P Robinson:** I am pleased to advise that my Department's Roads Service issued the tender documents for the Comber Bypass scheme at the beginning of this month. It is expected that the contract for the scheme will be awarded in August and that construction work on site will commence promptly thereafter.

### Residents' Parking Schemes

**Mrs Nelis** asked the Minister for Regional Development what plans he has to introduce amending legislation to permit car owners living within the city centre, to park in their own streets. (AQW 3838/01)

**Mr P Robinson:** My Department's Roads Service already has the statutory power, under the Road Traffic Regulation (Northern Ireland) Order 1997, to introduce residents' parking schemes which are aimed at addressing parking problems experienced by some residents who live close to town and city centres.

Roads Service had identified a number of pilot residents' parking schemes to test the necessary administrative and enforcement procedures involved. However, you will appreciate, that these schemes would only be of benefit to local residents if they are effectively enforced and in Northern Ireland, unlike the rest of the United Kingdom, this is solely a matter for the Police (or Traffic Wardens operating under Police control). Regrettably, during discussions on this issue, the Police indicated that they would not be able to undertake the necessary enforcement work in relation to such schemes.

Road Service has therefore begun the process to decriminalise parking offences in Northern Ireland. Decriminalised parking enforcement is operational in other regions in the UK and, when introduced in Northern Ireland, my Department, as the road authority, will become responsible for enforcing parking restrictions, including residents' parking schemes. It is, however, likely to take several years before the necessary legislation and organisational arrangements are in place.

### Carrickfergus to Belfast Road

**Mr Neeson** asked the Minister for Regional Development, in light of the recent financial package announced by the Prime Minister and the Chancellor of the Exchequer,

will he make funds available for the improvements to the A2 Carrickfergus to Belfast Road. (AQW 3878/01)

**Mr P Robinson:** My Department is determined to explore the most cost effective means of investing in public services in Northern Ireland and to optimise the allocation from all available sources.

As you will be aware, the major scheme to widen the A2 Carrickfergus to Belfast Road between Shore Avenue and Island Park is not included in the current Roads Service Major Works Preparation Pool. It would therefore not be appropriate at this stage to include such a scheme in a Roads Service Reinvestment and Reform Initiative bid for the finance available over the first two years of the initiative, since only major schemes which are well advanced in stages of planning could be expected to reach construction during this period. The scheme is however amongst those being considered along with others on arterial routes for inclusion in the proposed Belfast Metropolitan Transport Plan, work on which has already commenced.

I can confirm that Roads Service has made a bid for additional Reinvestment and Reform Initiative funding for the structural maintenance of the urban and rural road network and a number of resurfacing schemes on the A2 between Carrickfergus and Belfast would be among those being considered for inclusion in such a programme.

I of course recognise the importance of the A2 route for Carrickfergus. Roads Service is therefore currently undertaking a major revision of the junction between the A2 Shore Road and the Old Shore Road at Whiteabbey. The scheme, which includes the provision of anti-skid surfacing on the A2 Shore Road approaches to the junction and pedestrian crossing facilities, also incorporates pedestrian refuge islands and traffic signals in the centre of the carriageway. In addition, a scheme to resurface some ¾ mile of the A2 dual carriageway Southbound has recently commenced.

### St Angelo Airport

**Mrs Carson** asked the Minister for Regional Development if he has considered providing Fermanagh District Council with the legal means to delegate the operation and maintenance of St Angelo Airport to any interested party. (AQW 3933/01)

**Mr P Robinson:** I have not been asked formally by Fermanagh District Council to consider doing so, however a similar issue has been raised with my Department by Derry City Council. As I indicated in my response on that occasion, legislation will require to be enacted by the Assembly to enable District Councils to delegate to others operational responsibility for airports.

I am prepared to consider the matter further, but must look in the first instance to the District Councils concerned to provide the policy rationale for such legislation.

### Review of Rating Policy

**Mr Attwood** asked the Minister for Regional Development if he has had input into the compilation of the consultation paper on the Review of Rating Policy. (AQW 3974/01)

**Mr P Robinson:** I have had and taken the opportunity to comment on DFP's draft consultation paper on the Review of Rating Policy before its publication. In addition, an official from my Department has participated in the Review of Rating Policy as a member of the DFP led steering Group established to oversee the Review. This official has had the opportunity to comment on the drafting and compilation of DFP's consultation paper.

## SOCIAL DEVELOPMENT

### NI Housing Executive/Associations: Domestic Pets

**Mr Shannon** asked the Minister for Social Development to outline any rules or regulations within the Housing Executive and Housing Associations that restrict residents, some of whom may be physically and/or mentally disabled, from keeping animals as companions. (AQW 3843/01)

**The Minister for Social Development (Mr Dodds):** The Housing Executive's Tenants Handbook specifies that a tenant can keep one domestic pet and must ask their District Manager's permission in circumstances where more than one pet is desired.

Where a tenant resides in a flat or maisonette and wishes to keep a pet, the District Manager would look sympathetically on such a case, where the tenant has a mental or physical disability. A District Manager may seek the opinions of other residents within the block before reaching a decision and permission would be conferred in writing. Where permission is granted, and a pet subsequently creates a nuisance, the District Manager may review the original decision.

The rules on the keeping of pets by tenants of registered Housing Associations are set out in the individual association's tenants handbooks and/or tenancy agreements and can vary depending on the type of accommodation involved for example, general needs houses, sheltered schemes and flats. Most, but not all, associations will allow the keeping of pets. If the Member has any particular case in mind, I will be happy to have the matter investigated.

## Citizens Advice Bureaux: Funding

**Mr O'Connor** asked the Minister for Social Development to outline (a) if any mainstream funding is allocated to the Citizen's Advice Bureau to assist them in their work to promote social inclusion; and (b) if he would consider allocating such funding. (AQW 3857/01)

**Mr Dodds:** I fully recognise the important role Citizens Advice Bureaux play in promoting social inclusion by providing advice to some of the most disadvantaged people in our community. I am pleased to confirm, therefore, that Citizens Advice Bureaux already receive mainstream funding through the District Councils' Community Support Programme. This amounted to £1,092,424 in 2000-01, the latest year for which information is available. Furthermore, the Northern Ireland Association of Citizens Advice Bureaux receives mainstream funding from my Department, and in the current year this amounts to £384,216.

## Disability Living Allowance

**Mr O'Connor** asked the Minister for Social Development what action he is taking to reduce the waiting times for Disability Living Allowance (DLA) appeals. (AQW 3858/01)

**Mr Dodds:** An increase in resources was made available to Disability Living Allowance Branch and The Appeals Service during 2001-02 and 2002-03 to fund the cost of 40 additional staff to write appeals and arrange Tribunal hearings, for extra overtime working and an increased number of Tribunal hearings. The Department also consented to the appointment of additional Tribunal members. Twenty-five new members were appointed in February 2002.

As a result of these actions the time taken to process DLA appeals within the Social Security Agency has reduced from approximately 28 weeks to 12 weeks. Action is continuing with a view to further reducing this figure. The average time taken by The Appeals Service to clear the appeal upon receipt from the Social Security Agency was, on average, 22 weeks during the last year. Clearance times and the number of appeals outstanding are expected to reduce further by the end of March 2003.

## Freedom of Information

**Dr Birnie** asked the Minister for Social Development what measures he has taken to ensure that the publication schemes required under the Freedom of Information Act will be completed by November 2002. (AQW 3880/01)

**Mr Dodds:** The Department established a project team in December 2001 to take forward the implementation of the Freedom of Information Act. It has been

addressing the requirement to publish a Publication Scheme as a matter of priority. A survey of information currently published has been completed and the team is reviewing what further information might usefully be included in the Department's scheme. An initial draft scheme has been developed and this will be completed by the end of July. It will be submitted to the Information Commissioner for approval within the timescale laid down by the Lord Chancellor's Department. Subject to approval by the Information Commissioner, the Department is on schedule to issue its Publication Scheme on 30 November 2002.

## Economic Position of Households

**Mr M Robinson** asked the Minister for Social Development to outline (a) any plans to conduct research into the prevalence of low income or disadvantaged groups living in poor condition properties; and (b) a breakdown of this data by housing sector. (AQW 3881/01)

**Mr Dodds:** The Housing Executive is currently compiling the findings of the 2001 House Condition Survey (HCS). The HCS includes questions relating to the economic position of households. The data from the HCS is currently undergoing analysis and the preliminary results are expected to be available in the autumn with the final analysis to be completed by the end of the year.

The Socio-Economic questions, in respect of each household member, asked about their age, gender, relationship to the head of household, marital status, employment status, travel to work arrangements, illnesses, disabilities, ethnicity, earnings, benefits/tax credits, housing benefits, religion, car ownership, distance from utilities/social activity centres, and history of household accidents.

In addition the HCS will provide information on tenure and housing conditions.

## Programme for Government: Community Infrastructure

**Mr Ford** asked the Minister for Social Development to detail the specific areas of social and economic disadvantage targeted for a programme of action to strengthen and support community infrastructure as detailed in the 2000-01 Programme for Government. (AQW 3895/01)

**Mr Dodds:** The programme of action referred to in the Programme for Government was not one specific and discrete intervention. Instead, it referred to a wide range of actions being taken by the Department across a number of Programmes. These actions include extra assistance to District Councils for their Community Support Programme and a new EU Programme to provide assistance to strategic support organisations. Technical

assistance has been provided through Local Strategy Partnerships to help voluntary and community groups access EU funding, and the Active Community Initiative has put in place a small grants programme to help small and newly emerging groups. The Department is also working to finalise a new Outreach Programme to encourage statutory organisations to strengthen and coordinate their support for community infrastructure.

Although no specific geographic areas have yet been designated for intervention because of a lack of objective information about the location of such areas, work is in progress to identify areas characterised by the

- presence of high levels of social need;
- absence of voluntary and community organisations and tenants associations in any given area; and
- lack of funding applications emerging from a given area.

### **Minimum Income Guarantee: Pensioners**

**Mr Hilditch** asked the Minister for Social Development how many pensioners will benefit from the increase in the minimum income guarantee. (AQW 3907/01)

**Mr Dodds:** From April this year just over 75,000 pensioners benefited from the increase of Minimum Income Guarantee.

### **Winter Fuel Allowance: Pensioners**

**Mr Hilditch** asked the Minister for Social Development how many pensioners are claiming winter fuel allowance in each of the last 2 years. (AQW 3909/01)

**Mr Dodds:** In 2001-02, nearly 257,000 pensioners benefited from a Winter Fuel payment and in the previous year just over 254,000 benefited.

## **Regeneration: Belfast and Londonderry**

**Mr Ford** asked the Minister for Social Development, pursuant to AQW 1647/01, to detail progress in producing regeneration strategies for Belfast and Londonderry.

(AQW 3920/01)

**Mr Dodds:** The Belfast and Londonderry strategies are being developed within the framework of the Northern Ireland Neighbourhood Renewal Strategy, which my Department aims to launch by September 2002. This strategy along with the Belfast and Londonderry strategies will place the tackling of the most acute disadvantage at the heart of all regeneration activity and seek to empower local communities to drive urban renewal initiatives in their own areas. The strategies for Belfast and Londonderry are at different stages of development and I will address each separately:

### **Belfast**

The Consultation Process for the Belfast Strategy was officially launched on 27 March 2002 and will conclude on 30 June 2002. Comments from the workshops together with written responses will then be analysed over the summer period, following which the revised Belfast strategy will be presented to the DSD's Assembly Committee and the Executive Committee in Autumn 2002.

### **Londonderry**

The Londonderry Strategy is currently being drafted and, when finalised, will allow officials to make arrangements for the consultation process to begin. My Department expects to have the draft strategy completed shortly. The normal consultation period is approximately 13 weeks, after which comments from the workshops and written responses will be analysed.



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# NORTHERN IRELAND ASSEMBLY

Friday 28 June 2002

## Written Answers to Questions

### OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

#### NI Human Rights Commission Staff

**Dr Birnie** asked the Office of the First Minister and Deputy First Minister to outline (a) the religious, gender and disability composition of the Northern Ireland Human Rights Commission Staff; and (b) if the composition is a fair reflection of the Northern Ireland workforce. (AQW 3867/01)

**Reply:** The information requested is not held by this department. The Equality Commission publishes information on the religious composition of public and private sector organisations with more than 26 employees. However, where the number of Protestants or Roman Catholic employees is fewer than 10, only the total number of employees is published. This is to ensure the religious background of individual employees cannot be inferred from the figures.

The Northern Ireland Human Rights Commission has fewer than 26 employees.

There is no statutory requirement to monitor gender or disability in the workforce.

#### Non Departmental Public Bodies

**Mr R Hutchinson** asked the Office of the First Minister and Deputy First Minister to outline (a) the number of Non-Departmental Public Bodies across all Departments; and (b) the total expenditure on each NDPB. (AQW 3952/01)

**Reply:** The information sought in the question is available in the "Public Bodies" publication produced annually by the Cabinet Office and made available through the Stationery Office and on the Cabinet Office website at [www.cabinet-office.gov.uk/quango](http://www.cabinet-office.gov.uk/quango). This publication provides information on the size, spend and membership

of the UK "quango" sector, including public bodies attached to the Northern Ireland Office and Northern Ireland Departments. The current edition of the publication, "Public Bodies 2001" is available in the Assembly Library.

#### Corporate Identity: NI Executive

**Mr A Maginness** asked the Office of the First Minister and Deputy First Minister to outline when it is proposed to launch the Corporate Identity of the Northern Ireland Executive. (AQO 1656/01)

**Reply:** On 29 April we informed the Assembly that, following a consultation process with Ministers about the implementation process for the corporate identity, some issues would require further discussion at a future Executive meeting.

#### Executive Meetings

**Dr Birnie** asked the Office of the First Minister and Deputy First Minister to detail the agenda for the next Executive meeting. (AQO 1633/01)

**Reply:** It is not the policy of the Administration to disclose in advance what issues will be raised at future Executive meetings.

#### Civic Forum Review

**Mr Bradley** asked the Office of the First Minister and Deputy First Minister to outline (a) who is carrying out the Civic Forum Review and (b) the timescale for completion. (AQO 1651/01)

**Reply:** A firm of consultants has not yet been appointed to carry out the Review. It is expected that the Review will take 2/3 months to complete once consultants have been appointed.

#### Violence in Belfast

**Mr Poots** asked the Office of the First Minister and Deputy First Minister what discussion has taken place at meetings of the Executive Committee regarding recent violence in east Belfast. (AQO 1647/01)

**Reply:** We must all support the police in their efforts to maintain law and order, as well as stepping up our own efforts to deal with the underlying causes of sectarianism.

The Executive has not discussed the recent violence in east Belfast however we stand ready to support any local initiative aimed at allowing local communities to resolve their differences peacefully. As in North Belfast, the solution will be found only in dialogue.

Our Office has provided support through the Community Relations Council for a number of groups and projects aimed at improving community relations. These include the work of the Belfast Interface Project with the Inner East Interface Group whose members are drawn from both the Short Strand and Newtownards Road communities and the Ballynafeigh Community Development Association's Social Energy Project and partnership in the Five Areas Advice Project, which include Donegall Pass and the Markets, Ballynafeigh and the Lower Ormeau Road.

### Malone Road Army Base

**Dr McDonnell** asked the Office of the First Minister and Deputy First Minister when the Malone Road Army Base will be handed over to the Executive by the Ministry of Defence. (AQO 1645/01)

**Reply:** We understand the Malone Road Barracks site should be ready for transfer in a few months time.

The transfer of all of the significant security and military assets offers us many possibilities for economic and social regeneration. We will want to consider all the options carefully so that we achieve dynamic development, working in partnership with local communities.

### NSMC Plenary

**Mr A Doherty** asked the Office of the First Minister and Deputy First Minister to indicate the agenda for the next NSMC Plenary meeting. (AQO 1653/01)

**Reply:** The agenda for the next plenary of the NSMC which is scheduled to take place on Friday 28 June has yet to be agreed.

### Community Relations

**Mr Byrne** asked the Office of the First Minister and Deputy First Minister to outline the Community Relations Unit's proposals to help reduce inter-communal tensions in Belfast and other parts of Northern Ireland. (AQO 1630/01)

**Reply:** The Programme for Government includes a commitment to review and put in place a cross-departmental strategy for the promotion of community relations, leading to measurable improvements in community relations, reducing the causes of conflict between communities.

The Review will take into consideration wider factors affecting current community relations policy. A report on the policy review was submitted to us in February, and we are currently considering it. Following consideration of the report by the Executive and the Committee of the Centre, we intend to issue a consultation document

to all key stakeholders and interested bodies this month, with a view to work beginning on the implementation of the agreed strategy by early Autumn 2002.

### Peace Park at Messines

**Mr Dallat** asked the Office of the First Minister and Deputy First Minister to outline improvements made to the Island of Ireland Peace Park at Messines; and to make a statement. (AQO 1660/01)

**Reply:** The Peace Park was created to commemorate all those from the island of Ireland who served, fought and died during World War I and to promote peace and reconciliation among all the people of the island. Working in conjunction with the Irish Government development work has been carried out on the tower, paths and landscaping at the site together with the provision of information plaques and seating at various locations throughout the site. In keeping with its purpose the Park is finished to a very high standard and will be maintained to the same high standard as other similar memorial sites in the area.

### Juvenile Justice

**Mr McMenamin** asked the Office of the First Minister and Deputy First Minister to make a statement on the application of the Commissioner for Children and Young People Bill to juvenile justice. (AQO 1655/01)

**Reply:** The Commissioner for Children and Young People Bill, which we are introducing into the Assembly today, envisages a broad role and remit for the Commissioner which will include reserved matters such as juvenile justice.

The Bill sets out a range of functions such as the promotion of children's rights; reviewing the adequacy and effectiveness of law and policy; reviewing authorities' arrangements for handling complaints etc; and conducting investigations in certain cases. These functions will be exercisable in relation to authorities operating in the reserved field.

## AGRICULTURE AND RURAL DEVELOPMENT

### Bramley Apple Farmers

**Mr Armstrong** asked the Minister of Agriculture and Rural Development to consider the feasibility of introducing a 'grubbing out' scheme with compensation for bramley apple farmers, to resolve the problem of over-production. (AQW 4017/01)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** I am fully aware of the problems facing the Bramley apple sector and of the problems caused by over-production. However, I will await the outcome of the Strategic Review of the Commercial Horticulture Sector before coming to a decision as to the type of Government support that would be appropriate for this sub-sector. The Consultants are due to present their report by the end of June, and I will be seeking industry's views on their findings and recommendations for the way ahead in the early autumn.

The scope for a "grubbing up" scheme would be dependent on a number of factors, including:

- the need as identified by sector stakeholders;
- the likelihood of "grubbing up" bringing positive long-term benefit to the sector;
- the view of the EU Commission; and
- the availability of finance.

The Strategic Review will address some of the above issues. Depending on the outcome of that review, others might need to be explored. I am advised that there are no plans at present to introduce an EU-wide Grubbing-up Scheme.

### **'Stress in Ulster Farmers'**

**Mr Armstrong** asked the Minister of Agriculture and Rural Development what steps she is taking to encourage young people into the farming industry, particularly in the light of the Ulster Farmers' Union report 'Stress in Ulster Farmers'. (AQW 4018/01)

**Ms Rodgers:** The report "Stress and Hopelessness levels in Northern Ireland Farmers" produced by Gallagher and Fowler (QUB School of Psychology), in association with the UFU, identified various factors impacting upon levels of hopelessness and stress. Farm income and isolation were two major factors, which various DARD initiatives can help to alleviate, either directly or indirectly.

In choosing a career young people and their parents are strongly influenced by future career prospects and the image of the industry. A competitive and profitable industry, perceived as having a viable future, will be successful in attracting young people to enter it.

My Department already provides a wide range of support services to help the industry improve its competitiveness. For young people wishing to enter the industry, my Department's colleges provide a range of high quality courses. These courses are widely advertised and promoted, with comprehensive careers guidance provided for potential students and their parents. On returning to farm, a young person can receive further support from the Department for the adoption of technology and best management practice.

Within the Vision Action plan I will have a number of initiatives, which will provide further support to all farmers to improve competitiveness of their businesses. The 'Challenges' and benchmarking, for example, can be of tremendous benefit to younger farmers open to change. Challenges involve group working through which farmers can secure mutual support.

Some farm families will need to secure additional income from off-farm employment. To help young people who wish to combine off-farm employment with part-time farming, the DARD colleges are collaborating with FE Colleges to provide a 'Multiskilling' programme. Through the programme young people can achieve a qualification in agriculture as well as a qualification in another discipline to help them secure off-farm employment.

Shortly a range of new measures to support re-skilling and up-skilling of farm families will be opened for applications. This programme, funded under PEACE II, will help farm families to secure additional income from the farm, either from traditional enterprises or diversification, and will open up opportunities for off-farm employment.

As you already know, I have commissioned a study on the possible impact of an early retirement scheme and/or a new entrants scheme as permitted under the Rural Development Regulation. The report should be submitted to me by 31 July 2002 and thereafter I will be giving careful consideration to the recommendations.

I am very much aware of the stress being experienced by many people in the industry. For this reason I continue to support the operation of a Rural Stress Help line and other measures to ensure that people can get easy access to appropriate help.

### **Environmentally Sensitive Area**

**Mr McGrady** asked the Minister of Agriculture and Rural Development why the E Plan element of the Environmentally Sensitive Area (ESA) payments for farmers have been suspended in Northern Ireland when ESA payments continue in Great Britain.

(AQW 4058/01)

**Ms Rodgers:** The discretionary capital enhancement, or 'E-Plan', element of the ESA Scheme closed to new applications with effect from 31 March 1999, as there were insufficient funds available at that time to meet a significant and unanticipated upsurge in demand.

However, I fully recognise the importance of this aspect of the ESA Scheme to many farmers in Northern Ireland. Indeed, its re-introduction is the subject of a specific recommendation in the recent 'Vision for the future of the agri-food industry' report. I hope to be in a position to re-open this element of the ESA Scheme, but

it is difficult to put a precise date on when this will be possible. I am sorry I cannot be more definitive at this time.

However, ESA farmers have the option of participating in new ESA Scheme (NESA) provisions, which were introduced as part of the Northern Ireland Rural Development Plan (NIRDP) 2000-2006. As is the case with the Countryside Management Scheme, NESA participation is dependent upon the applicant's ability to satisfy more stringent pollution control criteria and there are differences in the environmental prescriptions and payment rates. There is also scope for scheme participants to receive, as part of their annual management payment, remuneration in respect of an agreed programme for the restoration of field boundaries, including stone walls.

### Civil Servants: Travel

**Mr McMenamin** asked the Minister of Agriculture and Rural Development how many civil servants travel to the Greater Belfast area from (a) West Tyrone; and (b) the North-West, to work in her Department.

(AQW 4098/01)

**Ms Rodgers:** Information is not held in precisely the form requested. The numbers of civil servants in the Department of Agriculture and Rural Development who are known to live in (a) the constituency of West Tyrone and (b) the constituencies of Foyle and East Derry who work in one of the 4 Belfast constituencies as at January 2002 are 29 and 39 respectively.

### HRH Princess Margaret

**Rev Dr William McCrea** asked the Minister of Agriculture and Rural Development to detail, in relation to the death of HRH the Princess Margaret, (a) the categories of buildings over which the Union Flag was flown; (b) the dates the Union Flag was flown; (c) at what level this decision was taken; (d) whether there was any discretion exercised; (e) who had discretionary powers; and (f) whether any instructions were fully followed.

(AQW 4164/01)

**Ms Rodgers:** The flying of the Union Flag from Government Buildings in Northern Ireland and in particular on the occasion of the death of a member of the Royal Family, such as HRH Princess Margaret, is governed by the Flags Regulations (NI) 2002.

The Schedule to those Regulations specifies 7 buildings at which the flag should be flown on such days as are notified in the Belfast Gazette.

In accordance with the Regulations, and the notification published in the Belfast Gazette of 8 February 2002, the Union Flag was flown at half mast at Dundonald House, the only specified building for which my Department has responsibility, on 15 February 2002.

There was no requirement to fly the Flag at any other building. Regulation 7 provides discretion to fly the flag at other buildings.

In the interests of adopting a consistent approach throughout the Department, I decided not to take up that discretion.

### Her Majesty Queen Elizabeth The Queen Mother

**Rev Dr William McCrea** asked the Minister of Agriculture and Rural Development to detail, in relation to the death of Her Majesty Queen Elizabeth The Queen Mother, (a) the categories of buildings over which the Union Flag was flown; (b) the dates the Union Flag was flown; (c) at what level this decision was taken; (d) whether there was any discretion exercised; (e) who has discretionary powers; and (f) whether any instructions were fully followed.

(AQW 4172/01)

**Ms Rodgers:** The flying of the Union Flag from Government Buildings in NI and in particular on the occasion of the death of a member of the Royal Family, such as Her Royal Highness Princess Margaret or Her Majesty Queen Elizabeth The Queen Mother, is governed by The Flags Regulations (NI) 2000.

The Schedule to those Regulations specifies 7 buildings at which the flag should be flown on such days as re notified in the Belfast Gazette.

In accordance with the Regulations, and the notification in the Belfast Gazette of 8 February 2002, the Union Flag was flown from Dundonald House, the only specified building for which my Department has responsibility, on 15 February 2002 to mark the funeral of Her Royal Highness, The Princess Margaret.

There was no requirement to fly the Flag at any other building. Regulation 7 provides discretion to fly the flag at other buildings. In the interests of adopting a consistent approach throughout the Department, I decided not to take up that discretion.

Also in accordance with the Regulations, and the notification in the Belfast Gazette of 29 March 2002, the Union Flag was flown at Dundonald House, the only specified building for which my Department has responsibility, from Thursday 4 April to Tuesday 9 April 2002 to mark the period of mourning for Her Majesty Queen Elizabeth The Queen Mother.

There was no requirement to fly the Flag at any other building. However, Regulation 7 provides discretion to fly the flag at other buildings. That discretion was exercised on Tuesday 9 April, the day of the Funeral of Queen Elizabeth, The Queen Mother.



## Regionalisation of Export Refunds

**Mr Armstrong** asked the Minister of Agriculture and Rural Development if she will undertake to support the regionalisation of export refunds in the mid-term CAP review this Autumn. (AQW 4192/01)

**Ms Rodgers:** I am not aware of any proposals to regionalise export refunds during the mid-term CAP review of the dairy require nor do I have any plans to press for such a proposal to be included in the UK position. It is difficult to envisage how such a system could be made to work without distorting trade within a single market which is organised and supported at Community level. I am however aware of the importance of this matter to the Northern Ireland dairy industry and we will continue to press the Northern Ireland case in Brussels to help ensure that exporters of dairy products derive maximum benefit from the assistance which is currently available.

## Export Refunds

**Mr Armstrong** asked the Minister of Agriculture and Rural Development what assessment has she made of the effect of export funds on milk prices. (AQW 4193/01)

**Ms Rodgers:** Export refunds are designed to encourage the export of Community goods and reduce oversupply on Community markets. They are one of a number of disposal measures which also include intervention and subsidised usage schemes. As all of these measures can help support the farmgate price of milk it would be difficult to attribute the exact impact of any of them since account also needs to be taken of the volume of milk available for processing, the prevailing demand for products on world markets and currency exchange rates. Nevertheless I consider that our strong lobbying, firstly to have export refunds reintroduced in 2001 and secondly for six increases in the levels of these refunds, has been very helpful during this difficult time for producers. The fact that export refunds for skimmed milk powder, which is so important to Northern Ireland, have increased from zero to 715 euro per tonne or circa £458 per tonne is a significant achievement and I hope that the increase in milk prices, which was realised at the June auction by United Dairy Farmers, will be further enhanced in coming months.

## Watercourse: Carrickfergus

**Mr Hilditch** asked the Minister of Agriculture and Rural Development why a licence to culvert a designated water course at Prospect Green, Carrickfergus, takes five to six weeks to be issued. (AQW 4271/01)

**Ms Rodgers:** To protect the drainage function of watercourses, (both designated and undesignated) the Department's Rivers Agency operates a consent system under

Schedule 6 of the Drainage (NI) Order 1973 for developments likely to affect flows in watercourses, such as culverting. This necessitates a detailed assessment, by site survey or investigation and hydraulic calculations, to determine all applications and the conditions of any consent (such as pipe size) to alleviate flooding risk. Rivers Agency's published performance targets require it to deal with 98% of such applications within 3 months.

I am advised that while the Agency met you and local residents on 1 May and 17 May 2002 to discuss a general proposal to culvert the watercourse at Prospect Green, the application for consent was not received until 17 June. Rivers Agency will progress this application as quickly as possible within existing resources and competing priorities.

## Licence for Slaughtermen

**Mr Kane** asked the Minister of Agriculture and Rural Development how many staff were deployed in her Department, prior to the Foot and Mouth Disease outbreak, to scrutinise the licence for slaughtermen. (AQO 1641/01)

**Ms Rodgers:** All 147 DARD Veterinary Officers in post at the time were authorised to assess and license slaughtermen.

## Transfer of Agricultural Colleges

**Mr J Kelly** asked the Minister of Agriculture and Rural Development what benefits does she envisage as a result of her proposals to transfer the 3 existing Agricultural Colleges to the nearest Further Education Institute. (AQO 1689/01)

**Ms Rodgers:** The proposal to which you refer is a recommendation made by the independent Review Panel which I set up to advise me on my Department's arrangements for agri-food R&D and education. The Report, which contained seven recommendations, was presented to me on 29 April 2002 and I am consulting publicly on these recommendations until 31 August 2002.

I am currently studying the report and, as yet, I have not decided on my preferred way forward. I hope to announce my decision on this in the autumn in the light of the results of the consultation exercise and discussions with my Executive colleagues.

## CULTURE, ARTS AND LEISURE

### Tobacco Advertising: Sport

**Mr Shannon** asked the Minister of Culture, Arts and Leisure what assessment he can make in relation to tobacco advertising for motorcycle road racing. (AQW 4002/01)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** I would like to see tobacco advertising eliminated entirely from motorcycle road racing. I also, however, recognise that alternative sponsorship is rare at the moment and that motorcycle road racing currently needs tobacco advertising to survive. I would therefore support a ban on such advertising which gives motor cycle sport a suitable "lead-in" period to allow it time to find other forms of sponsorship.

### **Tobacco Advertising: Sport**

**Mr Shannon** asked the Minister of Culture, Arts and Leisure to outline (a) the timescale and methodology for the withdrawal of tobacco advertising in sport; and (b) any action being taken to ensure that alternative funding will be available before tobacco advertising is withdrawn. (AQW 4006/01)

**Mr McGimpsey:** The ending of sponsorship agreements is one of several proposals which are still under consideration. The Minister of Health, Social Services and Public Safety will make an announcement about these proposals before the recess.

It is a matter for governing bodies of sport to secure alternative sources of funding. The only sport in Northern Ireland that relies on tobacco sponsorship is motor-cycling. I understand that its governing body, the Motor Cycle Union of Ireland, will be considering new sources of funding as part of its strategic plan.

### **Ulster-Scots Agency: Chief Executive**

**Mrs Carson** asked the Minister of Culture, Arts and Leisure to outline (a) the current position regarding the vacant post of Chief Executive of the Ulster Scots Agency; and (b) the timescale for an appointment to this position. (AQW 4025/01)

**Mr McGimpsey:** The North/South Ministerial Council meeting on Language Sectoral format on 7 December 2001 approved the process for selection of the Chief Executive by open competition.

I look forward to that process being completed in the near future.

### **Civil Servants: Travel**

**Mr McMenamin** asked the Minister of Culture, Arts and Leisure how many civil servants travel to the Greater Belfast area from (a) West Tyrone; and (b) the North-West, to work in his Department. (AQW 4099/01)

**Mr McGimpsey:** Information is not held in precisely the form requested. The numbers of civil servants in the Department of Culture, Arts and Leisure who are known

to live in (a) the constituency of West Tyrone and (b) the constituencies of Foyle and East Londonderry who work in one of the 4 Belfast constituencies as at January 2002 are 1 and 9 respectively.

### **Odyssey Centre: Indoor Athletic Facilities**

**Mr J Kelly** asked the Minister of Culture, Arts and Leisure to outline (a) the cost of providing the indoor athletics facility in the Odyssey Centre; (b) the organisations which have used the facility; and (c) the number of events held in the facility. (AQW 4215/01)

#### **Mr McGimpsey:**

#### **(a) The cost of providing the indoor athletics facility in the Odyssey Centre**

In the time given we have been unable to gather the appropriate data. This will be provided at a later date.

#### **(b) Organisations which have used the facility**

I take your question to mean use of the indoor athletics facilities. To date no organisations have used the facility.

#### **(c) Number of events held in the facilities**

To date there have been no events in the facility.

I would ask you to note that my Department is addressing the issue of athletics at the Odyssey. We are currently looking at the possibility along with the Sports Council for Northern Ireland of a week long event of athletics involving schools, community groups, handicapped groups etc. Whilst my Department cannot make the Arena management put on athletics it is intended that the Department's views on staging athletics will be put to the members of the Arena Forum, for consideration.

My Department will continue to monitor the situation.

### **Ulster-Scots Agency**

**Mr Kane** asked the Minister of Culture, Arts and Leisure to outline (a) if it was responsible for the appointment of Stan Mallon to the position of acting Chief Executive of the Ulster Scots Agency and (b) the mechanism by which the acting Chief Executive was appointed. (AQW 4270/01)

**Mr McGimpsey:** Mr Mallon was formally appointed on 6 September 2001 by the Chair of the Ulster Scots Agency, The Lord Laird of Artigarvan, to the post of Administrative Consultant. That contract was renewed by the Agency on 19 November 2001 and again on 14 January 2002.

The appointment was by way of a term contract with Mallon Associates.

## Heritage Lottery Fund

**Mr Davis** asked the Minister of Culture, Arts and Leisure to detail by constituency, in each of the last 5 years (a) the churches which received funding from the Heritage Lottery Fund and (b) the amount of funding each church received. (AQW 4281/01)

**Mr McGimpsey:** During the last five financial years, 57 grants, totalling £16,116,300, were awarded by the Heritage Lottery Fund to churches in Northern Ireland. A breakdown of the awards is attached.

Details of all Lottery awards made by all National Lottery distributors across the UK can be accessed through the awards search on the web site of the Department for Culture, Media and Sport at 'www.culture.gov.uk/lottery/index.html'.

## Departmental Spending

**Ms Armitage** asked the Minister of Culture, Arts and Leisure to outline the criteria for his departmental spending. (AQO 1626/01)

**Mr McGimpsey:** My department has a very wide remit covering many areas of activity. These are reflected in the Departmental Objective –

- To foster a creative, informed and active lifestyle which will act as a powerful catalyst for change and which will project a positive image of Northern Ireland both at home and abroad

The Programme for Government (PfG) priorities are reflected throughout my Department's strategic objectives. These can be summarised into three main targets

- Widening access and participation in Culture, Arts and Leisure;
- Developing cultural resources and infrastructure;
- Promoting a positive image of Northern Ireland.

These targets are therefore used as the main criteria for spending by my department. Details of the monies being made available during 2002/03 are contained in the Main Estimates which were published recently.

## EDUCATION

### Transfer Test: Down High School

**Mrs I Robinson** asked the Minister of Education to outline, for academic year 2002-03, (a) the grades obtained in the Transfer Test by those pupils who applied to Down High School, but who were unsuccessful in their application; and (b) the number of pupils from each

local primary school who applied to Down High School but who were unsuccessful in their application.

(AQW 4054/01)

**The Minister of Education (Mr M McGuinness):** (a) The grades obtained in the Transfer Test by those pupils who applied to Down High School, but who were unsuccessful in their application; and (b) the number of pupils from each local primary school who applied to Down High School but who were unsuccessful for admission in September 2002 are detailed below as follows:

Primary School	Grades					
	A	B1	B2	C1	C2	D
Academy			1	1	1	1
Andrews Memorial				1		
Ballynahinch		1	2			
Carr			1			
Carrickmannon		1	1			
Cedar Integrated			2			
Clough				1		
Comber			1	1		
Convent of Mercy				1		
Derryboy			1			
Downpatrick			2			
Dromara			1			
Killinchy		1	2		1	
Killyleagh			1			
Portaferry					1	
St Brigid's						1
St Joseph's- Killough				1		
St Mary's Dunsford				1		
St Mary's Killyleagh						1
<b>Total</b>	<b>0</b>	<b>3</b>	<b>15</b>	<b>7</b>	<b>3</b>	<b>3</b>

### Transfer Test: St Patrick's Grammar School

**Mrs I Robinson** asked the Minister of Education to outline, for academic year 2002-03, (a) the grades obtained in the Transfer Test by those pupils who applied to St Patrick's Grammar School, Downpatrick, but who were unsuccessful in their application; and (b) the number of pupils from each local primary school who applied to St Patrick's, Downpatrick but who were unsuccessful in their application. (AQW 4055/01)

**Mr M McGuinness:** (a) The grades obtained in the Transfer Test by those pupils who applied to St Patrick's Grammar School, Downpatrick, but who were unsuccessful in their application; and (b) the number of pupils from each local primary school who applied to St Patrick's, Downpatrick but who were unsuccessful in their application

for admission in September 2002 are detailed below as follows:

Primary School	Grades					
	A	B1	B2	C1	C2	D
Cedar Integrated					1	
Down High Prep						1
Drumaroad						1
Christ the King						1
Holy Family					1	
Sacred Heart					1	
St Brigid's					1	6
St Colmcille's					2	
St Joseph's – Carnacaville						1
St Joseph's – Carryduff				1	1	2
St Joseph's – Killough					1	1
St Joseph's – Strangford						1
St Malachy's – Castlewellan						2
St Mary's – Dunsford						1
St Mary's – Portaferry					1	1
St Nicholas'					1	
St Patrick's Boys'					2	7
St Patrick's- Ballynahinch				1	1	1
St Patrick's – Legamaddy					1	
St Patrick's – Saul					1	1
St Bride's						1
St Michael's –Finnis						1
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>15</b>	<b>29</b>

### Down High School: Year 1

**Mrs I Robinson** asked the Minister of Education to outline, for academic year 2002-03, (a) the primary schools which will contribute pupils to Year 1 at Down High School; (b) the number of pupils transferring to Down High School from each primary school; and (c) the grades obtained by pupils in each primary school who will be transferring to Down High School. (AQW 4056/01)

**Mr M McGuinness:** (a) The primary schools which will contribute pupils to Year 8 (Form 1) at Down High School; (b) the number of pupils transferring to Down High School from each primary school; and (c) the grades obtained by pupils in each primary school who will be

transferring to Down High School in September 2002 are detailed below as follows:

Primary School	Grades					
	A	B1	B2	C1	D	Others
Academy	15	4				
All Children's	1					
Andrews Memorial		1				
Ballycloughan	2					
Ballykeigle	1					
Ballynahinch	11	4				
Carrickmannon	3	1				
Castlewellan	3					
Cedar Integrated	5	1				
Clough	2	1				
Crossgar	4					
Derryboy	2					1
Down High Prep	11	3				
Downpatrick	4	1	1			
Dromara	4	1				
Drumaghilis	2		1			
Holy Family	1					
Inchmarlo	1					
Killinchy	10					1
Killyleagh	1	1				
Leadhill	1					
Newcastle	5	1				
Portaferry	1					
Rockport	1					
Spa	10	1				
St Joseph's- Killough	1					
St Mary's – Comber		1				
St Patrick's – Saul	1					
<b>Total</b>	<b>103</b>	<b>21</b>	<b>2</b>			<b>2</b>

### St Patrick's Grammar School: Year 1

**Mrs I Robinson** asked the Minister of Education to outline, for academic year 2002-03, (a) the primary schools which will contribute pupils to Year 1 at St Patrick's Grammar School, Downpatrick; (b) the number of pupils transferring to St Patrick's, Downpatrick from each primary school; and (c) the grades obtained by pupils in each primary school who will be transferring to St Patrick's, Downpatrick. (AQW 4057/01)

**Mr M McGuinness:** (a) The primary schools which will contribute pupils to Year 8 (Form 1) at St Patrick's Grammar School, Downpatrick; (b) the number of pupils



transferring to St Patrick's, Downpatrick from each primary school; and (c) the grades obtained by pupils in each primary school who will be transferring to St Patrick's, Downpatrick in September 2002 are detailed below as follows:

Primary School	Grades				
	A	B1	B2	C1	D
Cedar Integrated			2		
Darragh Cross			1		
Holy Family	1	2	1	2	
Sacred Heart	2				
St Aloysius		1			
St Brigid's	3		2	1	
St Colmcille's			1		
St Joseph's – Carnacaville	6	1			
St Joseph's – Carryduff		4	4	1	
St Joseph's – Crossgar	2				
St Joseph's – Strangford			1		
St Joseph's – Tyrella	1				
St Macartan's	3			1	
St Malachy's – Castlewellan	2		1		
St Mary's – Ballygowan			1		
St Mary's – Dunsford			1	1	
St Mary's – Newcastle	10		1		
St Mary's – Portaferry	1			1	
St Matthew's		1			
St Nicholas'	1		1		
St Patrick's Boys'	18	4		4	1
St Patrick's – Ballygalget			1		
St Patrick's – Ballynahinch	2		4		
St Patrick's – Burrenreagh		1			
St Patrick's – Legamaddy	2		3	2	
St Patrick's – Saul	2				
St Mary's Dechomet	1				
<b>Total</b>	<b>57</b>	<b>14</b>	<b>25</b>	<b>13</b>	<b>1</b>

### Pre-School Education

**Mr McCarthy** asked the Minister of Education to make a statement on the equality and new TSN impact of the decision to fund pre-school education in the (i) controlled; (ii) maintained; (iii) integrated; and (iv) Irish language sectors compared to available funding for community-based playgroups. (AQW 4068/01)

**Mr M McGuinness:** All grant-aided school sectors and the voluntary and private playgroup sector have the opportunity to benefit from the Pre-School Education Expansion Programme, with voluntary and private providers able, for the first time, to access government funding. As a result of the Programme pre-school education provision has almost doubled in a period of 4 years. The NTSN aspect of the policy relates to targeting places, in the first instance, on children from socially disadvantaged backgrounds.

### Pre-School Education

**Mrs E Bell** asked the Minister of Education if he will publish the TSN assessment of his decision to provide funding for pre-school education through state resources given its impact on community-based playgroups in TSN areas. (AQW 4071/01)

**Mr M McGuinness:** Under my Department's Pre-School Education Expansion Programme, the voluntary and private playgroup sector has become a valued partner of the statutory sector in providing pre-school education and is, for the first time, able to access government funding. The NTSN aspect of the policy relates to targeting the Programme, in the first instance, at provision for children from socially disadvantaged backgrounds. Last year my Department published evidence that the introduction of the Pre-School Education Expansion Programme equalised the participation rate of children from disadvantaged and less disadvantaged backgrounds in pre-school education. The relevant document is "New Targeting Social Need: Analysis of existing information on education participation, achievement and outcomes for disadvantaged individuals and groups".

### Irish Language Primary Schools

**Mr S Wilson** asked the Minister of Education to outline (a) the criteria for intake to (i) an Irish language unit at a primary school, (ii) an Irish language unit at a post primary school, before funding is provided by the Department; (b) the number of pupils enrolled at the Irish language unit at St Catherine's College, Armagh; (c) the cost of providing such a unit; and (d) when the decision to fund this unit was made. (AQW 4078/01)

**Mr M McGuinness:**

- Units are intended to meet parental demand for Irish-medium education in circumstances where it would not be appropriate or effective to do so by providing a free-standing school. Each case is considered on its merits.
- The initial intake for September 2002 to the Irish-medium unit at St Catherine's College, Armagh is expected to be 10.

- (c) The Southern Education and Library Board has responsibility for funding this unit and is currently in discussion with the school regarding the financial allocation to be made.
- (d) The development proposal to establish the unit was approved on 8 March 2002.

### Pre-School Education

**Mrs E Bell** asked the Minister of Education if he will consider referring the matter of pre-school funding and the future of community-based playgroups to the Equality Commission to ensure his Department's obligations under Section 75 of the Northern Ireland Act 1998 are fulfilled. (AQW 4080/01)

**Mr M McGuinness:** My Department has, in conjunction with education and library boards and CCMS, commenced an equality impact assessment on the Pre-School Education Expansion Programme which will be the subject of public consultation and will take account of the equality impact on community-based playgroups.

## EMPLOYMENT AND LEARNING

### IT Skills

**Mr Gibson** asked the Minister for Employment and Learning what proposals she has to improve IT skills among mature students. (AQW 3340/01)

**The Minister for Employment and Learning (Ms Hanna):** *[supplementary answer]*: Unfortunately, the information contained in my previous answer to you on 21 May 2002 was incorrect.

The last two sentences of my response should read "Seven full-time Foundation Degree pilots, with 100 FTE students are currently running which focus specifically on Information Technology. A further 100 FTEs in Information Technology will be provided during 2002/03".

I apologise for any inconvenience.

### Higher and Further Education: Management

**Mr S Wilson** asked the Minister for Employment and Learning what assessment she has made regarding (a) the management and accountability of higher and further education institutes; and (b) those institutes which are currently experiencing management difficulties. (AQW 3941/01)

**Ms Hanna:** The management and accountability of the institutes is a matter for their management teams and their Governing Bodies, which were newly appointed on

1 April 2002. My Department has spoken to each Governing Body individually and has completed a series of induction training seminars for Governors covering their roles and responsibilities. The Principals are the Accounting Officers of the institutes and are responsible for the use of public funds. In general, the sector remains in sound financial health. Four institutes are in financial deficit and are either implementing recovery plans or developing recovery plans with external support.

### Teacher Training

**Mr S Wilson** asked the Minister for Employment and Learning to outline, for each of the last 5 years (a) the number of applications for teacher training courses and (b) the number engaged in teacher training. (AQW 3990/01)

**Ms Hanna:** The table below details the number of applications for teacher training courses at NI Higher Education institutions 1998/99 to 2002/03

Year	Number of Applications
2002/03	4,233
2001/02	4,024
2000/01	4,355
1999/00	3,682
1998/99	3,699

Source: Queen's University Belfast, University of Ulster, Stranmillis University College, St Mary's University College

The table below details the number of students enrolled on teacher training courses at NI Higher Education institutions 1997/98 to 2001/02

Year	Number of students enrolled
2001/02 <sup>1</sup>	1,853
2000/01	1,761
1999/00	1,620
1998/99	1,558
1997/98	1,547

<sup>1</sup> 2001/02 data is provisional

Source: HESA

### Essential Skills

**Mr R Hutchinson** asked the Minister for Employment and Learning how her commitment to improving levels of literacy and numeracy throughout NI can be realised by giving training programmes under her control access to Essential Skills. (AQW 4037/01)

**Ms Hanna:** Priority will be placed on Essential Skills in all training programmes within my Department. All participants on these programmes will be given the

opportunity and support to develop and enhance their Essential Skills. My Department is currently piloting a number of projects to test the curricula across programmes in Further Education, New Deal, Jobskills, Focus for work, and Learndirect.

### **Queen's University: 'Lanyon II'**

**Mr M Robinson** asked the Minister for Employment and Learning what scope there is to make funds available for the recommencement of the 'Lanyon II' redevelopment of the Queen's University Students' Union.

(AQW 4065/01)

**Ms Hanna:** The legislation permits my Department to allocate capital funds to Queen's University and the University of Ulster for specific projects aimed at enhancing teaching and research facilities and at improving access for the disabled. There is no scope to make funding available towards the redevelopment of the Queen's University Students' Union.

### **New Deal for Disabled People**

**Rev Dr William McCrea** asked the Minister for Employment and Learning what assurances can she give to ensure that the funding mechanism of New Deal for disabled people will meet the needs of all disabled people, and not just those considered job ready.

(AQW 4072/01)

**Ms Hanna:** New Deal for Disabled People is aimed at helping people receiving incapacity-related benefits to move off benefit dependence and into work. There is a range of support available under NDDP, including education and training to prepare people for work.

### **Training and Employment: Special Needs**

**Rev Dr William McCrea** asked the Minister for Employment and Learning what provisions are in place to ensure that funding is available to develop supported employment provision to address the training and employment needs of young people with disabilities.

(AQW 4073/01)

**Ms Hanna:** My Department is allocating approximately £4.75 million in 2002/03 to provide up to 850 places on the Employment Support programme. This programme is available to young people with disabilities, if appropriate to their circumstances. My Department also provides match funding to a range of providers that deliver a variety of supports to disabled young people, using ESF funding.

### **Training and Employment:Special Needs**

**Rev Dr William McCrea** asked the Minister for Employment and Learning what assurances can she give to young adults with disabilities regarding training and further education opportunities.

(AQW 4075/01)

**Ms Hanna:** My Department funds and provides a wide range of training and further education provision for young people with disabilities. This includes Jobskills, Further Education courses, specialist training with disability organisations, and New Deal for Disabled People. Advice on these opportunities can be obtained from the Department's Special Needs Careers Service and Disablement Advisory Service.

### **Employment Support Scheme**

**Rev Dr William McCrea** asked the Minister for Employment and Learning if she will seek additional funds to increase the number of places provided under the Employment Support Scheme when the current review is completed.

(AQW 4076/01)

**Ms Hanna:** My Department's Disablement Advisory Service is carrying out a review of the delivery of the Employment Support programme in Northern Ireland. The Taskforce on Employability and Long Term Unemployment is also considering representations about Employment Support. It would be premature therefore to make any commitments at this time on numbers in the programme. My Department will be prepared to bid for funding for extra places in Employment Support if this is appropriate.

### **Incapacity Benefit**

**Rev Dr William McCrea** asked the Minister for Employment and Learning why incapacity benefit claimants are restricted to job brokerage under New Deal for disabled people.

(AQW 4084/01)

**Ms Hanna:** Incapacity Benefit claimants have a choice about participation in New Deal for Disabled People. The Programme is voluntary, and clients may choose either to register with a Job Broker or deal with the Personal Adviser service offered in my Department's JobCentres.

### **Burns Report**

**Mr Carrick** asked the Minister for Employment and Learning to make a statement on the impact of the Burns Report proposals on the further education sector.

(AQW 4139/01)

**Ms Hanna:** It is recognised that the Review, which advocates the setting up of a Collegiate system, would have significant implications for the work of Further Education Colleges. Representatives of the Principals of

the Colleges met the Minister for Education to discuss their initial reaction to the Review and stressed the need for co-operation and collaboration. The sector also provided Mr McGuinness with its collective view on Burns in writing. During my own discussions with Mr McGuinness we agreed it was now timely for both Departments to engage in a wider review of 14-19 year olds.

### University of Ulster, Jordanstown: Courses

**Mr K Robinson** asked the Minister for Employment and Learning to outline (a) the number of places available on the Post Graduate Certificate in Education (secondary) courses held at University of Ulster, Jordanstown Campus in academic years (i) 2000-01; (ii) 2001-02 and (iii) 2002-03; (b) if these courses were fully subscribed in each academic year from 2000 to date; (c) if all applicants were interviewed by the University; (d) if all unsuccessful candidates were aware of the reasons for their non-selection; and (e) the number of unsuccessful candidates who subsequently appealed against their non-selection.

(AQW 4186/01)

**Ms Hanna:** At the University of Ulster, Jordanstown campus there were 41 PGCE (secondary) places made available and filled in the academic year 2000-01, and 37 in 2001-02. Figures for the forthcoming academic year are unavailable as recruitment is ongoing.

The University, like Universities throughout the U K, is an autonomous institution responsible for setting its admission criteria, selection processes, outcomes and appeals procedures and I have no locus in this matter.

### Warner (UK) Ltd: Keady

**Mr McNamee** asked the Minister for Employment and Learning to consider allocating funding for the retraining/ reskilling of the Warner UK workers who are facing job losses in the Keady and Dromore areas of Armagh.

(AQW 4248/01)

**Ms Hanna:** All redundant employees will be eligible for early entry into the New Deal and will also be able to participate in the Focus for Work initiative. Funding will be available for these employees to undertake training, including help with job search skills as appropriate.

## ENTERPRISE, TRADE AND INVESTMENT

### Travel on Tourism Business

**Mr Close** asked the Minister of Enterprise, Trade and Investment to outline (a) the number of times over the

past 5 years the Permanent Secretary of his Department and the Chairman of the NI Tourist Board visited New York on tourism business; (b) all events they participated in where hospitality was provided out of public funds; and (c) for each event, the total cost of the hospitality, numbers attending and cost per head. (AQW 3897/01)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** [holding answer 21 June 2002]: During the past five years my Permanent Secretary visited New York on 2 occasions and the Chairman of the Northern Ireland Tourist Board (NITB) on 5 occasions on tourism business. In addition the Permanent Secretary visited Bord Fáilte Éireann (BFE) while attending an Industrial Development Board Road Show in October 1998.

On the basis of records currently held in NITB and the Department of Enterprise Trade and Investment the details of the events they attended where hospitality was paid out of public funds are as follows:

<b>28 June 1997</b>	
<b>Drinks during meeting with Bord Fáilte Éireann (BFE).</b>	
Cost	\$123.13
Attendees	4
Cost per head	\$30.78
Attendance	NITB Chairman
<b>28 June 1997</b>	
<b>Dinner with BFE.</b>	
Cost	\$159.24
Attendees	4
Cost per head	\$39.81
Attendance	NITB Chairman
<b>29 June 1997</b>	
<b>Dinner during New York Trip.</b>	
Cost	\$200.34
Attendees	3
Cost per head	\$66.78
Attendance	NITB Chairman
<b>30 June 1997</b>	
<b>Drinks during New York Trip.</b>	
Cost	\$27.54
Attendees	4
Cost per head	\$6.89
Attendance	NITB Chairman
<b>1 July 1997</b>	
<b>Irish Tour Operators Forum Dinner.</b>	
Cost	\$1,746.15
Attendees	25



Cost per head	\$69.85
Attendance	NITB Chairman
<b>2 July 1997</b>	
<b>Press lunch for consumer and trade press.</b>	
Cost	\$3,689.24
Attendees	51
Cost per head	\$72.34
Attendance	NITB Chairman
Total costs include food and beverage, room hire, telephone, tax and service	
<b>18 March 1998</b>	
<b>Taste of Ulster Evening. (part tourism/part food promotion)</b>	
Cost	\$123.92
Attendees	8
Cost per head	\$15.49
Attendance	Permanent Secretary
<b>18 March 1998</b>	
<b>Taste of Ulster press event.</b>	
Cost	\$365.99
Attendees	N/K
Cost per head	
Attendance	Permanent Secretary
<b>8 October 1998</b>	
<b>“Feel the Change” overseas market roadshow to generate positive media coverage and raise the profile of NI as a potential holiday destination with the trade in USA. Timed to coincide with IDB Roadshow.</b>	
Cost	\$2,322.74
Attendees	80 +
Cost per head	\$29.03
Attendance	NITB Chairman
Total costs include food and beverage, room hire, telephone, labour, tax and service	
<b>8 October 1998</b>	
<b>Debrief after the “Feel the Change” roadshow.</b>	
Cost	\$765.97
Attendees	9
Cost per head	\$85.11
Attendance	NITB Chairman
<b>15 March 2000</b>	
<b>Hospitality for Liam Neeson to discuss potential role as NI Ambassador in advertising and promotions campaign.</b>	
Cost	\$1,076.22
Attendees	8
Cost per head	\$134.53

Attendance	Permanent Secretary and NITB Chairman
<b>16 March 2000</b>	
<b>Travel trade press lunch and presentation.</b>	
Cost	\$6,838.59
Attendees	50
Cost per head	\$136.77
Attendance	Permanent Secretary and NITB Chairman
Total costs include food and beverage, room hire, menu printing, labour, cloakroom, tax and service.	
<b>16 March 2000</b>	
<b>Travel trade dinner.</b>	
Cost	\$12,561.64
Attendees	100
Cost per head	\$125.62
Attendance	Permanent Secretary and NITB Chairman
Total costs include food and beverage, room hire, menu printing, telephone, labour, cloakroom, tax and service.	
<b>17 March 2000</b>	
<b>NITB / Aer Lingus sponsored St Patrick’s drinks and hors d’oeuvres reception.</b>	
Cost	\$8,362.50
Attendees	70
Cost per head	\$119.47
Attendance	Permanent Secretary and NITB Chairman
Total costs include food and beverage, room hire, labour, tax and service.	
<b>17 March 2000</b>	
<b>Dinner with USA journalists and writers.</b>	
Cost	\$597.16
Attendees	7
Cost per head	\$85.31
Attendance	Permanent Secretary and NITB Chairman

## North/South Gas Pipeline

**Mr Close** asked the Minister of Enterprise, Trade and Investment to outline (a) the wider considerations taken into account when approving the North/South Gas Pipeline; and (b) how these were adjudged to compensate for the estimated £72.5 million net cost of the North South Gas Pipeline project to the economy. (AQW 3985/01)

**Sir Reg Empey:** In June 2001, the Executive considered a gas project which involves the construction of gas transmission pipelines from near Carrickfergus to London-

derry (known as the North West pipeline) and from Gormanstown, County Meath linking into the North West pipeline near Antrim (known as the South North pipeline). The Executive believed that the project was of strategic importance and commissioned further information and negotiations in relation to it.

The strategic policy objectives against which the project has been measured are:

- the Executive's Programme for Government aims to ensure that our energy infrastructure meets the standards that our economy requires, which includes strengthening gas interconnection and an all-island energy strategy in a European context;
- DETI's objectives of an all-island energy strategy and ensuring a secure, diverse, competitive and efficient energy market;
- DETI's statutory responsibilities under the Gas Order to promote the development and maintenance of an efficient, economic and co-ordinated gas industry in Northern Ireland; and
- the European policy obligation of contributing to the establishment and development of Trans European Networks in the area of energy infrastructure.

The project was considered to deliver the following outcomes. It:

- creates an interconnected European gas market providing alternative sources of supply and a competitive all-island gas market;
- provides a means of making natural gas available to a further 32% of Northern Ireland's population on top of the existing 45%;
- enables advancement of a major, highly efficient power station project with the consequent business and employment opportunities;
- draws in, with the merchant risk power station project, over £200 million of private sector investment;
- enhances opportunities for inward investment especially in areas of high unemployment;
- introduces competition through fuel choice; and
- extends the use of a relatively clean fuel.

The base case for an economic appraisal is a "do-nothing" or "do-minimum" option. In the present situation, the base case factored in the need for an additional amount of electricity generation capacity in Northern Ireland. It assumed that this would be built in the east of Northern Ireland convenient to existing gas pipelines. The project was appraised against this option and had a negative net present value.

It is vital to consider that the economic appraisal base case assumes that there will be *no extension of the gas industry*. It is also crucial to reflect on the fact that there is *no private sector commitment*, other than that of the Electricity Supply Board International / Coolkeeragh Power,

to build additional electricity generation capacity in Northern Ireland at market risk. In other words, the base case would not meet any of the strategic policy objectives nor would it deliver any of the outcomes set out above.

In September 2001 the Executive unanimously approved the project subject to certain limitations on grant support and State Aid approval.

### North/South Gas Pipeline

**Mr Close** asked the Minister of Enterprise, Trade and Investment what assessment he can make in relation to the Executive's evaluation of the wider strategic consideration of the North/South Gas Pipeline when the Executive's Advisors concluded that the project could not be justified on value for money grounds.

(AQW 3986/01)

**Sir Reg Empey:** I refer to my answer to AQW 3985/01. The Executive unanimously approved the gas project on 20 September 2001.

### North/South Gas Pipeline

**Mr Close** asked the Minister of Enterprise, Trade and Investment if in addition to the £30 million grant for the North/South Gas Pipeline that further public funds of some £30 million would also be needed to meet the costs of the distribution network.

(AQW 3987/01)

**Sir Reg Empey:** It is not known at this stage whether grant support will be required by the companies which have recently registered expressions of interest with the Director General of Gas for Northern Ireland for the development of distribution networks outside the Greater Belfast area. The next stage will be that these companies will be invited by the Director General to make formal applications for the purposes of developing distribution networks. This will be a lengthy process and is unlikely to be completed before the end of this year.

### Invest Northern Ireland: Staffing

**Mr Armstrong** asked the Minister of Enterprise, Trade and Investment to outline (a) the number of additional staff of Invest Northern Ireland's Local Office Network that will be based at: (i) Craigavon, (ii) Coleraine and (iii) Enniskillen; (b) the number as a percentage of the total additional staff; and (c) the new total staff levels of Invest Northern Ireland.

(AQW 4013/01)

**Sir Reg Empey:** The disposition of staff in Invest NI's proposed outreach offices in Craigavon, Coleraine and Enniskillen has not yet been finalised. This is being considered in the context of the overall strengthening of the local delivery of Invest NI services and the engagement of the local offices in a wider range of business

growth activities. The client facing staff in the local office network will be increased by some 50% over the next 12 months. The additional staff requirement will be met by a mixture of external recruitment and redeployment of staff from other functions.

Invest NI will keep the provision of services and support to their clients under continuous review

### Wind Farm Site

**Mr McClarty** asked the Minister of Enterprise, Trade and Investment to detail any steps he has taken to secure an off-shore wind farm project; and to make a statement. (AQW 4043/01)

**Sir Reg Empey:** An analysis completed approximately two years ago for my Department indicated that there was one potentially viable wind farm site in the waters off the North Coast. The seabed, in UK territorial waters, is an asset of the Crown and officials from my Department have been working with the Crown Estate since October of last year to agree the terms under which a 28 sq km site, in an area known as Tunes Plateau, would be leased as a wind farm development site.

The site in question is capable of generating enough electricity to supply approximately 170,000 homes and represents an investment by the private sector of some £200m. It is a particularly demanding site both in technological terms and also due to the environmental sensitivity of the surrounding area. It was therefore a shared priority to identify a highly competent developer with previous experience of assessing the environmental impact of wind farm developments. Negotiations have, as a result, been difficult and lengthy, but I am pleased to report that today (25 June 2002) the Crown Estate has agreed to execute a 12 month exclusivity agreement with a consortium comprising of B9 Energy (a local company), Renewable Energy Systems and PowerGen. All three companies are currently active in the renewable energy market in NI. During the next 12 months, the consortium will complete technical site investigations, a full environmental impact assessment and enter into public consultation on the specific proposals for developing the site. If at the end of this period the consortium decides to proceed with the development it will apply for consent to build the wind farm as required by Article 39 of the Electricity Order NI 1998 and execute a lease of the site with Crown Estates.

This is an important step forward in assessing the viability and impact of the Tunes proposal and also towards realising the Executive's aims of developing a sustainable energy system for Northern Ireland.

### Coleraine Borough Council: Hotel Bed Spaces

**Mr McClarty** asked the Minister of Enterprise, Trade and Investment to outline (a) the current number of hotel

bed spaces within the Coleraine Borough Council area; and (b) how this compares with the last 5 years.

(AQW 4044/01)

**Sir Reg Empey:** At June 2002 the Coleraine Borough Council area had a total of 1,249 hotel bedspaces certified by the Northern Ireland Tourist Board, compared to 996 hotel bedspaces in 1997, which represents an increase of 25.40%.

### Civil Servants: Travel

**Mr McMennamin** asked the Minister of Enterprise, Trade and Investment how many civil servants travel to the Greater Belfast area from (a) West Tyrone and (b) the North West to work in his Department.

(AQW 4130/01)

**Sir Reg Empey:** Information is not held in precisely the form requested. The numbers of civil servants in the Department of Enterprise, Trade and Investment who are known to live in (a) the constituency of West Tyrone and (b) the constituencies of Foyle and East Londonderry who work in one of the four Belfast constituencies as at January 2002 are 1 and 13 respectively.

### Warners (UK) Ltd: Keady

**Mr Fee** asked the Minister of Enterprise, Trade and Investment what measures he has taken to protect the jobs of the employees of Warner's UK factory in Keady. (AQW 4247/01)

**Sir Reg Empey:** Warners (UK) Ltd, with factories at Keady and Dromore, placed its entire workforce on 90 days protective notice from 14 June 2002. This decision was taken for commercial reasons. Like many other companies in the textile and clothing sectors, Warners have found it impossible to continue a viable manufacturing operation in the UK.

Before making the announcement to its workforce, the Company's management met with staff in Invest NI. At this meeting the possibility of Invest NI intervention to save the NI operations and jobs was discussed, but it was made very clear that a corporate decision had already been made and there was no possibility of it being reviewed.

My Department, through Invest NI, is working in partnership with relevant interests, namely Armagh City & District Council, Banbridge District Council, the respective Enterprise Agencies and the Training & Employment Agency. Through these partnerships various initiatives will be offered including: -

Business clinics - where information and advice will be provided to allow employees to consider the option of self-employment.

Through the Building Sustainable Prosperity programme and other European Funding, the councils have planned various initiatives, which have potential to impact on the employability of the workforce.

### Job Losses: Nortel

**Mr R Hutchinson** asked the Minister of Enterprise, Trade and Investment to make a statement on the loss of 200 jobs at Nortel in East Antrim and what progress has been made to attract new investment to this area.

(AQW 4262/01)

**Sir Reg Empey:** The recent announcement of 200 further job losses at Nortel Networks, Monkstown is disappointing news. This is the local impact of a global announcement made by Nortel Networks Corporation on 29 May 2002 that a further 3,500 jobs were to go. These lay-offs continue to be as a result of the unprecedented downturn in the world-wide telecommunications market and are no reflection on the local workforce. Visibility in the telecommunications markets remains poor. I have spoken to top management in Canada to highlight my concerns and they have confirmed the importance of the Monkstown site to the Corporation's strategic objectives. I have met with the local top management to provide assurances that we will continue to work closely with them to strengthen the relative position of Monkstown within the Corporation. As a result of the assistance already provided consolidation activities into Monkstown have reduced the overall impact of the most recent announcement.

The focus of Invest NI's Foreign Direct Investment Conference earlier this month was the development of regional propositions. Representatives from East Antrim participated. The workshops included crystallising the suitability and attractiveness of the region as an inward investment location and exploring ways to market it.

## ENVIRONMENT

### Waste Management

**Mr Hussey** asked the Minister of the Environment to detail any plans he may have to encourage a reduction in the creation of waste.

(AQW 4003/01)

**The Minister of the Environment (Mr Nesbitt):** My Department's plans for waste management are set out in the Northern Ireland Waste Management Strategy published in March 2000. The first priority in the Strategy for achieving more sustainable waste management is waste reduction.

The finalised Waste Management Plans of District Councils will be critical to achieving the aims and targets of the Strategy. My Department expects to receive final

draft Plans from the three Council Partnership Groups by 28 June, following the recent public consultation period. These Plans will set out how Councils expect to reduce the amount of waste going for disposal.

My Department has also introduced Regulations placing obligations on certain businesses to recover and recycle specified tonnages of packaging waste. Companies which are obligated under the Regulations must register with the Department, so that progress towards the recovery and recycling targets can be monitored.

Guidelines to help companies to measure, manage and report on the environmental impact of their wastes, in order to improve their waste management performance, have been produced by my Department's Environment and Heritage Service.

My Department has also been monitoring development of, and contributing as appropriate to the UK negotiating line on, a number of new and imminent EC Directives that will require manufacturers to increase the proportion of recyclable components in their products, in order to minimise the waste generated. These Directives will be progressively transposed into Northern Ireland legislation.

In order to effect an attitudinal shift in the wider community towards waste issues my Department launched its "Wake up to Waste" public awareness Campaign in February and also introduced in April a 'Wake up to Waste for Schools' programme together with a complementary website, offering interactive games and information.

In addition I recently launched, in conjunction with Invest Northern Ireland, a Waste Management Industry Fund of £1m in this financial year, to assist projects which will help stimulate the markets for recycling and recovery of materials.

### MOT Waiting Times

**Mr Weir** asked the Minister of the Environment to outline the average waiting time to obtain an MOT test.

(AQW 4045/01)

**Mr Nesbitt:** The average waiting time for a vehicle test during the current year 2002/03 is 24 days.

### MOT Tests: Numbers

**Mr Weir** asked the Minister of the Environment how many MOT tests were carried out in each of the last 10 years.

(AQW 4046/01)

**Mr Nesbitt:** The information requested is shown below.

Year	Number of MOT Tests
1992/93	240,094
1993/94	247,694



Year	Number of MOT Tests
1994/95	257,858
1995/96	280,350
1996/97	322,800
1997/98	360,748
1998/99	360,525
1999/2000	368,550
2000/01	369,961
2001/02	389,274

The figures include private cars, motorcycles and private buses.

### MOT Waiting Times

**Mr Weir** asked the Minister of the Environment if he has any plans to introduce a maximum waiting time for those waiting for MOT tests. (AQW 4047/01)

**Mr Nesbitt:** My Department's Driver and Vehicle Testing Agency currently tries to offer all vehicle tests within a maximum of 33 days. Current capacity pressures in the Agency from recruitment difficulties and the closure of test centres on a rolling basis for re-equipment mean that this is not possible at present. In these circumstances it would not be practicable to introduce a maximum waiting time. However action is being taken as a matter of priority to reduce appointment waiting times generally.

### MOT Centres

**Mr Weir** asked the Minister of the Environment to outline (a) the population served by each of the MOT test centres; and (b) how this compares to other parts of the UK. (AQW 4048/01)

**Mr Nesbitt:**

- (a) There are 15 vehicle test centres located throughout Northern Ireland. Vehicle owners can choose to take their test at any of these locations. It is not therefore possible to provide a breakdown of the population served by each test centre. However, the following information on the number of tests carried out at each centre may be helpful.

Location	Applications for All Types of Vehicle Test in 2001/02
Armagh	18,300
Ballymena	44,400
Belfast	57,600
Coleraine	26,600
Cookstown	29,900
Craigavon	32,600

Location	Applications for All Types of Vehicle Test in 2001/02
Downpatrick	21,100
Enniskillen	24,100
Larne*	11,100
Lisburn*	20,500
Londonderry	31,700
Mallusk	51,800
Newry	34,600
Newtownards	49,800
Omagh	20,000

\* Centre closed for 3 months for installation of new equipment.

- (b) In Great Britain MOT tests are carried out by private garages, which usually also do servicing and repair work. There are approximately 19,000 garages offering the MOT test under the supervision of the Vehicle Inspectorate of the Department for Transport. Accordingly MOT tests tend to be more readily available to vehicle owners. However, it should be noted that the maximum fee that can be charged in Great Britain is some 50% higher than the current fee in Northern Ireland. Moreover the complete separation of testing from servicing and repair, as in Northern Ireland tends to be the practice in other EU countries.

### MOT Tests: Locations

**Mr Weir** asked the Minister of the Environment to detail the locations where MOT tests are carried out in Northern Ireland. (AQW 4049/01)

**Mr Nesbitt:** MOT tests are carried out at the following locations in Northern Ireland:

Location	Address
Armagh	47 Hamiltonsbawn Road, BT60 1HW
Ballymena	Pennybridge Industrial Estate, Larne Road, BT42 3ER
Belfast	Balmoral Road, BT12 6QL
Coleraine	2 Loughan Hill Industrial Estate, Gateside Road, BT52 2NJ
Cookstown	Sandholes Road, BT80 9AR
Craigavon	3 Diviny Drive, Carn Industrial Estate, BT63 5RY
Downpatrick	Cloonagh Road, Flying Horse Road, BT30 6DU
Enniskillen	Chanterhill, BT74 6DE
Larne	Ballyboley Road, Ballyloran, BT40 2SY
Lisburn	Ballinderry Industrial Estate, Ballinderry Road, BT28 2SA

Location	Address
Londonderry	New Buildings Industrial Estate, Victoria Road, BT47 2SX
Mallusk	Commercial Way, Hydepark Industrial Estate, BT36 8YY
Newry	51 Rathfriland Road, BT34 1LD
Newtownards	Jubilee Road, BT23 4XP
Omagh	Gortrush Industrial Estate, Derry Road, BT78 5EJ

### Integrated Coastal Zone Management (ICZM)

**Mr McClarty** asked the Minister of the Environment to outline (a) any progress on the proposed European Community recommendation on implementing Integrated Coastal Zone Management (ICZM); and (b) the specific implications of ICZM for Northern Ireland.

(AQW 4081/01)

**Mr Nesbitt:** The EC Recommendation on Integrated Coastal Zone Management (ICZM) was formally adopted by Member States on 30 May 2002. The Recommendation asks Member States to undertake a national stocktaking of legislation, institutions and stakeholders involved in the management of the coastal zone and, based on this, to develop a national strategy or strategies to implement ICZM. Member States are also asked to report to the Commission on the experience in implementation of the Recommendation 45 months after its adoption.

My officials are examining the Recommendation to ascertain the possible implications for Northern Ireland. In addition they are liaising with colleagues in the Department of Environment, Food and Rural Affairs and with the other devolved administrations as plans for implementation of the Recommendation within the United Kingdom are developed and in particular as the stocktaking referred to above is taken forward.

### Watercourse Pollution

**Rev Dr William McCrea** asked the Minister of the Environment to outline, in each of the last 3 years, (a) the number of incidents of watercourse pollution investigated by the Environment and Heritage Service in the Magherafelt District Council area; and (b) the number of cases brought to the Director of Public Prosecutions.

(AQW 4082/01)

**Mr Nesbitt:** The table below shows the number of watercourse pollution incidents investigated in the last three years by the Environment and Heritage Service and the number of cases brought to the Director of Public Prosecutions in the Magherafelt and Cookstown District Council areas.

Magherafelt District Council Area			
Year	Total Investigations	*Total No. of substantiated incidents	No. of incidents forwarded to DPP
1999	42	38	2
2000	62	47	8
2001	57	34	6
Cookstown District Council Area			
Year	Total Investigations	*Total No. of substantiated incidents	No. of incidents forwarded to DPP
1999	28	26	6
2000	51	37	5
2001	67	46	8

\*An incident is substantiated when the investigating officer arrives on site and confirms that there is pollution present.

### Watercourse Pollution

**Rev Dr William McCrea** asked the Minister of the Environment to outline, in each of the last 3 years, (a) the number of incidents of watercourse pollution investigated by the Environment and Heritage Service in the Cookstown District Council area; and (b) to give the number of cases referred to the Director of Public Prosecutions.

(AQW 4083/01)

**Mr Nesbitt:** The table below shows the number of watercourse pollution incidents investigated in the last three years by the Environment and Heritage Service and the number of cases brought to the Director of Public Prosecutions in the Magherafelt and Cookstown District Council areas.

Magherafelt District Council Area			
Year	Total Investigations	*Total No. of substantiated incidents	No. of incidents forwarded to DPP
1999	42	38	2
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Cookstown District Council Area			
Year	Total Investigations	*Total No. of substantiated incidents	No. of incidents forwarded to DPP
1999	28	26	6
2000	51	37	5
2001	67	46	8

\*An incident is substantiated when the investigating officer arrives on site and confirms that there is pollution present.

### Peat Bogs

**Mr McClarty** asked the Minister of the Environment what steps are being taken to protect peat bogs as advised by the European Commission.

(AQW 4090/01)

**Mr Nesbitt:** The main way of protecting peat bogs of European importance is through their designation as Special Areas of Conservation (SACs) under the European Commission's Habitats Directive. To date, my Department has submitted to the Commission nine active raised bogs and eight sites containing blanket bog, as part of the UK list of candidate SACs.

I understand that the Commission indicated very recently that it regards the UK list of SACs for raised bogs to be insufficient and that further sites may be required in Northern Ireland. I await confirmation of this decision. I would emphasise that I remain fully committed to taking the necessary steps to protect the best examples in Northern Ireland of this important habitat.

### Protection of Salmon in Rivers

**Mr McClarty** asked the Minister of the Environment if he will make it his policy to expand the Special Area of Conservation (SAC) status to protect salmon in rivers.  
(AQW 4107/01)

**Mr Nesbitt:** The current UK list of candidate Special Areas of Conservation (SACs) includes 43 sites in Northern Ireland, including Lough Melvin which has Atlantic Salmon listed as a qualifying feature. My Department has acknowledged, however, that there may be grounds for additional sites here for Atlantic Salmon. For this reason, my Department's Environment and Heritage Service is investigating the River Foyle and its principal tributaries with a view to bringing forward one or more sites for consideration as candidate SACs.

I am aware that the European Commission has very recently considered the lists of SACs submitted by Member States in the Atlantic Region. The UK authorities conceded that more needed to be done in relation to Salmon in Northern Ireland and I understand that the Commission will confirm this when it publishes the agreed conclusions of the meeting.

### Civil Servants: Travel to Work

**Mr McMenamin** asked the Minister of the Environment how many civil servants travel to the Greater Belfast area from (a) West Tyrone and (b) the North West to work in his Department.  
(AQW 4132/01)

**Mr Nesbitt:** Information is not held in precisely the form requested. The numbers of civil servants in the Department of Environment who are known to live in (a) the constituency of West Tyrone and (b) the constituencies of Foyle and East Londonderry as at January 2002 are 9 and 20 respectively.

### Planting of Hedges/Trees

**Mr K Robinson** asked the Minister of the Environment to outline (a) the maximum permitted height in suburban

areas for hedging composed of; (i) *Cupressus Leylandii*; (ii) Castlewellan Gold trees; (b) any measures in place to enforce the maximum height regulations; (c) the number of cases in which these measures have been enforced in the last 2 years; and (d) the result of these cases.

(AQW 4137/01)

**Mr Nesbitt:** Hedges and trees do not constitute development in planning terms and there is no planning control over the planting of hedges or trees, or their height, unless specifically provided for, or restricted by, a condition in a planning permission.

Thus there are no powers to enforce against the planting, or the height, of hedges or trees except where they contravene the terms of a planning approval, for example, where they would encroach on land cleared for visibility splays as part of a planning approval for an access.

No enforcement action has been taken to curb the height of trees or hedgerows.

### Breaches of Planning Control

**Mr Dallat** asked the Minister of the Environment to outline (a) his duty of care to residents affected by development, which breach planning regulations; and (b) his responsibilities and policies in this regard.

(AQW 4229/01)

**Mr Nesbitt:** The Department's general approach to enforcement action against breaches of planning control is set out in Planning Policy Statement 9

'The Enforcement of Planning Control'.

The Department's procedure, when it becomes aware of unauthorised development, is to have the matter investigated and to form a judgement on whether the development is acceptable or unacceptable in planning terms. An important factor in this consideration is the effect of the development on the amenity of adjoining residents, and whether this is acceptable in planning terms. The Department will then initiate appropriate action to remedy the breach of planning control.

Where unauthorised development is unacceptable in planning terms, my Department will attempt initially to resolve the matter by negotiation; if this is unsuccessful, then formal enforcement action will normally follow to remedy the situation and any harm or adverse effects on adjoining property.

Enforcement is a key element in providing a credible approach to the application of planning policy and my officials pursue enforcement action against unauthorised development as actively as possible within the current powers and resources available, particularly where harm and adverse impact on public amenity has occurred. As the Member will be aware, I introduced a Bill before the Assembly on 10 June 2002 which, among other things,

proposes to considerably broaden and strengthen the enforcement powers available to the Department. My Department is also in the process of recruiting additional staff to bolster the development control and enforcement functions in the Planning Service.

Where unauthorised development is likely to be acceptable in planning terms, the Department will advise the person responsible to submit an application without delay. Applications will then be processed taking into account any views expressed by members of the public, the comments of consultees and the views of the District Council. A retrospective application will be dealt with in the same way as a 'normal' planning application and planning approval will only be granted where normal planning policies and considerations are met.

### **Severe Flooding: Newtownabbey Area**

**Mr K Robinson** asked the Minister of the Environment, in the aftermath of the severe flooding which affected Carrickfergus and Newtownabbey Council areas on Friday last, if he will undertake to (a) instruct the planning service to assess the impact of any future planning proposals and housing developments on (i) the roads infrastructure, (ii) the sewage and water infrastructure and (iii) the velocity and volumes of water carried by the numerous undesignated water courses in the East Antrim area; (b) assess whether or not existing planning safeguards are adequate to protect existing properties from surface water run-off from the increasing areas covered with concrete, flagging and tarmac in new housing developments; and (c) assess and monitor the changes in the water-table which have caused or will cause flooding to existing properties and gardens in the wake of new housing developments; and to make a statement. (AQW 4263/01)

**Mr Nesbitt:**

(a) Planning Service already carry out consultations with Roads Service, Water Service and Rivers Agency during the preparation of all development plans, including the BMAP 2001 and the Carrickfergus Area Plan 2001. Planning Service also consults these Services in relation to all applications for housing developments and a range of other development proposals. We act on the advice from those Departments who have the responsibility and the technical expertise for the issues raised in the member's question.

Water Service is a key consultee of Planning Service in the course of preparing Area Plans. The information on existing infrastructure and capital investment programme, for new and improved infrastructure, is used by Planning Service as key determinants for all land zonings and the Area Plan policies that accompany them.

In responding to Planning Service on planning applications, Water Service currently provides detailed advice regarding the availability of water and sewerage services and will draw attention to any difficulties envisaged in relation to the capacity of existing infrastructure to absorb new development and the timing of new or improved infrastructure. In situations where the existing infrastructure does not have the capacity to accommodate new development Water Service, in conjunction with Planning Service, will explore the options available to the developer.

Well established arrangements are in place for consultation with DARD Rivers Agency regarding the drainage implications of development proposals at all stages in the planning process.

In addition to providing advice to Planning Service as a consultee Rivers Agency may undertake drainage infrastructure improvement works where necessary, subject to economic appraisal and availability of resources.

All new developments proposed in the Draft Belfast Metropolitan Area Plan will be the subject of consultation with both DRD and DARD who will be asked to advise on their likely transportation and drainage impacts. In addition proposals as they emerge will be discussed with Carrickfergus and Newtownabbey Borough Councils who will have an opportunity to comment on any proposed new zonings. The Draft Plan will be subject to a six week objection period and all objections will be considered at a Public Inquiry. This approach provides for full and open consideration of the likely impacts of any new proposals.

- (b) Most new housing developments would require the roads, footways and communal parking areas to be the subject of a Private Street Determination which ensures that adequate stormwater and sewage discharge facilities are in place for the development before the roads are adopted.
- (c) With regard to assessing and monitoring the changes in the water-table, this is not a matter for the Department of the Environment.

### **Derry City Council: City Walls**

**Mrs Courtney** asked the Minister of the Environment if finance would be available to support the bid by Derry City Council to gain Heritage status for the City Walls. (AQO 1657/01)

**Mr Nesbitt:** As I said in response to AQO 1523/01, I will be happy to consider any case that Derry City Council may wish to make for including the city's walls in the UK tentative list of sites likely to be put forward for World Heritage Site status. Whether any funding would be available to support such a bid, and at what level, would depend on the strength of the case and



would be subject to economic appraisal. This would need to take into account, as I have said previously, that World Heritage Sites are required to have outstanding universal value and that the World Heritage Committee has stated that walled cities are already well represented on the world heritage list.

## FINANCE AND PERSONNEL

### INTERREG III

**Mr Hussey** asked the Minister of Finance and Personnel to detail the measures he is taking to ensure that Northern Ireland will maximise benefit from European funding for transnational co-operation in the 'Atlantic Rim' area to be financed under the Interreg III Community Initiative (Strand B), IP/02/683.

(AQW 4000/01)

**The Minister of Finance and Personnel (Dr Farren):** The Atlantic Area Programme is one of 2 Programmes under Strand B of the INTERREG III Initiative for which Northern Ireland is eligible. Lead responsibility for Strand B of the Programme in the UK rests with the Office of the Deputy Prime Minister (formerly the Department of Transport Local Government and the Regions). The Department of Finance and Personnel is the main contact point in Northern Ireland through which information is disseminated. The Department of Finance and Personnel and the Department of Transport Local Government and the Regions jointly hosted a seminar in Templepatrick on 6 March 2002 to increase awareness of the INTERREG IIB Programme and to encourage potential applications from Northern Ireland. The seminar was attended by representatives of District Councils, Local Strategy Partnerships, Community Groups and Central Government Departments. In line with other devolved administrations, Northern Ireland will have a seat on the Monitoring Committee and Steering Committee for both Programmes on a rotational basis over the life of the Programmes.

### Refurbishment: Dundonald House

**Mr Beggs** asked the Minister of Finance and Personnel to outline (a) the cost; and (b) the nature of the current refurbishment of Dundonald House. (AQW 4028/01)

**Dr Farren:** There is no current refurbishment work taking place at Dundonald House.

Some work was carried out recently to the cladding panels at the gable ends of the building. This work, which cost £860 K, was to protect the main envelope of the building and to address health and safety problems associated with the ingress of water.

## Equality Impact Assessment

**Mr McCarthy** asked the Minister of Finance and Personnel if he has received an equality impact assessment and new TSN guarantees from the Minister of Education with regard to his decision to fund pre-school places in the (i) state; (ii) controlled; (iii) integrated; and (iv) Irish language sectors. (AQW 4069/01)

**Dr Farren:** I refer the Member to my answer to AQW 3931/01.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Diagnoses of Cancer

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to outline, by constituency, in each of the last 3 years (a) the number of males and females diagnosed with cancer who have attended (i) hospitals; (ii) health clinics; and (b) the types of cancer diagnosed. (AQW 3686/01)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Information is available on the number of admissions to hospital for diagnoses of cancer, broken down by constituency and the type of cancer. I have arranged to have this information placed in the Assembly Library and will notify the Member accordingly. Information is not available on the number of people diagnosed with cancer who have attended health clinics.

It should be noted that these figures do not refer to individual persons, as it is possible for a person to be admitted to hospital more than once in the course of a year.

Tá eolas ar fáil ar líon na n-iontrálacha chuig an otharlann le haghaidh diagnóis ailse, breactha síos de réir toghcheantair agus cineál ailse. Shocraigh mé an t-eolas seo a chur i Leabharlann an Tionóil agus cuirfidh mé in iúl don Bhall dá réir. Níl eolas ar fáil ar líon na ndaoine a diagnósíodh le hailse a d'fhreastail ar chlinicí sláinte.

Bá chóir tabhairt faoi deara nach mbaineann na figiúirí sin le daoine aonair, mar is féidir le duine a ghlacadh isteach in otharlann níos mó ná uair amháin i gcaitheamh na bliana.

## Equality Impact Assessment

**Mr S Wilson** asked the Minister of Health, Social Services and Public Safety to outline (a) the number of Equality Impact Assessments (EIA) carried out by her Department to date; and (b) the total cost of (i) research;

(ii) consultation; (iii) printing; and (iv) dissemination, for each EIA. (AQW 3807/01)

**Ms de Brún:** To date, my Department has completed two Equality Impact Assessments. One of these was in relation to the 'Investing for Health' Strategy which I launched on 27 March 2002. The Department also completed an Equality Impact Assessment as part of the Third Report on the Capitation Formula Review completed in October 2000, which determines the allocation of resources to the Health and Social Services Boards.

As both of these assessments were integral parts of the policy development process, it is not possible to detail those specific costs to which the member refers.

Go dtí seo, chríochnaigh mo Roinn dhá Mheasúnú Tionchair ar Chomhionannas. Bhain ceann díobh seo leis an Straitéis 'Infheistíocht sa tSláinte' a lainseáil mé ar 27 Márta 2002. Chríochnaigh an Roinn Measúnú Tionchair ar Chomhionannas fosta mar chuid den Tríú tuairisc ar Athbhreithniú na Foirmle Ceannsráithe críochnaithe i nDeireadh Fómhair 2000, a shocraíonn na hacmhainní dailte ar na Boird Sláinte agus Seirbhísí Sóisialta.

Mar go raibh an dá mheasúnú seo mar chodanna tábhachtacha den phróiseas forbartha polasaithe, ní féidir mionchuntas a thabhairt ar na costais ar leith sin a dtagraíonn an comhalta dóibh.

### Homefirst Community Trust: Management Vacancies

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety to detail (a) the number of vacancies that currently exist in the Homefirst Community Trust at senior management and director level; (b) the length of time these vacancies have existed; (c) whether they have been advertised; and (d) what response there has been.

(AQW 3808/01)

**Ms de Brún:**

- (a) There are currently three Director vacancies in Homefirst Trust, the Director of Children's Services, the Director of Adult Services and the Medical Director.
- (b) The Director of Children's Services post has been vacant since 8 February 2001. The Director of Adult Services post has been vacant since 1 October 2001. The Medical Director post has been vacant since 1 December 2001.
- (c) & (d) Neither the Director of Children's Services post nor the Director of Adult Services post has been advertised yet. The first phase of the restructuring is nearing completion and following a formal evaluation of the posts the vacancies will be advertised. The Medical Director appointment does not require

public advertisement, however an appointment is expected shortly.

- (a) Faoi láthair, tá trí fholúntas ann do phoist mar Stiúrthóirí in Iontaobhas Homefirst, Stiúrthóir Seirbhísí Páistí, Stiúrthóir Seirbhísí Daoine Fásta agus Stiúrthóir Míochaine.
- (b) Bhí post an Stiúrthóra Páistí folamh ó 8 Feabhra 2001. Bhí post an Stiúrthóra Seirbhísí Daoine Fásta folamh ó 1 Deireadh Fómhair 2001. Bhí post an Stiúrthóra Míochaine folamh ó 1 Nollaig 2001.
- (c) & (d) Níor fógraíodh an post mar Stiúrthóir Seirbhísí Páistí ná an post mar Stiúrthóir Seirbhísí Aosach go fóill. Tá an chéad chéim den athstruchtúrú chóir a bheith críochnaithe agus i ndiaidh meastóireachta foirmiúla ar na poist fógrófar na folúntais. Níl gá le fógraíocht phoiblí don phost mar Stiúrthóra Míochaine, táthar ag dúil le ceapachán gan mhoill, áfach.

### Paediatric Doctors and Specialists

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety what steps are being taken to increase the number of acute services paediatric doctors and specialists in the Health Service. (AQW 3968/01)

**Ms de Brún:** The Consultant medical workforce, across all hospital based specialties, is reviewed by my Department on an annual basis and this informs decisions on the number in training. The latest review of the medical staffing in paediatric services recognised the need to increase numbers in this specialty. My Department will seek to address this need, taking into account available resources and pressures to increase the number of specialists generally.

Déanann an Roinn s'agam athbhreithniú ar an mheitheal oibre míochaine dochtúirí comhairleacha, fud fad na speisialtachtaí otharlann-lonnaithe, ar bhonn bliantúil agus téann seo i bhfeidhm ar chinní ar an líon faoi oiliúint. Aithníonn an t-athbhreithniú is déanaí ar fhoireann míochaine i seirbhísí péidiatraiceacha, an gá le huimhreacha a mhéadú sa speisialtachta seo. Tabharfaidh an Roinn s'agam faoin ghá seo, ag glacadh san áireamh áiseanna atá ar fáil agus brúnna chun líon na saineolaithe a mhéadú go ginearálta.

### Eating Disorders

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety to outline (a) if eating disorders are a major and growing condition; and (b) the level of priority given to such disorders in the planning of resource allocation. (AQW 3970/01)

**Ms de Brún:** Eating disorders have one of the highest rates of mortality of any psychiatric illness, and, together with their many physical and psychological complications, represent a significant cause of ill health. Although there are increasing numbers presenting with eating disorders, it is unclear whether the actual incidence of eating disorders is significantly increasing or this is a result of an increased awareness of the condition.

It is for Boards and Trusts to determine the needs of their local population and target resources accordingly.

Tá ceann de na rátaí is airde mortlaíocht i measc tinneas ar bith síciatrach ag neamhord ite, agus, mar aon leis an iliomad aimhréidh fhisiceach agus shíceolaíoch atá acu is cúis shuntasach iad le drochshláinte.. Cé go mbíonn líon na ndaoine le neamhord ite ag méadú, tá sé dóiléir cé acu an bhfuil méadú suntasach i ndaoine leis an neamhord ite nó an toradh é seo ar ardú feasachta ar an riocht.

Is faoi na Boird agus na hIontaobhais riachtanais a bpobal a chinntiú agus acmhainní a dhíriú dá réir.

### General Practitioners

**Mr S Wilson** asked the Minister of Health, Social Services and Public Safety to outline (a) the number of patients registered with GPs; (b) the ratio of GPs to Northern Ireland's population; (c) how this number compares with Great Britain; and (d) her assessment of waiting times for patients to see their GP.

(AQW 3989/01)

**Ms de Brún:** The number of patients registered with General Practitioners here at 31 March 2002 is 1,774,003. Details of the number of General Practitioners per thousand of the population, with comparable figures for England, Scotland and Wales, are shown in the table below. The information shows the whole time equivalent number of General Practitioners providing general medical services and relates to the position at 1 October 2001, the latest figures held. The population figures used are based on the June 2000 mid year estimates. Waiting times for patients to see their General Practitioner are not collated locally at present.

Year	Locally	England	Scotland	Wales
2001	0.58	0.51	0.69	0.60

Is é 1,774,003 líon na n-othar cláraithe le Gnáthdhochtúirí anseo ar 31 Márta 2002. Tá sonraí ar líon na nGnáthdhochtúirí an míle duine den daonra, mar aon le figiúirí comparáideacha i Sasana, in Albain agus sa Bhreatain Bheag, léirithe sa tábla thíos. Léiríonn an t-eolas líon coibhéise lánaimseartha na nGnáthdhochtúirí ag soláthar seirbhísí ginearálta míochaine agus baineann sé leis an riocht ar 1 Deireadh Fómhair 2001, na figiúirí is déanaí atá ar fáil. Tá na figiúirí don daonra úsáidte

bunaithe ar mheastacháin lárbhlíana an Mheithimh 2000. Faoi láthair, ní bhailítear amanna feithimh go háitiúil d'othair ag fanacht le dul chuig a nGnáthdhochtúir.

Bliain	Áitiúil	Sasana	Albain	An Bhreatain Bheag
2001	0.58	0.51	0.69	0.60

### Recruitment of Nurses

**Mr S Wilson** asked the Minister of Health, Social Services and Public Safety to outline, for each of the last 5 years (a) the total number of nurses recruited by the health service; and (b) the number of nurses recruited from; (i) EU member states; (ii) third world countries.

(AQW 3991/01)

**Ms de Brún:** Information is not readily available in the form requested and could only be provided at disproportionate cost.

Níl eolas ar fáil go réidh san fhoirm iarrtha agus ní fhéadfaí é a fháil ach ar chostas díréireach.

### 'Investing for Health'

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what is the cost for translation into Irish of the 'Investing for Health'. (AQW 4001/01)

**Ms de Brún:** It is estimated that translating the "Investing for Health" document into Irish will cost £9,980.

The cost of translating the Foreword in the version of the document in English, was £100.16.

Meastar go mbeidh costas de £9,980 ann chun an doiciméad "Infheistíocht sa tSláinte" a aistriú go Gaeilge.

Ba é £100.16 an costas a bhí air leis an Réamhrá a aistriú sa leagan Béarla den doiciméad.

### 'Investing for Health'

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to outline (a) the number of copies of the consultation document 'Investing for Health' which were printed; (b) the number issued; (c) the number left unused; (d) what happened to those not used; and (e) the cost per copy. (AQW 4005/01)

**Ms de Brún:** The information requested is as follows:

- There were 10,000 copies of the *Investing for Health* consultation document printed for the exercise which commenced in November 2000, and continued through to May 2001.
- 8,354 were issued across a range of sectors and on request, and for use at public meetings.

- (c) The number left unused at the end of the consultation period was 1,646.
- (d) Approximately 100 copies were retained for reference and for issue on request to interested parties after the consultation period closed. The remainder of the consultation documents were sent for recycling when the Executive launched its final public health strategy *Investing for Health* in March 2002.
- (e) The cost of each copy of the document was £2.55.

Seo a leanas an t-eolas iarrtha:

- (a) Bhí 10,000 cóip den cháipéis chomhairlithe *Infheistíocht sa tSláinte* curtha i gcló don chleachtas seo a thosaigh i Samhain 2000, agus a lean ar aghaidh go Bealtaine 2001.
- (b) Cuireadh 8,354 cóip chuig réimse earnálacha agus ar iarratas, le húsáid i gcrúinnithe poiblí.
- (c) 1,646 ba ea an líon cóipeanna nár úsáideadh ag deireadh na tréimhse comhairliúcháin.
- (d) Coinníodh timpeall is 100 cóip le haghaidh tagartha agus le cur chuig páirtithe leasmhara ar a n-iarratas i ndiaidh druidim na tréimhse comhairliúcháin. Seoladh fuilleach na gcáipéisí comhairlithe le hathchúrsáil nuair a lainseáil an Feidhmiúchán a straitéis dheireanach sláinte poiblí *Infheistíocht sa tSláinte* i Márta 2002.
- (e) Ba é £2.55 costas gach cóip den cháipéis

### Community Care Services

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety what community support facilities are available in each Board area for those discharged from hospital. (AQW 4014/01)

**Ms de Brún:** HSS Trusts are required, under assessment and care management arrangements, to undertake individual needs-based assessments for community care services. In the case of patients in hospital the assessment of need for continuing care is an integral part of the pre-discharge procedure. Where the Trust has assessed a person's needs they will discuss the options available, which may involve residential or nursing home care, or domiciliary care to enable the individual to remain in their own accommodation or a similar tenure.

There are various community support facilities available for patients discharged from hospital. These include the provision of care-managed domiciliary services to support a person at home, including aids to living and essential adaptations to the home. Home Help services can also give clients practical assistance and care in their own homes. Without a Home Help service, many more people might have to go into a care home or remain in hospital. Meals on wheels services are also provided to

enable clients to stay at home. There is also open access to district nursing services.

Carers play a key role in supporting people at home and therefore a range of support mechanisms to help carers is provided in the community by Trusts and by voluntary organisations. Such services include respite care and sitting services. Information, counselling and training is also provided particularly to new carers to allow them to adjust to their caring role.

Tá ar Iontaobhais SSS, de réir socrúithe measúnaithe agus stiúradh cúraim, measúnuithe bunaithe ar riachtanais aonair a dhéanamh do sheirbhísí cúraim phobail. I gcás othar in otharlanna tá an measúnú ar an ghá le cúram leanúnach mar chuid thábhachtach den ghnáthamh roimh an scaoileadh amach. Nuair atá measúnú déanta ag an Iontaobhas ar riachtanais dhuine aonair, pléifidh siad na roghanna ar fáil a bhféadfadh cúram cónaithe nó tí altranais nó cúram baile bheith i gceist, chun cur ar chumas an duine aonair fanacht ina gcóiríocht féin nó i sealbhaíocht cosúil léi.

Tá áiseanna éagsúla tacaíochta pobail ar fáil d'othair scaoilte amach ón otharlann. Ina measc tá soláthar seirbhísí cúramstiúrtha baile chun tacú le duine sa teach, mar aon le háiseanna maireachtála agus oiriúnuithe riachtanacha don teach. Is féidir le seirbhísí Cuidiú Baile cuidiú agus cúram praiticiúil a thabhairt chomh maith do chliant ina dtithe féin. Gan seirbhís Cuidiú Baile, is féidir go mbeidh ar go leor leor daoine eile dul isteach i dteach cúraim nó fanacht go fóill san otharlann. Soláthraítear seirbhísí béilí ar rothaí chomh maith chun cur ar chumas cliant fanacht sa bhaile. Tá rochtain oscailte ar sheirbhísí altranais ceantair fosta.

Tá ról tábhachtach ag feighlithe le tacú le daoine sa bhaile agus mar sin de, tá réimse modhanna tacaíochta soláthraithe ag Iontaobhais agus ag eagraíochtaí deonacha sa phobal chun cuidiú le feighlithe. I measc a leithéid de sheirbhísí sin tá seirbhísí cúram faoisimh agus feighle. Cuirtear eolas, comhairle agus oiliúint ar fáil chomh maith, go háirithe d'fheighlithe nua chun ligean dóibh socrú isteach ina ról feighlíochta.

### Autism/Asperger Syndrome

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety what plans she has to reduce the risk of mental health illness in adolescents diagnosed with (i) autism and (ii) Asperger Syndrome.

(AQW 4015/01)

**Ms de Brún:** There are no definitive epidemiological studies of psychiatric problems in people with Autistic Spectrum Disorders. Due to the core features of autism - social, communication and behavioural difficulties - making an accurate psychiatric diagnosis can often pose difficulties.



My Department will shortly be publishing a strategy and action plan to promote the mental health and emotional health of the total population which includes those with a learning disability.

Níl sainstaidéir eipidéimeolaíochta ar bith ann ar fhadhbanna síciatracha i ndaoine a bhfuil Neamhoird Speictrim Uathachais acu. De dheasca chroí-ghnéithe an uathachais – deacrachtaí sóisialta, cumarsáide agus iompraíochta – is minic a bhíonn deachtachtaí ann fáthmheas síciatrach cruinn a dhéanamh.

Beidh mo Roinn ag foilsiú straitéise agus plean ghnímh ar ball le sláinte meabhrach agus sláinte mhothúchánach an daonra iomláin a chur chun cinn, na daoine sin a bhfuil míchumas foghlama orthu san áireamh.

### South Tyrone Hospital: Vital Services

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety to detail any contact she has had with the Royal College of Surgeons regarding the reinstatement of vital services to South Tyrone Hospital that have been temporarily transferred elsewhere.

(AQW 4021/01)

**Ms de Brún:** I have had no recent contact with the Royal College of Surgeons about this matter.

Ní raibh aon teagmháil agam le Coláiste Ríoga na Máinlianna le déanaí maidir leis an ábhar sin.

### Ambulance/Fire Brigade Staff: Ards Borough Council

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to detail (a) ambulance staff and (b) fire officers residing in the Ards Borough Council area who have been killed or injured in the line of duty since 1969.

(AQW 4024/01)

**Ms de Brún:** Since 1969 there have been no deaths or injuries to Ambulance staff who reside in the Ards Borough Council area, nor have there been any deaths of fire fighters in this area over the same period.

Accurate statistics of injuries to fire-fighters are only available from 1995. Since then a total of 41 fire fighters who reside in the Ards Borough Council area have been injured in the line of duty.

Ón mbliain 1969 ar aghaidh, ní bhfuair aon duine den fhoireann Otharchairr a chónaíonn i limistéar Chomhairle Baile Aird Uladh bás, ná níor gortaíodh iad, ní bhfuair aon duine den lucht múchta dóiteáin bás sa limistéar sin le linn na tréimhse céanna ach an oiread.

Níl staitisticí cruinne maidir le gortú lucht múchta dóiteáin ar fáil ach ó 1995 ar aghaidh. Ó shin i leith, gortaíodh 41 ar an iomlán den lucht múchta dóiteáin a

chónaíonn i limistéar Chomhairle Baile Aird Uladh agus iad i mbun oibre.

### Pre-School Education

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety if she has been consulted regarding the provision of pre-school places by the Department of Education in light of the health, childcare and quality of life issues.

(AQW 4066/01)

**Ms de Brún:** I refer the Member to my answer to AQO 1600/01.

Treoraím an Ball do mo fhreagra a thug mé ar AQO 1600/01.

### Mental Health Commission

**Mr Hamilton** asked the Minister of Health, Social Services and Public Safety when she intends to provide a substantive response to correspondence from the Mental Health Commission of 4 December 2001.

(AQW 4251/01)

**Ms de Brún:** A substantive response was issued on 11 April 2002.

Eisíodh freagra substainteach an 11 Aibreán 2002.

## REGIONAL DEVELOPMENT

### Rail Links to Airports

**Mr Hussey** asked the Minister for Regional Development to outline his plans to establish rail links to Northern Ireland's 3 main airports.

(AQW 3977/01)

**The Minister for Regional Development (Mr P Robinson):** I am advised that Translink has no plans at present to establish rail links to Belfast International and City of Derry Airports. However, a scheme for Belfast City Airport is in the early stages of consideration.

### Translink: Income

**Mr McClarty** asked the Minister for Regional Development to detail the total annual income generated by Translink from fare paying passengers for 1999-2000 and 2000-2001.

(AQW 4052/01)

**Mr P Robinson:** Translink have advised that the income from fare paying passengers was £73.793m in 1999/2000 and £74.957m in 2000/2001.

### Rail Transport: Cost

**Mr McClarty** asked the Minister for Regional Development to outline the total cost of rail transport in each of the last 3 years, excluding capital expenditure.

(AQW 4053/01)

**Mr P Robinson:** Translink have advised that the total cost of running the railways, excluding capital expenditure, in 1999/2000, 2000/2001 and 2001/2002 was £26.534, £30.586m and £34.533m respectively.

### Rural Transport Partnerships

**Mr McGrady** asked the Minister for Regional Development what plans he has to provide funding for Rural Transport Partnerships, as recommended in the Rural Development Council's report entitled 'A Picture of Rural Change'.

(AQW 4141/01)

**Mr P Robinson:** My Department currently supports 16 Rural Community Transport Partnerships under the Rural Transport Fund, which has a budget for 2002/03 of £1.7m. This is due to increase to £1.8m in 2003/04 and the Regional Transportation Strategy proposes that the Fund should receive £18m over the 10-year term. The Strategy also proposes substantial funding of £36.2m to provide demand responsive and new innovative services for people living in deep rural areas and to provide new services linking isolated communities to villages and towns. I believe these proposals will comprehensively complement the recommendations contained in the Rural Development Council's report – 'A Picture of Rural Change'. It should be noted that the Regional Development Strategy and proposals therein are subject to the normal Budgetary processes.

### Tamnamore to Coalisland Road

**Mrs Carson** asked the Minister for Regional Development if he will consider upgrading the existing link road B152, from Tamnamore to Coalisland, to enable traffic to bypass Dungannon town centre as an alternative to the proposed Dungannon Eastern Distributor Road.

(AQW 4175/01)

**Mr P Robinson:** The proposed Eastern Distributor Road is included in the Draft Dungannon and South Tyrone Area Plan which was published for consultation on 15 May 2002. It is designed to improve the A29, which is a Link Corridor in the Regional Strategic Transport Network, and to relieve traffic flows on the more heavily trafficked roads in Dungannon.

It is assumed that the link road to which you refer is the A45 Tamnamore to Coalisland road. Due to the remoteness of this road from Dungannon town centre it is unlikely that it would provide any significant relief to

increasing traffic flows in the town. In the circumstances my Department's Roads Service has no current plans to upgrade this particular route.

### Dungannon Eastern Distributor Road

**Mrs Carson** asked the Minister for Regional Development if his Department engaged in preliminary consultation with landowners in relation to the proposed Dungannon Eastern Distributor Road, and, if not, to explain why it was not considered necessary.

(AQW 4176/01)

**Mr P Robinson:** The Department of the Environment's Planning Service is currently preparing the Dungannon and South Tyrone Area Plan 2010. The process includes identification of proposed lines for major roads proposals, to be protected during the plan period.

In this context my Department's Roads Service has carried out a transportation study which identified the proposed Dungannon Eastern Distributor Road as the preferred route for improvement of the A29 Link Corridor to bypass Dungannon. This proposed route has been included in the recently published Revision to the Draft Dungannon and South Tyrone Area Plan 2010.

It is not normal procedure to consult with landowners during the preparation of proposals for inclusion in a Draft Area Plan, but they and other interested parties have the opportunity to express their views during the period for the submission of objections to the Draft Plan.

Should the scheme advance to implementation stage, all interested parties will have further opportunities to express their views and submit objections during the statutory processes for the scheme.

### School Crossing: Moy, County Tyrone

**Mr Gallagher** asked the Minister for Regional Development if he has made an assessment of the risks to primary school children who have to cross the main thoroughfare to go to school in the town of Moy, Co Tyrone.

(AQW 4190/01)

**Mr P Robinson:** My Department's Roads Service continually assesses the public road network with a view to enhancing the safety of all road users. While it has not undertaken a specific assessment of the risks to primary school children who have to cross the A29 through Moy, I understand that there are two strategically positioned school crossing patrols in close proximity to the village's two primary schools. Together these should cater for the needs of most school children who have to cross the main A29 road.

Roads Service considers that school crossing patrols offer the safest and most effective means of facilitating school crossing movements as they are highly visible to

the passing motorist, provide constant adult supervision for the children and have the flexibility to make best use of natural breaks in the traffic flow.

## SOCIAL DEVELOPMENT

### Disability Living Allowance: Mobility Vehicles

**Mr Shannon** asked the Minister for Social Development how many people in the last 3 years have been found to be falsely in receipt of Disability Living Allowance Mobility Vehicles. (AQW 3996/01)

**The Minister for Social Development (Mr Dodds):** In Northern Ireland some 5,655 customers have defaulted on their agreement with Motability Finance Limited in the last 3 years. Of these a total of 131 customers have had their vehicles removed for fraud and abuse reasons.

### NIHE Tenants: Anti-Social Behaviour

**Mr S Wilson** asked the Minister for Social Development to outline (a) the number of tenants evicted due to anti-social behaviour; (b) his assessment of the procedures used to deal with anti-social behaviour; and (c) if he has any proposals to change these procedures to ensure their effectiveness. (AQW 3997/01)

**Mr Dodds:** In terms of Northern Ireland Housing Executive (NIHE) tenants, and over the period of the Housing Executive's existence, the information requested could only be provided at disproportionate cost. However, since November 2000, when the NIHE's Anti-Social Behaviour Unit was set up, 10 tenants have been evicted on the basis of anti-social behaviour. The total for registered Housing Associations is 16.

An NIHE or registered Housing Association tenancy is normally "secure" and can only be brought to an end by a Court Order. Possession through eviction is a last resort, and a landlord must be satisfied that a tenant's behaviour provides sufficient grounds for the Court to make such an Order. The grounds for possession, which are set out in legislation, include certain forms of anti-social behaviour such as causing nuisance or annoyance to neighbours, and using a house for illegal or immoral purposes.

It is recognised that procedures for dealing with anti-social behaviour can be enhanced and consequently, the Northern Ireland Housing Executive has recently introduced improved procedures and documentation. These will be evaluated after a reasonable period of operation.

In addition, the draft Housing Bill contains provisions to streamline the legal process for eviction, strengthen the *existing* legislation and provide new and extended grounds for eviction, including anti-social behaviour by

tenants' visitors and guests. It will also introduce *new* measures, such as power for the Courts to grant injunctions against anti-social behaviour, power for social landlords to offer introductory tenancies and a power for the NIHE to treat applicants as ineligible for housing accommodation or assistance under the homelessness legislation if they have a history of anti-social behaviour.

### New Housing: Clady, West Tyrone

**Mr Hussey** asked the Minister for Social Development, pursuant to AQW 2989/01, what assessment he can make in relation to developing new housing in Clady, West Tyrone. (AQW 3998/01)

**Mr Dodds:** I have nothing to add to my previous answer. If the member has a particular issue that is causing concern, I shall be happy to see that it is investigated further if he lets me have the details.

### Voluntary Organisations: Applications for Funding

**Mr M Robinson** asked the Minister for Social Development to outline any plans he may have to review the procedures for assessing applications for funding from voluntary organisations. (AQW 4035/01)

**Mr Dodds:** My Department, through the Urban Regeneration and Community Development Group, in particular, the Voluntary and Community Unit, provides core and project funding to a range of voluntary organisations but does not have any immediate plans to review the procedures for assessing applications for funding.

The Voluntary and Community Unit was responsible for co-ordinating "Partners for Change: Government's Strategy for Support of the Voluntary and Community Sector". This document contains a "Good Practice Guide on Funding" which provides Government Departments and voluntary and community sector organisations with a framework on the principles and good practice standards which underpin Government funding to the sector.

In light of comments received during the consultation period and the publication of the Northern Ireland Audit Office (NIAO) report on Government grants to voluntary and community bodies, the Good Practice Guide on Funding will be revised and published in the final Partners for Change document in September 2002. The implementation of the recommendations from the NIAO report may impact on the procedures for assessing applications for funding from voluntary organisations.

### Support and Counselling: Homeless

**Mr M Robinson** asked the Minister for Social Development what action is being taken to ensure that adequate

resources are in place to provide suitable support and counselling services to prevent recurrent homelessness of people who have been re-housed. (AQW 4092/01)

**Mr Dodds:** The provision of such services is not solely a housing matter. The Housing Executive's review of its services to the homeless has identified a number of areas where such services would be needed and require multi-agency support. Its implementation plan, which is being finalised in the wake of the Social Development Committee's own homelessness review findings, will set out ways to engage with others as required, to ensure that such services are provided.

In addition, as I said in the Assembly on 18 June, my Department will be taking the lead in a cross-departmental, cross sector Working Group which will review the difficulties which the homeless face in accessing the various services which can assist them in being included in society rather than excluded. This review will build upon the work already carried out by the Housing Executive and the Social Development Committee.

As I also said in the Assembly, a bid has been made for additional money for the homeless under the Reinvestment and Reform Initiative and the outcome is awaited. Finally, the Supporting People arrangements, due to become operative next April, will help to sustain and improve the existing support services provided to the homeless. The proposed new arrangements will combine the many disparate sources of funding into a single budget which will help create a situation where the needs of the individual will be the most important factor.

When the Working Group's review has been completed and the extent and scope of services required are identified, the need for resources can be more accurately determined. In the meantime, I will continue to try and attract as much resource as competing priorities will allow, in order to give people the support that they need and the Housing Executive will continue to fund those organisations that already provide essential support to the homeless.

### **Civil Servants: Travel to Work**

**Mr McMenamin** asked the Minister for Social Development how many civil servants travel to the Greater Belfast area from (a) West Tyrone; and (b) the North-West, to work in his Department. (AQW 4102/01)

**Mr Dodds:** In January 2002 there were 123 civil servants known to be living in the constituency of West Tyrone and 218 civil servants living in the constituencies of Foyle and East Londonderry who were working for the Department for Social Development in one of the four Belfast constituencies.

### **Belfast Regeneration Office: Funding of Projects**

**Mr Adams** asked the Minister for Social Development to outline, by postcode area, the distribution of funding to projects by the Belfast Regeneration Office since 1999. (AQW 4181/01)

**Mr Dodds:** The information is not held in the form requested and could only be obtained at disproportionate cost.

### **Flood Victims: Compensation**

**Mr Hilditch** asked the Minister for Social Development if compensation will be available for flood victims in line with payments in areas of Belfast. (AQW 4266/01)

**Mr Dodds:** My Department is not responsible for payment of compensation in such cases. As a landlord, the Housing Executive is responsible for remedying damage to the fabric of its dwellings. Compensation for loss of, or damage to, contents, is a matter for the tenant.

The Social Security Agency, through the Social Fund, can make an interest free loan that is intended to help meet an immediate short-term need, in an emergency situation. Applicants do not have to be existing benefit recipients. Unlike an insurance scheme, the Social Fund is not a compensatory scheme and does not, therefore, replace items on a 'like for like' basis.

In some instances a non-repayable grant can be awarded to social security benefit recipients.

## **ASSEMBLY COMMISSION**

### **Quarterly Information Magazine**

**Mrs Carson** asked the Assembly Commission what action has been taken to publish a quarterly information magazine, in a similar format to that published by the Civic Forum, in order to raise public awareness of the accomplishments of the Northern Ireland Assembly. (AQW 3935/01)

**The Representative of the Assembly Commission (Rev Robert Coulter):** There are no plans at present to publish a quarterly magazine. As you know, as soon as possible after each meeting of the Assembly, a Minute of Proceedings is published, under the Speaker's signature. This is the legal record of the decisions of the Assembly. The Minute of Proceedings also includes a list of motions which have been accepted for debate on a future date, and the record of all documents formally presented to (or 'laid before') the Assembly.



The Weekly Information Bulletin, which is published both in hard copy and is on the Assembly's website, provides comprehensive information on the business of the Assembly, on the activities of Committees and on the progress of legislation. In addition the First Report of the Northern Ireland Assembly Commission, which will be debated in the Assembly on 24 June, will detail the activities and achievements between devolution in December 1999 and 31 March 2002. Subsequent reports will provide this information on an annual basis.

### Starting Salary

**Mr J Kelly** asked the Assembly Commission, pursuant to AQW 3751/01, to detail (a) the average starting salary by grade of non-civil servants recruited to date to the Assembly Secretariat through external recruitment, disaggregated by gender and religion; (b) the terms of reference of the review of starting pay policy; and (c) if those carrying out the review had any involvement in the formulation of the original policy or were engaged in the negotiating process. (AQW 4027/01)

**The Representative of the Assembly Commission (Rev Coulter):**

- (a) It would be inappropriate to provide this information on the following grounds:
- The information would identify individual members of the Secretariat and this would be a breach of confidentiality.
  - The time involved in gathering the required information would be disproportionate to the benefits of providing same information
- (b) There has been no review of starting pay policy. There has been a pay audit carried out in respect of the starting salaries of applicants who applied to 4 open competitions held prior to December 2000 to establish if there have been any pay anomalies. The results of this audit are due to be discussed in the near future with Trade Union Side.
- (c) The current pay policy will be reviewed in the context of the implementation of the independent PricewaterhouseCooper review of Terms and Conditions, and Pay and Grading conducted on behalf of the Assembly Commission.

### Purchasing Policy

**Mr McClarty** asked the Assembly Commission what plans it has to adopt a sustainable 'green' purchasing policy. (AQW 4093/01)

**The Representative of the Assembly Commission (Rev Robert Coulter):** The Commission has, from a very early stage, shown a commitment to "sustainability" in its provision of goods and services. As examples of this I would note:

- The use of recycled paper for all Secretariat photocopying
- Recycling of toner cartridges
- The provision of Fairtrade products for sale within Parliament Buildings
- The establishment of an Environmental Best Practice House Committee
- A clear commitment within the Ormiston House project to include sustainability as a central issue

The overall Procurement Strategies and Policies of the Northern Ireland Assembly Commission are presently under development by the recently appointed Head of Procurement. It is the intention that these policies will encourage the most efficient use of resources in all respects, which will include environmental issues. This will be achieved by encouraging internal users to actively specify environmentally friendly products when developing specifications. This will also be highlighted in the evaluation processes by recognising environmentally friendly proposals or products from suppliers.

### Hansard: Bound Volume

**Mr Hussey** asked the Assembly Commission to outline (a) the length of time taken to produce the hardback volumes of Hansard and (b) any plans to improve this facility. (AQW 4154/01)

**The Representative of the Assembly Commission (Rev Robert Coulter):** It is estimated that, with indexation, assembly, printing and binding, 14 -18 weeks is needed to produce a bound volume. To date seven bound volumes have been published, volume eight will be published during the summer and volumes 9, 10 and 11 by early 2003.

This delay in production has been a concern of the Speaker and earlier this year the Editor of Debates completed a review of Hansard's staffing structure and complement. As a result, recruitment of extra staff is underway and will include provision for the establishment of a team of staff to work solely on bound volumes. It is expected that, once in place, this new team will lead to an earlier production of Bound Volumes.



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# NORTHERN IRELAND ASSEMBLY

Friday 5 July 2002

## Written Answers to Questions

### OFFICE OF THE FIRST MINISTER AND THE DEPUTY FIRST MINISTER

#### EU Programme for Peace and Reconciliation

**Dr Birnie** asked the Office of the First Minister and Deputy First Minister to outline if the EU Programme for Peace and Reconciliation Measure 4.1 'Outward and Forward Looking Region' could include links between Northern Ireland and the border region of the Republic of Ireland and other UK regions. (AQW 2797/01)

**Reply:** The objective of Measure 4.1 as outlined in the PEACE II Operational Programme is to contribute to making Northern Ireland and the Border Region a more outward and forward looking region by developing networks of co-operation on a cross-sectoral basis and encouraging a structured approach to participation in wider European and international networks.

Measure 4.1 gives examples of the types of actions which might be supported including:

"a structural approach to the participation of Northern Ireland and the Border Region of Ireland in wider European and international networks, including the identification and communication for best practices through networking between sectors in Northern Ireland to support and develop the international and inter-regional linkages."

#### NI Bureau, Washington

**Mr McElduff** asked the Office of the First Minister and Deputy First Minister to detail plans to increase co-operation between the NI Bureau and the Irish Embassy in Washington; and to make a statement. (AQO 1559/01)

**Reply:** We are currently considering two papers identifying strategic priorities for the NI Bureau's operations in the coming year, together with the associated business objectives, to ensure that the political and business messages to United States target audiences are more closely

integrated than at present and that the Bureau's representational function gives maximum value for money. While the NI Bureau is a separate unit, its personnel are afforded diplomatic status through the British Embassy. Good relationships are maintained with the Irish Embassy and a variety of other bodies.

#### NI Bureau, Washington

**Mr Beggs** asked the Office of the First Minister and Deputy First Minister to give an update on the review of the Northern Ireland Bureau in Washington; and to make a statement. (AQO 1519/01)

**Reply:** We are currently considering two papers identifying strategic priorities for the NI Bureau's operations in the coming year, together with the associated business objectives, to ensure that the political and business messages to United States target audiences are more closely integrated than at present and that the Bureau's representational function gives maximum value for money. While the NI Bureau is a separate unit, its personnel are afforded diplomatic status through the British Embassy. Good relationships are maintained with the Irish Embassy and a variety of other bodies.

#### Non-Governmental Organisations' Forum

**Dr Birnie** asked the Office of the First Minister and Deputy First Minister if it has reviewed the terms of reference of the Non-Governmental Organisation Forum; and to make a statement. (AQW 4033/01)

**Reply:** The terms of reference for the ad hoc, temporary Non Governmental Organisations' Forum were drawn up in April 2001 to encompass work on both the establishment of a Commissioner for Children and Young People, and the development of a Children's Strategy. Therefore, it is not necessary to review the terms of reference at this time.

The terms of reference will be reviewed when consideration is given to whether there needs to be a permanent mechanism, as part of the Children's Strategy.

### AGRICULTURE AND RURAL DEVELOPMENT

#### Fishing Industry

**Mr Shannon** asked the Minister of Agriculture and Rural Development, pursuant to AQW 3291/01, what steps are being taken to address the reduction in those employed in the fishing industry. (AQW 3898/01)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** Over the past 10 years, employment statistics indicate a reduction in numbers of people employed in the catching sector:

**EMPLOYMENT IN FISHERIES CATCHING SECTOR, 1992 – 2001**

Year	Numbers in Employment	
	Full Time	Part Time
1992	1036	296
1993	957	272
1994	938	228
1995	933	226
1996	815	148
1997	850	131
1998	892	115
1999	845	90
2000	612	74
2001	513	46

**Source**

Some of Northern Ireland's fisheries dependent communities lie within the most socio-economically deprived areas of Northern Ireland. The co-operation of the Social Security Agency has therefore been important in ensuring prompt and relevant benefit services to those who are seasonally employed, or facing unemployment, as a result of wider trends in the industry.

As regards levels of training and education, all four of Northern Ireland's main east coast fisheries dependent communities score low in terms of Noble indicators. This indicates that the adult population is currently not as well equipped as it needs to be to meet the challenges of diversification which the rationalisation of fishing effort, and the modernisation of the industry, as well as other factors, entail. This is an issue which requires to be pursued within a wider context of a full review of the fisheries industry.

I have already announced my wish to indicate a wide ranging review of the whole spectrum of the fisheries industry in Northern Ireland, including European, UK and Northern Ireland policies; all sectors, including the catching, processing and aquaculture sectors; and opportunities for future markets and diversification. Such a review could also address, in a holistic manner, the socio-economic needs of fisheries dependent and traditional fishing communities.

The support and contribution of all key interests is essential to such an important and significant review, whose findings and recommendations have the potential to secure a viable and sustainable fisheries industry for current and future generations of Northern Ireland people, while conserving natural fisheries stocks and other natural marine resources.

**'A Picture of Rural Change' Report**

**Mr McGrady** asked the Minister of Agriculture and Rural Development what assessment she has made of the Rural Development Council's report entitled 'A Picture of Rural Change'. (AQW 4138/01)

**Ms Rodgers:** The report provides a useful starting point for all those engaged in rural policy development appraisal or indeed those who simply need to know more about the complex issues and factors that form part of the modern way of life in rural areas and communities.

It also provides a useful and informative compendium of rural statistics which will complement work on Neighbourhood Statistics which the Executive is funding in the Northern Ireland Statistical Research Agency. This work involves collating and disseminating geographically referenced small area statistics that will be important to rural development as they will provide socio-economic data across Northern Ireland.

The Department has commissioned the Council to complete further short term work relevant to the baseline.

Through this additional work the Council will explore with other funding bodies, for example Local Strategic Partnerships, the potential for them to draw on baseline information relevant to their programmes. It will also consider the application of the Noble Deprivation Indices to the Rural Development Programme, how the participation of the Long Term Unemployed in the Rural Development Programme can be encouraged and how access to rural services might be improved.

**Tail Docking Of Dogs**

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development if she has any plans to introduce legislation which would ban or restrict the practice of tail-docking dogs. (AQW 4156/01)

**Ms Rodgers:** Restrictions on the docking of dogs' tails in Northern Ireland are presently imposed through United Kingdom-wide animal welfare legislation.

Historically, this practice was permissible as the Veterinary Surgeons Act 1966 exempted the carrying out of the tail docking of dogs from the activities that had to be carried out by a qualified veterinary surgeon. However, even then, there were some restrictions, tail docking of dogs had to take place before their eyes opened and needed to be carried out by persons over the age of 18.

The Veterinary Surgeons Act 1966 (Schedule 3 Amendment) Order 1991 amended the Veterinary Surgeons Act 1966 to remove the reference to the tail docking of dogs from the list of exempted activities. The effect of this amendment was to prohibit the docking of dogs tails by



anyone who was not a qualified veterinary surgeon. However, while the circumstances in which a qualified veterinary surgeon may carry out tail docking could arguably be further restricted, a total ban would be difficult to justify as there are a limited number of situations where tail docking or amputation by a veterinary practitioner is necessary for genuine clinical reasons.

Westminster is currently revising animal welfare legislation including the issue of docking dogs' tails. We would wish to look closely at the decisions reached by Westminster before considering the matter further.

### Farmed Salmon, Glenarm

**Mr McElduff** asked the Minister of Agriculture and Rural Development, in light of the mass escape of farmed salmon in Glenarm in August 2001, to detail (a) whether she instigated an investigation into this incident; (b) if the cause of the escape has been identified; and to make a statement. (AQW 4300/01)

**Ms Rodgers:** On being notified of the escape by the Northern Salmon Company, Department staff visited the site to investigate the circumstances surrounding the escape and to co-ordinate an exercise to recover as many escapees as was practicable and to remove escapees from the Glenarm River. As a result of these site visits Department staff concluded that the escape was the result of structural damage to one of the cages during a storm.

### Illegally Imported Food

**Mrs I Robinson** asked the Minister of Agriculture and Rural Development what assessment she can make of measures being taken to control illegally imported food in order to protect the local agricultural industry. (AQW 4319/01)

**Ms Rodgers:** Under the Landing of Carcases and Animal Products Order (Northern Ireland) 1985 [as amended], and the Diseases of Animals (Importation of Poultry) Order (Northern Ireland) 1965 [as amended], it is an offence to import an animal product into Northern Ireland except in accordance with a licence issued by the Department. Limited exceptions are permitted for small amounts intended for personal use only (i.e. by the individual or their family or friends – goods brought into Northern Ireland under these exceptions should not be sold or used commercially in any way).

Regular checks are made by DARD Portal staff at ports and airports to ensure that travellers are complying with these limits. Consignments identified during Customs checks will be checked to ensure that they comply with the limits. Travellers exceeding these limits should declare and surrender material in the Red Channel at Customs. Failure to do so may result in confiscation of the material and prosecution.

In addition, a range of further steps are being considered in conjunction with DEFRA to minimise the risk to Northern Ireland's Agricultural industry presented by animal products. These include announcements on incoming aeroplanes and ferry's, notices, amnesty bins and sniffer dogs.

## CULTURE, ARTS AND LEISURE

### Cultural Diversity Officer

**Mr Shannon** asked the Minister of Culture, Arts and Leisure to outline the role of the newly appointed Cultural Diversity Officer within his Department.

(AQW 4148/01)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** There is no person described as a "Cultural Diversity Officer" within my Department.

There is a Cultural Diversity Branch, which was set up in April 2001, and its remit is to agree and implement a cultural diversity strategy and to continue work on commitments such as the Golden Jubilee.

### Foyle Cup Competition

**Mr Shannon** asked the Minister of Culture, Arts and Leisure to outline the reason for the differential in the travel assistance offered to football teams outside the UK and football teams travelling within the UK to the Foyle Cup competition. (AQW 4149/01)

**Mr McGimpsey:** My Department has not had any direct involvement with the Foyle Cup competition and I do not, therefore, have any information on travel assistance offered to participating teams. This information could only be provided by the tournament organisers.

The Northern Ireland Events Company and the Sports Council for NI, both of whom are funded by my Department, have provided financial support for the tournament, but neither have had reason to obtain information about differential levels of travel assistance provided. The Events Company funding has been directed specifically at covering the cost of bringing teams from France and Holland to the tournament, which will enhance its international status and impact. The Sports Council made a small general contribution to the overall travel and tournament costs under its "Awards for All" lottery scheme.

### Library Provision

**Mrs I Robinson** asked the Minister of Culture, Arts and Leisure what funding is available to his Department, other than that announced as part of the budget, to progress

the South Eastern Education and Library Board's Library Capital Programme of improvement. (AQW 4159/01)

**Mr McGimpsey:** My Department has no funding for capital development other than that voted as part of this year's budget. As you know, library provision for Lisburn is being taken forward under the public finance initiative. The South Eastern Board is currently finalising an economic appraisal in respect of Bangor Library and will then carry out an appraisal setting out the options for library provision in Newtownards.

The South Eastern Board's capital programme will be considered along with other competing priorities in the light of available resources. I am, however, seeking to obtain additional resources for library capital development through a bid in Budget 2002.

### HRH The Princess Margaret

**Rev Dr William McCrea** asked the Minister of Culture, Arts and Leisure to detail, in relation to the death of HRH The Princess Margaret, (a) the categories of buildings over which the Union Flag was flown; (b) the dates the Union Flag was flown; (c) at what level this decision was taken; (d) whether there was any discretion exercised; (e) who had discretionary powers; and (f) whether any instructions were fully followed. (AQW 4162/01)

**Mr McGimpsey:**

- (a) Neither the Public Record Office of Northern Ireland nor the headquarters of the Ordnance Survey of Northern Ireland, on which the Union Flag was flown, are specified in Regulation 6 of the Flags Regulations (NI) 2000;
- (b) the Union Flag was flown on both buildings on 15 February 2002;
- (c) the decision to fly the Union Flag was taken by the Premises Officer;
- (d) discretion was exercised in deciding to fly the Union Flag;
- (e) discretionary powers are vested in the Premises Officer;
- (f) instructions issued by the Office of the First Minister and Deputy First Minister were followed.

### Farmed Salmon, Glenarm

**Mr McElduff** asked the Minister of Culture, Arts and Leisure whether the Fisheries Conservancy Board has identified or investigated the cause of the mass escape of farmed salmon in Glenarm in August 2001; and to make a statement. (AQW 4298/01)

**Mr McGimpsey:** Under the Fisheries Act (Northern Ireland) 1966, responsibility for licensing marine fish farms, monitoring their operations and enforcing the conditions of licences lies with the Department of Agriculture and Rural Development. Investigations into the possible causes of escapes of farmed salmon from licensed marine fish farms are for that Department to consider. The Fisheries Conservancy Board has no role in such matters.

### Farmed Salmon, Glenarm

**Mr McElduff** asked the Minister of Culture, Arts and Leisure to make a statement on the decision of the Fisheries Conservancy Board to prosecute individuals who fished for escaped farmed salmon at The Northern Salmon Company in Glenarm on 23 August 2001.

(AQW 4299/01)

**Mr McGimpsey:** The Fisheries Conservancy Board's functions are the conservation and protection of the salmon and inland fisheries of Northern Ireland other than the fisheries of the Londonderry Area or the Newry Area. In pursuit of these functions, the Board enforces the provisions of the Fisheries Act (Northern Ireland) 1966 relating to the regulation and prohibition of salmon fishing. Those provisions do not distinguish between farmed salmon and wild Atlantic salmon. In those cases where the Board has initiated prosecution actions, it will be a matter for the courts to make a judgement on each individual case.

## EDUCATION

### Integrated Primary Schools

**Mr S Wilson** asked the Minister of Education to outline (a) the criteria for intake to (i) an integrated primary school and (ii) an integrated secondary school before funding is provided by the Department; (b) the numbers enrolled for the new Sperrin College, Magherafelt; and (c) the cost of this school. (AQW 4077/01)

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

- (a) (i) The criteria for intake to an integrated primary school are 15 pupils for schools in urban areas (Londonderry and Belfast) and 12 for schools in rural areas. The school would then be entitled to recurrent funding from the Department. There is also a medium term target of an intake of 20 for urban schools and 15 for rural schools that must be satisfied before the school is eligible for capital funding.
- (ii) The intake criterion for post-primary schools is 50 pupils and if this is achieved a school is entitled to recurrent funding, however it is essential

that the school demonstrates its viability over a three year period before capital funding can be approved.

- (b) the number of pupils enrolled for the new Sperrin Integrated College, Magherafelt currently stands at 53.
- (c) Sperrin College has not yet been formally given final approval for grant-aided status and, in the absence of accurate information on pupils, floor area etc., it is therefore not possible to calculate the financial allocation to be made to the school for the financial year ended 31 March 2003.

### Strabane Grammar School: Applications

**Mr Hussey** asked the Minister of Education to outline (a) the number of applications; and (b) the number of successful applications from each contributory primary school for a place in year 8 at Strabane Grammar School.

(AQW 4105/01)

**Mr M McGuinness:** (a) The total number of applications to Strabane Grammar School for admission to Year 8 for September 2002 was 76. The total applications and (b) the number of successful applications from each contributory primary school for a place in Year 8 for September 2002 are detailed below as follows:

Primary School	Total number of applications to Strabane Grammar for admission in September 2002	Number of pupils accepted by Strabane Grammar for admission in September 2002
Ardstraw	2	1
Artigarvan	13	8
Bready	2	1
Donemana	2	2
Drumlegagh	4	4
Dunmullan	1	
Edwards	2	2
Erganagh	1	1
Killen	3	2
Newbuildings	1	1
Newtownstewart Model	2	
Portrush PS (NEB)	1	1
Sandville	2	2
Sion Mills	7	6
St Anne's Strabane	3	2
St Columba's Clady	1	
St Mary's Boys	2	2
St Mary's Girls	6	4
St Theresa's Glebe	1	1
Strabane CPS	17	11
Tullywhisker	3	3
<b>Total</b>	<b>76</b>	<b>54</b>

### Burns Report

**Mr Beggs** asked the Minister of Education to detail the posting schedule for every postcode area in Northern Ireland receiving the 'Burns Report household response form'.

(AQW 4113/01)

**Mr M McGuinness:** The distribution agent provided the Household Response Forms to the Royal Mail for delivery as follows:

Week Commencing	
20 May	BT4-BT18, BT21-BT23, BT29, BT31, BT33, BT36-BT38, BT49, BT53-BT56
27 May	BT19-BT20, BT26-28, BT41-BT48, BT51-BT52, BT57, BT60-BT71, BT75-BT81
3 June	BT30, BT32, BT34-35, BT39, BT74, BT82, BT92-94
10 June	BT1-3, BT40
17 June	BT24-BT25
24 June	Remaining Forms to BT24 and BT25

One postcode area, BT58, contains business addresses only and was not covered.

### Saintfield High School: Numbers

**Lord Kilclooney** asked the Minister of Education to outline (a) the enrolment number in each of the last 5 academic years at Saintfield High School; (b) the number of applications which have not been successful for enrolment in each of the last 3 academic years; (c) any plans to increase the provision of secondary education in Saintfield; and to make a statement.

(AQW 4118/01)

**Mr M McGuinness:**

- (a) The admissions and enrolment numbers in each of the last 5 academic years at Saintfield High School is set out below as follows:

Academic Year	Admissions Number	Enrolment Number
1997/98	65	325
1998/99	65	336
1999/00	65	340
2000/01	65	340
2001/02	65	340

- (b) The number of applications which have not been successful for admission in each of the last 3 academic years is set out below as follows:

Academic Year	Number of applications which have not been successful for admission
1999/00	64
2000/01	19
2001/02	25

- (c) The South Eastern Education and Library Board are currently undertaking an economic appraisal to address the deficiencies in accommodation at Saintfield High School.

It is unlikely that a suitable alternative site within the catchment area of the school will become available. Additionally, due to the constraints of the existing site any future development will have to be restricted to cater for a maximum enrolment of 340 pupils.

There are no plans to increase secondary provision in Saintfield or the surrounding area.

### CCEA and Edexcel Examinations

**Mr Kane** asked the Minister of Education to make a statement on the lack of choice offered to Northern Ireland examination candidates through an agreement between CCEA and Edexcel. (AQW 4123/01)

**Mr M McGuinness:** Edexcel have taken a commercial decision to cease to offer GCSE examinations here, but will continue to offer all of their other GCE and post-16 qualifications. CCEA and Edexcel have agreed that any Edexcel specifications not already available from CCEA will now be offered through CCEA. I am satisfied that these new arrangements should not disadvantage candidates here in terms of the range of specifications available.

### Civil Servants: Travel

**Mr McMenamin** asked the Minister of Education how many civil servants travel to the Greater Belfast area from (a) West Tyrone and (b) the North West to work in his Department. (AQW 4133/01)

**Mr M McGuinness:** My Department does not have offices in the Greater Belfast area, as defined by reference to the 4 Belfast constituencies.

### Omagh High School

**Mr Hussey** asked the Minister of Education to detail the current status of the accommodation of Omagh High School relative to Building Handbook Standards; and to make a statement. (AQW 4151/01)

**Mr M McGuinness:** The School Building Handbook provides advice and guidance on the planning and design of new school buildings including the standards which should be met. Omagh High School - built in 1961 - has some accommodation deficiencies which are being addressed by the Western Education and Library Board within the resources available to it. The Board upgraded the accommodation for Art and Home Economics last year and this summer it plans to carry out other minor capital works including the upgrading of the toilets.

### Strabane High School

**Mr Hussey** asked the Minister of Education to detail the current status of the accommodation of Strabane High School relative to Building Handbook Standards; and to make a statement. (AQW 4152/01)

**Mr M McGuinness:** The School Building Handbook provides advice and guidance on the planning and design of new school buildings including the standards which should be met. Strabane High School - built in 1963 - has some accommodation deficiencies which are being addressed by the Western Education and Library Board within the resources available to it. I understand that the Board has carried out various alterations to the school - including the refurbishment of the science accommodation and the upgrade of the IT facilities - and that work on a new technology block is due to start later this year.

### Strabane Grammar School

**Mr Hussey** asked the Minister of Education to detail the current status of the accommodation of Strabane Grammar School relative to Building Handbook Standards; and to make a statement. (AQW 4153/01)

**Mr M McGuinness:** The School Building Handbook provides advice and guidance on the planning and design of new school buildings including the standards which should be met. A large proportion of the accommodation at Strabane Grammar School falls below those standards and the Western Education and Library Board is currently undertaking an economic appraisal to see how the accommodation needs of the school might best be addressed.

### Family Resources

**Mr S Wilson** asked the Minister of Education to detail the number of children (a) living in households defined as either poor or low income, but not in receipt of benefit; and (b) living in households whose family income is just above the poverty line, yet not in receipt of free school meals. (AQW 4158/01)

**Mr M McGuinness:** This information is not currently available. It is anticipated that such information will be available from the Family Resources Survey, which was extended to Northern Ireland in April of this year. Initial results from the Survey will be available in November 2003, with more detailed analyses to follow.

### Education of Young People: Homelessness

**Mr Davis** asked the Minister of Education, in light of the report by the Committee for Social Development on their Inquiry into Housing in Northern Ireland (2/01R),



what measures he is taking to educate young people on the issue of homelessness. (AQW 4208/01)

**Mr M McGuinness:** Schools are able to educate young people about the issue of homelessness within the current curriculum, for example as part of personal and social education. The Council for the Curriculum, Examinations and Assessment is proposing the introduction of a new programme for Citizenship at Key Stages 3 and 4 as part of the current curriculum review and it is intended that this will provide further scope for teaching young people about homelessness. In addition, my Department has provided support to the Simon Community to help with their work with young homeless people. In particular, the Department has part-funded Simon's Peer Education Programme, which involves young people who currently are, or have been, homeless visiting schools and youth clubs to raise awareness about the practical implications for young people of leaving home.

### Teachers' Salaries

**Mr Beggs** asked the Minister of Education to outline any evidence to show that the payment of teachers' threshold increases in salary have raised standards in schools. (AQW 4231/01)

**Mr M McGuinness:** The four threshold standards, agreed by Teachers' Side and Management Side of the Teachers' Salaries and Conditions of Service Committee (Schools) as part of the 2000 salary award, are about the professional effectiveness of teachers in meeting the needs of their pupils. The teachers applying for threshold assessment present evidence that they have been working broadly at these high standards over the previous two to three years, and external assessors ensure that the standards have been applied consistently and fairly.

### Teachers' Salaries

**Mr Beggs** asked the Minister of Education what percentage of teachers did not receive threshold payments. (AQW 4232/01)

**Mr M McGuinness:** About 25% of full-time equivalent teachers did not move to the upper salary scale for post-threshold teachers, as they, apart from the unsuccessful cohort 1 appeals, did not satisfy the eligibility criterion under the negotiated agreement in order to apply for threshold assessment.

### Teachers' Salaries

**Mr Beggs** asked the Minister of Education what percentage of teachers, excluding those deemed to be unsatisfactory, did not receive threshold payments. (AQW 4233/01)

**Mr M McGuinness:** I refer the Member to my answer to AQW 4232/01. As it takes account of the teachers who did not meet the required standards, the same percentage of 25% of full-time equivalent teachers were not eligible to move to the upper salary scale for post-threshold teachers.

### Teachers' Salaries

**Mr Beggs** asked the Minister of Education to outline the administrative cost of implementing teachers' threshold payments. (AQW 4234/01)

**Mr M McGuinness:** The first year administrative cost was £952,000, which covered the costs of training and accrediting the external assessors and their fees, training all principals in the scheme and substitute cover for teaching principals, developing training materials and manuals, advertising, and the regional centre's costs. This will fall significantly in subsequent rounds as some of the start up costs apply only in the first year, and there is a marked reduction in the number of teachers eligible to apply in the following years' rounds.

### Teachers' Salaries

**Mr Beggs** asked the Minister of Education to detail the cost of awarding threshold payments to those teachers who are not eligible to receive the payment. (AQW 4235/01)

**Mr M McGuinness:** Only teachers on point 9 of the teachers' main salary scale at 1 September 1999, for experience and qualifications, were eligible to apply in cohort 1. The additional cost of paying all teachers, compared to the present system, would be more than £11m per year, including employers' National Insurance and superannuation overheads.

### Drug Abuse

**Mr Weir** asked the Minister of Education what resources have been allocated to educate young people against the dangers of drug use. (AQW 4244/01)

**Mr M McGuinness:** Under the Northern Ireland Drug Strategy, approximately £800,000 for two years was allocated to 6 projects in the education sector in March 2000 to enable provision in schools and the Youth Service to be strengthened. My Department has secured further funding to enable these programmes to continue for a further two years to March 2004. In 2002, under the Northern Ireland Drug and Alcohol Strategy, some £600,000 has been allocated to support activities proposed by the Education and Prevention Working Group, including the development and funding of training courses for drugs and alcohol educators and a revision of the 'Misuse of Drugs' pack issued to schools in 1996. A further £350,000

has been made available to fund public information campaigns.

### Burns Report

**Mrs I Robinson** asked the Minister of Education if he will extend the deadline for the return of the consultation questionnaire on the Burns Report to accommodate those in the Saintfield area who have not yet received the form. (AQW 4257/01)

**Mr M McGuinness:** The closing date for responses to the consultation was 28 June 2002. There have been some delays in distributing forms to a few areas including Saintfield. In the light of this, if forms are received in my Department shortly after the closing date, they will be fully considered. Everyone's views will be taken into account.

### Ardmore House Special School, Downpatrick

**Mr Shannon** asked the Minister of Education what the ratio is of teachers to children with behaviour problems at Ardmore House Special School, Downpatrick. (AQW 4289/01)

**Mr M McGuinness:** The ratio of teachers to children at Ardmore House Special School, Downpatrick, is currently 12 teachers (including the Principal and Vice-Principal) to 31 pupils. All teachers, including the Principal and Vice Principal, also undertake outreach duties, equivalent to 1-1.5 days per week.

### Teachers' Salaries

**Mr Beggs** asked the Minister of Education what system is in place for dealing with the second round of threshold payments. (AQW 4292/01)

**Mr M McGuinness:** The threshold arrangements agreed last year by Teachers' Side and Management Side of the Teachers' Salaries and Conditions of Service Committee (Schools) also apply to the second round, with the eligibility date rolled forward by one year. The process, which is well underway, is set out in detail in a handbook available to all eligible teachers. Within the Department arrangements are in place to ensure that teachers receive their payments through the payroll as quickly as possible once the Department has received the necessary documentation.

### Teachers' Salaries

**Mr Beggs** asked the Minister of Education what the additional administrative and stress burden has been on teachers caused by the completion of threshold agreement applications for teachers. (AQW 4293/01)

**Mr M McGuinness:** The threshold scheme, which was agreed by Teachers' Side and Management Side of the Teachers' Salaries and Conditions of Service Committee (Schools), rewards teachers for their professionalism in the classroom. They are advised to keep their applications factual and concise in order to limit additional administrative burden.

### Teachers' Salaries

**Mr Beggs** asked the Minister of Education to outline (a) why there will be a second round of threshold payments; and (b) any changes that will be made. (AQW 4295/01)

**Mr M McGuinness:** The agreement reached last year between Teachers' Side and Management Side of the Teachers' Salaries and Conditions of Service Committee (Schools) provided for subsequent rounds of threshold applications.

### School Recreational Facilities

**Mr McGrady** asked the Minister of Education what progress has been made towards the management and deployment of school recreational facilities for community use. (AQW 4302/01)

**Mr M McGuinness:** Education legislation encourages schools to consider making their premises available to the community when not in use by the schools themselves. I would hope therefore that schools will, as far as they are able, be responsive to the needs of local communities for facilities. I consider, however, that this is a matter for each school to determine in the light of their individual circumstances.

I am, however, pleased to say that the new opportunities for PE and Sport Programme will greatly enhance opportunities for the community use of school sports facilities. The programme is making available a total of £33.75 million to: build new and refurbish existing sports facilities for school and community use; support the development and promotion of these facilities for community use; and build or refurbish outdoor adventure facilities.

The funding will be split between five area partnerships, led by the Education and Library Boards, who will facilitate schools in developing projects in association with the local community and sports clubs.

### Pre-School Education

**Mrs Courtney** asked the Minister of Education to make a statement on the Equality and New TSN impact on community based playgroups, in relation to his decision to fund playgroups in the (i) controlled; (ii)

maintained; (iii) integrated; and (iv) Irish language sectors. (AQW 4316/01)

**Mr M McGuinness:** I refer the Member to my answer to AQW 4068/01.

### **Derrychrin and St Peter's Moortown Primary Schools**

**Mrs Courtney** asked the Minister of Education to why concessionary places will be unavailable from 28 June 2002 for pupils of Derrychrin and St Peter's Moortown Primary Schools in the Southern Education & Library Board area. (AQW 4318/01)

**Mr M McGuinness:** The Southern Education and Library Board provides home to school transport in its area to those pupils who are eligible for that assistance. In some instances, buses carrying eligible children to school have empty seats. It has been the practice of the board to permit pupils, who are otherwise ineligible for transport assistance, to avail of these seats until such times as they are required by eligible pupils, or until the board revises its routes, or services on a route, because declining numbers of eligible pupils make such routes uneconomical to run. Only 6 eligible children remained on two routes servicing Derrychrin Primary School, while only 5 remained on the St Peter's Primary School route. The board took its decision to remove services from these routes because they were no longer economical to run. The remaining eligible pupils will be accommodated by other means.

Boards have the authority to make such operational decisions in order to ensure that funds are not diverted from key priorities, such as the classroom resource, to provide services for those who are otherwise ineligible.

## **EMPLOYMENT AND LEARNING**

### **Careers Guidance**

**Mr Carrick** asked the Minister for Employment and Learning if she has any plans to change the structure and content of careers guidance. (AQW 4140/01)

**The Minister for Employment and Learning (Ms Hanna):** I specifically asked Prof Fulton, who chaired the Review of Careers Education and Guidance, to consider what structures might be most appropriate for the delivery of careers guidance in Northern Ireland, bearing in mind developments on this issue in Great Britain. I am prepared to look positively at proposals which strengthen the careers guidance service locally.

### **Civil Servants: Travel**

**Mr McMenamin** asked the Minister for Employment and Learning how many civil servants working within her Department travel to the Greater Belfast area from (a) West Tyrone; and (b) the North West. (AQW 4146/01)

**Ms Hanna:** Information is not held in precisely the form requested. The numbers of civil servants in the Department of Employment and Learning who are known to live in (a) the constituency of West Tyrone and (b) the constituencies of Foyle and East Londonderry who work in one of the 4 Belfast constituencies as at January 2002 are 18 and 31 respectively.

### **University Applications**

**Mrs Nelis** asked the Minister for Employment and Learning to detail (a) the selection criteria for the Postgraduate Certificate in education, (secondary) Geography full-time; (b) the number of applications for the course from Northern Ireland in the last five years; (c) the number of applicants accepted from Northern Ireland in the last five years; (d) the number of applications from the Republic of Ireland in the last five years; and (e) the number of applicants from the Republic of Ireland accepted in the last five years. (AQW 4213/01)

**Ms Hanna:** Universities in the UK are autonomous institutions responsible for their own policies, practices and admission procedures and I have no locus in these matters, nor does my Department hold the statistical breakdown of applications which you have requested.

### **Modern Apprenticeship Electrical Installation Course**

**Mrs Nelis** asked the Minister for Employment and Learning is she satisfied that her obligations under Section 75 of the Northern Ireland Act 1998 are fulfilled when students from the North West apply to enter the Modern Apprenticeship Electrical Installation course. (AQO 1690/01)

**Ms Hanna:** I am entirely satisfied that the requirements of Section 75 of the Act are being fulfilled. Young people from the North West are treated no less favourably than those from other parts of Northern Ireland when making an application to join the Electrical Installation Modern Apprenticeship programme. All those who satisfy the eligibility criteria laid down by the Department and the industry are offered a place on the programme.

### **Labour Market Regulations**

**Mr McClarty** asked the Minister for Employment and Learning to outline an estimate of the impact on

businesses, specifically small firms, in relation to the changes in labour market regulations since 1997.

(AQO 1681/01)

**Ms Hanna:** The information that is available comes from the Regulatory Impact Assessments that my Department has carried out on each piece of proposed employment legislation since devolution. These assessments are *forecasts*, made prior to implementation, of the risks, costs and benefits likely to arise as a result of the legislation. For the five pieces of employment legislation that have come into operation since devolution an estimated total cost to all employers ranging from £889,250 to £4,150,000 for the first year of their operation was forecast. It is not possible to separate out the estimated impact on small business.

It is worth mentioning that these impact assessments are published along with the relevant consultation documents.

### Essential Skills

**Mr McMenamin** asked the Minister for Employment and Learning what issues have arisen from the consultation paper on Essential Skills.

(AQO 1668/01)

**Ms Hanna:** The closing date for written responses to the Essential Skills for Living Strategy was 21 June 2002. During the consultation period all of the strands detailed in the Strategy have been closely examined by the key stakeholders working in this area. It is not possible to indicate the specific issues that have been raised until all the responses have been analysed.

### Jobskills Scheme

**Mr R Hutchinson** asked the Minister for Employment and Learning what steps is she taking to ensure an effective system of monitoring by T&EA for starts against achievement rates of FE colleges and training organisations under the Job Skills scheme during the temporary extension of contracts period.

(AQO 1676/01)

**Ms Hanna:** The existing systems for monitoring starts against achievement rates will continue to be applied to all Jobskills training organisations during the temporary extension period.

### Universities: Research and Development

**Mr Bradley** asked the Minister for Employment and Learning what work is being carried out to link research and development in our universities with the needs of industry.

(AQO 1670/01)

**Ms Hanna:** Research and development by the universities make a significant contribution to the economy of Northern Ireland. My Department has a number of

initiatives designed to enhance the responsiveness of higher education to the needs of business, including the Higher Education Reach Out to Business and the Community fund and the Universities centres of excellence established with funding under the Support Programme for University Research.

### Higher Education

**Dr Birnie** asked the Minister for Employment and Learning what progress has been made in meeting her target that one half of young people should enter higher education.

(AQO 1680/01)

**Ms Hanna:** In 2000 the Government identified widening participation as its main priority in higher education and set as a target for the Higher Education Funding Council for England that 50% of those between the ages of 18 and 30 should have the opportunity to benefit from higher education by the end of the decade. Higher Education is a transferred matter and my Department has decided not to adopt the participation target for 18-30 year olds. My key strategic goal is to widen access to, and increase participation in, higher education by students from groups who are under represented in HE and I am addressing this issue through a number of broad policy directions and a range of specific target actions.

### Employability and Long-Term Unemployment

**Ms Lewsley** asked the Minister for Employment and Learning how her report on the task force for Employability and Long Term Unemployment will respond to the recommendations in the reports by West Belfast and Greater Shankill Task Forces.

(AQO 1671/01)

**Ms Hanna:** The task force on Employability and Long-Term Unemployment is considering these issues on a Northern Ireland-wide basis. There is considerable commonality on both the analysis of the problems and of possible areas for action between the 3 Taskforces. A number of the targeted initiatives coming out of the Employability Taskforce report will be relevant to the issues raised in the West Belfast and Greater Shankill Taskforces.

### GB Student Support Review

**Mr Gallagher** asked the Minister for Employment and Learning how will the review of student support in Great Britain impact on students in Northern Ireland.

(AQO 1669/01)

**Ms Hanna:** The impact of the GB Student Support review on Northern Ireland will depend on its outcomes,



which are due to be announced in July. I will give serious consideration to any new initiatives that may be proposed and will consider the implications for Northern Ireland.

## ENTERPRISE, TRADE AND INVESTMENT

### Inward Investment: Keady

**Mr Berry** asked the Minister of Enterprise, Trade and Investment to detail any plans to secure inward investment in the Keady and Markethill area in light of the recent announcement of job losses in Keady.

(AQW 4100/01)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** My Department, through its agency Invest NI, is committed to attracting inward investment to Northern Ireland.

Invest NI can offer potential investors a range of incentives to locate in Northern Ireland. Investors have largely chosen locations in or close to the Belfast and Londonderry conurbations. Invest NI recognizes that the skills and opportunities available in local areas to potential investors will be critical to attracting investment to these areas.

Invest NI's Corporate Plan 2002-2005 includes an objective "to attract high-quality, knowledge based investment from outside Northern Ireland". To help achieve this aim, Invest NI plans to strengthen the services that are delivered through its local office network, including energising the effort to attract inward investment to specific localities of Northern Ireland. Much work has already been done to develop a local sales message. Workshops have taken place recently at five locations throughout Northern Ireland where local stakeholders were brought together to establish how this local sales message can be taken even further.

Invest NI will continue to market all of Northern Ireland as an investment location. Indeed Invest NI's Corporate Plan, includes a specific target of attracting 75% of all first-time inward investment projects to New TSN areas. We will encourage potential investors to visit all areas of Northern Ireland including Armagh City and District Council, which will benefit the Keady and Markethill areas.

### Employment: South Down

**Mr M Murphy** asked the Minister of Enterprise, Trade and Investment to detail the number of jobs created by

the Industrial Development Board in South Down in the years 1998-1999; 1999-2000; 2000-2001 and 2001-2002.

(AQW 4166/01)

**Sir Reg Empey:** The role of the Industrial Development Board was to encourage the development of competitive companies, leading to increased employment. The table below provides information on jobs created in IDB client companies in South Down during each of the last 4 years.

Parliamentary Constituency	1998/99 Jobs Created	1999/00 Jobs Created	2000/01 Jobs Created	2001/02 Jobs Created
South Down	300	79	133	143

### South Down: Employment

**Mr M Murphy** asked the Minister of Enterprise, Trade and Investment to detail, by electoral ward, the employment figures for the South Down constituency.

(AQW 4167/01)

**Sir Reg Empey:** Estimates of the number of employee jobs at electoral ward level are only available from the Census of Employment and the most up to date figures relate to September 1999.

Employee jobs estimates by electoral ward for the South Down Parliamentary Constituency Area can be found in Table 1 overleaf.

**TABLE 1 - EMPLOYEE JOBS BY ELECTORAL WARD FOR SOUTH DOWN PARLIAMENTARY CONSTITUENCY AREA.**

District Council Area	Ward Name	Employee Jobs
Banbridge	Bannside	377
Banbridge	Garran	162
Banbridge	Katesbridge	84
Down	Ardglass	944
Down	Audley's Acre	136
Down	Ballymaglave	1,587
Down	Ballynahinch East	681
Down	Castlewellan	1,126
Down	Cathedral	2,479
Down	Crossgar	655
Down	Donard	966
Down	Drumaness	279
Down	Dundrum	217
Down	Dunmore	474
Down	Flying Horse	1,323
Down	Killough	380
Down	Kilmore	480
Down	Murlough	636
Down	Quoile	952

District Council Area	Ward Name	Employee Jobs
Down	Seaforde	358
Down	Shimna	844
Down	Strangford	305
Down	Tollymore	119
Newry & Mourne	Annalong	501
Newry & Mourne	Ballycrossan	372
Newry & Mourne	Binnian	485
Newry & Mourne	Clonallan	1,655
Newry & Mourne	Donaghmore	413
Newry & Mourne	Kilkeel Central	1,923
Newry & Mourne	Kilkeel South	259
Newry & Mourne	Lisnacree	806
Newry & Mourne	Mayobridge	277
Newry & Mourne	Rathfriland	581
Newry & Mourne	Rostrevor	443
Newry & Mourne	Seaview	255
Newry & Mourne	Spelga	316
<b>Total</b>		<b>23,850</b>

Source: NI Census of Employment, September 1999

### Credit Cards

**Mr Dallat** asked the Minister of Enterprise, Trade and Investment to outline his plans for preventing credit card fraud within his Department or associated bodies.

(AQW 4168/01)

**Sir Reg Empey:** On 22 May 2002 the Permanent Secretary issued an instruction to staff in the Department of Enterprise, Trade and Investment and NDPBs outlining guidance, in terms of control systems, for the use of credit cards. The guidance was also copied to the Chairs of the Audit Committees in the Department's sponsored bodies. The Internal Audit Service within the Department of Enterprise, Trade and Investment has been instructed to ensure that control systems, over the use of credit cards, are reviewed as a priority item. This circular supports guidance previously issued on 16 November 2001 to Accounting Officers by the Department of Finance and Personnel.

In addition, the departmental Fraud Policy governs all types of fraud, including credit card fraud.

### Chief Executive: IDB

**Mr Dallat** asked the Minister of Enterprise, Trade and Investment if any disciplinary action was taken against the Chief Executive of IDB in relation to the information provided to the Westminster Public Accounts Committee in November 1999 on the Hualon Project.

(AQW 4169/01)

**Sir Reg Empey:** I can confirm that no disciplinary action was taken against the Chief Executive of IDB in relation to the information which was given to the Westminster Public Accounts Committee in 1999 on the Hualon Project.

### Lintrend Textiles

**Mr Bradley** asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 2691/00, to outline (a) if any political representatives made representations on behalf of grant-aid applications by Lintrend Textiles; and (b) on what dates these representations were made.

(AQW 4170/01)

**Sir Reg Empey:** My Department and Invest Northern Ireland are not aware of any political representations having been made on behalf of grant aid applications by Lintrend Textiles.

### Solar Energy

**Mrs Carson** asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 3659/01, how much public money has been used to subsidise solar energy in each of the last 5 years.

(AQW 4173/01)

**Sir Reg Empey:** During the period 1997-2001 public funding has been provided as follows:

1997	Nil
1998	Nil
1999	£19,250
2000	£20,280
2001	£57,694

The funding involved 4 projects, 2 involving photo-voltaic panels at the Southern Education and Library Board's Headquarters (Armagh) and at the ECOS Millennium Centre (Ballymena). The other 2 projects involved solar panels for heating water, 1 at Fermanagh District Council's Offices (Townhall, Enniskillen) and 1 at the ECOS Centre (Ballymena)

### Wind Turbine Farms

**Mrs Carson** asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 3659/01, how much public money has been used to subsidise wind turbine farms in each of the last 5 years.

(AQW 4174/01)

**Sir Reg Empey:** No public funding has been paid to land based wind turbine farms in any of the last 5 years. Such developments are entirely a matter for the private sector. However funding has been provided over the last 5 years for 13 small scale wind turbines projects designed to displace electricity from the grid for onsite use.

1997	£65,000
1998	£19,625
1999	£52,000
2000	£158,250
2001	£152,427

### Invest NI: Staffing

**Mr Wells** asked the Minister of Enterprise, Trade and Investment to outline his plans to promote a full complement of staff for Invest NI regional offices.

(AQW 4177/01)

#### Sir Reg Empey:

1. Invest NI has recently completed a review of the operations of its Local Office Network to ensure that it is best positioned to meet the needs of its client companies. The review also took into account the expanded role of local offices resulting from their integration into Invest NI with a greater range of involvement in economic development issues. The local offices are now involved in supporting the Inward Investment work of Invest NI's Business International Division and in Property Services issues. Working in partnership with local Councils and other agencies in local economic development will be a high priority for the Local Office Network.
2. The review took into account the expanded role of the network and also its geographical coverage of Northern Ireland. A recruitment process is underway and additional staff should be in place by late summer. The geographical coverage of the network is being expanded with the proposed opening of extension offices in Craigavon, Enniskillen and Coleraine as an outreach of existing Local Office Network.
3. The Local Office network is therefore in the process of being fully complemented to meet and fulfil its role within Invest NI. The agency will keep both the complement level and the geographic distribution of offices under review.

### New Businesses: Over 60s

**Mr Cobain** asked the Minister of Enterprise, Trade and Investment what measures are in place to encourage those over 60 to set up their own businesses.

(AQW 4381/01)

**Sir Reg Empey:** A range of measures are in place to encourage anyone with a business idea to consider setting up his own business. These include the current TV media campaign, a series of Personal Enterprise Roadshows and the support available under the Invest NI Business Start Programme and Invest NI Growth Start Programme.

All of the above are available to people over 60.

### Market Opportunities: Ageing Population

**Mr Cobain** asked the Minister of Enterprise, Trade and Investment what plans he has to encourage businesses to embrace new market opportunities in future years due to the rise in the number of people living beyond 60 years.

(AQW 4382/01)

**Sir Reg Empey:** I am very aware of the significance of this issue. In this context my Department is fully committed to supporting the work of the NI Ageing Population Panel who have identified the opportunity for new market opportunities arising from the increase in the number of people living beyond 60 as a key economic issue for the future. With my Department's support the Panel has organised a number of seminars related to this and other age-related issues, and more are planned for the future.

## ENVIRONMENT

### Millmount, Dundonald

**Mrs Carson** asked the Minister of the Environment if he will (a) reconsider the release of land at Millmount, Dundonald in Belfast for development; and (b) ensure that Millmount is protected adequately from developers.

(AQW 4089/01)

**The Minister of the Environment (Mr Nesbitt):** The Department is currently considering 5 planning applications for development at Millmount, Dundonald.

The principle of development on these lands was established in the Belfast Urban Area Plan 2001 which identified lands suitable for development at the edge of the Belfast Urban Area (BUA) to meet an anticipated requirement for expansion of the urban area beyond 1993. These lands are referred to as 'Whitelands'.

In addition the RDS indicates that housing in the Belfast Metropolitan Area should include the 'whitelands' as one element in meeting anticipated growth requirements.

Seventeen planning applications for housing development on the Belfast Urban Area "whitelands" including 3 of the Millmount applications were submitted during the latter half of 1996. These applications were submitted to meet housing needs up to the time of adoption of a new Belfast Metropolitan Area Plan.

These applications were subject to a public inquiry during 1997. In a press statement issued on 7 September 1998, the then Minister, Lord Dubs, announced that he was minded to grant planning permission to fourteen

applications for a total of 3,700 houses in line with the recommendations of the PAC following the public inquiry.

This included approval of 1,080 houses in the Millmount area. The Department subsequently wrote to the applicants on 7 September 1998 stating that it was minded to approve, in line with the recommendations of the Planning Appeals Commission. Approval of the applications is subject to Article 40 Agreements involving my Department and each of the landowners. Article 40 Agreements are currently being finalised with solicitors acting for each of the parties.

The fourth application was submitted in 1999 relating to land adjacent to Ballyoran House, which was previously included in one of the original applications submitted in 1996.

The fifth application, for a small area of land which was subject to the public inquiry but which constitutes the remainder of the “whiteland” in the Millmount area, has been submitted and the Department has considered this additional land as part of the overall development.

The Millmount “whitelands” have already been considered suitable for housing following the public inquiry held in 1997 and the Planning Service has been working with the land owners and developers to ensure the delivery of good quality sustainable development.

### Planning Applications: South Belfast

**Dr Birnie** asked the Minister of the Environment to outline for the last two years (a) the number of applications which have been approved for planning permission in south Belfast and (b) the number of these applications relating to building work which had already begun.

(AQW 4114/01)

**Mr Nesbitt:** The number of applications which have been approved for planning permission in the South Belfast constituency area in the last two years is set out below.

	Number of Approvals
2000/2001	970
2001/2002	1194

Information on the number of these applications relating to building work which had already begun is not available from the Department’s computer records and could only be obtained at disproportionate cost.

### Seamus Heaney: Former Home

**Mrs Nelis** asked the Minister of the Environment to outline (a) his plans for the complex of late 19th century

urban stables immediately behind the site of the demolished Séamus Heaney house, 16 Ashley Avenue, Belfast; and (b) any steps he has taken to list this building group. (AQW 4194/01)

### Mr Nesbitt:

- (1) A second survey evaluation of the stables behind the site of 16 Ashley Avenue is underway.

Upon receipt of the second survey evaluation report, my Department’s Environment and Heritage Service (EHS) will assess the findings, to determine if the stables merit listing. If so, there will be statutory consultation with the Historic Buildings Council and Belfast City Council.

- (2) (a) The “historical association” criteria were considered in the case of 16 Ashley Avenue. Planning Policy Statement 6 states that ‘in the case of historical associations, there will generally need to be some additional quality or interest in the physical fabric of the building itself or it should be well preserved in a form which reveals its historical associations (for example because of the survival of certain particular features). EHS concluded that these criteria were not met in this case.
- (b) Research (for example, in Departmental and Public Record Office records) was carried out into the literary, cultural and artistic background of this property, as part of the normal processes followed when properties are considered for listing.
- (3) Local communities can play a valuable role in the identification of buildings that have special architectural or historic interest. My Department liaises closely with such groups, including local building preservation trusts, conservation groups, historical societies and concerned individuals.
- (4) My officials approached the developer seeking an opportunity to undertake a full second survey appraisal, with a view to re-considering the case for listing. The developer chose not to do so and demolition began on the eve of the survey. I must emphasise that, as the house was neither listed nor in a Conservation Area, no statutory approvals were needed for its demolition.
- (5) Neither I nor my officials have spoken to Convis Ltd in relation to the late 19th-century urban stables immediately behind 16 Ashley Avenue.

### Seamus Heaney: Former Home

**Mrs Nelis** asked the Minister of the Environment to outline (a) why the “historical association” listing criteria was not applied to 16 Ashley Avenue, Belfast; and (b) any information and research his Department carried out in relation to its literary, cultural and artistic significance.

(AQW 4195/01)



**Mr Nesbitt:**

- (1) A second survey evaluation of the stables behind the site of 16 Ashley Avenue is underway.

Upon receipt of the second survey evaluation report, my Department's Environment and Heritage Service (EHS) will assess the findings, to determine if the stables merit listing. If so, there will be statutory consultation with the Historic Buildings Council and Belfast City Council.

- (2) (a) The "historical association" criteria were considered in the case of 16 Ashley Avenue. Planning Policy Statement 6 states that 'in the case of historical associations, there will generally need to be some additional quality or interest in the physical fabric of the building itself or it should be well preserved in a form which reveals its historical associations (for example because of the survival of certain particular features). EHS concluded that these criteria were not met in this case.
- (b) Research (for example, in Departmental and Public Record Office records) was carried out into the literary, cultural and artistic background of this property, as part of the normal processes followed when properties are considered for listing.
- (3) Local communities can play a valuable role in the identification of buildings that have special architectural or historic interest. My Department liaises closely with such groups, including local building preservation trusts, conservation groups, historical societies and concerned individuals.
- (4) My officials approached the developer seeking an opportunity to undertake a full second survey appraisal, with a view to re-considering the case for listing. The developer chose not to do so and demolition began on the eve of the survey. I must emphasise that, as the house was neither listed nor in a Conservation Area, no statutory approvals were needed for its demolition.
- (5) Neither I nor my officials have spoken to Convis Ltd in relation to the late 19th-century urban stables immediately behind 16 Ashley Avenue.

**Seamus Heaney: Former Home**

**Mrs Nelis** asked the Minister of the Environment what assessment can be made of the major role local communities play in the identification of buildings that have historic importance and association.

(AQW 4196/01)

**Mr Nesbitt:**

- (1) A second survey evaluation of the stables behind the site of 16 Ashley Avenue is underway.

Upon receipt of the second survey evaluation report, my Department's Environment and Heritage Service (EHS) will assess the findings, to determine if the stables merit listing. If so, there will be statutory consultation with the Historic Buildings Council and Belfast City Council.

- (2) (a) The "historical association" criteria were considered in the case of 16 Ashley Avenue. Planning Policy Statement 6 states that 'in the case of historical associations, there will generally need to be some additional quality or interest in the physical fabric of the building itself or it should be well preserved in a form which reveals its historical associations (for example because of the survival of certain particular features). EHS concluded that these criteria were not met in this case.
- (b) Research (for example, in Departmental and Public Record Office records) was carried out into the literary, cultural and artistic background of this property, as part of the normal processes followed when properties are considered for listing.
- (3) Local communities can play a valuable role in the identification of buildings that have special architectural or historic interest. My Department liaises closely with such groups, including local building preservation trusts, conservation groups, historical societies and concerned individuals.
- (4) My officials approached the developer seeking an opportunity to undertake a full second survey appraisal, with a view to re-considering the case for listing. The developer chose not to do so and demolition began on the eve of the survey. I must emphasise that, as the house was neither listed nor in a Conservation Area, no statutory approvals were needed for its demolition.
- (5) Neither I nor my officials have spoken to Convis Ltd in relation to the late 19th-century urban stables immediately behind 16 Ashley Avenue.

**Seamus Heaney: Former Home**

**Mrs Nelis** asked the Minister of the Environment to outline any consultation he had with Convis Ltd concerning the preservation of Séamus Heaney's house in Ashley Avenue, Belfast. (AQW 4197/01)

**Mr Nesbitt:**

- (1) A second survey evaluation of the stables behind the site of 16 Ashley Avenue is underway.

Upon receipt of the second survey evaluation report, my Department's Environment and Heritage Service (EHS) will assess the findings, to determine if the stables merit listing. If so, there will be statutory

consultation with the Historic Buildings Council and Belfast City Council.

- (2) (a) The “historical association” criteria were considered in the case of 16 Ashley Avenue. Planning Policy Statement 6 states that ‘in the case of historical associations, there will generally need to be some additional quality or interest in the physical fabric of the building itself or it should be well preserved in a form which reveals its historical associations (for example because of the survival of certain particular features). EHS concluded that these criteria were not met in this case.
- (b) Research (for example, in Departmental and Public Record Office records) was carried out into the literary, cultural and artistic background of this property, as part of the normal processes followed when properties are considered for listing.
- (3) Local communities can play a valuable role in the identification of buildings that have special architectural or historic interest. My Department liaises closely with such groups, including local building preservation trusts, conservation groups, historical societies and concerned individuals.
- (4) My officials approached the developer seeking an opportunity to undertake a full second survey appraisal, with a view to re-considering the case for listing. The developer chose not to do so and demolition began on the eve of the survey. I must emphasise that, as the house was neither listed nor in a Conservation Area, no statutory approvals were needed for its demolition.
- (5) Neither I nor my officials have spoken to Convis Ltd in relation to the late 19th-century urban stables immediately behind 16 Ashley Avenue.

### **Seamus Heaney: Former Home**

**Mrs Nelis** asked the Minister of the Environment if he has spoken directly to Convis Ltd in relation to the complex of late 19th century urban stables immediately behind the site of the demolished Séamus Heaney house; and to make a statement. (AQW 4198/01)

#### **Mr Nesbitt:**

- (1) A second survey evaluation of the stables behind the site of 16 Ashley Avenue is underway.  
  
Upon receipt of the second survey evaluation report, my Department’s Environment and Heritage Service (EHS) will assess the findings, to determine if the stables merit listing. If so, there will be statutory consultation with the Historic Buildings Council and Belfast City Council.
- (2) (a) The “historical association” criteria were considered in the case of 16 Ashley Avenue. Planning

Policy Statement 6 states that ‘in the case of historical associations, there will generally need to be some additional quality or interest in the physical fabric of the building itself or it should be well preserved in a form which reveals its historical associations (for example because of the survival of certain particular features). EHS concluded that these criteria were not met in this case.

- (b) Research (for example, in Departmental and Public Record Office records) was carried out into the literary, cultural and artistic background of this property, as part of the normal processes followed when properties are considered for listing.
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- (5) Neither I nor my officials have spoken to Convis Ltd in relation to the late 19th-century urban stables immediately behind 16 Ashley Avenue.

### **Carrickfergus Castle: Visitors**

**Mr Hilditch** asked the Minister of the Environment to give his assessment of why only 54% of tourists visiting the Causeway Coast and the Glens Regional Tourist Organisation area are aware of Carrickfergus Castle. (AQW 4226/01)

**Mr Nesbitt:** I do not have the information that would enable me to answer these questions.

I can confirm that my Department is committed to promoting Carrickfergus Castle as an outstanding part of our heritage. However, I accept that there is scope for improving visitor awareness of the attractions of Carrickfergus Castle. As I explained in response to AQW 3090/01, my Department’s Environment and Heritage Service (EHS) is in the process of recruiting a Marketing Officer who will be responsible for developing a marketing strategy to promote all of EHS’s sites and properties, including Carrickfergus Castle.

In developing this strategy, EHS will be considering the opportunities for using the Causeway Coast and Glens Regional Tourism Organisation, and similar organisations, to promote Carrickfergus Castle.

### Carrickfergus Castle: Visitors

**Mr Hilditch** asked the Minister of the Environment to give his assessment of why only 8% of tourists visiting the Causeway Coast and Glens Regional Tourist Organisation visit Carrickfergus Castle. (AQW 4227/01)

**Mr Nesbitt:** I do not have the information that would enable me to answer these questions.

I can confirm that my Department is committed to promoting Carrickfergus Castle as an outstanding part of our heritage. However, I accept that there is scope for improving visitor awareness of the attractions of Carrickfergus Castle. As I explained in response to AQW 3090/01, my Department's Environment and Heritage Service (EHS) is in the process of recruiting a Marketing Officer who will be responsible for developing a marketing strategy to promote all of EHS's sites and properties, including Carrickfergus Castle.

In developing this strategy, EHS will be considering the opportunities for using the Causeway Coast and Glens Regional Tourism Organisation, and similar organisations, to promote Carrickfergus Castle.

### Planning Applications: South Belfast

**Ms McWilliams** asked the Minister of the Environment to detail the number of planning applications that have received retrospective planning permission in the South Belfast area in each of the last 3 years. (AQW 4246/01)

**Mr Nesbitt:** Information on the number of planning applications that have received retrospective planning permission in the South Belfast area in each of the last three years, is not available from the Department's computer records, and could only be obtained at disproportionate cost.

### Waste Management Grant Scheme

**Mrs I Robinson** asked the Minister of the Environment to detail (a) the date on which district councils were notified of the EHS Waste Management Grant Scheme for the year 2002/03; (b) the closing dates for applications for funding; and (c) the number of district councils that benefited from the scheme this year. (AQW 4277/01)

**Mr Nesbitt:**

- (a) The Waste Management Grant Scheme for 2002/03 has not yet been finalised. As a result of the failure of some Councils to make payments to suppliers under the 2001/02 Scheme before the end of the financial year, some £680,000 of the 2001/02 allocations fall to be accounted for as 2002/03 expenditure. This reduced the amount available for distribution to

Councils in the current year. I am pleased to say, however, that I have been successful in bidding for the restoration of the sum in the June monitoring round. This will enable the 2002/03 Scheme to be finalised and allocations agreed in the near future.

- (b) As was the case for the 2001/02 scheme, it is intended that the funds available to Councils will be distributed on the basis of weighted population percentage, adjusted to ensure that those Councils which were unable to take up their 2001/02 allocations are not disadvantaged in the long term. Accordingly, there are no applications or closing dates.
- (c) All District Councils will benefit from the scheme this year.

### Waste Management Grant Scheme

**Mrs I Robinson** asked the Minister of the Environment to detail the amount of finance made available to local government authorities through the EHS Waste Management Grant Scheme each year from 1998 to 2002. (AQW 4278/01)

**Mr Nesbitt:** The Waste Management Grant Scheme was first introduced in the 2001/02 financial year. A total of £2.2m was available for distribution to District Councils, on the basis of weighted population percentage. This included funding available for storage of fridges pending the availability of disposal technology that meets EC Regulation standards. The 11 District Councils which make up the Arc 21 Partnership Group for waste management indicated that they were unable to take up their full allocation in 2001/02. This will be taken into account in distributing funds under the 2002/03 Scheme, to ensure that the Arc 21 Councils are not disadvantaged in the long term.

The £2.2m available in 2001/02 was distributed as follows:

#### EASTERN REGION WASTE MANAGEMENT GROUP

Antrim Borough Council	£71254
Ards Borough Council	£8769
Ballymena Borough Council	£13384
Belfast City Council	£58541
Castlereagh Borough Council	£14610
Carrickfergus Borough Council	£4205
Down District Council	£5452
Larne Borough Council	£3455
Lisburn Borough Council	£24656
Newtownabbey Borough Council	£6844
North Down Borough Council	£15498
<b>Total</b>	<b>£226668</b>

**SOUTH WASTE MANAGEMENT PARTNERSHIP**

Armagh City and District Council	£137329
Banbridge District Council	£105631
Cookstown District Council	£81603
Craigavon Borough Council	£93000
Dungannon & South Tyrone District Council	£128321
Fermanagh District Council	£188386
Newry & Mourne District Council	£226875
Omagh District Council	£129262
<b>Total</b>	<b>£1090407</b>

**NORTH WEST WASTE MANAGEMENT GROUP**

Ballymoney Borough Council	£67577
Coleraine Borough Council	£139045
Derry City Council	£298816
Limavady Borough Council	£83840
Magherafelt District Council	£97469
Moyle District Council	£43524
Strabane District Council	£97070
<b>Total</b>	<b>£827341</b>

**Thatched Properties**

**Mr McElduff** asked the Minister of the Environment if his Department keeps records on those thatched listed buildings which have necessitated regular maintenance and repair; and to make a statement. (AQW 4301/01)

**Mr Nesbitt:** I can confirm that my Department retains records on all listed thatched properties in Northern Ireland. These records are included on the statutory lists of listed buildings. This information can be inspected at Environment and Heritage Service's (EHS) Monuments and Buildings Record, 5-33 Hill Street, Belfast or on EHS's web site [www.ehsni.gov.uk](http://www.ehsni.gov.uk)

More detailed information including architectural and historical details is provided on those thatched buildings which have been covered in the ongoing second survey of all buildings in Northern Ireland.

Records containing information relating to, among other things, grant aided works and any scheme of repair or maintenance carried out with my Department's statutory approval, is held on Departmental files. This is held in confidence and is not accessible to the public.

**Planning Applications: North Down**

**Ms Morrice** asked the Minister of the Environment to detail the number of planning applications that have

received retrospective planning permission in the North Down area in each of the last 3 years. (AQW 4327/01)

**Mr Nesbitt:** Information on the number of planning applications that have received retrospective planning permission in the North Down area in each of the last three years, is not available from the Department's computer records and could only be obtained at disproportionate cost.

**Thatched Listed Buildings**

**Mr McElduff** asked the Minister of the Environment to detail his plans to ensure (a) that thatching grants are allocated on the basis of value for money using a recognised thatching specification and (b) a process of verification for work completed. (AQW 4337/01)

**Mr Nesbitt:**

- (a) Grant-aid for grant-eligible work carried out to all listed buildings, including thatched buildings, is subject to compliance with a Specification of Works approved by the Environment and Heritage Service's Senior Conservation Architects. Value for money is assured through rigorous checks by EHS's Quantity Surveyor. All expenditure on this and other matters is subject to scrutiny by my Department's internal auditors and by the Northern Ireland Audit Office.
- (b) All work is verified on site before a Final Inspection Report is signed, enabling grant to be released.
- The second survey of buildings, currently underway on a ward-by-ward basis, will identify any potential new listings of thatched buildings.
- With regard to (a), (b) & (c), this information is not available to me at this time. A survey of all listed thatched properties is underway and is expected to be finished later this year. The information sought will be published as part of the findings of the survey.
- Leaks in listed thatched buildings do not fall within my Department's responsibilities. Maintenance and repair of a listed building is a matter for the owner/occupier.

**Thatched Listed Buildings**

**Mr McElduff** asked the Minister of the Environment to detail his plans to increase the number of thatched listed buildings in Northern Ireland. (AQW 4343/01)

**Mr Nesbitt:**

- (a) Grant-aid for grant-eligible work carried out to all listed buildings, including thatched buildings, is subject to compliance with a Specification of



Works approved by the Environment and Heritage Service's Senior Conservation Architects. Value for money is assured through rigorous checks by EHS's Quantity Surveyor. All expenditure on this and other matters is subject to scrutiny by my Department's internal auditors and by the Northern Ireland Audit Office.

(b) All work is verified on site before a Final Inspection Report is signed, enabling grant to be released.

2. The second survey of buildings, currently underway on a ward-by-ward basis, will identify any potential new listings of thatched buildings.
3. With regard to (a), (b) & (c), this information is not available to me at this time. A survey of all listed thatched properties is underway and is expected to be finished later this year. The information sought will be published as part of the findings of the survey.
4. Leaks in listed thatched buildings do not fall within my Department's responsibilities. Maintenance and repair of a listed building is a matter for the owner/occupier.

### Thatched Listed Buildings

**Mr McElduff** asked the Minister of the Environment to detail the number of (a) scraw roofs under the thatch of the 121 thatched listed buildings in Northern Ireland; (b) solely modern batten and rafter roofs and (c) roofs containing a mixture of both; and to make a statement.

(AQW 4344/01)

**Mr Nesbitt:**

1. (a) Grant-aid for grant-eligible work carried out to all listed buildings, including thatched buildings, is subject to compliance with a Specification of Works approved by the Environment and Heritage Service's Senior Conservation Architects. Value for money is assured through rigorous checks by EHS's Quantity Surveyor. All expenditure on this and other matters is subject to scrutiny by my Department's internal auditors and by the Northern Ireland Audit Office.
- (b) All work is verified on site before a Final Inspection Report is signed, enabling grant to be released.
2. The second survey of buildings, currently underway on a ward-by-ward basis, will identify any potential new listings of thatched buildings.
3. With regard to (a), (b) & (c), this information is not available to me at this time. A survey of all listed thatched properties is underway and is expected to

be finished later this year. The information sought will be published as part of the findings of the survey.

4. Leaks in listed thatched buildings do not fall within my Department's responsibilities. Maintenance and repair of a listed building is a matter for the owner/occupier.

### Thatched Listed Buildings

**Mr McElduff** asked the Minister of the Environment to detail his plans to identify and prevent leaks from developing in thatched listed buildings; and to make a statement.

(AQW 4346/01)

**Mr Nesbitt:**

1. (a) Grant-aid for grant-eligible work carried out to all listed buildings, including thatched buildings, is subject to compliance with a Specification of Works approved by the Environment and Heritage Service's Senior Conservation Architects. Value for money is assured through rigorous checks by EHS's Quantity Surveyor. All expenditure on this and other matters is subject to scrutiny by my Department's internal auditors and by the Northern Ireland Audit Office.
- (b) All work is verified on site before a Final Inspection Report is signed, enabling grant to be released.
2. The second survey of buildings, currently underway on a ward-by-ward basis, will identify any potential new listings of thatched buildings.
3. With regard to (a), (b) & (c), this information is not available to me at this time. A survey of all listed thatched properties is underway and is expected to be finished later this year. The information sought will be published as part of the findings of the survey.
4. Leaks in listed thatched buildings do not fall within my Department's responsibilities. Maintenance and repair of a listed building is a matter for the owner/occupier.

### Community Relations

**Dr Birnie** asked the Minister of the Environment to outline (a) the amount of money spent on community relations measures in each of the last three years; and (b) what assessment he has made on the effectiveness of this expenditure.

(AQW 4360/01)

**Mr Nesbitt:** My Department has not incurred any expenditure for this purpose.

### Soil & Water Samples: Antrim Coast

**Mr K Robinson** asked the Minister of the Environment to indicate (a) how many soil and water samples were taken by his officials in the area along the Antrim coast between Larne and Carnlough as a result of requests by members of the public; (b) if these findings all proved to be well within national safety levels; and to make a statement. (AQW 4387/01)

**Mr Nesbitt:** The Department is not aware of any requests made by members of the public for sampling of soil or water along the Antrim Coast between Larne and Carnlough.

The Department does not monitor metals in either soil or water samples adjacent to watercourses in the East Antrim Coastal area between Larne and Carnlough.

### Soil & Water Samples: Antrim Coast

**Mr K Robinson** asked the Minister of the Environment if the levels of nickel, cadmium and other metals found in water and soil samples adjacent to water courses in the East Antrim coastal area between Larne and Carnlough are below the nationally recognised safety levels; and to make a statement. (AQW 4389/01)

**Mr Nesbitt:** The Department is not aware of any requests made by members of the public for sampling of soil or water along the Antrim Coast between Larne and Carnlough.

The Department does not monitor metals in either soil or water samples adjacent to watercourses in the East Antrim Coastal area between Larne and Carnlough.

## FINANCE AND PERSONNEL

### Civil Servants: Travel

**Mr McMenamin** asked the Minister of Finance and Personnel how many civil servants travel to the Greater Belfast area from (a) West Tyrone and (b) the North West to work in his Department. (AQW 4131/01)

**The Minister of Finance and Personnel (Dr Farren):** Information is not held in precisely the form requested. Based on information prepared by the Northern Ireland Statistics and Research Agency the numbers of civil servants in the Department of Finance and Personnel who are known to live in (a) the constituency of West Tyrone and (b) the constituencies of Foyle and East Londonderry who work in one of the 4 Belfast constituencies as at January 2002 are 16 and 43 respectively.

### Head of the Civil Service

**Mr Dallat** asked the Minister of Finance and Personnel if, in view of the importance of attracting as wide a field as possible for the advertised competition for the post of Head of the Civil Service, he is satisfied that the criteria were properly designed to ensure the inclusion of highly experienced public officials in smaller public bodies. (AQW 4147/01)

**Dr Farren:** In line with the requirements of the Civil Service Commissioners' Recruitment Code, it is the responsibility of the selection panel to determine eligibility criteria which are justifiable against the requirements of the job. The criteria set for this competition reflect the high level of skills and experience which the panel believe are necessary for this demanding post, which includes a major leadership role in a large, diverse organisation of some 29,000 people.

### Head of the Civil Service

**Mr Dallat** asked the Minister of Finance and Personnel to outline (a) how the figures of at least 300 employees and a budget of at least £30 million were selected to define a major organisation in the papers relating to the current competition for the Head of the Civil Service post; and (b) the assessment carried out on the impact these criteria would have in excluding potential candidates. (AQW 4150/01)

**Dr Farren:** The eligibility criteria were determined by the selection panel in line with the requirement in the Civil Service Commissioners' Recruitment Code that these must be justifiable against the requirements of the job. The panel's definition of a major organisation took into account the size of significant public and private sector organisations in Northern Ireland, including Northern Ireland Government Departments. In making this judgement the panel was aware of the challenges the post holder will face, including offering leadership to some 29,000 civil servants. The panel's role is to establish objective job related criteria; it does not assess how these may impact on a potential applicant.

### Intermediate Funding Bodies

**Mr Adams** asked the Minister of Finance and Personnel to outline the source of funding for administration and technical assistance costs required by Intermediate Funding Bodies. (AQW 4179/01)

**Dr Farren:** All technical assistance and administrative costs for Intermediary Funding Bodies (IFBs) are funded from the PEACE II Programme Budget. The Programme, in Priority six contains a discrete allocation for Technical Assistance costs. In addition it was envisaged that a proportion of the resources within other Measures

would be required for costs associated with implementation and development, as was the case under PEACE I. The European Commission have now indicated that these development costs may have to be defined as Technical Assistance which would require them to be separately identified and reallocated to Priority six. The SEUPB has established a Working Group under the auspices of the PEACE II Monitoring Committee to consider the most practical options for taking this issue forward. The outcome will be presented to the Monitoring Committee for approval. The Special EU Programmes Body, as Managing Authority for the Programme, is responsible for ensuring that administrative costs are kept to a minimum level, consistent with the effective implementation of the Programme.

## Peace II

**Dr Birnie** asked the Minister of Finance and Personnel if there is adequate insurance provision to cover EU Peace delivery mechanisms. (AQW 4187/01)

**Dr Farren:** PEACE II funds are administered by a range of Implementing Bodies: Government Departments, the Special EU Programmes Body (SEUPB), Intermediary Funding Bodies (IFBs) and Local Strategy Partnerships (LSPs). In accordance with Government Accounting rules and regulations for Northern Ireland, Government Departments do not carry their own insurance. The Special EU Programmes Body is currently in negotiations with the Department of Finance and Personnel in respect of their insurance requirements.

For IFBs, it is stipulated in their individual contract with the SEUPB, which is the Managing Authority for PEACE II, that they must maintain such insurance as is necessary to cover all liabilities of the Intermediary to the SEUPB and the Accountable Department arising under the terms and conditions of their contracts. The SEUPB can require IFBs to produce for inspection such documentary evidence as it feels is necessary to satisfy itself that insurance is being properly maintained. A similar condition has been included in the contracts between the SEUPB and LSPs.

## Peace I: Funding

**Dr Birnie** asked the Minister of Finance and Personnel to outline the timing for the review of Peace I funding allocations. (AQW 4188/01)

**Dr Farren:** The Ex-post Evaluation of PEACE I will be conducted alongside the Mid-term Evaluation of PEACE II. Both studies will cover the North and the South and use the same methodology and the same independent evaluator, with a view to assessing the extent to which targets for PEACE II have been achieved and whether the lessons of PEACE I are being addressed in PEACE II.

The SEUPB is currently working towards producing the Terms of Reference for this joint evaluation. It is expected that the selection of the evaluator will take place in September 2002 and the study completed by June 2003.

## Infant and Maternal Death Rates

**Ms McWilliams** asked the Minister of Finance and Personnel to detail the rates of infant and maternal mortality, per total number of births, in the last 3 years.

(AQW 4202/01)

**Dr Farren:** The table below details the infant and maternal death rates for each of the last 3 years.

Year	Infant Deaths		Maternal Deaths	
	Number	Rate <sup>1</sup>	Number	Rate <sup>2</sup>
1998	134	5.7	1	0.04
1999	148	6.4	0	0.0
2000	109	5.1	0	0.0

<sup>1</sup> Rate per 1,000 live births

<sup>2</sup> Rate per 1,000 maternities

2001 information on cause of death is not yet available.

## Building Sustainable Prosperity & Peace II

**Dr O'Hagan** asked the Minister of Finance and Personnel to quantify, by electoral ward, the gross amount applied for by priority to (a) Building Sustainable Prosperity; and (b) Peace II. (AQW 4221/01)

**Dr Farren:** The attached tables provide details on the number of applications and the total EU grant applied for by projects/ organisations based in each electoral ward in Northern Ireland. The information is provided by Priority in section A for the BSP Programme and in section B for the PEACE II Programme.

The detail of the amount applied for is provided by the project applicant in Part B of the application form. Implementing Bodies are currently concentrating their efforts on getting applications through the assessment process as quickly as possible. They do not, therefore, typically register all the details included in Part B until after a funding decision has been taken. Thus the information provided in this response is currently based on details provided for 530 applications to the BSP Programme and 364 applications to the PEACE II Programme.

A copy of the attached table will be made available to the Member and a copy placed in the Assembly Library.

## Building Sustainable Prosperity & Peace II

**Dr O'Hagan** asked the Minister of Finance and Personnel to quantify, by electoral ward, the number of applications to date submitted to (a) Building Sustainable Prosperity; and (b) Peace II. (AQW 4222/01)

**Dr Farren:** The total number of applications currently registered on the EU Structural Funds Applications Database is detailed in the table below:

Programme	Total Number of Registered Applications
BSP	865
PEACE II	2,111
<b>Total</b>	<b>2,976</b>

Some 202 PEACE II applications were made by projects or organisations based in the Border Counties of Ireland and a further 151 PEACE and 65 BSP applications do not contain sufficient address details to enable a Northern Ireland electoral ward to be derived. For the remaining 2,558 applications the following two sections contain detailed figures showing the number submitted to (a) BSP; and (b) PEACE II by electoral ward and district council.

A copy of the attached table will be made available to the Member and a copy placed in the Assembly Library.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Mental Health Issues: Funding

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety what funding packages have been allocated to the Health Education Board since 1999 for the promotion of mental health issues which specifically target men aged between 25 and 45. (AQW 3019/01)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** A Health Education Board does not exist here.

Ní ann do Bhord Oideachas Sláinte anseo.

### Foster Homes

**Mr Ford** asked the Minister of Health, Social Services and Public Safety how many additional foster homes have been created in each of the last 3 years. (AQW 3758/01)

**Ms de Brún:** The number of additional foster homes created in each of the last three years for which complete information is available is shown in the following table.

Year	Number of additional foster homes <sup>1</sup>
1998-1999	133
1999-2000	171
2000-2001	167
<b>Total</b>	<b>471</b>

<sup>1</sup> These figures are for new foster homes only and do not take account of those foster homes which ceased existence over the period.

Léirítear sa tábla thíos líon na n-áras altrama sa bhreis a cruthaíodh i ngach ceann de na trí bliana deireanacha a bhfuil eolas iomlán ar fáil dóibh.

Bliain	Líon na n-áras altrama sa bhreis <sup>1</sup>
1998-1999	133
1999-2000	171
2000-2001	167
<b>Iomlán</b>	<b>471</b>

<sup>1</sup> Baineann na figiúirí sin le hárais altrama nua amháin agus ní chuirtear san áireamh na hárais altrama siúd ar tháinig deireadh lena ré i rith na tréimhse sin.

### Psychiatric Units: Children

**Ms Ramsey** asked the Minister of Health, Social Services and Public Safety how many children under the age of 16 years have been admitted to psychiatric units, across all Trusts over the last 2 years, either on a voluntary basis or detained under the Mental Health Order.

(AQW 3806/01)

**Ms de Brún:** The number of children under the age of 16 years admitted to psychiatric units across all trusts in the last two years, either on a voluntary basis or detained under the Mental Health Order, is shown in the table below.

Year	Number of children aged under 16 admitted to psychiatric units <sup>1</sup>
2000-2001	196
2001-2002	139
<b>Total</b>	<b>335</b>

<sup>1</sup> Figures refer to admissions, not to individuals. It is possible for a person to be admitted more than once in the course of a year.

Tá líon na bpáistí faoi 16 bliain d'aois glactha isteach in ionaid shíciatracha ar fud na nÍontaobhas go léir sa dá bhliain deireanacha, go deonach nó coinneáilte istigh de réir an Oird Sláinte Meabhrach, léirithe sa tábla thíos.

Bliain	Líon na bpáistí faoi 16 bliain d'aois glactha isteach in ionaid shíciatracha <sup>1</sup>
2000-2001	196
2001-2002	139
<b>Iomlán</b>	<b>335</b>

<sup>1</sup> Tagraíonn na figiúirí do líon na ndaoine glactha isteach, ní do dhaoine aonair. Is féidir le duine a ghlacadh isteach níos mó ná uair amháin i rith na bliana.



## Investing for Health

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety, pursuant to AQO 780/01, to make a statement on the implementation plan for the Investing in Health strategy. (AQW 3894/01)

**Ms de Brún:** The *Investing for Health* Strategy was published and launched on 27th March 2002. It contains a framework for action to improve health and well-being and reduce health inequalities which is based on partnership working across Government and across all sectors. Action is being implemented on all of these issues and, in the near future, as part of the outworking of *Investing for Health*, I will be publishing strategies on Smoking, Promotion of Mental Health and Teenage Pregnancy. In addition multi-sectoral Investing for Health Partnerships are being established at Health and Social Services Board level, which will develop by 31 March 2003 long term, local cross-sectoral health improvement plans to address the identified health and well-being needs of their local populations to meet the strategic aims and objectives of *Investing for Health*.

Foilsíodh agus lainseáladh an Straitéis *Infheistíocht sa tSláinte* ar 27 Márta 2002. Inti tá creatlach le haghaidh gnímh chun sláinte agus leas a fheabhsú agus chun éagothromaíochtaí i sláinte a laghdú, atá bunaithe ar chomhpháirtíocht trasna an Rialtais agus na n-earnálacha go léir. Tá gníomh á chur i bhfeidhm ar gach ceann de na ceisteanna seo agus, gan mhoill, foilseoidh mé, mar pháirt den obair le bheith curtha i gcrích d'*Infheistíocht sa tSláinte*, straitéisí ar chaitheamh tobac, cur chun cinn Sláinte Meabhrach agus Toircheas Déagóra. Ina theannta tá Páirtíochtaí trasroinne ilearnálach Infheistíocht sa tSláinte á mbunú ar leibhéal Boird Sláinte agus Seirbhísí Sóisialta, a fhorbróidh pleananna fadtéarmacha, áitiúla tras-earnála feabhsúcháin faoi 31 Márta 2003 le tabhairt faoi riachtanais aitheanta shláinte agus leasa a ndaonraí áitiúla agus le haidhmeanna agus le cuspóirí straitéiseacha *Infheistíocht sa tSláinte* a chomhlíonadh.

## Tyrone and Fermanagh Hospital

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety to detail (a) the cost of the recent refurbishment of the main building of the Tyrone and Fermanagh Hospital in Omagh; (b) the source of this funding; and (c) how this building has been used subsequent to its refurbishment. (AQW 3903/01)

**Ms de Brún:** No HPSS funds have been spent recently on the refurbishment of the main building of the Tyrone and Fermanagh Hospital. HPSS expenditure on this building has been limited to essential maintenance.

As well as being used by staff from Sperrin Lakeland HSS Trust, the building is leased to Drumragh Integrated College and Western Education and Library Board.

Níor caitheadh aon chistí SSSP le déanaí ar athchóiriú phríomhfhoirgneamh Ospideál Thír Eoghain agus Fhear Manach. Tá caiteachas SSSP ar an bhfoirgneamh sin teoranta do chothabháil riachtanach.

Tá an foirgneamh ar léas ag Coláiste Imeachta Dhroim Ratha agus Bord Oideachais agus Leabharlainne an Iarthair agus baineann foireann ó Iontaobhas SSS Speirín, Tír na Lochanna úsáid as chomh maith.

## Omagh General Hospital

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety to detail (a) the cost of refurbishment of the abandoned Omagh General Hospital; (b) the source of this funding; and (c) how this building has been used subsequent to its refurbishment. (AQW 3904/01)

**Ms de Brún:** No HPSS funds have been spent on the refurbishment of the Omagh General Hospital after it ceased to be used for the direct provision of health services. The main part of the building has been leased to Omagh Early Years Project (OEYP) for a 25 year period which commenced in August 2000. Any refurbishment will be at the expense of OEYP.

Níor caitheadh aon chistí SSSP ar athchóiriú Ospideál Ginearálta na hÓmaí nuair a stopadh á úsáid i gcomhair soláthair dhírigh seirbhísí sláinte. Tá an príomhchuid den fhoirgneamh ligthe ar léas le Tionscadal na Luathbhlianta in Ómaí do thréimhse 25 bliana a thosaigh i mí Lúnasa 2000. Déanfar aon athchóiriú ar chostas OEYP.

## Derelict/Abandoned Quarries

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what action is being taken to address health and safety issues of derelict or abandoned quarries, specifically the dangers of people swimming in water-filled quarries during warm weather.

(AQW 3930/01)

**Ms de Brún:** This is not my Department's direct responsibility, although the Department does provide some financial assistance to the Child Accident Prevention Trust and the Royal Society of the Prevention of Accidents. These voluntary organisations provide safety information and advice and support accident prevention initiatives including highlighting the dangers of swimming in dangerous locations. I understand also that the Quarry Products Association recently launched their annual summer children's safety campaign 'Play Safe... Stay Safe' in England, Wales, Scotland and here. This campaign aims to raise awareness about the dangers of playing in quarries among children and teenagers and their parents, teachers and other responsible parties.

Ní freagracht dhíreach de chuid mo é sin, cé go soláthraíonn an Roinn roinnt cúnaimh airgeadais don

Iontaobhas um Roinne Thaismí do Pháistí a Chosc agus don Chumann Ríoga um Thaismí a Chosc. Cuireann na heagraíochtaí deonacha sin eolas sábháilteachta agus comhairle ar fáil, agus tugann siad tacaíocht do thionscnaimh seachanta timpistí lena n-áirítear béim a chur ar an mbaol a bhaineann le bheith ag snámh in áiteanna contúirteacha. Tá a fhios agam, chomh maith, gur sheol an Cumann na dTáirgí Cairéil a fheachtas bliantúil sábháilteachta samhraidh do pháistí ‘Imir go Sábháilte... Fan go Sábháilte’ i Sasana, sa Bhreatain Bheag, in Albain agus anseo. Tá sé mar aidhm ag an bhfeachtas sin, níos mó eolais a thabhairt do pháistí agus déagóirí mar aon lena dtuismitheoirí, múinteoirí agus aon pháirtí freagrach eile faoi na contúirtí a bhaineann le bheith ag snágradh i gcairéil.

### Health Care Staff: Training

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety what steps are being taken to provide training for health care staff working in the Health Service to enable them to identify alcohol related problems in women. (AQW 3939/01)

**Ms de Brún:** My Department has developed a Regional Action Plan to ensure that the objectives set out in the Drug and Alcohol strategies are achieved. Among the targets contained in the Regional Action Plan are training audits, which will identify the training needs of health and social care workers working with substance misusers. Appropriate training in preventative drug and alcohol education techniques will also be provided for those who deliver and/or are responsible for delivering education programmes.

With the range of measures currently being put in place, it is intended that if specific training for health care staff working in the Health Service to enable them to identify alcohol related problems in women is identified, then appropriate training will be provided to cover that target area.

D'fhorbair mo Roinn Plean Réigiúnach Gnímh le cinntiú go mbainfear amach na cuspóirí leagtha amach sna straitéisí Drugaí agus Alcóil. I measc na spriocanna sa Phlean Áitiúil Gnímh tá iniúchtaí oiliúna, a aimseoidh riachtanais oiliúna na n-oibrithe sláinte agus cúraim shóisialta ag obair le mí-úsáideoirí substaintí. Soláthrófar oiliúint chuí ar mhodhanna coisctheacha oideachais ar dhrugaí agus ar alcól dóibh siúd a sholáthraíonn cláir oideachais agus/nó atá freagrach as a soláthar.

Leis an réimse beart atá á gcur i bhfeidhm faoi láthair tá sé ceaptha má aimsítear oiliúint ar leith d'oibrithe cúraim sláinte ag obair sa tSeirbhís Sláinte chun cur ar a gcumas na fadhbanna bainteach le halcól atá ag mná a aithint, ansin soláthrófar oiliúint chuí leis an spriocábhar sin a chlúdach.

### Asthma

**Mr S Wilson** asked the Minister of Health, Social Services and Public Safety if the prevention and treatment of asthma is commensurate with the number of deaths and causes of asthma each year. (AQW 3942/01)

**Ms de Brún:** Asthma affects 1 in 7 children and 1 in 25 adults to a greater or lesser extent. It is also given as a cause of death in approximately 35 deaths per year here. Overall the prevalence of asthma is increasing in the developed world, especially among children.

Asthma is a symptom as well as a diagnosis and may reflect a range of underlying conditions ranging from allergic reactions to household dusts to chronic respiratory disorders such as bronchitis or cardiac asthma due to cardiological disorders. Treatment should reflect the underlying cause in all instances. Asthma related to allergic reactions, which is the variety predominating in children, relies on life-style and environmental changes as well as specific medications. The life-style changes are based on the identification of the provoking allergens to ensure their reduction or elimination. This might involve such factors as removal of soft furnishings, avoidance of certain animals or smoking cessation including exposure to passive smoking from third parties.

In relation to prevention, while there is a need for further research environmental factors which are known are being tackled through “Investing for Health” with action on air quality and housing. The Tobacco Action Plan will increase awareness of the dangers of environmental tobacco smoke and so benefit children and vulnerable adults with asthma.

In relation to medications some of these are designed to block allergic reactions and some to symptom control. While there are specialist hospital clinics for both adults and children the vast majority of patients are currently treated through the primary care services where general practitioners are increasingly providing chronic disease management clinics. Effective therapeutic measures are all available on prescription and the annual expenditure on asthma specific medications here is in the region of £25 million.

Goilleann plúchadh ar 1 i 7 páiste agus ar 1 i 25 duine fásta a bheag nó a mhór. Tugtar mar chúis bháis é i dtimpeall is 35 bás an bhliain anseo. San iomlán, tá teagmhais an phlúchta ag méadú sa domhan forbartha, go háirithe i measc páistí.

Is airí chomh maith le fáthmheas é plúchadh agus is féidir leis bheith ina chúis le bunríochtaí ó fhrithghníomhartha ailléirge a bheith ar dhaoine le deannach tí, go neamhoird ainsealacha riospráide amhail broincíteas nó plúchadh cairdiach de dheasca neamhord cairdeolaíochta. Ba chóir don chóireáil bheith oiriúnach don bhunchúis i ngach uile chás. Braitheann an plúchadh

bainteach le frithghníomhartha ailléirge, an cineál atá níos coitianta ar pháistí, ar athruithe i stíl bheatha agus timpeallachta agus ar chógais ar leith. Tá na hathruithe i stíl bheatha bunaithe ar aimsiú na n-ailléirgíní griogtha lena laghdú nó scrios a chinntiú. D'fhéadfaí fachtóirí amhail aistriú feisteas bog, seachaint ainmhithe ar leith nó éirí as tobac chomh maith le nochtadh do chaitheamh éigniómhach ó thríú páirtithe bheith i gceist leis seo.

Maidir le cosc, cé go bhfuil gá le tuilleadh taighde a dhéanamh, táthar ag tabhairt faoi fhachtóirí timpeallachta a bhfuiltear ar an eolas fúthu trí "Infheistíocht sa tSláinte" le beart a dhéanamh ar cháilíocht an aeir agus ar thithíocht. Cuirfidh an Plean Gnímh ar Thobac níos mó eolais ar dhaoine faoi na baoil ó thoit timpeallachta tobac agus mar sin de, rachaidh sé chun sochair do pháistí agus do dhaoine leochaileacha a bhfuil plúchadh orthu.

Maidir le cógais, is é cuspóir roinnt díobh cosc a chur ar fhrithghníomhartha ailléirge agus ar roinnt eile airíonna a chur faoi smacht. Cé go bhfuil sainchlinicí otharlainne ann do pháistí agus do dhaoine fásta araon, tá bunús mór na n-othar á gcóireáil faoi láthair tríd na seirbhísí príomhchúraim áit a bhfuil Gnáthdhochtúirí ag soláthar níos mó clinicí smachtú galar ainsealach. Tá gach uile oideas éifeachtach teiripeach ar fáil le hordú agus is é timpeall is £25 milliún an méid atá caite go bliantúil ar shainchógais phlúchta anseo.

### Myalgic Encephalomyelitis

**Mr S Wilson** asked the Minister of Health, Social Services and Public Safety if she has studied Australian medical approaches to the treatment of myalgic encephalomyelitis for introduction in Northern Ireland. (AQW 3943/01)

**Ms de Brún:** Myalgic encephalomyelitis is a very complex disorder which produces a broad range of symptoms and disabilities. The treatment for an individual patient therefore often involves medical, psychological and social care and support which, as with other chronic conditions, should be determined according to the individual's assessed needs.

Professional staff here keep abreast of developments in other countries, including Australia. Although many treatments have been suggested, and research is ongoing worldwide, recent reviews of treatment interventions would suggest that cognitive behavioural therapy (CBT) and graded exercise are the most effective.

Is neamhord iontach coimpléascach é einceifilimailíteas miailgeach ar cúis le réimse leathan airíonna agus míchumais é. Mar sin de, is minic a bhíonn cúram agus tacú míochaine, síceolaíoch agus sóisialta i gceist le duine aonair a chóireáil, a ba chóir a shocrú de réir riachtanas measúnaithe an duine aonair cosúil le riochtaí ainsealacha eile.

Tá oibrithe gairmiúla anseo a gcoinneáil féin ar an eolas faoi fhorbairtí i dtíortha eile, san Astráil san áireamh. Cé gur moladh cuid mhór cineálacha cóireála, agus go bhfuil taighde ag dul ar aghaidh faoi láthair ar fud an domhain, mholfadh athbhreithnithe déanacha déanta ar idirghabhálacha cóireála gurb iad teiripe chognaíoch iompraíochta (TCI) agus aclaíocht ghrádaithe na cinn is éifeachtaí.

### Referral Of Patients

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety if she will restore patients' rights to seek referral by their general practitioners for publicly funded treatment in any hospital. (AQW 3944/01)

**Ms de Brún:** Decisions in relation to which hospital a patient should be referred to are a matter for general practitioners to decide in consultation with their patients. General practitioners have always had the right to refer patients to any hospital for treatment, but a decision on whether or not the treatment should be publicly funded is a matter for the appropriate Health and Social Services Board.

Baineann cinneadh é maidir le cén otharlann ar chóir othar a atreorú chuici le ghnáthdhochtúir i gcomhairle lena n-othair. Bhí an ceart i gcónaí ag gnáthdhochtúir a n-othair a atreorú chuig otharlann ar bith le haghaidh cóireála ach is ceist í don Bhord Sláinte agus Seirbhísí Sóisialta cuí cé acu ba chóir an chóireáil bheith maoinithe le hairgead poiblí nó nár chóir.

### Assaults On Hospital Staff

**Mr S Wilson** asked the Minister of Health, Social Services and Public Safety to detail the number of assaults on hospital staff for each of the last 5 years. (AQW 3956/01)

**Ms de Brún:** The number of recorded assaults both physical and verbal is detailed in the table below:

Year	Number
2001 - 2002	2095
2000 - 2001	1956
1999 - 2000	1677
1998 - 1999	1490
1997 - 1998	1063

Tá líon na n-ionsaithe fisiceacha agus béil cláraithe léirithe sa tábla thíos:

Bliain	Líon
2001 - 2002	2095
2000 - 2001	1956

Bliain	Líon
1999 - 2000	1677
1998 - 1999	1490
1997 - 1998	1063

### Ambulance Cover

**Mr Gallagher** asked the Minister of Health, Social Services and Public Safety, in the light of the unavailability of ambulance cover for an emergency at Sligo Road, Enniskillen, on Friday 24 May, what steps have been taken to have an adequate ambulance cover in place for any future emergencies in the Fermanagh area. (AQW 3961/01)

**Ms de Brún:** On the date in question an ambulance from Castlederg responded to the incident referred to because the two emergency ambulances covering the Enniskillen area were at that time deployed on other calls, one of which was a patient transfer to a Belfast hospital. The Ambulance Service considers that emergency cover in the Fermanagh area could be enhanced by the introduction of an intermediate care vehicle in Enniskillen, suitably staffed and equipped to undertake patient transfers. A proposal to that effect has been prepared for consideration by the Western Health and Social Services Board.

Ar an dáta i gceist chuaigh otharcharr ó Chaisleán na Deirge chuig an teagmhas ar tagraíodh dó toisc go raibh an dá otharcharr éigeandála ag clúdach cheantar Inis Ceithleann ag freastal ar scairteanna eile, ceann amháin acu le hothar a aistriú go hotharlann i mBéal Feirste. Measann an tSeirbhís Otharchair gur féidir cur le clúdach éigeandála i gceantar Fhear Meanach trí thabhairt isteach feithicil cúraim idirmheánaigh in Inis Ceithleann, le foireann agus áiseanna cuí le tabhairt faoi aistriú othar. Rinneadh réidh moladh á rá sin le haghaidh mhacnamh Bhord Sláinte agus Seirbhísí Sóisialta an Iarthair.

### Specialist Cancer Nurses

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety to outline, by Board area, the current number of specialist cancer nurses.

(AQW 3971/01)

**Ms de Brún:** As part of their basic training, to become qualified, student nurses have the option to take modules in cancer or palliative care. Qualified nurses may also choose, as part of their continuing professional development, to take further specialised training in oncology or haematology. Moreover, nursing staff form part of the multidisciplinary team involved in the treatment of cancer, and it is not always possible to quantify the proportion of their time devoted to cancer patients. The Question is therefore being answered in terms of the number of nurses who hold specialist practice qualifications

in cancer or palliative care and this information is given in the table below.

### NURSES WHO HOLD SPECIALIST PRACTICE QUALIFICATIONS IN CANCER OR PALLIATIVE CARE NURSING<sup>1,2,3</sup>

Board area	Headcount	Whole Time Equivalent
Eastern Board <sup>1</sup>	80	75.5
Northern Board	13	11.7
Southern Board <sup>2</sup>	16	15.3
Western Board	13	13.0

<sup>1</sup> Figures include Macmillan nurses funded by the HPSS but exclude nurses whom Macmillan fund.

<sup>2</sup> Figures excludes Marie Curie Nurses.

<sup>3</sup> Figures exclude Nurses currently undertaking Specialist Practice training.

Mar chuid dá mbunoiliúint, le bheith cáilithe, bíonn sé de rogha ag altraí atá ina mic léinn modúil ailse nó cúraim mhaolaithigh a dhéanamh. Féadann altraí cáilithe, mar chuid dá bhforbairt leanúnach ghairmiúil, sainoiliúint bhreise a ghlacadh san oinceolaíocht nó sa haemaiteolaíocht. Lena chois sin, bíonn altraí mar chuid denfhoireann ildisciplíneach a bhaineann le cóir leighis a chur arailse agus ní i gcónaí is féidir céatadán an ama a chaitear le hothair le hailse a chuntas. Léirítear freagra na ceiste mar sin i dtéarmaí líon na n-altraí a bhfuil cáilíochtaí sainchleachtais acu san ailse nó i gcúram maolaitheach agus tugtar an t-eolas seo sa tábla thíos.

### LÍON NA N-ALTRAÍ A BHFUIL CÁILÍOCHTAÍ SAINCHLEACHTAIS ACU SAN AILSE NÓ I GCÚRAM MAOLAITHEACH<sup>1,2,3</sup>

Bordcheantar	Líon daoine	Coibhéis Lánaimseartha
Bord an Oirthir <sup>1</sup>	80	75.5
Bord an Tuaiscirt	13	11.7
Bord an Deiscirt <sup>2</sup>	16	15.3
Bord an Iarthair	13	13.0

<sup>1</sup> Altraí Macmillan a fhaigheann maoiniú SSPS san áireamh ach ní chuirtear altraí a fhaigheann maoiniú Macmillan san áireamh.

<sup>2</sup> Ní chuirtear figiúirí altraí Marie Curie san áireamh.

<sup>3</sup> Ní chuirtear figiúirí altraí atá ag tabhairt faoi Oiliúint Sainchleachtais faoi láthair san áireamh.

### Delayed Hospital Discharge

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety what progress there has been on the issue of delayed hospital discharge since 1998.

(AQW 3976/01)

**Ms de Brún:** The number of patients remaining in hospital after the date on which they are deemed medically fit for discharge has been rising in parallel with the increased volume of patients presenting for hospital treatment. Although no figures are available for 1998,



the figures have risen from 249 at February 1999 to 364 at February 2002.

The health and social services have been actively seeking ways of addressing this problem, and the number of delayed discharges has dropped by 23 per cent between September 2001 and March 2002. A number of measures designed to reduce admissions to hospital, to facilitate faster, safe discharges and to provide hospital at home schemes were identified in the First Report of the Community Care Review, and these are being circulated to Trusts for consideration and implementation.

I have also allocated additional funding of £19.1m for community care services this year. This will be used, amongst other things, to provide an additional 1,000 care packages in the community. Priority is also to be given to minimising delayed discharge, reducing waiting lists in the community and to the restoration of domiciliary care as a realistic alternative to hospitalisation and other institutional care.

Bhí líon na n-othar ag fanacht in otharlanna i ndiaidh an dáta a fáthmheasadh iad mar folláin go leor le scaoileadh amach ag méadú comhthreomhar ar an mhéadú i líon na n-othar ag fáil cóireála otharlainne. Cé nach bhfuil figiúirí ar fáil do 1998, mhéadaigh na figiúirí ó 249 i mí Feabhra 1999 go 364 i mí Feabhra 2002.

Bhí na seirbhísí sláinte agus sóisiata gníomhach ag iarraidh dóigheanna a aimsiú le tabhairt faoin fhadhb seo agus laghdaigh líon na ndaoine scaoilte amach go mall faoi 23 faoin gcéad idir Meán Fómhair 2001 agus Márta 2002. Aimsíodh roinnt beart sa Chéad Tuairisc den Athbhreithniú ar Chúram Pobail leagtha amach leis an ghlacadh isteach in otharlanna a laghdú, le héascaíocht níos gaiste a dhéanamh, le daoine a scaoileadh amach go slán sábháilte agus le scéimeanna otharlann sa bhaile a sholáthar agus tá siad seo á scaipeadh ar fud na nÍontaobhas le haghaidh machnaimh agus chur i bhfeidhm.

Dháil mé maoiniú breise de £19.1m ar sheirbhísí cúraim phobail i mbliana chomh maith. Úsáidfear an maoiniú seo, i measc rudaí eile, le 1000 pacáiste breise cúraim a sholáthar sa phobal. Tá tosaíocht le tabhairt chomh maith d'íosmhéadú i scaoileadh amach mall, do laghdú i liostaí feithimh sa phobal agus d'aiseag cúraim baile mar rogha réadúil eile in áit cúraim institiúide.

### Foods Standards Agency

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety to outline the work of the Northern Ireland Advisory Committee of the Foods Standards Agency. (AQW 3981/01)

**Ms de Brún:** The Food Standards Agency here has responsibility for food safety and standards and related public health protection matters.

The Food Standards Agency's Northern Ireland Advisory Committee was established under the Food Standards Act 1999 for the purpose of giving independent advice and information to the Agency about matters concerned with its functions (including in particular matters affecting or otherwise relating to here). The Act requires the Agency to take account of such advice or information, whether or not given at the Agency's request.

The Advisory Committee comprises nine members and a Chairperson, and its first meeting was held in September 2000. The Committee has held fifteen meetings, four of which have been open meetings attended by members of the public. The open meetings were held in Belfast, Derry, Enniskillen and Cookstown.

Some of the issues on which the Committee has advised are:

- food labelling;
- review of BSE controls;
- GM foods;
- BSE and sheep;
- organic foods;
- food borne illness; and
- nutrition in schools.

Tá an Ghníomhaireacht Caighdeán Bhia anseo freagrach as sábháilteacht agus as caighdeán bhia agus as cúrsaí bainteach le cosaint sláinte poiblí.

Bunaíodh Coiste Comhairleach Thuaisceart Éireann na Gníomhaireachta Caighdeán Bhia de réir Acht Caighdeán Bhia 1999 chun comhairle agus eolas neamhspleách a thabhairt don Ghníomhaireacht faoi chúrsaí bainteach lena cúraimí (go háirithe faoi chúrsaí a bhfuil tionchar acu ar nó a bhaineann leis an áit seo). Éilíonn an tAcht ar an Ghníomhaireacht a leithéid den chomhairle agus den eolas seo a chur san áireamh, bíodh sin tugtha ar iarratas na Gníomhaireachta nó ná bíodh.

Ar an Choiste Chomhairleach tá naoi mball agus Cathaoirleach, agus bhí a chéad chruinniú tionóla i Meán Fómhair 2000. Bhí cúig chruinniú déag ag an Choiste, ar fhreastail daoine den phobal ar cheithre cinn díobh ar chruinnithe oscailte iad. Bhí na cruinnithe oscailte tionóla i mBéal Feirste, i nDoire, in Inis Ceithleann agus sa Chorr Chriochach.

Seo a leanas cuid de na ceisteanna ar thug an Coiste comhairle orthu:

- lipéadú bia;
- athbhreithniú ar rialacháin BSE;
- bianna GM;
- BSE agus caoirigh;
- bianna orgánacha;
- tinneas ó bhia; agus
- cothú i scoileanna.

### Fire Brigade: Salaries

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to outline negotiations that have been held with the Northern Ireland Fire Brigades Union to increase wages to a similar level of the Fire Service in Great Britain. (AQW 3993/01)

**Ms de Brún:** There have been no negotiations here with the Fire Brigades Union in relation to increases in fire-fighters pay. The level of fire-fighters pay is determined through the National Joint Council for Local Authorities' Fire Brigades.

Ní raibh idirbheartaíocht ar bith anseo le Cumann na mBriogáidí Dóiteáin i dtaca le méaduithe i bpá chomhraiseoirí dóiteáin. Tá leibhéal phá chomhraiseoirí dóiteáin socraithe tríd an Chomhchoiste Náisiúnta um Briogáidí Dóiteáin Údarás Áitiúil.

### Recruitment of Nurses

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety to detail the current position in regard to the recruitment of nurses in Northern Ireland. (AQW 4004/01)

**Ms de Brún:** I refer the Member to my answer to AQW 3829/01.

Treoraím an Ball do mo fhreagra a thug mé ar AQW 3829/01.

### Eating Disorders: In-Patient Beds

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety how many in-patient beds are available in each NHS Board area for the treatment of anorexia nervosa and other eating disorders. (AQW 4008/01)

**Ms de Brún:** There are no beds specifically earmarked for the treatment of such eating disorders.

Níl leapacha ar leith curtha ar leataobh do chóireál neamhord ite mar seo.

### Medical Consultants: Vacant Posts

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety to outline the current number of vacant medical consultant posts broken down by speciality and Health Service Board. (AQW 4016/01)

**Ms de Brún:** The information requested is detailed in the following tables.

#### VACANT MEDICAL CONSULTANT POSTS BY MEDICAL SPECIALITY

Eastern Board	Headcount	Wte <sup>1</sup>
Accident & Emergency	1	1
Anaesthetics	9	9
Cardiology	2	2
Child & Adolescent Psychiatry	2	2
Endocrinology	1	1
General medicine	1	1
General Surgery	2	2
Haematology	1	0.5
Learning Disability	1	0.5
Maxillo Facial Surgery	1	1
Microbiology	1	1
Obstetrics & Gynaecology	1	1
Oncology	1	1
Palliative Care	1	1
Paediatrics	4	4
Psychiatry	1	0.5
Psychiatry of Old Age	1	1
Radiology	1	1
Respiratory Medicine	1	1
Urology	2	2
<b>Total</b>	<b>35</b>	<b>33.5</b>

#### VACANT MEDICAL CONSULTANT POSTS BY MEDICAL SPECIALITY

Northern Board	Headcount	Wte <sup>1</sup>
Accident & Emergency	1	1
Anaesthetics	1	1
Child & Adolescent Psychiatry	1	1
Dermatology	1	1
Ear Nose & Throat	1	1
Endocrinology	1	1
General Surgery	1	1
Histopathology	1	1
Paediatrics	1	1
Psychiatry	1	1
Radiology	2	2
<b>Total</b>	<b>12</b>	<b>12</b>

#### VACANT MEDICAL CONSULTANT POSTS BY MEDICAL SPECIALITY

Southern Board	Headcount	Wte <sup>1</sup>
Cardiology	2	2

General Surgery	1	1
Geriatric Medicine	1	1
Obstetrics & Gynaecology	1	1
Radiology	5	4.5
<b>Total</b>	<b>10</b>	<b>9.5</b>

#### VACANT MEDICAL CONSULTANT POSTS BY MEDICAL SPECIALITY

Western Board	Headcount	Wte <sup>1</sup>
A&E	1	1
Anaesthetics	3	3
General Surgery	1	1
Geriatric Medicine	1	1
Haematology	3	3
Histopathology	1	1
Microbiology	1	1
Oncology	1	1
Paediatrics	1	1
Public Health Medicine	1	1
Radiology	1	1
Respiratory	1	1
Urology	1	1
<b>Total</b>	<b>17</b>	<b>17</b>

<sup>1</sup> Whole Time Equivalent

Tá an t-eolas iarrtha mionléirithe sna táblaí thíos.

#### FOLÚNTAIS PHOIST LIA COMHAIRLEACH DE RÉIR SPEISIALTACHTA MÍOCHAIINE

Bord an Oirthir	Líon	CLA <sup>1</sup>
Timpistí & Éigeandáil	1	1
Ainéistéisigh	9	9
Cairdeolaíocht	2	2
Síciatracht Páistí & Ógánach	2	2
Inchríneolaíocht	1	1
Míochaine Ghinearálta	1	1
Máinliacht Ghinearálta	2	2
Haemaiteolaíocht	1	0.5
Míchumas Foghlama	1	0.5
Mianliacht Aghaidhe Maxillo	1	1
Micribhitheolaíocht	1	1
Cnáimhseachas & Gínéiceolaíocht	1	1
Oinceolaíocht	1	1
Cúram Maolaitheach	1	1
Péidiatraic	4	4
Síciatracht	1	0.5
Síciatracht na Seanaoise	1	1
Raideolaíocht	1	1
Mianliacht Riospráide	1	1

Bord an Oirthir	Líon	CLA <sup>1</sup>
Néareolaíocht	2	2
<b>Iomlán</b>	<b>35</b>	<b>33.5</b>

#### FOLÚNTAIS PHOIST LIA COMHAIRLEACH DE RÉIR SPEISIALTACHTA MÍOCHAIINE

Bord an Tuaiscirt	Líon	CLA <sup>1</sup>
Timpistí & Éigeandáil	1	1
Ainéistéisigh	1	1
Síciatracht Páistí & Ógánach	1	1
Deirmeolaíocht	1	1
Cluas Srón & Sceadamán	1	1
Inchríneolaíocht	1	1
Máinliacht Ghinearálta	1	1
Histeapaiteolaíocht	1	1
Péidiatraic	1	1
Síciatracht	1	1
Raideolaíocht	2	2
<b>Iomlán</b>	<b>12</b>	<b>12</b>

#### FOLÚNTAIS PHOIST LIA COMHAIRLEACH DE RÉIR SPEISIALTACHTA MÍOCHAIINE

Bord an Deiscirt	Líon	CLA <sup>1</sup>
Cairdeolaíocht	2	2
Máinliacht Ghinearálta	1	1
Míochaine Gheiriatrach	1	1
Cnáimhseachas & Gínéiceolaíocht	1	1
Raideolaíocht	5	4.5
<b>Iomlán</b>	<b>10</b>	<b>9.5</b>

#### FOLÚNTAIS PHOIST LIA COMHAIRLEACH DE RÉIR SPEISIALTACHTA MÍOCHAIINE

Bord an Iarthair	Líon	CLA <sup>1</sup>
T&É	1	1
Ainéistéisigh	3	3
Máinliacht Ghinearálta	1	1
Míochaine Gheiriatrach	1	1
Haemaiteolaíocht	3	3
Histeapaiteolaíocht	1	1
Micribhitheolaíocht	1	1
Oinceolaíochta	1	1
Péidiatraic	1	1
Míochaine Sláinte Poiblí	1	1
Raideolaíocht	1	1
Riospráid	1	1
Néareolaíocht	1	1
<b>Iomlán</b>	<b>17</b>	<b>17</b>

<sup>1</sup> Coibhéis Lánaimseartha

## Residential Homes: Elderly

**Mr M Murphy** asked the Minister of Health, Social Services and Public Safety to outline for all residential and EMI (Elderly Mentally Impaired) registered homes owned and managed by the Down and Lisburn Trust, (a) the number of beds registered in each category for each home; (b) the occupancy levels for each home for the last 3 years; (c) the charges per bed for privately funded patients/residents for the last 3 years; and (d) the actual running costs per registered bed for each home for the last 3 years. (AQW 4023/01)

**Ms de Brún:** The information requested is detailed in the table below.

- (a) (b) Figures for 2001/2002 are not yet available. Occupancy rates of over 100% are due to patients leaving the facility and the vacant bed being occupied by another patient on the same day.

### DOWN LISBURN TRUST - ELDERLY RESIDENTIAL AND EMI HOMES REGISTERED BEDS AS AT 31 MARCH 2001

Resource Centre	Client Group		% Occupancy		
	Frail Elderly	EMI	2001/2002	2000/2001	1999/2000
Ardview House	29	10	Not available	102.5%	99.8%
Drumlough House	22	18	Not available	102.0%	100.6%
Grove House	34	0	Not available	98.4%	97.4%
Laurelhill House	0	30	Not available	100.2%	97.2%
Seymour House	36	15 Nursing	Not available	99.7%	98.4%
St John's House	22	12	Not available	100.7%	101.5%
Overall	143	85	Not available	100.6%	99.2%

- (c) Charges for Privately Funded Residents

	Increment Date		
	02.07.01	01.01.00	06.04.98
Nursing EMI	£451.50	£430.00	£419.00
EMI	£394.80	£376.00	£366.00
Non-EMI	£332.10	£324.00	£316.00

- (d) Actual Running Costs Per Bed

	2001/02	2000/01	1999/00
Nursing EMI	-	£571	£412
EMI	-	£429	£350
Non-EMI	-	£311	£280

Tá an t-eolas a iarradh léirithe sa tabla thíos.

- (a) (b) Níl figiúirí do 2001/2002 ar fáil go fóill. Is de thoradh ar othair ag imeacht ón áis agus go dtéann othar eile isteach sa leaba fholamh ar an lá céanna is cúis le rátaí úsáide thar 100%.

### IONTAOBHAS AN DÚIN LIOS NA GCEARRBHACH – TITHE CÓNAITHE AGUS TITHE SML LEAPACHA CLÁRAITHE AG 31 MÁRTA 2001

Áisionad	Grúpa Cliant		% Úsáid		
	Seandaoine leochail eacha	SML	2001/2002	2000/2001	1999/2000
Teach Ardview	29	10	Níl sé ar fáil	102.5%	99.8%
Teach Drumlough	22	18	Níl sé ar fáil	102.0%	100.6%
Teach Grove	34	0	Níl sé ar fáil	98.4%	97.4%
Teach Laurelhill	0	30	Níl sé ar fáil	100.2%	97.2%
Teach Seymour	36	15 Altranais	Níl sé ar fáil	99.7%	98.4%
Teach Naomh Eoin	22	12	Níl sé ar fáil	100.7%	101.5%
Foriomlán	143	85	Níl sé ar fáil	100.6%	99.2%

- (c) Taillí Do Chonaitheoirí Maoinithe Go Priobháideach

- (d) Costais Reatha Iarbhire gach Leaba

	2001/02	2000/01	1999/00
Altranais SML	-	£571	£412
SML	-	£429	£350
Néamh-SML	-	£311	£280

	Dáta incriminte		
	02.07.01	01.01.00	06.04.98
Altranais SML	£451.50	£430.00	£419.00
SML	£394.80	£376.00	£366.00
Néamh-SML	£332.10	£324.00	£316.00

## Mental Health Review

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety to make a statement on the commencement of the Mental Health Review.

(AQW 4039/01)

**Ms de Brún:** Preparatory work for the review has been undertaken, and I hope to announce the details of the review and membership of the Review Team shortly.

Tá an obair ullmhúcháin don athbhreithniú tosaithe agus tá súil agam sonraí faoin athbhreithniú agus comhaltai an Fhoireann Athbhreithnithe a fhógairt go luath.



## Mental Health

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety to outline the commencement date of the North-South Institute on Mental Health.

(AQW 4040/01)

**Ms de Brún:** A decision on an all-Ireland Institute for Mental Health has not yet been made. Officials from my Department are currently examining proposals with their counterparts from the Department of Health and Children in Dublin, and both Departments will be bringing an assessment to the respective Ministers for decision.

Ní dhearnadh cinneadh go fóill ar Institiúid Uile-Éireannach um Shláinte Meabhrach. Faoi láthair, tá oifigigh ó mo Roinn ag scrúdú na moltaí i gcomhar lena gcomhghleacaithe ón Roinn Sláinte agus Leanaí i mBaile Átha Cliath agus beidh an dá Roinn ag cur measúnaithe faoi bhráid a nAirí féin le cinneadh a dhéanamh orthu.

## Child Psychiatrists: Waiting Times

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety to outline, by Board area, the average waiting time for initial assessment by a child psychiatrist.

(AQW 4041/01)

**Ms de Brún:** Information is not available in the form requested.

Níl an t-eolas ar fáil ar an dóigh iarrtha.

## Sure Start Programme

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety, in the light of the funding received by Sure Start Programmes in the UK for the next 5-7 years, if her Department will make a similar commitment to the 26 Sure Start Programmes across Northern Ireland.

(AQW 4042/01)

**Ms de Brún:** Longer-term funding decisions are being taken by the Executive as part of the Comprehensive Spending Review process which will be completed in December of this year. Future plans for individual schemes, such as the Sure Start programme, will then be settled in the light of the overall budget allocated to my Department.

Tá bearta ar mhaoiniú níos fadtéarmaí á ndéanamh ag an Fheidhmiúchán mar chuid de phróiseas an Athbhreithnithe Chuimsithigh ar Chaiteachas a chríochnófar i Nollaig na bliana seo. Mar sin de, socrófar pleananna sa todhchaí do scéimeanna aonair, ar nós Sure Start, ag cuimhneamh ar an bhuiséad iomlán dáilte ar mo Roinn.

## General Practice Staff: Pay Grades

**Rev Robert Coulter** asked the Minister of Health, Social Services and Public Safety how pay grades of General Practice staff in Northern Ireland, both administrative and nursing, compare with the grades in the rest of the UK.

(AQW 4050/01)

**Ms de Brún:** Information on pay grades in relation to administrative and nursing staff working in General Practices both locally and in Great Britain is not held in a format which would enable such comparisons to be made.

Níl eolas ar ghráid phá maidir le hoibrithe riaracháin agus altránais ag obair i nGnáthchlinicí go háitiúil agus sa Bhreatain Bheag coinnithe i bhformáid a chuideodh lena leithéid de chomparáidí a dhéanamh.

## Review Of Acute Hospitals

**Mr S Wilson** asked the Minister of Health, Social Services and Public Safety, to outline how her announcement of 12 June 2002 regarding 'Proposals to Modernise Hospitals and Restructure Health and Social Services', aligns with the recommendations of the 'Hayes Review of Acute Hospitals'.

(AQW 4103/01)

**Ms de Brún:** While the proposals outlined in the consultation paper 'Developing Better Services: Modernising Hospitals and Reforming Structures' follow a similar approach to the Acute Hospitals Review Group (AHRG) report, they go further than the recommendations made by the AHRG in that they propose:

- (a) a second enhanced Local Hospital in the West;
- (b) a second protected elective centre west of the Bann;
- (c) the piloting of two midwife-led stand alone maternity units; and
- (d) specific measures for dealing with the access problems faced by people in rural areas.

The AHRG proposal for a reduction of 500 acute beds has not been accepted and the consultation paper sets out a number of options for reforming administrative structures in the health and personal social services.

Cé go bhfuil na moltaí leagtha amach sa pháipéar comhairliúcháin 'Seirbhísí Níos Fearr A Fhorbairt - Otharlanna A Nuachóiriú agus Struchtúir a Leasú' cosúil leis an chur chuige úsáide i dtuairisc an Ghrúpa Athbhreithnithe ar Ghéarotharlanna (GAGO), molann siad níos mó ná na moltaí déanta ag an GAGO mar go molann siad:

- (a) an dara Otharlann mhéadaithe Áitiúil san Iarthar;
- (b) an dara ionad roghnach cosanta siar ón Bhanna;

- (c) píolótú dhá ionad aonair mháithreachais treoraithe ag mná cabhrach; agus
- (d) bearta ar leith le déileáil leis na fadhbanna rochtana atá ag daoine a chónaíonn i gceantair tuaithe.

Níor glacadh le moladh an GAGO le líon na leapacha géarotharlainne a laghdú faoi 500 leaba agus leagann an páipéar comhairliúcháin amach roinnt dóigheanna eile leis na struchtúir riaracháin sna seirbhísí sláinte agus sóisialta pearsanta a leasú.

### Young Adults With Special Needs

**Rev Dr William McCrea** asked the Minister of Health, Social Services and Public Safety to detail the types of transition programmes available to young people leaving special needs schools at 19 years of age.  
(AQW 4108/01)

**Ms de Brún:** On leaving a special school, young people with a learning disability may attend:

- an Adult Training Centre;
- a vocational training scheme;
- a voluntary sector scheme;
- a College of Further Education; or be in
- supported employment.

Ar fhágáil scoile speisialta dóibh, is féidir le hógánaigh a bhfuil míchumas foghlama acu freastal ar:

- Ionad Oiliúna Aosach;
- Scéim oiliúna gairmiúla;
- Scéim na hearnála deonaí;
- Coláiste Breisoideachais; nó bheith;
- I bhfostaíocht thacaithe.

### Young Adults With Special Needs

**Rev Dr William McCrea** asked the Minister of Health, Social Services and Public Safety how she will ensure equality of access to programmes designed to enable young people with disabilities to make the transition from special schools to adult life.  
(AQW 4109/01)

**Ms de Brún:** It is for Health and Social Services Boards and Trusts, in co-operation with other statutory and voluntary sector providers, to ensure that there is the range and volume of day activities to meet the assessed needs of young people with a learning disability in their areas.

My Department recently launched the report 'A Fair Chance', which records the views expressed by people with a learning disability about the services they use and how these might better address the equality of opportunity issues they face. The report has been distributed

widely to health and social services and to other Departments and their agencies. This will help to inform future service development.

Tá sé faoi Bhoird agus Iontaobhais Sláinte agus Seirbhísí Sóisialta, i gcomhar le soláthraithe eile na hearnála reachtúla agus deonaí, le cinntiú go bhfuil an réimse agus an méid go leor gníomhaíochtaí lae ann le riar ar riachtanais mheasúnaithe dhaoine óga a bhfuil míchumas foghlama acu ina limistéir.

Lainseáil mo Roinn an tuairisc 'A Fair Chance' ar na mallaibh, a chláraíonn na tuairimí curtha in iúl ag daoine a bhfuil míchumas foghlama acu ar na seirbhísí a úsáideann siad agus ar an dóigh dá fheabhas ar féidir leo tabhairt faoi na ceisteanna cothromaíochta deiseanna atá acu. Cuireadh an tuairisc go forleathan chuig na seirbhísí sláinte agus sóisialta, chuig Ranna eile agus chuig a ngníomhaireachtaí chomh maith. Cuideoidh sí seo le forbairt na seirbhísí sa todhchaí a thabhairt suas chun dáta.

### Complaints: Independent Review

**Rev Dr William McCrea** asked the Minister of Health, Social Services and Public Safety to detail for each of the last 3 years (a) the number of complaints referred for independent review to the Convenor of Complaints at the Northern Health Board and (b) the number of complaints that were upheld. (AQW 4110/01)

**Ms de Brún:**

- (a) This information is detailed in the table below.

Year	Number of complaints referred for independent review
1999-2000	26
2000-2001	31
2001-2002	24
<b>Total</b>	<b>81</b>

- (b) Information is not available in the form requested.

- (a) Tá an t-eolas seo ar fáil go mion thíos.

Bliain	Líon na ngearán a tagraíodh d'athbhreithniú neamhspleách
1999-2000	26
2000-2001	31
2001-2002	24
<b>Iomlán</b>	<b>81</b>

- (b) Níl an t-eolas ar fáil ar an dóigh iarrtha.

### Young Adults With Special Needs

**Rev Dr William McCrea** asked the Minister of Health, Social Services and Public Safety how she will audit the

nature and scale of transition programmes run for young adults with learning/physical disabilities in preparing them for leaving special needs schools. (AQW 4111/01)

**Ms de Brún:** Health and Social Services Boards and Trusts are responsible for ensuring that the nature and scale of day care services meet assessed local need.

Boards' Health and Wellbeing Investment Plans contain proposals for expanding the provision of day care places in line with my Priorities for Action 2002/03. My Department will monitor progress against these Plans.

Tá Boird agus Iontaobhais Sláinte agus Seirbhísí Sóisialta freagrach as cinntiú go riarann an sórt agus an méid seirbhísí cúraim lae ar an riachtanas measúnaithe áitiúil.

I bPleananna Infheistíochta Sláinte agus Folláine na mBord tá moltaí le soláthar na n-áiteanna cúraim lae a mhéadú de réir mo Thosaíochtaí le haghaidh Gnímh i 2002/03. Déanfaidh mo Roinn monatóireacht ar dhul chun cinn na bPleananna seo.

### Ulster Hospital: Union Flag Flying

**The Lord Kilclooney** asked the Minister of Health, Social Services and Public Safety to outline (a) if the Ulster Hospital has been provided with a Union Flag; (b) if the Ulster Hospital has been advised of the designated dates for flying the Union Flag; (c) the Hospital's internal arrangements to fly the Union Flag; (d) if the Union Flag was flown at the Hospital on Her Majesty the Queen's Official Birthday on 15 June 2002; and to make a statement. (AQW 4117/01)

**Ms de Brún:** The Ulster Hospital has been provided with a Union Flag. My Department does not advise HPSS Boards and Trusts of the designated dates for flying the Union Flag, but the dates are published in the Belfast Gazette. The Ulster Hospital has detailed written internal procedures for flying the Union Flag. The Union Flag was not flown at the Ulster Hospital on 15 June 2002.

The Flags Regulations (Northern Ireland) 2000 stipulated that the Union Flag should be flown at full mast over Specified Government Buildings on certain designated dates each year. These designated dates and any additional dates are published in the Belfast Gazette. There is no requirement on HPSS Boards and Trusts to fly the Union Flag on the designated dates, and it is for each organisation to exercise its own discretion as to whether or not the flag should be flown.

Tugadh bratach na Ríochta Aontaithe d'Otharlann Uladh. Ní chuireann mo Roinn na dátaí ainmnithe in iúl do Bhoird agus d'Iontaobhais SSSP le bratach na Ríochta Aontaithe a chur ar foluain ach tá na dátaí foilsithe sa Belfast Gazette. Tá mionghnáthaimh inmheánacha scríofa

ag Otharlann Uladh i dtaca le cur ar foluain bratach na Ríochta Aontaithe. Ní raibh bratach na Ríochta Aontaithe ar foluain thar Otharlann Uladh ar 15 Meitheamh 2002.

Rinne Rialacháin Bhratacha (Tuaisceart Éireann) 2000 coinníoll gur chóir go mbeadh bratach na Ríochta Aontaithe ar foluain ar bharr na gcrann thar Fhoirgnimh Rialtais ar leith ar dhátaí ainmnithe gach bliain. Tá na dátaí ainmnithe seo agus dátaí breise ar bith eile foilsithe sa Belfast Gazette. Ní éilítear ar Bhoird agus ar Iontaobhais SSSP bratach na Ríochta Aontaithe a chur ar foluain ar na dátaí ainmnithe sin agus tá sé faoi gach eagraíocht féin cinneadh a dhéanamh ar ar chóir an bratach a chur ar foluain nó nár chóir.

### Causeway Hospital, Coleraine

**Mr Kane** asked the Minister of Health, Social Services and Public Safety when the Gynaecology Ward at the Causeway Hospital, Coleraine, will be opened.

(AQW 4124/01)

**Ms de Brún:** The Causeway HSS Trust hopes to be able to relocate services in the gynaecology ward at the Causeway Hospital next month. In the meantime gynaecology services have continued, and will continue to be maintained, elsewhere in the hospital, and urgent and emergency cases are being dealt with.

Tá súil ag Iontaobhas SSS an Chlocháin le bheith ábalta seirbhísí sa bharda gíniceolaíochta in Otharlann an Chlocháin a athlonnú an mhí seo chugainn. Idir an dá linn, leanfar leo agus coinneofar iad go fóill in áit eile san otharlann agus táthar ag déileáil le cásanna práinneacha agus éigeandála.

### Civil Servants: Travel

**Mr McMenamin** asked the Minister of Health, Social Services and Public Safety how many civil servants travel to the Greater Belfast area from (a) West Tyrone and (b) the North West to work in her Department.

(AQW 4129/01)

**Ms de Brún:** Information is not held in precisely the form requested.

The numbers of civil servants in the Department who are known to live in (a) the constituency of West Tyrone and (b) the constituencies of Foyle and East Derry and who work in one of the 4 Belfast constituencies as at January 2002 are 4 and 9 respectively.

Níl eolas á choinneáil go díreach san fhoirm iarrtha.

Is iad 4 agus 9 faoi seach líon na státseirbhíseach sa Roinn mar is eol ar Eanáir 2002 a chónaíonn i (a) dtoghcheantar Thír Eoghain Thiar agus (b) i dtoghcheantair

an Fheabhail agus Dhoire Thoir agus a oibríonn i gceann de na 4 toghcheantar i mBéal Feirste.

### Dermatology Services

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to outline (a) if dermatological services are to be centralised; (b) when this announcement will be made; and (c) why there has been a delay in formulating this decision. (AQW 4142/01)

**Ms de Brún:**

- (a) I have indicated my intention to centralise dermatology services in my consultation document *'Developing Better Services – Modernising Hospitals and Reforming Structures'*, launched on 12 June. This proposal is in line with the recommendations of the Eastern Health and Social Services Board's report *'Taking forward the Pattern of Acute Hospital Services in the Eastern Board Area'* (December 2000).
  - (b) The consultation period on *'Developing Better Services – Modernising Hospitals and Reforming Structures'* will end on 30 September, and, following discussion at the Executive, it is hoped that final decisions will be reached before the end of 2002.
  - (c) The centralisation of dermatology, and the future provision of other regional services, needed to be considered within the context of the future overall provision of acute hospital services. It would not be sensible to centralise dermatology in advance of final decisions on acute hospital services.
- (a) Sa doiciméad comhairliúchain s'agam *'Seirbhísí Níos Fearr A Fhorbairt - Otharlanna A Nuachóiriú agus Struchtúir a Leasú'* a lainseáladh ar 12 Meitheamh, chuir me in iúl an rún atá agam le seirbhísí deirmeolaíochta a lárú. Tá an moladh ag cloí le moltaí Thuairisc Bhord Sláinte, Seirbhísí Sóisialta an Oirthir *'Ag glacadh chun tosaigh Patrún Seirbhísí na nGéarotharlann i gCeantar Bhord an Oirthir.'* (Nollaig 2000).
  - (b) Críochnóidh an tréimhse chomhairliúcháin ar *'Seirbhísí Níos Fearr A Fhorbairt - Otharlanna A Nuachóiriú agus Struchtúir a Leasú'* ar 30 Meán Fómhair, agus, i ndiaidh caibidlí ag an Choiste Feidhmiúcháin, táthar ag súil gur féidir cinní a dhéanamh roimh dheireadh 2002.
  - (c) Bhí gá le machnamh a dhéanamh ar lárú deirmeolaíochta, agus ar sholáthar seirbhísí eile reigiúnach amach anseo, taobh istigh den chomhthéacs de sholáthar seirbhísí géarotharlainne san iomlán amach anseo. Ní bheadh ciall leis deirmeolaíocht a lárú roimh chinní deiridh bheith déanta ar sheirbhísí géarotharlainne.

### Coronary Heart Disease

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety if she will implement a campaign in rural areas highlighting (a) the dangers of heart disease; and (b) methods of prevention, as recommended by the Rural Development Council's report entitled *'A Picture of Rural Change'*. (AQW 4143/01)

**Ms de Brún:** The risk factors for coronary heart disease i.e. physical inactivity, poor nutrition, smoking and excessive alcohol consumption are the same for urban and rural areas.

The Health Promotion Agency which is responsible for health promotion public information campaigns spent £1 million last year on initiatives to tackle the risk factors associated with coronary heart disease. A similar amount will be spent in the current year. These efforts are complemented at local level by the health promotion work of Health & Social Services Boards and Trusts and by general medical practitioners.

Is mar a chéile i gceantair uirbeacha agus tuaithe na fachtóirí riosca do ghalar croí corónach i.e. míghníomhaíocht fhisiceach, cothú lag, caitheamh tobac agus an iomarca alcóil.

Caith an Ghníomhaireacht um Chur Chun Cinn Sláinte, atá freagrach as feachtais faisnéise poiblí ar chur chun sláinte, £1 milliún anuraidh ar thionscnaimh le tabhairt faoi na fachtóirí riosca a bhaineann le galar croí corónach. Caithfear méid den chineál céanna sa bhliain reatha. Déantar comhlánú ar na hiarrachtaí sin ag leibhéal áitiúil ag obair chur chun cinn sláinte na mBord agus na nLontaobhas Sláinte agus Seirbhísí Sóisialta agus agus ag gnáthlia-chleachtóirí.

### Respite Carers

**Mr K Robinson** asked the Minister of Health, Social Services and Public Safety to outline (a) the number of respite carer beds available in the (i) Newtownabbey; (ii) Larne; and (iii) Carrickfergus areas; (b) the number of carers looking after children with a learning disability in their own homes in the (i) Newtownabbey; (ii) Larne; and (iii) Carrickfergus areas; (c) if solutions to the problems of carer exhaustion in addition to respite beds have been explored; (d) those solutions identified; and (e) any action she proposes to take to help improve the situation in the next 12 months. (AQW 4144/01)

**Ms de Brún:**

- (a) The number of beds set aside for respite care in Statutory Residential Homes within these areas is as follows:

	Larne	Carrick-fergus	Newtown-abbey
Elderly	1	3	2



	Larne	Carrick-fergus	Newtown-abbey
Learning Disability	1	6	0
Dementia	0	0	1
Mental Health	0	0	0
Child Care	0	8	0

Children from these areas may also avail of respite care beds in Cherrylodge, a 3-bed unit in Randalstown.

In addition respite care is provided by the independent sector and the number of respite care days purchased from this sector by Homefirst Trust in 2001/2002 is detailed in the following table:

**RESPITE CARE DAYS PURCHASED 2001/02 – INDEPENDENT SECTOR**

	Larne	Carrick-fergus	Newtown-abbey
Elderly Nursing	267	421	1169
Elderly Residential	419	423	884
Mental Health Nursing	275	0	7
Mental Health Residential	0	70	240
Learning Disability Nursing	4	33	164
Learning Disability Residential	0	305	164
Physical Disability Nursing	90	51	0
Physical Disability Residential	11	0	42
Dementia Nursing	395	628	465
Dementia Residential	141	519	379

Within these geographical areas there are 30 people who provide child care respite in their homes. These services include a range of day care, overnight and weekend respite. Respite is provided in all other programmes of care in the form of day care and to people in their own homes through the Trust's contract with Extracare and Crossroads.

(b) The information requested is not available.

(c) – (e)

The Carers Strategy published in April stated that carers have a right to rest, relaxation and a social life. This was one of the key principles identified by carers themselves which they considered should underpin the strategy. The Department along with Health and Social Services Boards and Trusts will review the provision currently being made for carers' breaks with carers and people needing care.

The Carers and Direct Payments Act 2002 has a provision, subject to the making of regulations, which will give HSS Trusts the power to run

short-term break voucher schemes. Such schemes will be designed to offer flexibility in the timing of carers' breaks and choice in the way services are delivered to the person cared for while his or her usual carer is taking a break. Regulations will be introduced when the review of respite care provision has been completed.

Is mar seo a leanas atá an líon leapacha atá curtha i leataobh do chúram faoisimh sna hÁrais Chónaitheacha Reachtúla laistigh de na ceantair sin:

	Latharna	Carraig Fhearghais	Baile na Mainistreach
Daoine Scothaosta	1	3	2
Míchumas Foghlama	1	6	0
Néaltrú	0	0	1
Sláinte Mheabhrach	0	0	0
Cúram Leanai	0	8	0

Is féidir le leanai ó na ceantair sin fáil a bheith acu ar leapacha chúram faoisimh in Cherrylodge, aonad 3 leaba i mBaile Raghnaill.

Chomh maith leis sin cuireann an earnáil neamhspleách cúram faoisimh ar fáil agus tugtar tuairisc sa tábla seo a leanas ar an líon laethanta chúram faoisimh a cheannaigh Iontaobhas Homefirst ón earnáil sin i 2001/2002:

**LAETHANTA CHÚRAM FAOISIMH CEANNAITHE 2001/02 – AN EARNÁIL NEAMHSPLEÁCH**

	Latharna	Carraig Fhearghais	Baile na Mainistreach
Altranais do Dhaoine Scothaosta	267	421	1169
Cúram Cónaitheach do Dhaoine Scothaosta	419	423	884
Altranais Sláinte Meabhraí	275	0	7
Cúram Cónaitheach Sláinte Meabhraí	0	70	240
Altranais Mhíchumas Foghlama	4	33	164
Cúram Cónaitheach Mhíchumas Foghlama	0	305	164
Altranais Míchumais Fhisicigh	90	51	0
Cúram Cónaitheach Míchumais Fhisicigh	11	0	42

	Latharna	Carraig Fhearghais	Baile na Mainistreach
Altranas Néaltraithe	395	628	465
Cúram Cónaitheach Altranas Néaltraithe	141	519	379

Laistigh de na ceantair gheografacha sin tá 30 duine ann a sholáthraíonn cúram faoisimh leanaí ina dteach féin. Áirítear ar na seirbhísí sin raon chúram faoisimh lae, thar oíche agus deireadh seachtaine. Soláthraítear cúram faoisimh i ngach clár faoisimh eile i bhfoirm chúram lae agus cuirtear sin ar fáil i dteach na ndaoine féin trí chonradh an Iontaobhais le Extracare agus Crossroads.

(b) Níl fáil ar an eolas a iarradh.

(c) – (e)

Luaigh an Straitéis Chúramaithe a foilsíodh i mí Aibreáin go bhfuil sé de cheart ag cúramaithe scíth, suaimhneas agus saol sóisialta a bheith acu. Ba shin ceann de na príomhphrionsabail a d'aithin na cúramaithe iad féin a mheas siad a chuirfeadh taca faoin straitéis. Déanfaidh an Roinn i dteannta na mBord agus na nIontaobhas Sláinte agus Seirbhísí Sóisialta athbhreithniú ar an soláthar atá á dhéanamh faoi láthair do shosanna cúramaithe le cúramaithe agus daoine a mbíonn cúram de dhíth orthu.

Tá foráil san Acht um Chúramaithe agus Íocaíochtaí Díreacha 2002, faoi réir ag rialacháin a dhéanamh, a thabhairfaidh an chumhacht d'Iontaobhais SSS scéimeanna dearbháin do shos gearrtréimhseach a rith. Beidh scéimeanna den sórt sin deartha chun solúbthacht a chur ar fáil i leagan amach thráth na sosanna cúramaithe agus rogha a chur ar fáil sa chaoi a seachadtar seirbhísí don duine faoi chúram fad a bhíonn a ghnáthchúramáí ar sos. Tabharfar rialacháin isteach nuair a thabharfar an t-athbhreithniú ar sholáthar cúraim chun críche.

### Prescriptions

**Mr S Wilson** asked the Minister of Health, Social Services and Public Safety to detail (a) the number of prescriptions issued per annum for methadone; (b) the number of prescriptions which are exempt from charges as (i) a percentage of all prescriptions and (ii) a percentage of all free prescriptions; and (c) what other items are dispensed in relation to drug addiction.

(AQW 4157/01)

**Ms de Brún:**

(a) In 2001 958 prescriptions were issued by GPs for Methadone (in both its proprietary and generic forms) and in addition a number issued by consultant psychiatrists for which figures are not available.

(b) The information requested is not available.

(c) The Needle and Syringe Exchange Scheme is operated by a few pharmacists across the four Health Board areas. This is a confidential and non-judgemental service issuing clean needles and syringes to injecting drug users and providing a facility for the return of used equipment. This service is placed in local pharmacies, making it easily accessible with the benefit of professional advice being available.

(a) I 2001 bhí 958 oideas do Methadone ordaithe ag GDanna (ina fhoirmeacha dílsithe agus cineálacha araon) agus ina theannta sin, bhí roinnt díobh ordaithe ag síciatraithe comhairleacha nach bhfuil figiúirí ar fáil dóibh.

(b) Níl an t-eolas iarrtha ar fáil.

(c) Tá an Scéim Mhalartaithe Snáthaide agus Steallaire á stiúradh ag cúpla cógaiseoir ar fud na gceithre Bhordeantair Sláinte. Is seirbhís rúnda agus neamhdhrochmheasúil í seo a thugann snáthaidí agus steallairí glana amach do mhí-úsáideoirí drugaí atá a n-instealladh féin agus a sholáthraíonn áise leis an trealamh úsáidte a thabhairt ar ais di. Tá an tseirbhís seo ar fáil i gcógaslanna áitiúla, a éascaíonn an rochtain uirthi agus a thugann comhairle ghairmiúil uirthi.

### Her Majesty Queen Elizabeth, The Queen Mother

**Rev Dr William McCrea** asked the Minister of Health, Social Services and Public Safety to detail, in relation to the death of Her Majesty Queen Elizabeth The Queen Mother, (a) the categories of buildings over which the Union Flag was flown; (b) the dates the Union Flag was flown; (c) at what level this decision was taken; (d) whether there was any discretion exercised; (e) who had discretionary powers; and (f) whether any instructions were fully followed. (AQW 4163/01)

**Ms de Brún:** In accordance with The Flags Regulations (Northern Ireland) 2000, the Union flag was flown at Castle Buildings at half mast from Thursday 4 April to Tuesday 9 April 2002.

De réir Rialacháin na mBratach (Tuaisceart Éireann) 2000, cuireadh bratach an Aontais ar leathfholuain ag Foirgnimh an Caisleáin ón Déardaoin 4 Aibreán go dtí an Mháirt 9 Aibreán 2002.

### Health and Social Care Centre: Kilkeel

**Mr Wells** asked the Minister of Health, Social Services and Public Safety to outline her plans to provide an Integrated Primary Health and Social Care Centre for the Kilkeel area. (AQW 4178/01)

**Ms de Brún:** The new Integrated Primary Health and Social Care Centre in Killeel is a priority, and I am looking at how progress can be made.

At the end of last year a bid was made to Executive Programme Funds to allow the scheme to begin, but this was unsuccessful. A fresh bid on the additional funding recently announced by Chancellor Gordon Brown was put forward, but this has also been unsuccessful. I will continue to explore the possibilities in the context of the overall capital pressures facing my Department.

Is tosaíocht é an tIonad nua Imeasctha Príomhchúram Sláinte agus Sóisialta i gCill Chaoil agus tá mé ag fiosrú na dóighe ar féidir dul chun cinn a dhéanamh.

Ag deireadh na bliana seo a chuaigh thart cuireadh tairiscint isteach ar Chistí Chlár an Fheidhmiúcháin le ligint don scéim tósú ach níor éirigh léi. Cuireadh tairiscint úr eile isteach ar mhaoiniú breise a d'fhógair Seansailéir Gordon Brown ach theip uirthi seo chomh maith. Leanfaidh mé le bheith ag fiosrú na bhféidearthachtaí i gcomhthéacs na mbrúnna iomlána caipitil ar an Roinn s'agam.

### Mental Health

**Mr Davis** asked the Minister of Health, Social Services and Public Safety to outline (a) any plans she has to increase the budget and resources of the Mental Health Commission; and (b) if there are no such plans to state the reason. (AQW 4250/01)

**Ms de Brún:** I will be determining the question of the appropriate level of resources for the Mental Health Commission following consideration of the recent review of the Commission.

Cinnfidh mé ceist an leibhéil chúí acmhainní don Choimisiún Sláinte Meabhraí tar éis an t-athbhreithniú a rinne an Coimisiún le déanaí a bhreithniú.

### Monolingual Irish Speakers

**Mr Armstrong** asked the Minister of Health, Social Services and Public Safety to estimate the number of monolingual Irish speakers that benefit from the translation and publication of key departmental documents. (AQW 4252/01)

**Ms de Brún:** In the 1991 Census, some 142,000 people (9.4% of the population) claimed that they could speak, read or write Irish, and I would expect the numbers to have increased in the years since the Census. There are however no figures for the number of people who are Irish only speakers.

I nDaonáireamh 1991 dúirt 142,000 (9.4% den daonra) go raibh siad ábalta Gaeilge a labhairt, a léamh nó a scríobh agus bheinn ag súil go mbeadh ardú tagtha ar na

figiúirí ó aimsir an Daonáirimh. Níl aon fhigiúirí ann áfach faoi na daoine nach labhrann ach Gaeilge amháin.

### Fire Stations: Staffing

**Mr Berry** asked the Minister of Health, Social Services and Public Safety to outline, in the last year, if any Fire Stations (a) failed to turn out to incidents due to staff shortages; and (b) turned out with staffing levels below those specified by the Northern Ireland Fire Authority. (AQW 4314/01)

**Ms de Brún:** During the period 1 April 2001 – 31 March 2002 there were 45 fire stations which were unable to turn out to some incidents due to staff shortages and 43 fire stations where appliances turned out with staffing levels which were below the minimum standard.

Le linn na tréimhse 1 Aibreán 2001 – 31 Márta 2002 bhí 45 stáisiún dóiteáin ann nach raibh ábalta freastal ar theagmhais de dheasca na heaspa foirne agus 43 stáisiún dóiteáin ann a raibh líon na foirne a d'fhreastail ar theagmhais i ngléasanna faoin íoschaighdeán.

### Fire Stations: Staffing

**Mr Berry** asked the Minister of Health, Social Services and Public Safety to outline, in the last year, if Fire Stations in Newry / Armagh (a) failed to turn out to incidents due to staffing shortages; and (b) turned out with staffing levels below those specified by the Northern Ireland Fire Authority. (AQW 4315/01)

**Ms de Brún:** During the period 1 April 2001 – 31 March 2002 there were no instances where the fire station in Newry failed to turn out to incidents. At Armagh fire station there were 3 instances of failure to turn out due to staff shortages and 2 where staffing levels were below the minimum standard.

Le linn na tréimhse 1 Aibreán 2001 – 31 Márta 2002 ní raibh uair ar bith ann nár fhreastail an stáisiún dóiteáin ar an Iúr ar theagmhais. Theip ar stáisiún dóiteáin Ard Mhacha freastal ar theagmhais 3 uair de dheasca na heaspa foirne agus bhí líon na foirne faoin íoschaighdeán 2 uair.

### Lung Cancer

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety to detail the number of lung cancer deaths and cases of heart disease in non-smokers that can be attributed to passive smoking. (AQW 4324/01)

**Ms de Brún:** Information is not available in the form requested.

Níl an t-eolas ar fáil ar an dóigh iarrtha.

## Soil & Water Samples: Antrim Coast

**Mr K Robinson** asked the Minister of Health, Social Services and Public Safety if any soil or water samples taken in the East Antrim coastal area over the last year by the Department of Agriculture & Rural Development and the Department of the Environment were reported to her officials to assess that any potential risks posed were well below nationally recognised safety levels; and to make a statement. (AQW 4386/01)

**Ms de Brún:** No reports have been made to my officials over the last year regarding soil or water samples in the East Antrim coastal area.

Ní tugadh tuairisc ar bith do na hoifigigh s'agam le bliain anuas maidir le samplaí ithreach nó uisce i gceantar cóstach Oirthear Aontroma.

## REGIONAL DEVELOPMENT

### Water Service Agency: Employees

**Mr Morrow** asked the Minister for Regional Development to detail, in each of the last 3 years, the number of new employees for the Water Service Agency, Western Division, (a) by grade and title; and (b) by community background. (AQW 4376/01)

**The Minister for Regional Development (Mr P Robinson):** The number of new employees in the Water Service's Western Division is set out in the table below. This covers the period since Devolution in November 1999.

Year	Grade	Number
1999 (Nov to Dec)		0
2000	Grade 6 (Divisional Water Manager)	1
	Professional and Technology Officer	4
	Industrial Grade 4	2
2001	Professional and Technology Officer	1
	Administrative Officer	1
	Assistant Scientific Officer	4
	Industrial Craftsman	4
	Industrial Grade 2	4
2002 (Jan to June)	Administrative Assistant	2
	Industrial Craftsman	2

Recruitment procedures for all posts within the Water Service are carried out in accordance with the Civil Service Commissioners Recruitment Code, with all

applications for employment considered strictly on the basis of merit.

I do not have any details of the community background of staff. Information on the community background of all Northern Ireland Civil Service staff is collected and held only by the Department of Finance and Personnel.

## SOCIAL DEVELOPMENT

### Energy Efficiency

**Mr Foster** asked the Minister for Social Development to outline what measures are in place to encourage energy efficiency in private households. (AQW 4119/01)

**The Minister for Social Development (Mr Dodds):** There are a number of measures to improve energy efficiency in private households. The main instrument is my Department's Warm Homes Scheme which provides heating and insulation measures for individuals on certain income and disability related benefits. This work includes personal advice to householders on the most efficient use of energy in the home.

The Northern Ireland Housing Executive's grants programme provides for improvements to private homes, including energy efficiency measures and heating system up-grades.

The Energy Savings Trust advertises energy efficiency nationally, promotes solar energy and a Cashback Scheme which provides improvements to heating controls. The Northern Ireland Housing Executive has also advertised the benefits of an energy efficient household locally, through the press and television, and has supported a number of schemes which are targeted at vulnerable private sector householders.

### Housing Association Schemes: Funding

**Mr Shannon** asked the Minister for Social Development what steps is he taking to ensure that funding allocated for Government funded Housing Association schemes addresses the problem of future building maintenance expenditure. (AQW 4120/01)

**Mr Dodds:** The maintenance of Housing Association schemes, financed in whole or in part by the Government, is funded by an element of the Association's rental income. This is transferred to, and held in, a designated maintenance reserve account prior to determining the surplus available for transferring to the Association's general reserves. This ensures a cash flow to fund the Association's future building maintenance programme. Associations also have designated reserves to provide for major repairs to



their housing stock. Data on the average maintenance expenditure per housing unit for each Housing Association is collected annually and is published on the Department's Internet site. As part of its regulatory function, the Department has introduced an audit of Housing Association performance in carrying out maintenance work.

### NI Housing Executive

**Mr Shannon** asked the Minister for Social Development what steps the NI Housing Executive is taking to eliminate external maintenance in respect of new and existing houses. (AQW 4121/01)

**Mr Dodds:** The delivery of the new build housing programme is currently the responsibility of housing associations. My Department regulates the standards of design in the Joint Design Standards section of the Housing Association Guide. However the housing associations' standard of design and materials generally reflect that of the Housing Executive. Some associations do make local adjustments to the choice of materials and components within individual schemes.

For existing housing, the Housing Executive has a register of materials and products for guidance of its professional consultants and contractors. New products are assessed and added as appropriate. As part of this assessment process, the Housing Executive seeks the views of architects, clerks of works, contractors and the material manufacturers. Through its "Suppliers Panel Meetings" it conveys any concerns with current materials and components and solicits the manufacturers' help in addressing any issues.

### NI Housing Executive

**Mr Shannon** asked the Minister for Social Development what steps the NI Housing Executive is taking to reduce maintenance expense. (AQW 4135/01)

**Mr Dodds:** The Housing Executive's Technical Standards Section continually re-assesses the adequacy and performance of the materials and products used in Housing Executive contracts. This assessment takes into account not only the initial capital cost but also the anticipated service life and ongoing maintenance requirements.

The Housing Executive has a register of materials and products for guidance of its professional consultants and contractors. New products are assessed and added as appropriate. As part of this assessment process, the Housing Executive seeks the views of architects, clerks of works, contractors and the material manufacturers. Through its "Suppliers Panel Meetings" it conveys any concerns with current materials and components and solicits the manufacturers' help in addressing any issues.

### "Roofblock"

**Mr Shannon** asked the Minister for Social Development when the Housing Executive will complete its assessment of the product "Roofblock" for inclusion on its list of approved building products. (AQW 4171/01)

**Mr Dodds:** "Roofblock" has not as yet been given approval by Building Control, and while this remains the case the Housing Executive would not consider including the product in its list of approved building products.

### EU Peace Funds

**Dr Birnie** asked the Minister for Social Development what provision has been made to provide financial support to the voluntary and community sector after the closure of EU peace funds in 2006. (AQW 4189/01)

**Mr Dodds:** It is too early to provide a definitive assessment of the impact which the ending of EU peace funds in 2006 might have on voluntary and community organisations.

I am very aware, however, that some voluntary and community organisations are currently experiencing financial difficulties because of changes to funding programmes and that they have serious concerns about their future. The voluntary and community sector make a vital contribution to many aspects of the social, economic, environmental and cultural life in Northern Ireland. It is therefore important that we consider mechanisms that will assist us to enable them to continue to contribute fully to civic society. With this in mind, my Department has already begun to strengthen the District Council Community Support Programmes.

My Department is also taking forward the outstanding recommendations of the Consultation Document on Funding for the Voluntary and Community Sector, known as the Harbison report, to identify actions to help support the sector post 2006.

### North Belfast Housing Strategy

**Mr G Kelly** asked the Minister for Social Development what impact the North Belfast Housing Strategy has had on reducing homelessness across North Belfast. (AQW 4199/01)

**Mr Dodds:** The strategy is designed to tackle positively and aggressively the range of complex housing problems that exist in North Belfast. Homelessness is not a specific element of the strategy. I hope that the strategy will help create a more conciliatory atmosphere in the area, which may reduce the number of homeless presenters, since intimidation has been a factor in the rise of homeless applicants in recent times. The Strategy proposals should also reduce the numbers on the social housing waiting

list which, in turn, should help homeless people generally to be re-housed more quickly.

### North Belfast Housing Strategy

**Mr G Kelly** asked the Minister for Social Development to what extent the North Belfast Housing Strategy has addressed homelessness between both communities.

(AQW 4200/01)

**Mr Dodds:** Homelessness is not a specific element of the Strategy. The Housing Executive has a statutory duty towards the homeless, and its policies and programmes are applied consistently to homeless applicants, regardless of their community background prior to becoming homeless.

### Housing Waiting List

**Mr G Kelly** asked the Minister for Social Development to give a breakdown of the current housing waiting list by estate for Districts 4 and 6, specifically in relation to those who are homeless and in urgent need.

(AQW 4201/01)

**Mr Dodds:** The information is as follows:

NIHE District	Common Landlord Area	Housing Stress as at March 2002	Homeless as at March 2002
Belfast 4	Carlisle/New Lodge	122	54
Belfast 4	Duncairn Gardens	12	8
Belfast 4	Unity Flats	26	7
Belfast 4	Fairhill	13	2
Belfast 4	Glandore & Dunmore	5	3
Belfast 4	Gainsborough	13	2
Belfast 4	Newington/Limestone	38	14
Belfast 4	Upper & Lower Duncairn	3	0
Belfast 4	Mount Vernon Estate	9	3
Belfast 4	Ross House Flats/Mountvemon Flats	3	1
Belfast 4	M/S Flats - Carlisle	23	8
Belfast 4	Grove Area	4	1
Belfast 4	Shore Road	20	3
Belfast 4	Skegoneill/Ashfield/Fortwilliam	25	1
Belfast 4	Somerton Rd (Sheltered)	4	0
Belfast 4	Whitewell/Lwr Whitewell Rd. Fairyknowe	39	16
Belfast 4	Whitewell/White City	2	0
<b>Total</b>		<b>361</b>	<b>123</b>
Belfast 6	Alliance	8	5
Belfast 6	Wheatfield	5	2
Belfast 6	Ardoyne	139	67
Belfast 6	Oldpark	61	37

NIHE District	Common Landlord Area	Housing Stress as at March 2002	Homeless as at March 2002
Belfast 6	Ballysillan	21	8
Belfast 6	Lower Ligoniel/Glenbank	12	5
Belfast 6	Cavehill	117	68
Belfast 6	Westland	4	2
Belfast 6	Cliftondene	0	0
Belfast 6	Cliftonville	153	81
Belfast 6	Lower Oldpark	11	4
Belfast 6	Rosewood/Crumlin RDA	1	1
Belfast 6	Sunningale	13	5
Belfast 6	Torrens	5	4
Belfast 6	Upper Ligoniel	31	11
<b>Total</b>		<b>581</b>	<b>300</b>

### Common Selection Scheme: Management Transfer

**Mrs Nelis** asked the Minister for Social Development to outline the criteria within the Common Selection Scheme, whereby Housing Managers may exercise flexibility and award Management Transfer status to housing applicants; and to make statement. (AQW 4212/01)

**Mr Dodds:** There are 8 circumstances where District Office managers can exercise their discretion and create Management Transfers. These are:

1. The tenant is a Full Duty Applicant, ie the Housing Executive owes the tenant a duty under the Homelessness legislation.
2. Transferring one of the parties concerned could alleviate a deteriorating neighbour dispute between tenants.
3. A transfer is imperative to facilitate ongoing re-development.
4. A transfer is imperative for decanting purposes.
5. A transfer is imperative to facilitate the demolition or transfer of purpose built stock.
6. A transfer may prevent a District Heating debt from increasing further.
7. By transferring a tenant in a sheltered unit to another unit within the same development, the resulting vacancy would then be offered to an applicant on the Common Waiting List.
8. The transfer relates to the tenant(s) or members of their household requiring specially adapted or specially purpose-built housing.

The Management Transfer Policy allows District Office managers the discretion to transfer tenants under

certain circumstances, without reference to their points status under the Common Selection Scheme. This can mean that tenants will be transferred to available accommodation ahead of other applicants, including homeless people, to facilitate best use of stock and redevelopment/clearance of a particular block or area. Vacancies that arise may be available for allocations to other applicants, including homeless people, if the vacancies are in an applicant's area of choice.

### **NIHE Housing Scheme: Rathfern, Newtownabbey**

**Mr Hilditch** asked the Minister for Social Development if the NIHE Renovation Scheme at Rathfern, Newtownabbey will re-start as anticipated by August 2002. (AQW 4224/01)

**Mr Dodds:** The renovation scheme at Rathfern, Newtownabbey is currently on target to start in August 2002.

### **Rosebrook Grove, Carrickfergus**

**Mr Hilditch** asked the Minister for Social Development what consultation took place between the NIHE and owner-occupiers at Rosebrook Grove, Carrickfergus in relation to the redecoration of the communal hall and stairs areas. (AQW 4225/01)

**Mr Dodds:** The redecoration work at Rosebrook Grove, Carrickfergus is being carried out as part of an External Cyclical Maintenance scheme by the Housing Executive. Consultation with the residents including owner-occupiers was carried out by way of letters from the local District Office. The contract is currently under way, and the District Office has no record of any difficulties.

### **Prospect Park, Carrickfergus**

**Mr Hilditch** asked the Minister for Social Development if the Housing Executive will introduce a renovation scheme, as a matter of priority, for homes at Prospect Park, Carrickfergus to address the lack of heating systems and low maintenance programme. (AQW 4228/01)

**Mr Dodds:** The dwellings at Prospect Park Carrickfergus are included within the Housing Executive contract called "Woodburn Phase 5". Tenders were received on the 28 May and are currently being processed. A September 2002 start date is anticipated. The work will include comprehensive improvements with full central heating.

### **Grass Cutting**

**Mr Shannon** asked the Minister for Social Development to outline the Housing Executive's criteria, including timescale, for grass cutting. (AQW 4286/01)

**Mr Dodds:** Grass areas, which are used for amenity purposes, are maintained at a maximum height of 65mm and are not mown closer than 25mm to the ground. Cuttings will only be lifted and removed off site if the grass has been allowed to grow longer than 65mm. In other areas, grass is cut to a maximum height of 100mm and a minimum of 75mm. Cuttings are removed at the time of cutting.

Grass cutting takes place between 18 and 21 times per year, although the Housing Executive's Area Grounds Manager has the discretion to increase or decrease the number of cuts in response to local conditions and the prevailing weather.

### **NI Housing Executive: Empty Homes**

**Mr Foster** asked the Minister for Social Development to detail the number of empty housing properties under the control of the Housing Executive in each of the last 4 years. (AQO 1666/01)

**Mr Dodds:** In each of the last 4 financial years to 31 March 2002, the number of empty homes under the control of the Housing Executive was 4,818, 5,770, 6,063 and 5,932 respectively. These comprise Lettable Voids, that is, those in the process of being allocated or undergoing urgent change of tenancy repairs. Operational Voids, that is, those held to facilitate major works or in advance of being sold on the open market, and Long Term Voids, that is, those which are difficult to let due to lack of demand. Included within this latter category are dwellings which have been secured to prevent vandalism, properties that have been fire damaged and those located in redevelopment areas or purpose built stock which have received Housing Executive Board approval to be demolished. The breakdown of void types tends to average around 45% operational, 50% long-term, including those held pending demolition, and 5% lettable or short-term.

### **Social Housing Sector**

**Sir John Gorman** asked the Minister for Social Development to detail the number of social houses built from 1998 to date. (AQO 1662/01)

**Mr Dodds:** The total number of houses completed in the social housing sector over the four-year period 1998/99 to 2001/02 is 6,392. This figure comprises 5,912 new build houses plus 480 houses purchased on the open market by housing associations, either in good condition or for rehabilitation, prior to letting.

The breakdown by year is as follows:

1998/1999	1,739
1999/2000	1,557
2000/2001	1,340
2001/2002	1,756

### Social Housing Sector

**Mr McClarty** asked the Minister for Social Development to outline the number of houses built in the public sector in the last 4 years. (AQO 1661/01)

**Mr Dodds:** The total number of houses completed in the social housing sector over the four-year period 1998/99 to 2001/02 is 6,392. This figure comprises 5,912 new build houses, plus 480 houses purchased on the open market by housing associations, either in good condition or for rehabilitation, prior to letting.

The breakdown by year is as follows:

1998/1999	1,739
1999/2000	1,557
2000/2001	1,340
2001/2002	1,756

### Peace II

**Ms Lewsley** asked the Minister for Social Development to outline (a) the current number of applications made for Peace II gap funding; and (b) the time scale for awarding funding. (AQO 1692/01)

**Mr Dodds:** One hundred and forty four applications are current. Funding arrangements will continue until such time as decisions on the full applications for EU funding are notified, but not beyond 31 December 2002.



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# NORTHERN IRELAND ASSEMBLY

Friday 26 July 2002

## Written Answers to Questions

### OFFICE OF THE FIRST MINISTER AND THE DEPUTY FIRST MINISTER

#### Devolved Institutions: UK

**Mr Gibson** asked the Office of the First Minister and the Deputy First Minister to make a statement on the future co-ordination between the devolved institutions of the UK. (AQW 3370/01)

**Reply:** The British-Irish Council provides a formal mechanism for co-ordination between the devolved institutions of the United Kingdom. In addition, during their recent visit to Edinburgh, the First Minister and Deputy First Minister agreed with their counterparts in the Scottish Executive that Ministers from the three devolved administrations should meet regularly to co-ordinate action on issues of mutual interest, including Europe. They will also continue to meet formally along with colleagues from the UK Government under the auspices of the Joint Ministerial Committee set up under the Memorandum of Understanding.

#### Flying of Paramilitary Flags

**Mr B Bell** asked the Office of the First Minister and Deputy First Minister what assessment has been made, in community relations terms, of the recent statement by the loyalist commission regarding the flying of paramilitary flags throughout Northern Ireland. (AQO 1362/01)

**Reply:** We are committed to a society built on trust and inclusion. We recognise that the proliferation of sectarian graffiti, unauthorised flag flying, the erection of unauthorised memorials and other issues can lead to community division and tensions.

Any steps which can be taken to reduce the flying of paramilitary flags are helpful. We recognise the efforts that are being made within local communities to deal with this. Such flags are not only intimidatory, inflammatory and insulting to those with different cultures and viewpoints, they are unsightly and present a poor image to

visitors to Northern Ireland including potential inward investors and tourists. We would urge all those with influence in local communities to take steps to ensure the removal not merely of some but of all such displays.

#### Ebrington Barracks and Former HM Prison, Maze

**Mr Gibson** asked the Office of the First Minister and the Deputy First Minister what plans there are for the recently acquired Ebrington Barracks and former HM Prison, Maze. (AQO 1412/01)

**Reply:** As we explained in our statement to the Assembly on 7 May, the development of five former security sites handed over by the NIO and MOD will be taken forward in the context of the Executive's Reinvestment and Reform Initiative. We are now working to create the new strategic investment body, which will help us to take a more creative approach to managing and financing the substantial programme of infrastructure development which that Initiative has made possible. This body will have a key role in the management and oversight of these sites.

Work to develop the Ebrington site has begun. We have appointed the co-chairs, and are in the process of appointing members, to a Partnership and Regeneration Panel, including people from the surrounding community and business sector. The Panel will bring forward proposals for the Executive's consideration. It will draw together local experience and expertise to advise us on how best to use this important asset.

We are also examining what would be the most appropriate legal and administrative framework within which to develop Ebrington and other similar sites.

#### Non-Governmental Organisations' Forum

**Dr Birnie** asked the Office of the First Minister and the Deputy First Minister if members of the Non-Governmental Organisations' Forum have access to Government publications and policy prior to the information being made public. (AQW 4009/01)

**Reply:** As part of its advisory role, Non Governmental Organisations' Forum members are sometimes given access to draft documents on a strictly confidential basis. This function is included in the Forum's Terms of Reference which are a matter of public record and are available on [www.allchildrenni.gov.uk](http://www.allchildrenni.gov.uk).

#### Non-Governmental Organisations' Forum

**Dr Birnie** asked the Office of the First Minister and Deputy First Minister what role the Non-Governmental Organisations' Forum will have in shaping the Executive's policy on matters relating to children. (AQW 4010/01)

**Reply:** The Forum's Terms of Reference make clear the advisory nature of the role of the Forum. As work on the Commissioner for Children and Young People has progressed, the Forum has proved itself to be a very helpful source of advice and information. We look forward to continuing this relationship during the development of proposals for the Children's Strategy.

### Non-Governmental Organisations' Forum

**Dr Birnie** asked the Office of the First Minister and the Deputy First Minister if they have reviewed the composition of the Non-Governmental Organisations Forum; and to make a statement. (AQW 4011/01)

**Reply:** Recognising that the development of a children's strategy will be a much more wide-ranging exercise than the work on the Commissioner for Children and Young People, the Forum itself invited Ministers to review its composition so that any gaps in expertise may be identified and filled to enable the Forum to provide optimum input to the strategy.

Consequently, Forum members were invited by Ministers to identify gaps in expertise and Ministers have decided to extend the membership by 6 places as follows:

- 2 places allocated to faith-based organisations;
- 1 additional place for an umbrella ethnic minority organisation;
- 1 additional place for a disability organisation;
- 1 additional place for an umbrella youth organisation; and
- 1 additional place for an umbrella community development/child health organisation.

More specific details of additional members will be announced to the Assembly in due course.

As work on the Commissioner for Children and Young People has progressed, the Forum has proved itself to be a very helpful source of advice and information. We look forward to continuing this relationship during the development of proposals for the children's strategy. The Forum will continue to exist on an ad hoc and temporary basis for the duration of the consultation on the children's strategy. However, consideration will be given to whether there is a need for a permanent mechanism for Non Governmental Organisations to input to the policy development process.

### Non-Governmental Organisations' Forum

**Dr Birnie** asked the Office of the First Minister and the Deputy First Minister to give an update on the activities of the Non-Governmental Organisations' Forum. (AQW 4012/01)

**Reply:** The Forum meets on a monthly basis and has contributed very effectively to the Commissioner for Children and Young People Bill both by commenting on draft papers and in helping to arrange consultation with very young children, older children and specific groups of young people who are otherwise difficult to access.

The Forum is now considering how best it can assist in the development of proposals for consultation for the children's strategy.

### Non-Governmental Organisations' Forum

**Mrs Carson** asked the Office of the First Minister and the Deputy First Minister what action has been taken to ensure (a) representation on the Non-Governmental Organisations Forum from the faith based youth sector; and (b) the process of appointment to the Forum is open, transparent and based on equality of opportunity. (AQW 4022/01)

**Reply:** The composition of the Non Governmental Organisations' Forum has recently been reviewed. Forum members were invited to identify gaps in expertise and Ministers have decided to extend the membership by 6 places as follows:

- 2 places allocated to faith-based organisations;
- 1 additional place for an umbrella ethnic minority organisation;
- 1 additional place for a disability organisation;
- 1 additional place for an umbrella youth organisation; and
- 1 additional place for an umbrella community development/child health organisation.

The status of the Forum remains unchanged; it is ad hoc and temporary for the duration of the consultation on the Children's Strategy. Decisions on membership will be made, having careful regard to our obligations under Section 75 of the Northern Ireland Act 1998, and will be announced to the Assembly in due course.

### Belfast Agreement

**Mr Gibson** asked the Office of the First Minister and the Deputy First Minister if any assessment has been made on the benefits gained through the implementation of the Belfast Agreement since April 1998. (AQO 1543/01)

**Reply:** A number of bodies have been established under the Belfast Agreement which provide Northern Ireland with a voice and a means of taking responsibility. These include the British-Irish Council, the North/South Ministerial Council and this Assembly.

Devolution is benefiting everyone in Northern Ireland and is making a difference to people's lives. It allows a

locally elected administration to develop new policies specifically tailored for the people of Northern Ireland.

Through the Programme for Government the Executive monitors on a regular basis the progress being made in delivering the actions it has set out in the Programme for 2002/03.

Devolution has provided Northern Ireland with the means to improve our services, but it will require a long-term programme of investment to address the previous under-funding. The Reinvestment and Reform Initiative, which we announced recently, provides for new short- and long-term borrowing facilities for the Executive, a new Strategic Investment Body and the transfer of certain military and security assets to the Executive.

### Non-Governmental Organisations' Forum

**Dr Birnie** asked the Office of the First Minister and the Deputy First Minister if it will ensure that representation from organisations on the Non-Governmental Organisations' [NGO] Forum is commensurate with the proportion of NI young people working within NGO organisations. (AQW 4032/01)

**Reply:** We have no information on the proportion of NI young people working within Non Governmental Organisations. However, the Non Governmental Organisations' Forum includes the key children's and young people's organisations and the umbrella organisations with expertise on ethnic minorities and children and young people with a disability. The review of the Forum will further widen the scope of the Forum to fully reflect the interests of children and young people in Northern Ireland.

### Non-Governmental Organisations' Forum

**Mrs Carson** asked the Office of the First Minister and Deputy First Minister to detail (a) the criteria that will be used to limit Christian organisations to one representative on the NGO Forum; and (b) if similar criteria was used to allocate representation from youth sectors with dual membership. (AQW 4087/01)

**Reply:** The Non Governmental Organisations' Forum is an ad hoc temporary body convened for the duration of the consultation exercise on the Children's Strategy and the Commissioner for Children and Young People.

Following a recent review of the composition of the Forum, the Ministers decided to allocate one additional place to a Christian faith-based organisation and one additional place to a non-Christian faith-based organisation, having regard to our equality obligations under Section 75 of the Northern Ireland Act 1998.

Forum members are selected on the basis of their expertise and experience rather than to represent any groups

or constituencies. Members of the Forum will comprise organisations with a range of expertise, including child protection, children's rights, disability, ethnicity, care leavers, youth organisations, family organisations, early years, children's health and faith-based bodies.

### Civil Servants: Greater Belfast Area

**Mr McMenamin** asked the Office of the First Minister and the Deputy First Minister how many civil servants travel to the Greater Belfast area from (a) West Tyrone; and (b) the North-West, to work in its various branches and offices. (AQW 4097/01)

**Reply:** The numbers of civil servants in the Office of the First Minister and Deputy First Minister who are known to live in (a) the constituency of West Tyrone and (b) the constituencies of Foyle and East Londonderry who work in one of the 4 Belfast constituencies as at January 2002 are nil and nil respectively.

### Review Of Public Administration

**Mr Dalton** asked the Office of the First Minister and Deputy First Minister, pursuant to AQW 3635/01, to give an update on the Review of Public Administration. (AQO 1634/01)

**Reply:** The Assembly debated and agreed the terms of reference for the Review on 24 June, and the Review has begun.

The names of the panel of Independent Experts were announced on 24 June and we held an initial meeting with them that morning.

The Executive has asked for final recommendations by the end of 2003, with an interim report next Spring.

### Cultural Traditions

**Rev Robert Coulter** asked the Office of the First Minister and the Deputy First Minister if the Executive has discussed ways of promoting community relations by supporting cultural traditions such as the forthcoming Twelfth of July celebrations. (AQO 1636/01)

**Reply:** The Executive has not discussed this matter. However, we encourage everyone to show sensitivity and respect for all cultural traditions.

### Non-Governmental Organisations' Forum

**Mr Armstrong** asked the Office of the First Minister and the Deputy First Minister to outline (a) if it has considered the role and effectiveness of the Non Governmental Organisation [NGO] Forum in advising on matters relating to children and young people; (b) if any other

organisations will be invited to join the NGO Forum; and (c) if any current members will be required to leave the Forum. (AQW 4422/01)

**Reply:** The Forum has proved to be a very helpful source of advice and information on the establishment of a Commissioner for Children and Young People. We look forward to continuing this relationship during the development of proposals for the children's strategy.

As the development of a children's strategy will be a much more wide-ranging exercise than the work on the Commissioner for Children and Young People, we have decided to extend the membership by 6 places as follows:

- 2 places allocated to faith-based organisations;
- 1 additional place for an umbrella ethnic minority organisation;
- 1 additional place for a disability organisation;
- 1 additional place for an umbrella youth organisation; and
- 1 additional place for an umbrella community development/child health organisation.

More specific details of additional members will be announced to the Assembly in due course. No current Forum members will be required to leave as each provides valuable input and expertise.

## AGRICULTURE AND RURAL DEVELOPMENT

### Varroa Mite

**Mr Weir** asked the Minister of Agriculture and Rural Development, pursuant to AQW 3266/01, what action is being taken to stop the spread of the parasitic mite Varroa and thereby protecting bee colonies throughout Northern Ireland. (AQW 4214/01)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** Apiaries in the 11 locations where varroa infestation has been detected have undergone appropriate chemical treatment. The treatment does not guarantee 100% elimination of the varroa mite; it is essentially a control measure which reduces numbers to a manageable threshold.

Standstill notices were served on those beekeepers who owned infested hives and a designated Statutory Infested Area (SIA) was declared covering all beekeeping locations within a 5 km radius of each of the infested sites. The Statutory Notices prohibited beekeepers from moving any hives, bees, combs, quilts, bee-products or appliances from the specified locations until all hives could be checked by the Department. Hives where

infestation has been found have also been, or will be, checked at the end of the exposure period. These hives will also be monitored in the autumn survey which gets underway in September.

The Department has also raised the profile of the pest through the issue of Press Releases and advisory leaflets issued through the Ulster Beekeepers' Association.

### Kilkeel Harbour: Funding

**Mr Bradley** asked the Minister of Agriculture and Rural Development to outline (a) the funding that is to be made available for the upgrading of Kilkeel Harbour; and (b) the expected date for an announcement regarding this funding. (AQW 4249/01)

**Ms Rodgers:** I assume that the reference to the upgrading of Kilkeel Harbour refers to the proposal to construct an entirely new outer harbour at Kilkeel at a possible cost of around £30m.

Technical studies including work on a design and wave climate of the proposed new outer harbour need to be completed to assess the feasibility of the proposals. In addition the scope to pursue this as a public private partnership must be explored and the project would need to be subject to an economic appraisal.

All these need to be satisfactorily completed before consideration can be given to the funding of the project and even then it will have to compete with other expenditure priorities.

You will be aware, however that Kilkeel Harbour is to receive £4.4m under the Reinvestment and Reform Initiative (RRI) for upgrading of North and South entrance piers, a new winch and cradle for the slipway repair facility, and clearance of contaminated mud from the inner harbour. This serves clearly to demonstrate my commitment to the future of the harbour.

### Licence For Slaughter

**Mr Kane** asked the Minister of Agriculture and Rural Development to outline (a) the deployment of staff in her Department, prior to the Foot and Mouth Disease, to scrutinise the licence for slaughter outbreak, which came from the United Kingdom on dispatch of consignments of sheep and from Northern Ireland meat plants on receipt of these consignments and (b) if any investigations resulted from discrepancies in duplicated copies of licences for Slaughter Permits arriving at her Department. (AQW 4280/01)

**Ms Rodgers:** [holding answer 1 July 2002]: Prior to 1 January 1993 DARD employed 34 inspection personnel in the ports/airports to check imported consignments of animals and animal products. However the Single European



Market introduced the free movement of live animals and animal products based on veterinary certification. Thus it was no longer permissible to maintain such controls after that date. The Department was obliged to withdraw the majority of these staff but retained a core number of 15 staff to deal with documentation and animal welfare/livestock vehicle checks. Even this minimal level of checking contravened Community law and could have been challenged by other Member States.

The import Inspectors did conduct document checks at Belfast and Larne Harbour, of sheep destined for slaughter in Northern Ireland.

Prior to the Foot and Mouth Disease outbreak, Veterinary Service became aware that certain hauliers were involved in the diversion of slaughter sheep consignments so that some sheep consignments did not arrive at their intended destination. An investigation commenced and as a result this trade appeared to stop in January 2001 when the haulier involved was contacted. A revised system of checks was put in place to prevent diversion occurring in the future. This system included confirmation at the slaughterhouse that the sheep had arrived.

During FMD it became evident from further investigations into this type of activity that other pre-FMD consignments did not arrive at their declared destinations. These investigations were co-ordinated by the Veterinary Service Enforcement section. It quickly became apparent that the illegal importation of sheep was part of a much larger fraud involving several dealers so the investigation was passed to the Police. Four detectives were seconded to this investigation for approximately 3 months. They investigated the matter thoroughly with the assistance of the Gardai and sent a file to the DPP for consideration.

### **Beef Products: Traceability**

**Mr Shannon** asked the Minister of Agriculture and Rural Development what regulations are in place to ensure traceability of beef products from overseas.

(AQW 4287/01)

**Ms Rodgers:** EC wide beef labelling Rules requires the compulsory labelling of all fresh and frozen beef offered for sale throughout the supply chain, whether obtained from local EU or Third Country sources in order to ensure traceability. Beef Labelling Rules do not apply to beef sold in the form of processed beef products such as sausages, ready made meals or canned beef.

However beef products may only be imported into the EU from establishments and countries specifically approved by the EU through Food Veterinary Office inspectors. The products must comply with the import conditions of the EU and be certified as doing so. An import certificate must accompany all consignments and

the products marked with the country and establishment of origin.

### **Foot and Mouth Disease: Beef Imports**

**Mr Shannon** asked the Minister of Agriculture and Rural Development what steps she is taking to ensure beef products packed in (a) EU countries; and (b) countries outside of the EU are free from Foot and Mouth disease.

(AQW 4288/01)

**Ms Rodgers:** Imports of beef products are governed in Northern Ireland by the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998 which require imports from:

EU countries to be in accordance with EU Directive 77/99/EEC which lays down health rules for the production and placing on the market of meat products and other products of animal origin intended, after treatment, for human consumption or the preparation of other foodstuffs. These products must be obtained from establishments that have been authorised and registered in accordance with EU standards and are accompanied by commercial documentation.

Countries outside the EU to be in accordance with EU Commission Decision 97/221/EC which lays down animal health conditions and model veterinary certificates in respect of imports of meat products from Third Countries. Such meat products must conform to the requirements laid down in the model health certificate which must accompany the consignment and be signed by an official veterinarian. Only certain approved Third Countries are authorised to send meat products to Member states.

The health rules contained in the relevant EU legislation mentioned above requires that the product is derived from fresh meat that does not come from FMD affected animals.

Where the Department learns of the presence in any country outside the United Kingdom of a disease or cause liable to constitute a serious hazard to public or animal health, a declaration is published banning the import of products unless it complies within the conditions specified in the declaration.

### **Tuberculosis in Badgers**

**Mr Morrow** asked the Minister of Agriculture and Rural Development what percentage of badgers examined and tested by her officials suffer from Tuberculosis.

(AQW 4338/01)

**Ms Rodgers:** My Department has been carrying out a badger road traffic survey since December 1998. To

date 18% of the carcasses examined have been positive for bovine TB.

### Cattle Identification

**Mr McElduff** asked the Minister of Agriculture and Rural Development what measures her Department will take to relax or remove ‘uncor’ (uncorroborated) status from animals which have been re-tagged properly and legally according to Departmental regulations; and to make a statement. (AQW 4345/01)

**Ms Rodgers:** My Department’s cattle identification and movement control regime operates under the provisions of EU rules designed to ensure the full traceability of cattle from birth to death or slaughter and we have no discretion to relax these requirements. Indeed, any attempt on our part to do so would both contravene EU law and diminish the integrity of the Northern Ireland beef industry.

Ultimately, the long term future of the Northern Ireland beef industry depends upon its being able to re-open its export trade to the rest of the EU and then find a ready market for its produce. Consequently, any animal whose identification or records does not permit its age or movement history to be fully validated cannot be accepted into the human food chain.

It is not necessarily a question of whether an animal has been retagged. What is necessary is that the records in the herd in which it was born and any it later passed through are adequate to confirm its identity and date of birth. If this is not the case, then we cannot remove the “uncor” status from an animal.

However, if it is possible for the herd keeper to correct the underlying fault or prove the identity of an animal beyond all doubt then the Department will be happy to alter or remove any status given to the animal. Unhappily, in most cases of this type, absolute proof of identity is almost impossible to provide.

You will appreciate that the chief duty of the Department when dealing with cattle slaughtered for human consumption must be to ensure that they do not present any risk to the consumer.

### Community Relations

**Dr Birnie** asked the Minister of Agriculture and Rural Development to outline (a) the amount of money spent on community relations measures in each of the last three years; and (b) what assessment has she made on the effectiveness of this expenditure. (AQW 4358/01)

**Ms Rodgers:**

(a) In each of the last three years the Department of Agriculture and Rural Development has spent the

following amount of money on community relations measures:

Year	Amount spent (£)
1999/2000	1,781,936
2000/2001	3,018,018
2001/2002	704,084

Whilst the overall amounts for each year primarily reflect spending by the Department’s Rural Development Division the above totals also include expenditure by Forest Service and Rivers Agency.

(b) The Department through the Rural Development Council in conjunction with the Rural Community Network was responsible for the delivery of the Community Based Actions Measure of the Peace 1 Programme. The objective of this measure was to facilitate reconciliation between the two communities in rural areas by supporting ideas, activities and projects put forward by community groups representative of their areas.

In addition the 1994-99 Rural Development Programme had as its main aim to stimulate the economic and social revitalisation of the most disadvantaged rural areas of Northern Ireland through partnership between the public, private and voluntary sectors. Funding for the Programme was in the region of £46.5million. This Programme enabled people to work together in identifying and addressing the needs of rural communities. Although the Programme did not have a specific community relations focus it did make a contribution in bringing communities together to work towards a common goal that will benefit their local area. Regrettably, funding spent on the community relations aspects of the Programme cannot be isolated.

An external appraisal on the Community Based Actions Measure of the Peace I Programme stated that 86% of participating groups experienced a direct influence on their activities as a result of the Measure with all groups being able to increase the amount of activities they provide to their community. 97% of the groups stated that this increase in activities had a direct impact on community relations and attitudes.

External appraisals of the various elements of the 1994-1999 Rural Development Programme are ongoing and when completed should provide an assessment on the effectiveness of the Programme.

The Forest Service promotes the use of forests for education. It is estimated that 25% of all education visits are by schools whose trips are financed through “Education for Mutual Understanding” and “Community Relations in Schools” programmes.

The Forest Service also promotes access to woodlands. In 2000/01, the Forest Service contributed towards a

Community Woodland Walk within Ballymoyer Wood in County Armagh, as part of a cross community project managed by the Regeneration of South Armagh group.

The Forest Service also encouraged cross community involvement in the design and construction of the “Peace Maze” at Castlewellan Forest Park.

The Forest Service has not measured the effectiveness of its expenditure in addressing community relationship issues.

Project expenditure incurred by the Rivers Agency on development of the Battery Harbour Lough Neagh was subject to a prior economic appraisal, and is subject to monitoring and evaluation to examine its effect in achieving the objectives of the EU Peace and Reconciliation programme. The responsibility for this project has transferred to DCAL and the continued effectiveness of such expenditure lies with that Department.

### Departmental Underspend

**Mr Kane** asked the Minister of Agriculture and Rural Development, in light of the fact that there is an underspend estimated at £1m per day by Northern Ireland Departments, to outline (a) the current level of spend within her budgetary allocation and (b) any plans to seek additional funding for projects. (AQW 4392/01)

#### Ms Rodgers:

(a) Provisional outturn figures for 2001/02 provided by the Minister of Finance and Personnel in his statement to the Assembly on June Monitoring on 1 July 2002 indicate that DARD has a resource underspend of £11.3m or 6.3% and a capital underspend of £6.4m or 23.4 % of Final Plan. These are provisional figures and present indications are that, when the Accounts for the year are finalised, the overall level of underspend is likely to reduce. Based on the latest figures available, the principal areas of underspending on the resource side are £3.5m reserved to match monies modulated from farming subsidies; and £2.7m reserved for the Fishing Vessels Decommissioning Scheme. On the capital side the largest single items are the provision for a Farm Waste Management scheme (1.6m) and an Organic Farming Conversion scheme (£0.6m) for which EPF funding had been received; and for the construction of new science laboratories (£1.9m). There is automatic carry over for the items of capital underspend and hence these resources will not be lost to Departmental programmes.

As far the current financial year (2002/03) is concerned current estimates are that resource and capital budgets will be fully utilised.

(b) In recent months the Department of Agriculture and Rural Development has submitted bids for additional funding as follows:

Funding Source	Bids (£m)			
	2002/03	2003/04	2004/05	2005/06
Infrastructure EPF	0	1.4	2.35	0.57
Innovation and Modernisation EPF	3.75	7.58	0	0
Reinvestment and Reform Initiative	26.04	20.46	0.19	0
June Monitoring Round	26.17	0	0	0
Budget 2002	0	54.03	65.73	71.06
<b>Total</b>	<b>55.96</b>	<b>83.47</b>	<b>68.27</b>	<b>71.63</b>

Note: Some bids were repeated in two (or more) of these bidding opportunities.

The Infrastructure EPF bid was not successful. £4.2m was secured for Kilkeel Harbour from the RRI fund and an additional £14.0m was secured in the June monitoring round for the Department across a range of programmes. Decisions are still awaited on the Innovation and Modernisation EPF but it will be some months yet before the outcome of Budget 2002 is known.

### BSE Regional Status

**Mr Bradley** asked the Minister of Agriculture and Rural Development what assessment she can make in relation to the support of the Scottish Parliament and the Welsh Assembly in her quest to obtain regional status for Northern Ireland. (AQW 4393/01)

**Ms Rodgers:** The quest for BSE regional status for Northern Ireland is principally for my Department to pursue. The attainment of such status crucially depends on the incidence of BSE in the Northern Ireland cattle population and currently this is above that set by OIE for recognition of low incidence status. The support of the Scottish Parliament and the Welsh Assembly would be beneficial in taking forward any case for regional status. Such support was forthcoming in the past when we were poised to make such a case and I have no reason to doubt that it would be again in the future.

### Departmental Underspend

**Mr Beggs** asked the Minister of Agriculture and Rural Development to account for her Department's £4.3 million underspend in the 2001-2002 financial year, including a breakdown of those projects which did not proceed in that year. (AQW 4444/01)

**Ms Rodgers:** The recorded capital underspend of £4.3 million includes £1 million set aside from the Fisheries budget to part finance the Fishing Vessel Decommissioning Scheme announced last year. £1.9 million can be attributed to slippage in the building programme for new laboratory accommodation at Veterinary Sciences Division, Stoney Road, Belfast. £1.0 million can be attributed to a change in the classification of expenditure on IT systems which was “capital” under the old Cash Accounting system but which is no longer classified as capital expenditure in the new Resource Accounting regime – in other words, the money was spent but not as capital expenditure in technical accounting terms. The balance of £0.4 million is a net figure for various small underspends of less than £0.2 million across the rest of the Department.

## CULTURE, ARTS AND LEISURE

### Ulster-Scots Agency

**Mr Kane** asked the Minister of Culture, Arts and Leisure why the Ulster-Scots Agency corporate plan has not been implemented. (AQW 4125/01)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** The Deputy Chief Executive of Tha Boord o Ulstèr Scotch provided an update at the NSMC language meeting on 14 June 2001 on Tha Boord’s Corporate Plan. He informed the meeting that much of the Corporate Plan was still relevant to the work of Tha Boord although many of the objectives were taking longer to achieve than first anticipated.

The Corporate Plan forms the basis of Tha Boord’s Business Plan for 2002 which was approved by NSMC at the meeting on 14 June 2001.

### Ulster-Scots Agency

**Mr Kane** asked the Minister of Culture, Arts and Leisure to explain why there was no consultation with the Ulster-Scots community in respect of the Ulster-Scots Agency corporate plan. (AQW 4126/01)

**Mr McGimpsey:** The relationship between Tha Boord o Ulstèr-Scotch and the Ulster-Scots community is a matter for Tha Boord o Ulstèr-Scotch to address.

I understand that Tha Boord circulated their Corporate Plan on 2 January 2001 for a period of consultation which ended on 28 February 2001.

### Ulster-Scots Language and Culture

**Mr Kane** asked the Minister of Culture, Arts and Leisure to detail the difference in the level of funding available for Irish language and culture compared to that available for Ulster-Scots language and culture.

(AQW 4127/01)

**Mr McGimpsey:** Funding of £10.55m is available to Foras na Gaeilge (Irish Language Agency) in 2002. DCAL will provide £2.64m of this.

The funding available to Tha Boord o Ulstèr-Scotch (Ulster-Scots Agency) in the same period is £1.42m. DCAL will provide £1.07m of this.

### Odyssey Centre: Indoor Athletics Facilities

**Mr J Kelly** asked the Minister of Culture, Arts and Leisure to outline (a) the cost of providing the indoor athletics facility in the Odyssey Centre; (b) the organisations which have used the facility; and (c) the number of events held in the facility. (AQW 4215/01)

**Mr McGimpsey:** [supplementary answer]: In my reply of 26 June 2002 I was unable to supply you with the cost of providing the indoor athletics facilities in the Odyssey Centre. This information is now available. The specific cost of the athletics provision is as follows:

Running Track	£509,940
Athletics Equipment	£ 54,698

It has not been possible to identify and allocate a percentage of the costs in building the Arena to the running track.

### Orange Halls

**Mr Armstrong** asked the Minister of Culture, Arts and Leisure if he will discuss with the Minister of the Environment and Minister of Finance and Personnel the de-rating of Orange Halls in recognition of the cultural role they offer. (AQW 4253/01)

**Mr McGimpsey:** The member may be aware that the Department of Finance and Personnel is currently conducting a review of rating policy in the province. It would therefore not be appropriate to make any firm commitment in advance of the completion of this review.

However, my office will forward a copy of this reply to the Minister of Finance and Personnel so that the issue you raise may be considered as part of the review process.

### Moorlough, West Tyrone

**Mr Hussey** asked the Minister of Culture, Arts and Leisure, pursuant to correspondence COR/101/2002 dated



4 March 2002, what progress has been made by his Department to find a satisfactory solution to the ongoing jet-ski problem at Moirlough, West Tyrone.

(AQW 4261/01)

**Mr McGimpsey:** As you are no doubt aware Moir Lough is a brown and rainbow trout fishery in the Department's Public Angling Estate. The Department only leases the fishing rights and accordingly the issue needs to be resolved in co-operation with the owner, Abercorn Estates. A series of meetings have taken place between the Department and Abercorn Estates in an attempt to progress matters.

The Estate has also consulted Strabane District Council and all parties are currently considering ways to prevent jet-skiers using the Lough.

The Department will continue to liaise with the above parties in an attempt to arrive at a solution, which will both resolve the problem and prove acceptable to all involved.

### Lesser Used Languages

**Mr McElduff** asked the Minister of Culture, Arts and Leisure to outline (a) the action he has taken to ensure that departments and public bodies have been informed of their duties in relation to lesser used languages under the European Charter on Regional or Minority Languages and (b) the assistance he has provided to these public bodies to enable them to meet their responsibilities.

(AQW 4297/01)

**Mr McGimpsey:** My Department provides advice, support and guidance to Departments, and others, on language issues including implementation of the Charter.

DCAL chairs an Interdepartmental Charter Group with representatives from all Executive Departments, NIO, NI Court Service, Departmental Solicitor's Office, Inland Revenue and Customs and Excise. This group monitors implementation of the Charter in relation to Irish and Ulster-Scots, provides advice on the preparation of annual Departmental and Executive implementation reports, advises on resource implications and develops guidance for Departments.

On 6 July 2001 my Department issued to Departments, model interim guidance on the use of Irish in official business.

It is for individual Departments and their associated bodies to give effect to the Charter within their areas of responsibility.

### Computer Software: Libraries

**Mr Shannon** asked the Minister of Culture, Arts and Leisure, pursuant to AQO 1640/01, to outline (a) why £300,000 of computer software has been provided to

Public Libraries for those who are blind or partially sighted; and (b) when staff will be trained to assist those wishing to use the software. (AQW 4331/01)

**Mr McGimpsey:** As I explained in my response to AQW 1640/01, the Education and Library Boards are committed to promoting equality of opportunity between persons with a disability and persons without and to provide extra help and services to allow a disabled customer to use the services. My Department made £300,000 available to the Boards for the purchase of adaptive technology to assist those with various disabilities including the blind and partially sighted. The technology includes features such as large-key keyboards, height adjustable tables, trackerballs, speech and magnification software, Braille readers, Braille embossers and Braille translation software.

The Boards have been proactive in providing training in the use of the technology and, to date, a total of 110 library staff across the five Boards have already been trained to support the blind and partially sighted, with more courses being planned. The Royal National Institute for the Blind delivers these courses.

### Community Relation Programmes

**Dr Birnie** asked the Minister of Culture, Arts and Leisure to outline (a) the amount of money spent on community relation programmes in each of the last 3 years; and (b) what assessment he can make in relation to the effectiveness of such expenditure. (AQW 4336/01)

**Mr McGimpsey:** I can advise that in addressing my Department's strategic goal to promote and celebrate cultural diversity and individual creativity, £359,603 expenditure was made during the 2001 – 2002 financial year to assist programmes and projects aimed at stimulating and encouraging diversity within and through cultures. I am providing figures of expenditure from April 2001 as responsibility for the diversity dimension rested with the Millennium Company prior to this date.

Initial quantitative and qualitative data indicates that the expenditure is achieving success in meeting its aim of encouraging cultural diversity throughout Northern Ireland which is inclusive and accessible to all.

### Ulster-Scots Agency and Irish Language Agency

**Mr Weir** asked the Minister of Culture, Arts and Leisure to outline the budget in each of the last 3 years for (a) the Ulster-Scots Agency; and (b) the Irish Language Agency. (AQW 4367/01)

**Mr McGimpsey:** The North/South Language Body came into operation at devolution in December 1999.

Funding available to the Body in the past two years and for the current year is as follows:

**THA BOORD O ULSTER-SCOTCH (ULSTER-SCOTS AGENCY)**

December 1999/2000 = £0.667m	DCAL provision £0.5m
2001 = £1.29 m	DCAL provision £0.97m
2002 = £1.42m	DCAL will provide £1.07m

**FORAS NA GAEILGE (IRISH LANGUAGE AGENCY)**

December 1999/2000 = £7.212m	DCAL provision £1.803m
2001 = £10.12m	DCAL provision £2.53m
2002 = £10.55m	DCAL will provide £2.64m

## Departmental Underspend

**Mr Beggs** asked the Minister of Culture, Arts and Leisure to account for his Department's £1.7 million capital underspend in the 2001-2002 financial year, including a breakdown of these projects which did not proceed in that year. (AQW 4443/01)

**Mr McGimpsey:** The breakdown of the £1.7m capital underspend is as follows:

The £1.2m underspend on Libraries was mainly due to slippage on 3 new library projects in Strabane, Ballymena and Castlederg.

A further £0.3m allocated to the Electronic Libraries Project was unpaid due to a delay in funding the PFI contract.

The remainder ie £0.2m was accounted for and cleared by accounting procedures within my Department.

## EDUCATION

### Saintfield High School

**Mrs I Robinson** asked the Minister of Education, pursuant to AQW 3966/01, to detail from each of the primary schools mentioned (a) the number of pupils who applied to Saintfield High School and (b) the grades obtained in the transfer test by those who were (i) successful and (ii) unsuccessful in their applications to Saintfield High School (AQW 4276/01)

**The Minister of Education (Mr M McGuinness):** The total number of applications to Saintfield High School for admission to Year 8 in September 2002 was 110. The primary schools attended by those who were (i) successful and (ii) unsuccessful in their applications are detailed below as follows:

Primary School Attended	Successful Applicants	Unsuccessful Applicants
Academy Primary School, Saintfield	22	2
Alexander Dickson Primary School, Ballygowan	15	3
Andrews Memorial Primary School, Comber	1	8
Ballycloughan Primary School, Saintfield	3	1
Belvoir Park Primary School		1
Braniel Primary School		1
Carinshill Primary School	1	
Carr Primary School, Lisburn	1	1
Carrickmannon Primary School	2	
Carryduff Primary School	9	6
Comber Primary School		1
Crossgar Primary School	1	1
Derryboy Primary School, Crossgar	1	5
Downey House Prep		1
Downpatrick Primary School		3
Hunterhouse Prep		2
Killinchy Primary School	3	5
Killyleagh Primary School	1	1
Moneyrea Primary School	4	1
Orangefield Primary School		1
Riverdale Primary School		1
St Mary's Primary School, Comber	1	
<b>Total</b>	<b>65</b>	<b>45</b>

The grades obtained in the transfer tests by those who were (i) successful and (ii) unsuccessful in their applications are as follows:

Grade obtained	A/B1/B2	C1	C2	D	Other
Successful Applicants	7	8	12	25	13
Unsuccessful Applicants	*	7	7	25	*

\* Number under 5

In line with the Department's policy on release of statistical information, numbers smaller than five have been suppressed in order to avoid disclosure of personal information. For this reason figures have not been supplied in respect of each primary school separately, since almost all entries in the table would have been too small.

## Accommodation For Sixth-Form Students

**Ms Lewsley** asked the Minister of Education, in light of the current equality legislation, to outline (a) if he will change his schedule of accommodation and provide the same facilities for both grammar and non grammar schools; and (b) if students, post 16 years old, will be given the same standard of accommodation in non grammar schools as that provided in grammar schools. (AQW 4291/01)

**Mr M McGuinness:** The accommodation levels for grammar and non-grammar schools are similar except for the provision of accommodation for sixth form students to reflect the number of timetabled and non-timetabled periods in the two types of school. Non-grammar schools have fewer non-timetabled periods and therefore generally require more classroom space than a grammar school but less space for sixth-form activity. My Department's current policy on sixth form provision in secondary schools is to leave it to the discretion of each school to determine the level of provision within overall accommodation limits.

## Ballymena Music Centre

**Mr Paisley Jnr** asked the Minister of Education how many pupils have been taught under the auspices of the Ballymena Music Centre in the last 5 years. (AQW 4309/01)

**Mr M McGuinness:** The following table lists the pupils who have been taught at this Music Centre over the last five years.

Year	Pupil Numbers
1997/98	100
1998/99	97
1999/00	95
2000/01	104
2001/02	106
<b>Total</b>	<b>502</b>

## Ballymena Music Centre

**Mr Paisley Jnr** asked the Minister of Education to outline the reasons for the closure of the Ballymena Music Centre at Ballee Community High School, Ballymena. (AQW 4310/01)

**Mr M McGuinness:** The North Eastern Education and Library Board is currently considering the rationalisation of its Music Centre provision. The outcome of these considerations will not be known until the forthcoming academic year.

## Music Service: Funding

**Mr Paisley Jnr** asked the Minister of Education to outline the funding resources allocated to the provision of teaching music within schools in the North Eastern Education & Library Board area. (AQW 4311/01)

**Mr M McGuinness:** The Music Service is part of the North Eastern Education and Library Board's Curriculum Advisory and Support Service. The Board have allocated £540,000 to provide for the Music Service in the current financial year.

## Community Relation Programmes: Expenditure

**Dr Birnie** asked the Minister of Education to outline (a) the amount of money spent on community relation programmes in each of the last 3 years; and (b) what assessment he can make in relation to the effectiveness of such expenditure. (AQW 4334/01)

**Mr M McGuinness:**

- (a) Expenditure in each of the 3 years in relation to the Department of Education's mainstream community relations programmes is as follows:

1999/2000	£3.4m
2000/2001	£3.5m
2001/2002	£3.6m

- (b) In each of the last 3 years over 40,000 pupils have participated in community relations programmes organised by schools and about 20,000 young people have taken part in community relations activities in over 400 youth clubs. It is not possible to measure the effectiveness of these programmes in the same way, as for example it is for schools. However, feedback from teachers and youth workers confirm that these programmes are having a significant impact in terms of young people from different communities having a better understanding of each other's cultures and in engendering a greater degree of mutual respect. The Department's main programme, the Schools Community Relations Programme, has recently been subject to an independent review which has looked at its effectiveness. The report of the Review Team has just been published and made available to schools and other interested parties for comment. I have also written to the Assembly Education Committee inviting them to comment.
- (c) In addition expenditure under the EU funding programmes known as PEACE I and GAP Funding is as follows:

1999/2000	£3.6m
2000/2001	£6.4m
2001/2002	£2.6m

(d) Under the PEACE I Programme the Department and its Intermediary Funding Bodies approved over 800 projects. Feedback from project leaders and from children and young people who participated in these projects, from both the formal and non-formal education sectors, confirm that the Programme has had a significant impact, not only on the lives of the participants but also in many cases their families.

Regular monitoring returns were completed by projects throughout the life of the Programme on which progress was monitored against stated targets and objectives. In addition Departmental staff carried out monitoring visits. This monitoring data suggests that at both individual project level and Measure level the Programmes aims and objectives were predominantly met.

No detailed analysis of GAP Funding has been carried out because it only commenced on 1 April 2001 to enable those projects that had been in receipt of EU Funding to continue to operate until the outcome of their PEACE II application is known.

### School Bullying

**Mr Kennedy** asked the Minister of Education if he has any plans to introduce comparable UK legislation on school bullying to Northern Ireland and, if not, to explain the reasons why. (AQW 4342/01)

**Mr M McGuinness:** The draft Education and Libraries Bill which has recently been laid before the Assembly contains provisions which will make it mandatory for every grant-aided school to have a written anti-bullying policy and to implement it. This will effectively bring statutory provision here into line with Britain, except there will be a requirement here for pupils as well as parents to be consulted by schools in developing both their general discipline and specific anti-bullying policies.

### Burns Report

**Dr Birnie** asked the Minister of Education if he has any plans to subject the 'Burns Report' to a review similar to that applied to the 'Hayes Report'. (AQW 4373/01)

**Mr M McGuinness:** The consultation period ended on 28 June 2002. I intend to publish the results of the consultation at the end of September and to bring forward proposals on the way forward in the autumn. No decisions will be made until I have considered the responses to the consultation exercise.

### Burns Household Response Form

**Mr Shannon** asked the Minister of Education how many responses has his Department received in respect

of the 'Burns Report Household Response Form' consultation. (AQW 4424/01)

**Mr M McGuinness:** It is not possible to give an exact figure at present, as the forms are still being processed. To date, approximately 150,000 forms have been processed. Details of the exact number of responses received will be made available when the results of the consultation are published around the end of September.

### Departmental Underspend

**Mr Beggs** asked the Minister of Education to account for his Department's £5.5 million capital underspend in the 2001-2002 financial year, including a breakdown of those projects which did not proceed in that year. (AQW 4438/01)

**Mr M McGuinness:** The figure of £5.5m includes some non-capital items. My Department's capital underspend figure is £3.85m – or £7.6m if Education and Library Board capital underspend is included. This is the result of slippage on various projects. Projects which contributed to the capital underspend and which did not proceed in 2001-02 were projects at Omagh Academy; Oakgrove College, Londonderry; and Lakewood Special School, Bangor.

### Glastry High School

**Mr Shannon** asked the Minister of Education what assistance has the South Eastern Education Library Board given to Glastry High School, Ballyhalbert, to set up the lower and upper sixth forms. (AQW 4451/01)

**Mr M McGuinness:** The South-Eastern Education and Library Board has confirmed that Glastry High School introduced a sixth form in the 1992/93 academic year and did not receive any additional assistance to do so. Pupils in the lower and upper 6th forms have been included within the pupil-related elements of the funding formula operated under the terms of the South Eastern Education and Library Board's LMS Scheme.

### Glenlola Collegiate: Numbers

**Mr Hamilton** asked the Minister of Education to outline (a) the number of places available for Form 1 entry in September 2002 at Glenlola Collegiate School; (b) the number of Form 1 places allocated to pupils with (i) grade A in the transfer test, (ii) grade B in the transfer test, (iii) lower than a grade B in the transfer test; (c) if any pupils were admitted under the category of 'special circumstances'; (d) what are these 'special circumstances'; and (e) if these 'special circumstances' conform to the criteria published by the school. (AQW 4453/01)



**Mr M McGuinness:**

- (a) The number of places available for admission to Year 8 (Form 1) in September 2002 at Glenlola Collegiate is 157.
- (b) The breakdown of admissions by (i) grade A, (ii) grade B and (iii) lower in the transfer test are detailed below as follows:

Number accepted by grade by Glenlola Collegiate for September 2002	Grade A	Grade B1 & B2	All Other Grades
	96	55	6

- (c) The Board of Governors admitted several pupils with special circumstances claims.
- (d) and (e) – This information is not available as responsibility for admissions decisions rests with the Boards of Governors of individual grammar schools and the Department does not intervene in such matters.

**Edexcel**

**Mr S Wilson** asked the Minister of Education, pursuant to AQW 3964/01, to detail, in each of the last 5 years, (a) the number of concerns his Department has registered regarding edexcel; and (b) the areas of concern registered. (AQW 4456/01)

**Mr M McGuinness:** In October 2001 a Senior Official in my Department wrote to the Chief Executive of QCA expressing concern at a number of instances in which local pupils had been adversely affected by the administration of Edexcel. I reiterated these concerns and the shortcomings in Edexcel's standards of customer service when I wrote to Estelle Morris in February 2002. I understand that Edexcel has already taken a number of steps to improve its service.

**Classroom Assistants**

**Mr S Wilson** asked the Minister of Education, pursuant to AQW 3965/01, to outline the specific evidence gathered that indicates the benefits arising from the provision of classroom assistants. (AQW 4457/01)

**Mr M McGuinness:** The evidence gathered through school inspections by the Education and Training Inspectorate is outlined in paragraphs 8.6 and 8.7 of the Department of Education's response to the Education Committee's Inquiry into Early Years Provision. I have arranged for a copy of this to be placed in the Assembly Library. Inspection Reports on individual schools are available both in document form and on the Department of Education Website.

**Educational Psychology Reports**

**Mr S Wilson** asked the Minister of Education, pursuant to AQW 3962/01, to detail, in each of the last 5 years, (a) the number of reports issued by educational psychologists; and (b) the number of children who are the subject of such reports. (AQW 4458/01)

**Mr M McGuinness:** The data requested are not held centrally by the Department of Education. I will need therefore to consult with the education and library boards as to their availability in the form requested. I will write to the Member when this has been done.

**St Catherine's College**

**Mr S Wilson** asked the Minister of Education, pursuant to AQW 4078/01, to outline (a) the resources allocated to date for the Irish Language Unit at St Catherine's College; (b) the criteria used to approve such funding; and (c) whether this criteria has been implemented elsewhere. (AQW 4459/01)

**Mr M McGuinness:**

- (a) The Southern Education and Library Board has responsibility for funding this unit under its LMS Scheme. A decision on the level of funding is expected shortly.
- (b) A development proposal to establish the unit was approved on 8 March 2002 and carries with it a commitment to allocate funds to the unit.
- (c) The approval of any development proposal entails a commitment to the appropriate funding.

**Irish-Medium Education**

**Mr S Wilson** asked the Minister of Education, pursuant to AQW 4078/01, to outline (a) the criteria used to evaluate parental demand for Irish Medium education; (b) when this criteria has been used; (c) when this criteria was drawn up; (d) the consultants used to form the criteria; and (e) the number of cases he has considered. (AQW 4460/01)

**Mr M McGuinness:**

- (a) Parental demand is evaluated on the basis of the number of expected admissions.
- (b) This criterion is used in all cases.
- (c) This criterion has been used since the first Irish-medium unit was approved in 1983.
- (d) No consultants were used in the development of the criterion.
- (e) Since 1999 the cases of 5 Irish-medium units have been considered.

## New Post-Primary Arrangements

**Mr Hamilton** asked the Minister of Education, pursuant to his correspondence of 28 June 2002 to the Chairman of the Committee for Education, whether he intends to seek the majority approval of the Assembly and its Executive for any changes he proposes and not simply be informing them of a course of action he is proposing to take. (AQW 4463/01)

**Mr M McGuinness:** Any proposals for new post-primary arrangements will not be determined until I have fully considered all the responses to the recent consultation. I do, however, wish to achieve consensus on the way forward and I see discussion at the Executive and in the Assembly as central to that process.

## Education and Library Boards: Job Evaluations

**Mr Hussey** asked the Minister of Education if he will assist Education and Library Boards with the financial pressures of undertaking job evaluations. (AQW 4482/01)

**Mr M McGuinness:** My Department continues to assist Education and Library Boards with their undertaking of job evaluations by providing each Board with additional resources for the employment of a Job Evaluation Officer. In addition, resources have been allocated to Boards to assist with the costs of completed job evaluations. I will continue to seek significant improvement in the level of funding for the Education service to assist the Boards with, among other things, further pressures arising from job evaluation.

## School Transport

**Mr Hussey** asked the Minister of Education to detail, by each Education and Library Board, (a) the age of all vehicles owned and used for school transport; and to make a statement on the current condition of school transport fleets. (AQW 4483/01)

**Mr M McGuinness:** The numbers of vehicles owned and used for home to school transport by each board, by age category, is as follows:

Board	Age (Years)						Total
	0 - 4	5 - 9	10 - 14	15 - 19	20 - 24	25 +	
BELB	38	32	-	-	-	-	70
NEELB	19	43	18	-	-	-	80
SEELB	42	53	10	-	-	-	105
SELB	43	65	47	8	4	2	169
WELB	81	61	75	14	18	8	257
<b>Total</b>	<b>223</b>	<b>254</b>	<b>150</b>	<b>22</b>	<b>22</b>	<b>10</b>	<b>681</b>

The average lifespan of buses varies with seating capacity, and is typically from 5-7 years for smaller buses

to 14 years for large buses. The rigorous safety and maintenance schedule employed by boards can increase this average lifespan while buses still remain within the legal and operational limits imposed by the annual licensing requirements.

Boards do not permit buses that have failed to meet the licensing requirements to operate on a scheduled route. Such buses are earmarked for replacement, and my department provides approximately £1m per annum for this purpose.

## Ulster Scots

**Mr S Wilson** asked the Minister of Education to detail his budget for the production of teaching materials on the Ulster-Scots language for the primary sector in 2002-03. (AQW 4505/01)

**Mr M McGuinness:** My Department's role does not include direct funding for the production of teaching materials for schools, nor is it able to identify the amounts that schools spend from their delegated budgets on materials for any subject.

## Ulster Scots

**Mr S Wilson** asked the Minister of Education to detail his budget for the production of teaching materials on the Ulster-Scots language for the secondary sector in 2002-03. (AQW 4506/01)

**Mr M McGuinness:** My Department's role does not include direct funding for the production of teaching materials for schools, nor is it able to identify the amounts that schools spend from their delegated budgets on materials for any subject.

## Ulster Scots

**Mr S Wilson** asked the Minister of Education to detail his budget for the production of teaching materials on Ulster-Scots culture for the primary sector in 2002-03. (AQW 4507/01)

**Mr S McGuinness:** My Department's role does not include direct funding for the production of teaching materials for schools, nor is it able to identify the amounts that schools spend from their delegated budgets on materials for any subject.

## Ulster Scots

**Mr S Wilson** asked the Minister of Education to detail his budget for the production of teaching materials on Ulster-Scots culture for the secondary sector in 2002-03. (AQW 4508/01)

**Mr M McGuinness:** My Department's role does not include direct funding for the production of teaching materials for schools, nor is it able to identify the amounts that schools spend from their delegated budgets on materials for any subject.

### Article 29: Rights Of The Child

**Mr S Wilson** asked the Minister of Education what action has he taken to ensure that Article 29 of the United Nations Convention on the Rights of the Child is implemented for children from the Ulster-Scots community. (AQW 4509/01)

**Mr M McGuinness:** The statutory curriculum here affords opportunities for schools to ensure that all children receive an education which complies with these rights, mainly through the compulsory Cross-Curricular Themes of Education for Mutual Understanding and Cultural Heritage.

### Funded Pre-School Education

**Mr Armstrong** asked the Minister of Education to outline (a) what assessment he can make of the differences in funded pre-school education provision between Protestant and Roman Catholic children and (b) any steps he has taken to redress this imbalance. (AQW 4511/01)

**Mr M McGuinness:** Funded pre-school places are open to all children regardless of religion or destination primary school, and are available in the statutory and voluntary and private sectors.

The 2001 schools census showed that in the statutory sector, 62% of available places were in controlled schools, 35% in maintained and 3% in integrated. A number of new schools and units have yet to be completed. There are no equivalent sub-categories within the voluntary and private sector. Where take-up is concerned, the census showed that 51% of children in funded places are Roman Catholic.

The aim of my Department's Pre-School Education Expansion Programme is to provide a year of funded pre-school education for every child whose parents wish it by March 2003.

## EMPLOYMENT AND LEARNING

### Credit Cards

**Mr Dallat** asked the Minister for Employment and Learning to detail (a) the number of credit cards in use in (i) her Department; (ii) Executive Agencies of her

Department; (iii) NDPBs of her Department; and (iv) any other bodies funded by her Department; and (b) how much has been spent on each card in the financial year ended 31 March 2002. (AQW 2983/01)

**The Minister for Employment and Learning (Ms Hanna):** [supplementary answer]: Unfortunately, the Construction Industry Training Board (CITB) figure contained in my answer to you on 24 May 2002 was incorrect.

The figure provided for the expenditure of the CITB credit card of £6,000 was incorrect. This figure included expenditure for the year ending 31 March 2002 only from the beginning of the CITB financial year which was the 1 September 2001. The correct CITB credit card expenditure during the financial year ending 31 March 2002 is £8,351.

I apologise for any inconvenience.

### Employment: Young People With Disabilities

**Rev Dr William McCrea** asked the Minister for Employment and Learning what provisions are being made for young people with disabilities who have difficulty coping with the current focus on outcomes in accredited training and open employment. (AQW 4074/01)

**Ms Hanna:** I am aware that my Department's programmes need to be appropriate for young people with special needs (including some disabled people) who may have difficulty in attaining accredited standards in training or output levels in open employment. My Department is piloting provision under its Jobskills programme that places more emphasis on pre-vocational personal and social development, including essential skills. If successful, such provision will be available for young people with special needs, including those with certain disabilities. My Department's also has programmes to help people with disabilities to work in open employment – particularly the Employment Support programme.

### Homelessness

**Mr Davis** asked the Minister for Employment and Learning, in light of the report by the Committee for Social Development on their Inquiry into Housing in Northern Ireland (2/01R), what measures she is taking to tackle homelessness. (AQW 4209/01)

**Ms Hanna:** DEL is fully committed to New TSN, and in May this year I was happy to endorse, with my Executive colleagues, the new set of priorities for Promoting Social Inclusion, including homelessness. DEL will contribute fully to this important and urgent work.

## Supplementary Grants

**Mrs I Robinson** asked the Minister for Employment and Learning, pursuant to AQW 3954/01, to provide further information regarding “supplementary grants” as mentioned in her response. (AQW 4279/01)

**Ms Hanna:** Supplementary grants are paid primarily to students with dependants and include Childcare Grant, School Meals Grant and Travel, Books and Equipment Grant. In addition students who have left care can receive up to £100 per week to help with accommodation costs in the long vacation and students who are disabled can apply for Disabled Students’ Allowances.

## Universities: Funding Measures

**Mr Hussey** asked the Minister for Employment and Learning, pursuant AQW 3893/01, to detail the funding measures in place to encourage universities to widen participation. (AQW 4282/01)

**Ms Hanna:** My Department has in place the following funding measures to encourage universities to widen participation from students from disadvantaged backgrounds:

A widening participation premium for students from disadvantaged backgrounds. This funding will amount to £1,140k in 2002/03.

Special project funding to allow the universities to test their widening participation strategies and develop partnerships with schools with traditionally low levels of participation in HE. In the period Feb 02 to Jan 03 this will amount to £278k.

In addition a £65m package of measures was introduced to address the wide ranging needs of students in NI and to promote lifelong learning by widening access to HE and FE particularly from those groups who are currently underrepresented and to assist students from low income families.

## Universities: Special Project Partnerships

**Mr Hussey** asked the Minister for Employment and Learning, pursuant to AQW 3893/01, to outline those universities and schools with traditionally low levels of participation in higher education currently involved in special project partnerships to widen participation. (AQW 4283/01)

**Ms Hanna:** Both universities have developed special projects in partnership with local schools to provide opportunities for disadvantaged pupils who have the academic potential to gain entry to higher education. The University of Ulster “Step-Up” programme is a partnership with nine schools in Derry while Queens University’s “Discovering Queens” programme targets

all 26 Secondary Schools in the areas covered by the Belfast Partnership Boards. Attached is a list of the schools that have taken part in these projects to date.

### University of Ulster “Step Up” Project

- St Joseph’s Secondary School
- St Mary’s College
- St Cecilia’s College
- St Brigid’s High School
- Templemore Secondary School
- Oakgrove Integrated College
- Clondermott High School
- St Peter’s High School
- Faughn Valley High School.

### Queens University

#### “Discovering Queens Activities” Project

- Ashfield Girls
- Balmoral High School
- Belfast Boys Model
- Belfast Girls Model
- Christion Brothers
- Corpus Christi
- La Salle Boys
- Little Flower Girls
- Orangefield High
- Our Lady Of Mercy
- St Colm’s
- St Gemma’s
- St Genevieve’s
- St Joseph’s
- St Louise’s
- St Patrick’s
- St Rose’s
- Castlereagh College

## Universities: Three-Year Strategy

**Mr Hussey** asked the Minister for Employment and Learning, pursuant to AQW 3893/01, if all Northern Ireland universities have produced new three year strategies and action plans which detail activities, targets and performance indicators associated with widening participation. (AQW 4284/01)

**Ms Hanna:** Queens University has produced a three year Widening Participation Strategy and Action Plans for the period 01/02 to 03/04. The University of Ulster submitted a preliminary Strategy and Action Plan for 2001/02 with an agreement that the full three year strategy would follow when the University had completed a comprehensive review of its widening participation



policy. This review is now complete and I expect the University to submit its Strategy and Action Plans to my Department in the very near future.

### **Lisburn Technical College and Knockmore Training Centre**

**Ms Lewsley** asked the Minister for Employment and Learning to outline (a) the number of courses; and (b) the take up rate of these courses since the amalgamation of Lisburn Technical College and Knockmore Training Centre. (AQW 4290/01)

**Ms Hanna:** My Department does not collect data in the format requested, however the enclosed tables provide details of full-time and part-time enrolments by vocational area both in 1999/2000 and 2000/01 which shows that enrolments at Lisburn Institute of Further and Higher Education have increased since its merger with Knockmore Training Centre in September 2000.

#### **ENROLMENTS ON FE LEVEL COURSES AT LISBURN INSTITUTE OF FURTHER AND HIGHER EDUCATION: 1999/2000**

Subject Area	Full-Time	Part-Time	Total
Administration & Office Skills	19	291	310
Art & Design	38	21	59
Business & Management	150	39	189
Construction, Built Environment & Civil Engineering	104	117	221
Distribution - Retail, Wholesaling & Warehousing	3	-	3
Electrical / Electronic Engineering	7	87	94
Hairdressing & Beauty	67	150	217
Health & Social Care	100	147	247
Hospitality	119	45	164
Information & Communication Technology	106	276	382
Mechanical Engineering	126	169	295
Motor Vehicle	12	40	52
Media & communication	-	35	35
Applied Science	98	284	382
Education	38	276	314
Agriculture	-	13	13
Manufacturing / Processing	7	38	45
Transport	-	7	7
<b>Total</b>	<b>994</b>	<b>2,035</b>	<b>3,029</b>

Note: figures relate to a snapshot of enrolments at 1st November 1999.  
Source: FESR

#### **ENROLMENTS ON FE LEVEL COURSES AT LISBURN INSTITUTE OF FURTHER AND HIGHER EDUCATION: 2000/01**

Subject Area	Full-Time	Part-Time	Total
Administration & Office Skills	10	271	281
Art & Design	47	5	52
Business & Management	137	68	205
Construction, Built Environment & Civil Engineering	130	42	172
Electrical / Electronic Engineering	-	28	28
Hairdressing & Beauty	75	155	230
Health & Social Care	99	130	229
Hospitality	71	63	134
Information & Communication Technology	115	523	638
Leisure Tourism & Recreational	55	9	64
Mechanical Engineering	160	92	252
Motor Vehicle	8	30	38
Media & communication	-	16	16
Applied Science	61	312	373
Education	36	482	518
Agriculture	-	13	13
Manufacturing / Processing	95	11	106
Transport	-	18	18
<b>Total</b>	<b>1,099</b>	<b>2,268</b>	<b>3,367</b>

Note: figures relate to a snapshot of enrolments at 1st November 2000.  
Source: FESR

### **Community Relations Programmes: Expenditure**

**Dr Birnie** asked the Minister for Employment and Learning to outline (a) the amount of money spent on community relation programmes in each of the last 3 years; and (b) what assessment she can make in relation to the effectiveness of such expenditure. (AQW 4333/01)

**Ms Hanna:** Under Section 75 of the Northern Ireland Act 1998 public authorities are required, in carrying out all their functions, to have regard to the desirability of promoting good relations. DEL is committed to fulfilling this duty.

The Department has taken action to address issues of cultural diversity in the FE sector, and there are significant community relations aspects to the Department's EU functions, the Walsh Visa Programme and the IFI's Wider Horizons Programme. Details are as follows.

#### **Cultural diversity in the FE sector**

In February 2001 DEL established a Cultural Diversity Working Group for the FE sector. The Working Group is chaired by a Grade 7 official and its terms of reference include the preparation of a Good Practice Guide which

addresses issues of cultural diversity and includes advice on the preparation of college policy statements and exemplar case studies. The Group has appointed a part-time Research and Development Officer and commissioned him to research work in this area, consider the relevant legislation, draft the Good Practice Guide, make recommendations on staff development needs and identify resource implications etc. The draft report is due to be presented to the Working Group in August, and DEL will then decide how to take forward the Good Practice Guide with the sector.

To date the Department has spent £3k on this initiative. It is too early to give an assessment of its effectiveness.

### EU programmes

In 2000 and 2001 DEL administered over £22 million expenditure under EUSSPPR ('PEACE 1'). A breakdown by Measure and by IFB is attached.

In addition, in 2001 DEL established the EQUAL Community Initiative. Theme I of EQUAL is designed to assist the integration of asylum seekers on a UK-wide basis. In Northern Ireland the lead partner is the NI Council for Ethnic Minorities.

EU-funded projects have to be evaluated in accordance with EU regulations, and the SEUPB will produce a closure report on Peace 1 projects. An evaluation process for EQUAL has just begun.

### Walsh Visas

The Irish Peace Process Cultural & Training Programme (Walsh Visa Programme) aims to improve participants' employability and includes training and personal development to promote tolerance and respect for differences. This part of the programme has been developed by George Mason University. The desired outcomes of this training for participants are improved communication, problem-solving and co-operation skills.

The programme costs are as follows:

2000 / 2001	£103,385
2001 / 2002	£703,494
2002 / 2003	£601,480

Following the interim evaluation of the Programme, the Department will commission a longitudinal study of participants' experience of the Programme and their progress on completion of the Programme. The report of this study will be made available to the Employment and Learning Committee in due course.

### IFI Wider Horizons

The Wider Horizons Programme (WHP) seeks to improve the employability of disadvantaged young people in NI, the border counties of ROI and parts of Dublin. WHP is funded by IFI and administered by DEL

and FÁS. DEL and FÁS contribute financially in the form of training allowances.

IFI has primary responsibility for evaluating the effectiveness of WHP, including its impact on community relations. *(Please see table on following page page).*

### Credit Cards

**Mrs Nelis** asked the Minister for Employment and Learning to detail (a) the number of credit cards in use in (i) her Department, (ii) Executive Agencies of her Department, (iii) NDPBs of her Department, (iv) any other Agency or Body funded by her Department; and (b) the amount spent on each credit card in each of the last 4 financial years. (AQW 4474/01)

**Ms Hanna:** There are currently no credit cards held by this Department.

One Government Procurement card was used by my Department between May 2000 and October 2001. The expenditure was as follows;

Financial Year	Expenditure
1999 – 2000	Nil
2000 – 2001	£125,830.47
2001 – 2002	£23,156.30

My Department's Non-Departmental Public Bodies (NDPBs) which use credit cards and expenditure in each financial year since devolution are as follows;

#### CONSTRUCTION INDUSTRY TRAINING BOARD (CITB)

Financial Year	No. of Credit Cards	Expenditure
1999 – 2000	1	£17,106
2000 – 2001	1	£7,747
2001 – 2002	1	£8,351

#### LABOUR RELATIONS AGENCY (LRA)

Financial Year	No. of Credit Cards	Expenditure
Dec.1999 – 2000	2	£617.71
2000 – 2001	2	£4,007.91
2001 – 2002	2	£1,442.36

#### ULSTER SUPPORTED EMPLOYMENT LIMITED (USEL)

Financial Year	No. of Credit Cards	Expenditure
1999 – 2000	1	£6,518
2000 – 2001	1	£5,211
2001 – 2002	13	£16,042

**PEACE I EXPENDITURE SUMMARY FOR THE LAST 3 YEARS**

Sub-programme	Measure	2000	DEL	Proteus	Play-board	TWN	EGSA	NIVT	Invest NI	
Employment	Boosting Growth and Retraining for Peace	1.1	£0.424121	£1.948582		£1.346052		£0.499612		£4.218367
Employment	Action for Jobs	1.2	£0.667530	£3.908621					£0.816144	£5.392295
Employment	Improving the Accessibility and Quality of Training, Education and Employment Services	1.3			£1.166477		£1.069693			£2.236170
Employment	Accompanying Infrastructure and Equipment Support	1.4	£1.860420	£0.322514	£0.139318	£0.094797	£0.075267	£0.005733	£0.126777	£2.624826
Cross Border Development	Co-operation between Public Bodies (ERDF)	S/P 3.3a	£0.010000							£0.010000
Cross Border Development	Co-operation between Public Bodies (ESF)	S/P 3.3b	£0.081272							£0.081272
Social Inclusion	Promoting the Inclusion of Children and Young People	S/P 4.3	£0.110175							£0.110175
Social Inclusion	Accompanying Infrastructure and Equipment Support from the ERDF	S/P 4.6	£0.039102							£0.039102
Flagships		S/P 8	£1.257418							£1.257418
										£15.969625

Sub-programme	Measure	2001	DEL	Proteus	Play board	TWN	EGSA	NIVT	Invest NI	
Employment	Boosting Growth and Retraining for Peace	1.1	£0.049858	£0.800090		£0.352333		£0.235481		£1.437762
Employment	Action for Jobs	1.2	£0.108455	£1.680663					£0.500814	£2.289932
Employment	Improving the Accessibility and Quality of Training, Education and Employment Services	1.3			£0.264888		£0.358437			£0.623325
Employment	Accompanying Infrastructure and Equipment Support	1.4	£1.074479	£0.112453	£0.041643	£0.019666	£0.013584		£0.077311	£1.339136
Cross Border Development	Co-operation between Public Bodies (ERDF)	S/P 3.3a	£0.000000							£0.000000
Cross Border Development	Co-operation between Public Bodies (ESF)	S/P 3.3b	£0.035640							£0.035640
Social Inclusion	Promoting the Inclusion of Children and Young People	S/P 4.3	£0.108025							£0.108025
Social Inclusion	Accompanying Infrastructure and Equipment Support from the ERDF	S/P 4.6	£0.058395							£0.058395
Flagships		S/P 8	£0.492888							£0.492888
										£6.385103

**ENTERPRISE ULSTER (EU)**

Financial Year	No. of Credit Cards	Expenditure
Dec. 1999 – 2000	41	£13,291.94
2000 – 2001	33	£44,777
2001 – 2002	34	£42,488

Other bodies funded by my Department which use credit cards and expenditure in each financial year since devolution are as follows;

**NORTHERN IRELAND BUSINESS EDUCATION PARTNERSHIP (NIBEP)**

Financial Year	No. of Credit Cards	Expenditure
1999 – 2000	0	Nil
2000 – 2001	1	£543
2001 – 2002	1	£1,200

**TOURISM TRAINING TRUST (TTT)**

Financial Year	No. of Credit Cards	Expenditure
1999 – 2000	0	Nil
2000 – 2001	0	Nil
2001 – 2002	1	£965

**STRANMILLIS UNIVERSITY COLLEGE**

Financial Year	No. of Credit Cards	Expenditure
Dec. 1999 – 2000	3	£6,160
2000 – 2001	3	£21,632
2001 – 2002	3	£37,947

**QUEEN'S UNIVERSITY BELFAST**

Financial Year	No. of Credit Cards	Expenditure
1999 – 2000	0	Nil
2000 – 2001	0	Nil
2001 – 2002	1	£4,000

**SKILL NI**

Financial Year	No. of Credit Cards	Expenditure
Dec. 1999 – 2000	0	Nil
2000 – 2001	0	Nil
2001 – 2002	2	£1,833.72

**WORKERS EDUCATIONAL ASSOCIATION (WEA)**

Financial Year	No. of Credit Cards	Expenditure
Dec. 1999 – 2000	0	Nil
2000 – 2001	2	£77.81
2001 – 2002	2	£1,001.47

**FURTHER EDUCATION COLLEGES**

FE College	Financial Year	No. of Credit Cards	Expenditure
Belfast Institute	Dec. 1999 – 2000	6	£1,157.35
	2000 – 2001	6	£7,583.47
	2001 – 2002	6	£5,637.72
Castlereagh	Dec. 1999 – 2000	2	£1,515
	2000 – 2001	2	£2,133
	2001 – 2002	2	£2,110
East Antrim	Dec. 1999 – 2000	0	Nil
	2000 – 2001	0	Nil
	2001 – 2002	1	£3,427.95
Newry & Kilkeel	Dec. 1999 – 2000	0	Nil
	2000 – 2001	1	£2,520.21
	2001 – 2002	1	£4,087
NI Hotel & Catering	Dec. 1999 – 2000	0	Nil
	2000 – 2001	1	£787
	2001 – 2002	1	£2,435.35

**Catering College and University of Ulster at Jordanstown: Merger**

**Mr S Wilson** asked the Minister for Employment and Learning, in light of her decision to approve the merger of the Northern Ireland Hotel and Catering College and University of Ulster at Jordanstown, to outline (a) the criteria used to reach her decision; (b) any discussions and consultations that took place; (c) any specific reasoning that persuaded her to approve the merger; and (e) the hotel and catering organisations that (i) agreed and (ii) disagreed with her decision.

(AQW 4476/01)

**Ms Hanna:** PriceWaterhouseCoopers produced an economic appraisal last year to HM Treasury Green Book Standards. They considered the options including retaining the current status of the Northern Ireland Hotel and Catering College; merger with another Further Education College; merger with a Higher Education institution in Northern Ireland; and the development of the College as a multi-disciplinary FE College. The options were assessed against cost; the development of a centre of excellence; alignment with the needs of the industry; maintaining the focus on the hospitality and tourism sector; and ease of implementation. Merger with the University of Ulster was identified as the preferred option. The Economic Appraisal was subsequently approved by my Department, having consulted the Department of Finance and Personnel.

Under legislation, I am empowered only to make a decision on whether a merger should proceed. I have no locus to decide where a University should locate its course provision. In January I issued a consultation document and received 56 responses within the period, additional written responses were received outside that period, I also met formally and informally with other interested parties, including the Employment and Learning Assembly Committee.

Those who supported the merger included the Tourism Training Trust, the Food and Drink Training Council, the Retail Licensed Trade Federation, the NI Hotels Federation, the Northern Ireland Tourist Board, Coleraine Borough Council and a range of Political Representatives. Those who were against the Merger included a range of businesses from the hospitality sector, political representatives, students, past students and parents. Most concerns raised were over location. The Employment and Learning Committee voted by a small majority not to support the merger.

My decision to approve the merger will build on the existing excellence in both institutions to establish a world class centre of excellence; the numbers of well trained graduates will be increased; Research and Development opportunities will be increased; and two additional professorial chairs will be created. I anticipate the



necessary administrative order will be in place by 1 August to enable the synergy between these two respected organisations to develop and to further grow in excellence for the good of the hospitality and tourism sector in Northern Ireland.

## ENTERPRISE, TRADE AND INVESTMENT

### Insurance Costs

**Mr Bradley** asked the Minister of Enterprise, Trade and Investment what assessment he has made in regard to ongoing rising cost of Public and Employers' Liability Insurance; and to make a statement.

(AQW 4350/01)

**The Minister of Enterprise, Trade and Investment (Sir Reg Empey):** I am aware that a number of businesses in NI are having difficulty in obtaining Public and Employers' Liability Insurance. I have drawn this problem to the attention of the Economic Secretary to the Treasury; corresponded with the Association of British Insurers about individual cases; and brought it to the attention of the Secretary of State for NI.

Currently my officials are preparing to undertake research to better quantify the scope, nature and scale of the problem as a prelude to developing a strategy to seek to address the causes of high insurance costs – or even its non-availability – and to help stabilise or reduce the rate of increase in premiums.

In the meantime it is important that any businesses experiencing difficulty in obtaining insurance, write directly to the Association of British Insurers, 51 Gresham Street, London EC2V 7HQ to obtain details of potential sources of cover.

### Invest NI

**Ms Morrice** asked the Minister of Enterprise, Trade and Investment if there was an interruption in the payments system for grants for former IDB and LEDU clients moving into the Invest NI structure; and to make a statement.

(AQW 4351/01)

**Sir Reg Empey:** The setting up of the new agency was a major logistical task and a number of unforeseen difficulties did occur. Action was taken to overcome any delays and processes are now back on track.

### Applications for the Invest NI Board

**Ms Morrice** asked the Minister of Enterprise, Trade and Investment to detail (a) the number of women who

applied to the 'Female Candidates' advert for the Invest NI Board; (b) how many met the criteria; (c) how many were shortlisted; and (d) how many were appointed.

(AQW 4352/01)

**Sir Reg Empey:** (a) Following the 'Female Candidates' advert for the Invest NI Board 166 applications were received and, of these 101 (60.8%) came from females. (b) In this round 51 females met the essential criteria. (c) In this round 10 were shortlisted for interview. (d) In this round 5 females were appointed to the Invest NI Board.

### Applications for the Invest NI Board

**Ms Morrice** asked the Minister of Enterprise, Trade and Investment, given the number of applicants for the Invest NI Board, to explain why there was an inability to achieve an equal gender balance.

(AQW 4353/01)

**Sir Reg Empey:** Following the appointments to the Shadow Board, when 9% of applicants were female my Department undertook a specific, targeted outreach initiative to encourage more women to apply in the second round. In this second exercise over 60% of the applicants were women.

In total 205 (64%) males and 115(36%) females applied for positions on the Invest NI Board. 10 (62.5 %) male and 6 (37.5 %) female were appointed to the Invest NI Board. Given the significant difference in numbers of male and female applicants and that all appointments are made on the basis of merit I feel that the gender balance of the Board of Invest NI reflects the applications received.

### Applications for the Invest NI Board

**Ms Morrice** asked the Minister of Enterprise, Trade and Investment what weight was given to women with direct experience of working in business in the criteria for the female applicants to the Invest NI Board.

(AQW 4354/01)

**Sir Reg Empey:** One of the four essential criteria for both male and female applicants was at least 5 years experience of working at board or senior management level in the private or public sector, or community/voluntary sector, or in the trade union movement, or in academia. Equal weight was given to all essential criteria. Male and female applicants were assessed equally in respect of the criteria.

### Invest NI Board

**Ms Morrice** asked the Minister of Enterprise, Trade and Investment, of the 21 senior management positions on the Invest NI Board, to detail (a) who has been

appointed; (b) how many were appointed from within the former bodies; and (c) how many positions were given to 'fresh talent'. (AQW 4355/01)

**Sir Reg Empey:** The senior management structure of Invest Northern Ireland comprises a Chief Executive, four Managing Directors and fourteen Directors. Three other posts, at sub-senior management level (Property Services, Internal ICT and e-Business and Entrepreneurship and Start-up) have been listed on earlier versions of the organisation chart, which may also have used slightly different job titles.

In line with the legal requirement that existing staff in the predecessor organisations should transfer, with their work, to equivalent posts in Invest NI, 14 officials from within the former bodies were appointed to senior management positions in Invest NI.

The Chief Executive post and three others were filled by means of public advertisement. Of these four, three of the appointees were from outside the former bodies. A further Director post has recently been advertised publicly.

### **'Towards a New Energy Market Strategy for NI'**

**Dr Birnie** asked the Minister of Enterprise, Trade and Investment if any of the responses to his consultation paper 'Towards a New Energy Market Strategy for Northern Ireland', objected to the introduction of legislation to provide a low cost borrowing mechanism to enable a more efficient financing of costs within the gas and electricity industries. (AQW 4374/01)

**Sir Reg Empey:** I refer to my answers to Questions AWQ 3947/01 and AWQ 3948/01.

None of the respondents objected to legislation to provide a low cost borrowing mechanism to enable a more efficient financing of costs within the gas and electricity industries, an issue not specifically raised in the paper.

### **Energy Consumers: Levy**

**Dr Birnie** asked the Minister of Enterprise, Trade and Investment what assessment he can make of new legislation to provide a low cost borrowing mechanism, to enable a more efficient financing of costs within the gas and electricity industries in relation to (a) lower electricity and gas prices; and (b) the future development of the industry. (AQW 4375/01)

**Sir Reg Empey:** I have received a proposal for a legislative provision enabling a levy to be collected from energy consumers. The proposition is that banks would take greater comfort from such a provision – which could effectively guarantee a revenue stream from

consumers to lenders – and would, therefore, be likely to lend at lower rates of interest. These more efficient financing arrangements, it is suggested, could then be substituted for the existing arrangements and consumers would be the beneficiaries of the consequent reduction in repayments.

My advice is that the proposal could provide for an aid favouring undertakings which, as a general rule, is considered to be incompatible with the common market. I am also advised that similar problems are likely to arise if such an arrangement benefited any of the parties to existing financing arrangements. There may also be tax implications related to any refinancing arrangement which, of course, would be likely to reduce benefits to consumers.

Quite apart from these issues, there are conflicting views on the merits of such a mechanism. I have not included it in the draft Energy Bill proposals recently published for consultation.

As I have already indicated in my answer to Question 3949/01, I am currently considering options to reduce electricity prices in Northern Ireland and will announce an action plan in due course. This will now be after the summer recess.

### **Community Relations Measures: Expenditure**

**Dr Birnie** asked the Minister of Enterprise, Trade and Investment to outline (a) the amount of money spent on community relations measures in each of the last three years; and (b) what assessment has he made on the effectiveness of this expenditure. (AQW 4379/01)

#### **Sir Reg Empey:**

- (a) The figures below represent grant paid to Northern Ireland cultural projects under Sub-Programme 3 Measure 1 of the EU Special Support Programme for Peace and Reconciliation during the period January 1999-December 2001.

Jan 1999-Dec 1999	£ 628,500
Jan 2000-Dec 2000	£1,187,235
Jan 2001-Dec 2001	£1,726,556
<b>Total</b>	<b>£3,542,291</b>

The Measure encouraged inter alia, cultural linkages that were genuinely cross-community focused and was managed by Co-operation Ireland.

- (b) ASM Horwarth (Consultants) are finalising for Co-operation Ireland a comprehensive evaluation of the sub-programme which will be presented to their Board for approval in mid July and available to the general public thereafter. The draft report concludes that the Measure has made significant impact on

peace and reconciliation in terms of promoting [business and] cultural linkages across the border and across communities.

### International Mine, Carrickfergus

**Mr Hilditch** asked the Minister of Enterprise, Trade and Investment to detail (a) the current danger of collapse at the International Mine, Carrickfergus; (b) any other potential collapse at any of the salt mines in Carrickfergus, including any disused mines; (c) any collapse during each of the last 3 years and (d) the monitoring process in place in respect of this matter.

(AQW 4385/01)

#### Sir Reg Empey:

- (a) Recent monitoring in the area around Trailcock Road suggests that there has been some movement in the Carrickfergus/International mine and, in the opinion of the Department's mining consultants, the possibility of a mine collapse has significantly increased. While it is not known when this might occur, computer modelling has been used to determine the likely maximum zone of influence of a collapse event. Local residents, the district council, the Police Service of Northern Ireland, BT and NIE have all been informed.
- (b) There is no indication from the regular monitoring of the other abandoned mines that any of them are in imminent danger of collapse.
- (c) The only other mine to have collapsed in the last three years is the Maidenmount mine in the Woodburn area of Carrickfergus. It collapsed on 19 August 2001.
- (d) An extensive monitoring programme was put in place following the collapse of the privately owned Tennant mine in 1990. There are now approximately 120 monitoring stations in the area of the abandoned salt mines in Carrickfergus. Detailed surveying of these stations can detect very small changes in surface levels. Several boreholes have been drilled into the mine voids and instrumentation installed to detect movement in the underground strata. Such movement would normally be a precursor to a collapse event. The boreholes are also used to monitor water levels within the mines and to carry out periodic CCTV and ultrasonic surveys which monitor changes within the mine voids.

### Unemployment: Upper Bann

**Dr O'Hagan** asked the Minister of Enterprise, Trade and Investment to outline the current unemployment figures for the Craigavon Central Electoral Area in the constituency of Upper Bann.

(AQW 4399/01)

**Sir Reg Empey:** Up-to-date unemployment statistics at ward level are only available from the claimant count. The most recent statistics relate to June 2002 and at that date there were 312 claimants in the Craigavon Central Electoral Area.

### Tourism Development: Expenditure

**Mr Dallat** asked the Minister of Enterprise, Trade and Investment to provide a breakdown of the total expenditure on tourism development, in each of the last 5 years, in (i) Belfast City; (ii) Coleraine Borough Council Area; and (iii) Northern Ireland.

(AQW 4409/01)

**Sir Reg Empey:** Based on computer records held, the amount of the selective financial assistance offered by the Northern Ireland Tourist Board to develop accommodation, amenity and visitor attractions, marketing projects and events support which was spent by Belfast City Council, Coleraine Borough Council and Northern Ireland in each of the last 5 years is as follows:

	Belfast CC £	Coleraine BC £	Northern Ireland £
1997-1998 <sup>(1)</sup>	1,652,990 <sup>(2)</sup>	370,983	8,658,859
1998-1999 <sup>(1)</sup>	1,026,153 <sup>(2)</sup>	158,637	6,165,931
1999-2000	1,329,540 <sup>(2)</sup>	302,396 <sup>(3)</sup>	7,352,783
2000-2001	1,910,187 <sup>(2)</sup>	806,840 <sup>(3)</sup>	9,676,693
2001-2002	2,435,003 <sup>(2)</sup>	364,123 <sup>(3)</sup>	11,216,673

(1) Figures for 1997/98 and 1998/99 do not include expenditure on events support.

(2) These figures include spend on marketing projects based in Belfast but which have an impact Northern Ireland wide e.g. NI Self Catering Holidays Association, NI Best Kept Secrets, Birdwatch NI and Gardens of NI

(3) These figures include spend on marketing projects in the Causeway Coast and Glens Ltd Regional Tourism Organisation. Expenditure in the Coleraine BC area could not be disaggregated.

### Insurance Costs

**Mr McGrady** asked the Minister of Enterprise, Trade and Investment what representation he has made to the insurance industry in respect of the increasing costs of (i) commercial insurance; and (ii) motor insurance.

(AQW 4411/01)

**Sir Reg Empey:** I am aware that a number of businesses in NI are having difficulty in obtaining various kinds of insurance cover including commercial and motor insurance. I have drawn this problem to the attention of the Economic Secretary to the Treasury; corresponded with the Association of British Insurers about individual cases; and brought it to the attention of the Secretary of State for NI.

Currently my officials are preparing to undertake research to better quantify the scope, nature and scale of

the problem as a prelude to developing a strategy to seek to address the causes of high insurance costs – or even its non-availability – and to help stabilise or reduce the rate of increase in premiums.

In the meantime it is important that any businesses experiencing difficulty in obtaining insurance, write directly to the Association of British Insurers, 51 Gresham Street, London EC2V 7HQ to obtain details of potential sources of cover.

### Job Losses: Dromore

**Mr B Bell** asked the Minister of Enterprise, Trade and Investment what progress has been made following recent job losses to attract new investment into the Dromore area. (AQW 4412/01)

**Sir Reg Empey:** [holding answer 8 July 2002]: The job losses which will result from the decision by Warners (UK) Ltd to place the workforces at its Dromore and Keady factories on protective notice from 14 June are very regrettable and result from a commercial decision by the company in the light of prevailing international market conditions.

My Department, through its agency Invest NI, is committed to attracting new Inward Investment to Northern Ireland and it is one of the key objectives identified in Invest NI's first corporate plan. While prospective investors are encouraged to locate in more rural areas, many have tended to chose locations in or close to the Belfast and Londonderry conurbations, due to a range of factors. Highlighting the skills and opportunities available in local areas within Northern Ireland to potential investors will be critical to attracting investment to outside of these areas.

Invest NI plans to address this through strengthening the services that are delivered through its local office network including the energising of the effort to attract inward investment to specific localities of Northern Ireland. To initiate this a large amount of work has been carried out already, to develop a local sales message. Workshops have also taken place at five locations throughout Northern Ireland where local stakeholders were brought together to establish how this local sales message can be taken even further.

Invest NI's annual conference for its Overseas Representatives was held last month and focused on the role of the Local Office Network in the attraction of new inward investment. The Conference included a series of Seminars and Workshops to which local stakeholders were invited and I understand that the Dromore area would have been represented through participation in this event by representatives of Banbridge District Council and Banbridge District Enterprises Ltd.

Invest NI will continue to market all of Northern Ireland as an investment location and as part of this process

prospective investors will, where possible, be encouraged to visit all areas of Northern Ireland including locations within the Banbridge District Council area.

### Capital Underspend

**Mr Beggs** asked the Minister of Enterprise, Trade and Investment to account for his Department's £8.1 million capital underspend in the 2001-2002 financial year, including a breakdown of those projects which did not proceed in that year. (AQW 4439/01)

**Sir Reg Empey:** The capital underspend of £8.1 million in the Department of Enterprise, Trade and Investment in 2001/02 comprises a £7.2 million telecommunications initiative which was delayed due to state aids clearance and several minor underspends in projects to purchase office and computer equipment totalling £0.9 million.

## THE ENVIRONMENT

### MOT Waiting Times

**Mr Beggs** asked the Minister of Environment to outline (a) the average waiting time for MOT appointments to each test centre; and (b) any action being taken to reduce waiting times. (AQW 4413/01)

**The Minister of the Environment (Mr Nesbitt):** The average waiting time for MOT appointments to each test centre from 1 April 2002 until 29 June 2002 as follows:

Test Centre	Days
Armagh*	12
Ballymena*	6
Belfast	21
Coleraine*	28
Cookstown	30
Craigavon	14
Downpatrick	20
Enniskillen*	27
Larne	22
Lisburn	17
Londonderry	24
Mallusk	27
Newry	26
Newtownards	28
Omagh	31

\* Closed for part of the period for refurbishment.



Action to reduce waiting times includes urgent staff recruitment, use of overtime, deployment of HQ staff to vehicle testing duties and temporary withdrawal of voluntary emission testing. Customers are also being advised of the position through posters in DVTA and DVLNI offices, public notices in the press as necessary and on the Agency web site.

### Departmental Underspend

**Mr Beggs** asked the Minister of the Environment to account for his Department's £0.9 million underspend in the 2001-2002 financial year, including a breakdown of those projects which did not proceed in that year.

(AQW 4446/01)

**Mr Nesbitt:** There has been slippage of some £0.5 million in the implementation of the Driver Licencing replacement system. A weighbridge facility adjacent to the proposed Toomebridge bypass costing around £0.2 million cannot go ahead until the construction of the bypass has been completed. There is also slippage of some £0.2million in Energy Efficiency projects undertaken by District Councils for which they receive funding from the Department.

All capital underspend will be re-allocated to the Department in 2002/03 under the End Year Flexibility Scheme.

### Archaeological Objects

**Mr Shannon** asked the Minister of the Environment to consider reviewing the Historic Monuments and Archaeological Objects (NI) Order 1995 to recognise the 'treasure trove sector'.

(AQW 4448/01)

**Mr Nesbitt:** The Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 ('the Order') provides for the reporting of the discovery of archaeological objects. Some archaeological objects may, upon investigation, be deemed to be 'treasure' as defined under the Treasure Act 1996 ('the Act').

Under the Order, the reporting of the discovery of an archaeological object does not affect the right of any person to the ownership of it. The Department may give financial assistance to the purchase of an archaeological object subject, for example, to a condition of public exhibition. In relation to the Act, treasure is deemed to be vested in the Crown, although this title may be disclaimed. A financial reward, based upon the treasure's market value, may be paid to the finder or others with an interest. The Act is administered in Northern Ireland by my Department, by agreement with the Secretary of State for Culture, Media and Sport, who has lead statutory responsibility for it.

The main purpose of the Order and the Act, in regard to the discovery of archaeological objects and treasure, is to bring in to the public domain information which such discoveries may yield, to the betterment of our understanding of Northern Ireland's heritage. Insofar as they are fulfilling this purpose, I have no plans to review the Order.

### Europarc Review: National Parks for NI

**Mrs Carson** asked the Minister of the Environment to outline (a) if Fermanagh is to be included in the Europarc Review on National Parks for Northern Ireland; (b) who Europarc will consult during the review; and (c) when the review will be completed.

(AQW 4484/01)

**Mr Nesbitt:** The expert study which I have commissioned will consider the potential costs, benefits and management implications of establishing one or more National Parks in Northern Ireland taking account of practice and experience elsewhere. The study is not specific to any particular area. This would be for later examination, depending on the outcome of the study and the conclusion I reach.

The Consultants have not been asked to undertake consultation. The study is a general one which is examining the question of establishing National Parks in Northern Ireland in the light of experience of National Parks elsewhere. The consultants will be free to seek the views of relevant people. Widespread consultation is unnecessary at this stage.

I expect to receive a report from Europarc in September. When I have considered the report, I will make a statement on the way forward on this matter.

### Environmental Impact Assessments

**Mrs Carson** asked the Minister of the Environment if he has considered an Equality Impact Assessment of the production and distribution of Environmental Impact Assessments.

(AQW 4485/01)

**Mr Nesbitt:** Environmental Impact Assessment is a statutory procedural requirement the provisions for which are to be found in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999. These Regulations implement EC Directives the aim of which is to ensure that when giving development consent for particular types of project my Department makes its decision in the knowledge of any likely significant effects on the environment.

Environmental Impact Assessment is a systematic means of drawing together an assessment of the likely significant environmental effects of a particular project. The outcome of this analysis is the preparation of an Environmental Statement.

The requirements in relation to the preparation and publicity given to Environmental Statements is also laid down by statute and deals with informing certain public bodies, the availability of the Statement to the public and others and the need to advertise the availability of the Statement and amendments to it. Developers are required to make a reasonable number of copies of an Environmental Statement available to the public at a specified address and at a reasonable cost and are required to produce and make available a non-technical summary of the Statement. In practice an Environmental Statement will also be available at the relevant Divisional Planning Office.

Where a planning application for a land-based wind farm is located in or impacts on a "sensitive area," defined as a designated ASSI, AONB, National Park, World Heritage Site, Scheduled Monument or European Site as defined in the Conservation Regulations (NI) 1995, and/or involves the installation of more than 2 turbines or the height of turbine or other structures exceeds 15 metres, an Environmental Statement will be required before planning permission is granted where that proposal is likely to give rise to significant environmental effects. A wind farm located below LWM does not require planning consent.

Under the provisions of Section 75 of the Northern Ireland Act 1998, the Department in carrying out its functions in relation to Northern Ireland is required to have due regard to the need to promote equality of opportunity. Under Schedule 9 of the Act the Department has prepared an Equality Scheme (approved by the Equality Commission) which confirms the range of policies and proposals on which there is currently a commitment to carry out an Equality Impact Assessment.

An Equality Impact Assessment is a thorough and systematic analysis of a policy or piece of legislation to determine the extent of differential impact on relevant Section 75 groups and to determine how any potential negative impacts might be addressed. Existing legislation makes no provision for the conduct of an Equality Impact Assessment on an established statutory procedural requirement.

However, if and when the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 are reviewed - there are currently no plans to do so - any new provisions would be screened against the provisions of Section 75 of the Northern Ireland Act 1998. Where a differential impact was identified an Equality Impact Assessment would be carried out.

### **Pollution Prevention and Control Bill: Best Available Technique**

**Mr Armstrong** asked the Minister of the Environment, in relation to the Pollution Prevention and Control Bill

(NIA 19/01), to outline (a) how the Best Available Technique (BAT) will be selected; and (b) if the adoption of BAT as opposed to Best Available Technique Not Entailing Excessive Cost (BATNEEC) will be more expensive. (AQW 4510/01)

**Mr Nesbitt:** BAT Reference (BREF) Notes are being produced on behalf of the European Commission by the European IPPC Bureau in Seville. These notes provide information on techniques which represent BAT in each sector and inform national guidance. An operator applying for an IPPC permit will need to demonstrate that the proposals contained in the application represent BAT: enforcing authorities will determine whether additional measures are required before issuing a permit.

A simplified approach is proposed in Northern Ireland for those intensive livestock installations affected by the Directive, in line with the rest of the UK. In this case BAT is effectively defined in a set of 'Standard Farming Installation Rules'.

The definition of BAT in the IPPC Directive states that economic factors may be taken into account in determining BAT for each sector. In this sense BAT is not a more demanding standard than BATNEEC.

### **National Park Designation: NI**

**Mr Armstrong** asked the Minister of the Environment to outline (a) if the ongoing study which is assessing the impact of national park designation in parts of Northern Ireland will also look at how designation of the Sperrins would impact upon that area; and (b) any further procedures he intends to put in place regarding the designation of national park status in Northern Ireland. (AQW 4513/01)

**Mr Nesbitt:** The expert study which I have commissioned will consider the potential costs, benefits and management implications of establishing one or more National Parks in Northern Ireland, taking account of practice and experience elsewhere. The study is not specific to any particular area. This would be for later examination, depending on the outcome of the study and the conclusion I reach.

I expect to receive a report in September. When I have considered the report, I will make a statement on the way forward on this matter, including any need that I may identify for new legislation, designation procedures or management bodies.

### **Insulin Users: Medical Assessments**

**Dr Birnie** asked the Minister of the Environment if he would consider introducing individual medical assessment in determining the suitability of individual insulin users in receiving taxi licences. (AQW 4518/01)

**Mr Nesbitt:** Regulation 14(1)(b)(iv) of the Motor Vehicles (Taxi Drivers' Licences) Regulations (NI) 1991 precludes the grant of a licence if the applicant suffers diabetes subject to insulin treatment.

This is in line with the current guidelines promulgated by the Department for Transport (DfT), formerly the Department of Transport, Local Government and the Regions (DTLR), whose Medical Commission on Accident Prevention has recommended that "Taxi, emergency ambulance and emergency police drivers should be required to meet Group 2 standards".

Group 2 includes vehicles such as lorries and buses and sets higher medical standards than for an ordinary car driver's licence. In practice this recommendation means that an insulin dependent diabetic should not be permitted to drive a taxi.

I am aware that in 2001, DTLR (now DfT) launched a research programme into individual assessments for Group 2 vehicles, the form of a 3-year multi-centre study. I will examine the recommendations from the review when it is published and consider if changes to the current policy should be made.

## FINANCE AND PERSONNEL

### Peace II

**Mr Adams** asked the Minister of Finance and Personnel to outline (a) the extent of funding to be distributed; and (b) projected administration costs of Intermediate Funding bodies, under the Peace II Programme for Building Sustainable Prosperity. (AQW 4180/01)

**The Minister of Finance and Personnel (Dr Farren):** Intermediary Funding Bodies are responsible for administering 216meuro (£139m) of PEACE II funds covering 14 areas of activity in Northern Ireland and 3 areas of cross-border activity in Northern Ireland and the Border Region of Ireland. The administration costs for Intermediary Funding Bodies in Northern Ireland amounts to just over 22.5 meuro (£14.5m). This does not include all of the administrative costs for measures 2.2 and 2.3 as the contracts with the relevant IFBs responsible for these measures have not yet been agreed with the Special EU Programmes Body.

### Building Sustainable Prosperity and Peace II

**Dr O'Hagan** asked the Minister of Finance and Personnel to quantify, by electoral ward, the numbers of jobs proposed by unsuccessful applicants to (a) Building Sustainable Prosperity; and (b) Peace II. (AQW 4218/01)

**Dr Farren:** The EU Structural Funds applications and monitoring database does not hold information regarding the number of jobs proposed by unsuccessful applicants as such data is normally only entered onto the database at approval stage when a Letter of Offer is issued by the Implementing Body.

For the BSP Programme, information supplied by Departments shows that for Measures (throughout all Priorities) which are delivered through existing Government Programmes, and are not open to public calls there are no unsuccessful applications. For those Measures which are open to public calls, Departments, with one exception, report that the current selection processes have not been completed or are at an early stage and therefore they are not in a position to provide data on unsuccessful applications.

The Department for Employment and Learning has provided figures in respect of the number of jobs proposed by unsuccessful projects to BSP Measure 2.6 and 2.8. These are detailed below:

Measure	Projects Based in Electoral Ward	Total No of Jobs	
2.6	Duncairn	Belfast	20
2.6	Edenderry	Banbridge	40
2.6	Strand	Derry	24
2.6	Botanic	Belfast	20
2.6	Cathedral	Down	24
2.6	Strule/Fairywater	Omagh	12
2.6	Strand	Derry	200
2.6	Portora	Fermanagh	10
2.6	Mallusk	Newtownabbey	100
2.8	Colin Glen	Lisburn	22
2.8	Central	Newtownards	100
2.8	Galwally	Castlereagh	5
2.8	Oldtown	Cookstown	7
2.8	Drumgullion	Newry & Mourne	17
2.8	Enagh	Limavady	5
2.8	Whiterock	Belfast	17
2.8	Fairgreen	Ballymena	12
2.8	Botanic	Belfast	10
		<b>Total</b>	<b>645</b>

The Managing Authority of the PEACE II Programme, the Special EU Programmes Body (SEUPB) has reported that it is unable to provide this data for unsuccessful applications as it is not currently collected.

### Building Sustainable Prosperity and Peace II

**Dr O'Hagan** asked the Minister of Finance and Personnel to quantify, by electoral ward, the estimated



number of jobs that are to be created by successful applicants to (a) Building Sustainable Prosperity; and (b) Peace II. (AQW 4219/01)

**Dr Farren:** The EU Structural Funds applications and monitoring database at this early stage in the implementation of the Operational Programmes shows a total of 268 successful applicants to both Operational Programmes. Available data is limited but indicates the number of jobs proposed to be created by projects based in particular electoral wards for both Operational Programmes is as follows:

Programme/Measure	Projects Based in Electoral Ward	Total Number of Proposed Jobs
BSP – Measure 4.7	Tullagh, Cookstown	5
PEACE II – Measure 4.2	Mount Sandel, Coleraine	3
PEACE II – Measure 5.3	Whiterock, Belfast	7
<b>Total</b>		<b>15</b>

For database monitoring purposes successful projects are those where a Letter of Offer has been issued, but full details of projects, including jobs created, are not normally inserted by Implementing Bodies until the Letter of Offer is accepted. Data availability will improve in the Autumn when the Applications and Monitoring Database becomes fully operational. For example, information collected manually by the Department for Employment and Learning confirmed that successful applicants to Measures 2.6 and 2.8 of the BSP Operational Programme proposed the creation of 972 jobs. The following table shows a breakdown of these jobs by electoral ward.

### Building Sustainable Prosperity and Peace II

**Dr O'Hagan** asked the Minister of Finance and Personnel to quantify, by electoral ward, the number of successful applications and the total amount awarded within each priority in (a) Building Sustainable Prosperity; and (b) Peace II. (AQW 4220/01)

**Dr Farren:** The EU Structural Funds database currently registers 9 approved applications under the BSP Programme and 259 under the PEACE II Programme. The total amount of grant offered to the 9 successful BSP applications is £1,326,597. The total amount of grant offered to the 259 successful Peace applications is £17,548,426. The attached tables provide details of the amounts offered to successful applications by electoral ward where this is available. This information is provided by relevant priority in section A for the BSP programme and section B for the PEACE II Programme.

A copy of the attached table is available to the Member and a copy placed in the Assembly Library.

### Peace II: Developing Children and Young People

**Mr G Kelly** asked the Minister of Finance and Personnel to outline (a) his assessment of the criteria for Peace II funding, measure 2.2 'Developing Children and Young People' and the success or otherwise of youth groups in North Belfast being able to access grant aid under this measure; and (b) if he will consider changing the criteria to give a greater emphasis on youth provision in North Belfast. (AQW 4223/01)

**Dr Farren:**

- The Measure specific criteria for Measure 2.2 "Developing Children and Young People" have been drawn up in accordance with the PEACE II Operational Programme and are set out in the Programme Complement as agreed by the PEACE II Monitoring Committee. Fifteen applications from youth groups in North Belfast have been received under this Measure. Fourteen of these projects failed to meet the Measure specific criteria. One of the projects met the criteria but due to a low scoring was not prioritised for funding.
- Measure 2.2 is considered by the Special EU Programmes Body, the Managing Authority for the PEACE II Programme, to be operating effectively and there are no plans at this stage to amend the Measure specific selection criteria which would require the approval of the PEACE II Monitoring Committee. However, the performance of all the measures and selection criteria will be reviewed within the context of the mid-term evaluation of the Programme, which is due to be completed in June 2003.

### Peace II & Building Sustainable Prosperity

**Dr O'Hagan** asked the Minister of Finance and Personnel to outline how (a) successful; and (b) unsuccessful applicants for EU Funding Programme (i) Building Sustainable Prosperity; and (ii) Peace II specified their applications impacted upon the equality constituents as outlined in section 75 of the Northern Ireland Act 1998. (AQW 4236/01)

**Dr Farren:** The attached table provides information recorded by the applicant organisations regarding the Section 75 groups which projects are intended to benefit (target beneficiaries). Data held on the Structural Funds Application and Monitoring Database has been directly provided by applicants in answering Questions A17 to A19 of the Common Application Form (Part A). As an applicant may tick one or more boxes for each Section 75 grouping the figures extracted are not mutually exclusive.



TABLE A: PERSONS OF DIFFERENT RELIGIOUS BELIEF

	All	Buddhist	Catholic	Hindu	Jewish	Mixed	Muslim	None	Other	Protest- ant	Sikh
<b>Building Sustainable Prosperity:</b>											
Applications received – Organisation	809	4	60	4	4	12	5	24	8	67	4
Applications approved – Organisation	1	0	0	0	0	0	0	0	0	0	0
Applications rejected – Organisation	99	1	7	1	1	1	2	6	2	7	1
Applications received – target beneficiaries	846	8	48	9	8	12	10	35	14	50	9
Applications approved – target beneficiaries	1	0	0	0	0	0	0	0	0	0	0
Applications rejected – target beneficiaries	99	1	6	1	1	1	1	7	3	7	1
<b>Peace and Reconciliation:</b>											
Applications received – Organisation	1675	17	229	17	15	66	20	102	46	246	15
Applications approved – Organisation	123	1	27	1	1	9	2	13	6	22	1
Applications rejected – Organisation	352	2	49	2	1	12	2	24	8	56	2
Applications received – target beneficiaries	1721	25	248	24	21	66	27	172	76	263	20
Applications approved – target beneficiaries	130	1	26	1	1	9	2	17	9	22	1
Applications rejected – target beneficiaries	364	8	59	7	4	12	8	40	18	69	6

TABLE B: PERSONS OF DIFFERENT POLITICAL OPINION

	All	Nationalist	Other	Unionist
<b>Building Sustainable Prosperity:</b>				
Applications received – Organisation	806	43	10	48
Applications approved – Organisation	1	0	0	0
Applications rejected – Organisation	102	3	1	3
Applications received – target beneficiaries	806	34	16	38
Applications approved – target beneficiaries	1	0	0	0
Applications rejected – target beneficiaries	102	3	2	4
<b>Peace and Reconciliation:</b>				
Applications received – Organisation	1699	177	75	179
Applications approved – Organisation	130	19	5	12
Applications rejected – Organisation	358	42	17	44
Applications received – target beneficiaries	1701	194	96	195
Applications approved – target beneficiaries	130	15	8	10
Applications rejected – target beneficiaries	358	48	25	57

TABLE C: PERSONS OF DIFFERENT RACIAL GROUPS

	All	Black African	Black Caribbean	Mixed	White	Chinese	Irish Traveller	Indian	Pakistani	Bangladeshi	Other Ethnic	Irish	British
<b>Building Sustainable Prosperity:</b>													
Applications received – Organisation	786	5	4	8	56	9	9	5	5	5	6	42	42
Applications approved – Organisation	1	0	0	0	0	0	0	0	0	0	0	0	0
Applications rejected – Organisation	100	1	1	1	2	2	1	1	1	1	1	4	4
Applications received – target beneficiaries	826	11	9	16	33	14	17	11	11	10	13	44	43
Applications approved – target beneficiaries	1	0	0	0	0	0	0	0	0	0	0	0	0
Applications rejected – target beneficiaries	100	1	1	2	4	1	3	1	1	1	1	6	6
<b>Peace and Reconciliation:</b>													
Applications received – Organisation	1689	17	16	31	172	29	41	18	20	16	25	168	158
Applications approved – Organisation	127	1	1	3	21	3	5	2	3	1	2	18	13
Applications rejected – Organisation	355	2	1	6	38	5	6	3	2	2	6	39	42
Applications received – target beneficiaries	1723	23	24	39	177	54	76	34	31	23	44	198	191
Applications approved – target beneficiaries	133	1	1	3	17	4	9	2	4	1	3	19	15
Applications rejected – target beneficiaries	364	4	4	11	43	16	10	11	5	5	8	46	49

TABLE D: PERSONS OF DIFFERENT AGE:

	All	Under 18	18 to 25	26 to 59	Over 60
<b>Building Sustainable Prosperity:</b>					
Applications received – Organisation	733	34	91	105	47
Applications approved – Organisation	1	0	0	0	0
Applications rejected – Organisation	66	9	35	28	12
Applications received – target beneficiaries	718	52	136	121	55
Applications approved – target beneficiaries	1	0	0	0	0
Applications rejected – target beneficiaries	48	14	56	47	19
<b>Peace and Reconciliation:</b>					
Applications received – Organisation	1412	341	346	285	144
Applications approved – Organisation	105	38	18	22	5
Applications rejected – Organisation	289	83	84	59	26
Applications received – target beneficiaries	1250	493	473	356	177
Applications approved – target beneficiaries	94	64	18	17	3
Applications rejected – target beneficiaries	251	118	115	76	40

TABLE E: PERSONS OF DIFFERENT MARITAL STATUS:

	All	Married	Unmarried	Divorced/ Separated	Widowed
<b>Building Sustainable Prosperity:</b>					
Applications received – Organisation	822	26	17	6	7
Applications approved – Organisation	1	0	0	0	0
Applications rejected – Organisation	103	0	1	0	0
Applications received – target beneficiaries	840	16	22	12	13
Applications approved – target beneficiaries	1	0	0	0	0
Applications rejected – target beneficiaries	101	3	4	2	2
<b>Peace and Reconciliation:</b>					
Applications received – Organisation	1803	67	104	57	50
Applications approved – Organisation	134	11	11	9	5
Applications rejected – Organisation	389	10	23	9	9
Applications received – target beneficiaries	1806	69	123	69	63
Applications approved – target beneficiaries	141	8	11	8	7
Applications rejected – target beneficiaries	387	10	29	11	10

TABLE F: PERSONS OF DIFFERENT SEXUAL ORIENTATION:

	All	Gay	Lesbian	Bisexual	Heterosexual
<b>Building Sustainable Prosperity:</b>					
Applications received – Organisation	819	3	5	4	33
Applications approved – Organisation	1	0	0	0	0
Applications rejected – Organisation	101	0	1	1	1
Applications received – target beneficiaries	847	5	12	11	16
Applications approved – target beneficiaries	1	0	0	0	0
Applications rejected – target beneficiaries	99	0	4	3	4
<b>Peace and Reconciliation:</b>					
Applications received – Organisation	1802	29	38	38	86
Applications approved – Organisation	132	2	2	2	10
Applications rejected – Organisation	391	5	8	5	15
Applications received – target beneficiaries	1836	40	54	50	72
Applications approved – target beneficiaries	138	3	3	3	7
Applications rejected – target beneficiaries	398	8	12	8	14

TABLE G: MEN OR WOMEN:

	All	Men & Boys	Transgendered	Women & Girls
<b>Building Sustainable Prosperity:</b>				
Applications received – Organisation	788	32	55	9
Applications approved – Organisation	1	0	0	0
Applications rejected – Organisation	93	1	11	0
Applications received – target beneficiaries	797	20	16	74
Applications approved – target beneficiaries	1	0	0	0
Applications rejected – target beneficiaries	85	2	3	0
<b>Peace and Reconciliation:</b>				
Applications received – Organisation	1676	93	228	31
Applications approved – Organisation	127	9	22	0
Applications rejected – Organisation	367	19	42	0
Applications received – target beneficiaries	1663	109	47	282
Applications approved – target beneficiaries	137	10	2	0
Applications rejected – target beneficiaries	364	27	9	0

TABLE H: PERSONS WITH A DISABILITY AND PERSONS WITHOUT:

	All	With Disability	Without Disability
<b>Building Sustainable Prosperity:</b>			
Applications received – Organisation	803	40	21
Applications approved – Organisation	1	0	0
Applications rejected – Organisation	91	13	1
Applications received – target beneficiaries	813	54	20
Applications approved – target beneficiaries	1	0	0
Applications rejected – target beneficiaries	87	17	3
<b>Peace and Reconciliation:</b>			
Applications received – Organisation	1809	81	68
Applications approved – Organisation	139	4	8
Applications rejected – Organisation	387	15	10
Applications received – target beneficiaries	1830	111	77
Applications approved – target beneficiaries	146	6	6
Applications rejected – target beneficiaries	388	25	16

TABLE I: PERSONS WITH DEPENDANTS AND PERSONS WITHOUT:

	All	Without Dependents	Care of Child	Care of Disabled	Care of Elderly
<b>Building Sustainable Prosperity:</b>					
Applications received – Organisation	832	12	19	12	7
Applications approved – Organisation	1	0	0	0	0
Applications rejected – Organisation	100	1	1	0	0
Applications received – target beneficiaries	837	17	31	21	14
Applications approved – target beneficiaries	1	0	0	0	0
Applications rejected – target beneficiaries	103	1	3	2	2
<b>Peace and Reconciliation:</b>					
Applications received – Organisation	1695	62	200	62	38
Applications approved – Organisation	106	4	44	7	3
Applications rejected – Organisation	384	15	18	9	6
Applications received – target beneficiaries	1671	78	247	78	40
Applications approved – target beneficiaries	105	6	51	9	4
Applications rejected – target beneficiaries	381	23	29	14	10

## Peace II and Building Sustainable Prosperity

**Dr O'Hagan** asked the Minister of Finance and Personnel, in respect of the selection criteria for applicants for EU Funding Programmes (i) Building Sustainable Prosperity; and (ii) Peace II, to outline (a) the average score per priority; (b) the average score of successful applicants; and (c) the average score of unsuccessful applicants.

(AQW 4237/01)

**Dr Farren:** The table below provides this information where it is readily available. It should be noted that for

both Programmes different selection procedures and criteria operate and therefore comparisons of these data at Priority level are inappropriate. Most of the Measures under the BSP Programme are delivered through existing Government Programmes and as such are not open to applications from the public. In these cases applications are not scored but rather assessed against set criterion and either accepted or rejected. This is why scores are not shown for Priorities 1, 3 (where no decisions have been taken on Measures that make public calls for projects)



and 5 of BSP. In the case of the PEACE II Programme no decisions have been taken under Priorities 3 and 4.

#### BSP

Priority	Average Score for Successful Applications	Average Score for Unsuccessful Applications	Average Score for Priority
Priority 1	-	-	-
Priority 2	118	89	101
Priority 3	-	-	-
Priority 4	69	To date there has been no unsuccessful applications	69
Priority 5	-	-	-

#### PEACE II

The following data has been collated from a representative sample of over 50 Implementing Bodies.

Priority	Average Score for Successful Applications	Average Score for Unsuccessful Applications	Average Score for Priority
1	72	56	64
2	77	54	65
3	-	-	-
4	-	-	-
5	74	45	59

### Peace II and Building Sustainable Prosperity

**Dr O'Hagan** asked the Minister of Finance and Personnel, in respect of the selection criteria for applicants for EU Funding Programmes (i) Building Sustainable Prosperity and (ii) Peace II, to outline which selection criteria unsuccessful applicants failed to meet.  
(AQW 4238/01)

**Dr Farren:** The table below sets out selection criteria recorded on the EU Structural Funds Applications and Monitoring Database for both Programmes and the numbers of applicants that failed to meet them.

Selection Criteria	Programme	
	BSP	Peace II
Late Application	1	
Did not score highly enough	103	106
Not appropriate to the Programme		1
Duplicate application for the same project		1
Did not meet the distinctiveness criteria		92
Did not meet Measure criteria		134
Did not meet Horizontal Principles		11
Budget Constraints		9
Other/Undefined		102

### Children Born By County and Hospital

**Mr Armstrong** asked the Minister of Finance and Personnel to outline, in each of the last 5 years (a) the number of children born in each county; (b) the county that the parents reside; and (c) a breakdown by hospital of where the children were born.  
(AQW 4240/01)

**Dr Farren:** The requested information is presented in the three tables below. Birth statistics are not recorded by county, but by Local Government District. Statistics for the most recent year, 2001, are currently being finalised.

**TABLE 1**  
**DISTRICT COUNCIL OF BIRTH BY YEAR OF REGISTRATION**

District	Registration Year				1997-2000
	1997	1998	1999	2000	
<b>Council</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>Total</b>
Antrim	2309	2271	2294	2123	8997
Ards	515	4	1	4	524
Armagh	4	1	1	4	10
Ballymena	4	1	3	2	10
Ballymoney	1231	1216	1144	1105	4696
Banbridge		2	1	3	6
Belfast	6659	6546	6407	5959	25571
Carrickfergus	1	6		1	8
Castlereagh	1945	2469	2378	2338	9130
Coleraine	3	5	2	3	13
Cookstown			1	1	2
Craigavon	2055	1998	2712	2505	9270
Derry	2880	2873	2732	2542	11027
Down	605	612	553	495	2265
Dungannon	1042	1025	136		2203
Fermanagh	1279	1260	1301	1329	5169
Larne	1	1	1	4	7
Limavady		6	2	3	11
Lisburn	1278	1179	1193	1062	4712
Magherafelt	715	680	694	681	2770
Moyle				1	1
Newtownabbey	4	5		2	11
North Down	9	3	2	1	15
Newry & Mourne	1727	1685	1606	1587	6605
Omagh	8	6	6	5	25
Strabane	3	4	3	4	14
Northern Ireland	24277	23858	23173	21764	93072

**TABLE 2**  
**USUAL RESIDENCE OF MOTHER BY YEAR OF REGISTRATION**

District	Registration Year				1997-2000
Council	1997	1998	1999	2000	Total
Ards	944	916	894	839	3593
Belfast	4014	3745	3654	3439	14852
Castlereagh	922	934	928	805	3589
Down	878	915	882	848	3523
Lisburn	1576	1579	1483	1381	6019
North Down	815	834	850	785	3284
Antrim	804	783	820	775	3182
Ballymena	776	759	733	691	2959
Ballymoney	386	384	365	344	1479
Carrickfergus	456	501	471	450	1878
Coleraine	712	737	688	626	2763
Cookstown	376	375	359	348	1458
Larne	394	362	357	313	1426
Magherafelt	695	645	658	626	2624
Moyle	202	156	187	178	723
Newtownabbey	1048	1055	959	948	4010
Armagh	714	697	734	664	2809
Banbridge	548	503	549	488	2088
Craigavon	1232	1208	1159	1083	4682
Dungannon	744	769	752	627	2892
Newry & Mourne	1495	1478	1374	1331	5678
Fermanagh	786	778	744	743	3051
Limavady	473	468	443	420	1804
Derry	1776	1776	1702	1571	6825
Omagh	697	679	669	672	2717
Strabane	624	629	543	513	2309
Usual residence outside of N.I.	190	193	216	256	855
<b>All births</b>	<b>24277</b>	<b>23858</b>	<b>23173</b>	<b>21764</b>	<b>93072</b>

**TABLE 3**  
**HOSPITAL OF BIRTH BY YEAR OF REGISTRATION**

District	Registration Year				1997-2000
Council	1997	1998	1999	2000	Total
Royal Maternity Hospital, Belfast	2902	2872	2998	4162	12934
Altnagelvin Area Hospital, Londonderry	2877	2866	2730	2539	11012
Craigavon Area Hospital, Craigavon	2051	1996	2711	2502	9260

District	Registration Year				1997-2000
Council	1997	1998	1999	2000	Total
Ulster Hospital, Dundonald	1940	2468	2373	2336	9117
Antrim Area Hospital, Antrim	2305	2268	2293	2119	8985
Belfast City Hospital, Belfast	2699	2616	2429	826	8570
Daisy Hill Hospital, Newry	1726	1683	1603	1582	6594
Erne Hospital Enniskillen	1276	1256	1299	1328	5159
Lagan Valley Hospital, Lisburn	1275	1176	1192	1056	4699
Route Hospital, Ballymoney	1231	1216	1142	1105	4694
Mater Maternity Hospital, Belfast	1043	1046	963	960	4012
Mid-Ulster Hospital Magherafelt	714	680	693	681	2768
Downpatrick Maternity Hospital Downpatrick	602	610	550	492	2254
South Tyrone Hospital, Dungannon	1039	1023	133		2195
Ards Hospital, Newtownards	514	2			516
County Hospital, Omagh	2	3	3	5	13
Other Hospitals	5	1	0	1	7
Not born in a hospital	76	76	61	70	283
<b>All births</b>	<b>24277</b>	<b>23858</b>	<b>23173</b>	<b>21764</b>	<b>93072</b>

## Peace II

**Dr Birnie** asked the Minister of Finance and Personnel how he will measure the impact and effectiveness of the reconciliation aspect of Peace II funding.

(AQW 4254/01)

**Dr Farren:** The reconciliation aspect of the PEACE II Programme will be monitored and evaluated against the relevant indicators and targets as set out in the Operational Programme and Programme Complement documents. The PEACE II Monitoring Committee which is chaired by the Chief Executive of the Special EU Programmes Body will be responsible for this in the first instance. The extent to which the relevant targets are being met will also be addressed as part of the Mid-term Evaluation of the PEACE II Programme which is expected to be completed by June 2003.

## Community Relations Council & Peace II

**Dr Birnie** asked the Minister of Finance and Personnel if he has consulted with the Community Relations Council with respect to the reconciliation aspect of Peace II.

(AQW 4255/01)

**Dr Farren:** Given the Community Relations Council's role as an Intermediary Funding Body under the Special Support Programme for Peace and Reconciliation (PEACE I), it was involved from the outset in a widespread and inclusive consultation process on the Community Support Framework for Northern Ireland and the EU Programme for Peace and Reconciliation (PEACE II), launched by DFP in August 1998.

The CRC was also a member of the Interim Community Support Framework Monitoring Committee which was established as a mechanism for ongoing consultation during the negotiation of the Community Support Framework. This extensive consultation process culminated in a Colloquy in January 2001 to discuss the new delivery arrangements under PEACE II and the way forward generally to which the CRC was invited. The CRC was also invited to a series of consultation seminars organised by the Special EU Programmes Body on the development of the PEACE II Programme Complement.

The CRC is now an Intermediary Funding Body for PEACE II and directly responsible for the development and implementation of measure 2.1. OFMDFM is the Accountable Department for this Measure.

As an IFB, the CRC is a formal partner in the delivery of PEACE II and is responsible for providing advice on the development and implementation of these measures on an ongoing basis.

## Peace II Programme

**Dr Birnie** asked the Minister of Finance and Personnel to outline, in relation to the Peace II funding, (a) the projected percentage technical assistance costs; (b) how these compare to the projected costs; and (c) how these compare to the percentage technical assistance costs of Peace I.

(AQW 4256/01)

**Dr Farren:** The projected Technical Assistance costs under Priority Six of the PEACE II Programme as detailed in the Operational Programme are 25 meuro (3.5% of the Programme Budget). However, at the time the Programme was agreed, it was also envisaged that an unspecified proportion of the resources for other Measures would be required for costs associated with implementation and development, as was the case under PEACE I. In line with a new Commission requirement these other costs have now been quantified and the total projected development and other costs to be met from the Technical Assistance budget now amounts to £43m

(9.4% of the Programme Budget). The Technical Assistance allocation under PEACE I was £17.0m (3.5% of the Programme Budget). Other development costs were needed but not specified for PEACE I in the same way as is now required for PEACE II.

## Dundonald House: Disability Access

**Mr Beggs** asked the Minister of Finance and Personnel if Dundonald House will have full disability access when refurbishment is completed; and to make a statement.

(AQW 4296/01)

**Dr Farren:** Although there is no current refurbishment work taking place at Dundonald House any future contract will include the necessary measures to ensure that there is full disability access.

## Community Relations: Expenditure

**Dr Birnie** asked the Minister of Finance and Personnel to outline (a) the amount of money spent on community relations measures in each of the last three years; and (b) what assessment he has made on the effectiveness of this expenditure.

(AQW 4357/01)

**Dr Farren:** Expenditure on community relations has been interpreted in its widest sense to include all expenditure by DFP on the EU PEACE Programmes. Expenditure by DFP over the period from devolution is as follows:

1 December 1999 to 31 March 2000	£2.4m
1 April 2000 to 31 March 2001	£5.0m
1 April 2001 to 31 March 2002	£3.8m

The expenditure for the period 1 December 1999 to 31 March 2000 excludes expenditure on the DFP votes by OFMDFM on community relations as a result of the accounting treatment introduced to cover the period immediately following devolution. The expenditure appears on the OFMDFM answer to the same question. The effectiveness of this expenditure will be addressed as part of the mid-term evaluation of the PEACE II Programme which will be conducted alongside the ex-post evaluation of the PEACE I Programme. This joint evaluation is expected to be completed by June 2003.

## Civil Service: General Service Grades

**Mr Campbell** asked the Minister of Finance and Personnel, following the publication of 'Article 55, Fourth Review of the Northern Ireland Civil Service', when he will address the under-representation of Protestants in the General Service Grades.

(AQW 4429/01)

**Dr Farren:** The Review shows that in the General Service Grades, except at Grade 7 level and above where Roman Catholics are under-represented, there is fair participation by both sections of the community. The Review also identifies a disproportionately low application rate from the Protestant section of the community in recruitment for the entry-level grades of Administrative Assistant and Administrative Officer. Formal affirmative action has been taken by including in advertisements for such posts a statement particularly welcoming applications from the Protestant section of the community. This will be kept under review.

### Departmental Underspend

**Mr Beggs** asked the Minister of Finance and Personnel to account for his Department's £2.4 million underspend in the 2001-2002 financial year, including a breakdown of those projects which did not proceed in that year. (AQW 4445/01)

**Dr Farren:** The £2.36m which has been made available under the EYF arrangements will apply to the following:

Project	Reason For Delay
Castle Buildings (£0.4m)	Revision of the client's brief.
Magherafelt SSO (£0.5m)	Contract extended by mutual consent to facilitate additional work required.
Rosepark House Extension (£0.4m)	Delayed planning approval.
Penserver (£0.6m)	Longer than anticipated pre-contract negotiations with the supplier meant it was not possible to spend the amount of £250k set aside in 2001-02. This plus a further £350k from the Department's Capital resources was planned for carry forward to part-meet the costs of the system which are expected to fall in 2002-03.
Contractor's claims (£0.06m)	In addition £60k will be used to meet claims from contractors as a result of variations in the original brief.
Accounting Services Review Implementation (£0.4m)	£0.4m was approved in the December 2001 Monitoring Round for planned carry forward in order to enable early progress in 2002-03.

In addition, capital works projects totalling a further £2.45m, which were subject to slippage, are not covered by the end-year flexibility allocation. The Department will consider these in the context of the next Monitoring Round. These are as follows:

Project	Reason For Delay
Newry SSO (£1.0m)	Protracted negotiations with the developer.

Project	Reason For Delay
Welfare Reform Modernisation Programme (WRAMP) (£0.35m)	Slippage of original programme due to changes in client's brief.
Contractors Claims (£1.1m)	Claims from contractors as a result of variations in the original agreed brief.

### Water Service Western Division: Staff

**Mr Morrow** asked the Minister of Finance and Personnel, pursuant to AQW 4376/01, to detail the community background of each of the staff listed in the Water Service's Western Division. (AQW 4472/01)

**Dr Farren:** In line with statutory requirements and a code of practice which has been agreed with the trade unions, information on community background is not published at this level of detail.

### Purchase of Ministerial Cars

**Mr K Robinson** asked the Minister of Finance and Personnel to outline (a) the purchasing procedures for the purchasing of Ministerial cars, where cars have been purchased outside of the normal in-house provision of Ministerial cars; (b) if the previous provider was afforded an opportunity to tender to the same specification as others who submitted tenders; (c) if the successful tender was lower than all other tenders submitted and (d) the criteria adhered to in the award of the tender. (AQW 4473/01)

**Dr Farren:** Questions about the arrangements for the acquisition of Ministerial cars, other than those provided by my Department, should be directed to the Departments concerned.

### Departmental Underspend

**Mr Shannon** asked the Minister of Finance and Personnel, in light of the underspend in 2001-02 of £365 million, what action is being taken to avoid a recurrence in the future. (AQW 4479/01)

**Dr Farren:** In the course of my Statement to the Assembly on 1 July, I announced a three point plan to address the underspend issue. In summary, the first point is the continuation of the policy of no spend being better than bad spend. Departments have a clear responsibility to secure value for money and it would be wrong to promote bad use of public expenditure in order to reduce the levels of underspend. The second point is the consideration of some form of target for the upper level of underspend. Finally, the Executive will continue to



anticipate some underspending, in order to facilitate the optimum allocation of funding.

### Peace II Funding

**Mr Shannon** asked the Minister of Finance and Personnel to outline the timescale for the distribution of Peace II funding. (AQW 4480/01)

**Dr Farren:** In accordance with EU Regulations, the funding available under the PEACE II Programme must be fully committed by 31 December 2004 and all monies spent by 31 December 2006. The European Commission has stipulated that all monies committed under the Programme must be spent by the end of the second year after the one in which the commitment is made. Distribution of funding under the PEACE II Programme has begun and will continue as more calls for projects are issued.

### Allocation of Ministerial Drivers

**Mr Foster** asked the Minister of Finance and Personnel to outline (a) if the method of allocating ministerial drivers is the same throughout the NI Executive; (b) if any Ministerial Department is treated differently; (c) the reason for any disparity; and (d) if all transport regulations in relation to Ministerial drivers are adhered to. (AQW 4525/01)

**Dr Farren:** The Department of Finance and Personnel provides driving services for the Deputy First Minister and seven Ministerial Departments in the NI Executive, namely DARD, DCAL, DEL, DETI, DFP, DOE and DSD. The method of allocating drivers to Ministers was the same in each case. The Department's Centralised Transport Unit also adheres to all transport regulations.

Questions about the arrangements applied by the remaining three Departments should be directed to the Department concerned.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Hospital Boards/Trusts

**Mrs Carson** asked the Minister of Health, Social Services and Public Safety what action she has taken to reduce the number of Boards, Trusts and other relevant agencies within the remit of her Department over the past 3 years. (AQW 2665/01)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** In my consultation paper "Developing Better Services – Modernising Hospitals and Reforming Structures", which I published for consultation

on 12th June, I have made proposals for reforming health and personal social services administration arrangements.

I mo pháipéar comhchomhairleoireachta "Seirbhísí Níos Fearr A Fhorbairt - Otharlanna A Nuachóiriú agus Struchtúir a Leasú" a d'fhoilsigh mé do chomhchomhairleoireacht an 12 Meitheamh tá moltaí déanta agam d'athchóiriú ar shocruithe riaracháin na seirbhísí sóisialta, sláinte agus pearsanta.

### Consultancy Firms/Consultants

**Mr Weir** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 1953/01, to detail the level of expenditure, in each of the last three years, on consultancy firms/consultants that are based in (a) Northern Ireland (b) the Republic of Ireland (c) the rest of the UK and (d) outside the British Isles.

(AQW 3272/01)

**Ms de Brún:** This information is not recorded in the format requested and it would not be possible to supply the information except at disproportionate cost to my Department.

Ní thairfeadtar an t-eolas seo san fhormaid a iarrtha agus ní bheadh sé indéanta an t-eolas a sholáthar ach ar chostas díreireach don Roinn s'agam.

### Litigation Cases

**Mr S Wilson** asked the Minister of Health, Social Services and Public Safety to detail (a) if there are any particular patterns in relation to litigation cases; and (b) the number of litigation cases connected with (i) clinical negligence; (ii) faulty instruments; and (iii) standard of cleanliness. (AQW 3722/01)

**Ms de Brún:**

(a) Information available is as follows :

Professional Negligence: Obstetrics, gynaecology, accident and emergency and general surgery are the specialties where claims are more likely to arise.

Employers Liability: there has been an increase in the number of claims as a result of needlestick injuries.

Public Liability: injuries resulting from slips, trips and falls are the main source of litigation.

(b) The number of litigation cases connected with (i) professional negligence; (ii) faulty instruments; and (iii) standards of cleanliness for the period 1997/98 to 2001/02 are set out in the tables below :

(i) The number of Professional Negligence claims received by HPSS bodies are as follows:

HSS Board	1997/98	1998/99	1999/00	2000/01	2001/02
Northern	41	32	13	12	12
Southern	17	44	5	12	6
Eastern	48	32	20	24	19
Western	39	24	17	18	7
<b>Total</b>	<b>145</b>	<b>132</b>	<b>55</b>	<b>66</b>	<b>44</b>

HSS Trust	1997/98	1998/99	1999/00	2000/01	2001/02
Belfast City Hospital	28	53	56	65	66
Royal Group Hospitals	132	116	122	120	94
Ulster Comm.& Hospitals	66	61	64	65	51
Down Lisburn	56	44	28	33	16
South & East Belfast	9	8	3	2	4
North & West Belfast	3	7	7	4	3
Craigavon & Banbridge	5	0	1	0	1
Craigavon Area Hospital	34	41	33	39	39
Newry & Mourne	14	17	22	15	15
Green Park	18	19	14	9	16
Mater Hospital	26	78	34	27	31
Causeway	24	18	21	25	19
Ambulance Service	0	0	0	1	1
Homefirst	3	4	2	3	3
Foyle	4	2	5	4	1
Sperrin Lakeland	27	29	74	24	17
Armagh & Dungannon	14	13	14	11	8
Altnagelvin	26	61	42	43	42
United Hospitals	38	64	44	50	56
<b>Total</b>	<b>527</b>	<b>635</b>	<b>586</b>	<b>540</b>	<b>483</b>

HSS Agencies	1997/98	1998/99	1999/00	2000/01	2001/02
Blood Transfusion	0	0	3	0	0
Regional Medical Physics	0	0	0	0	0
Central Services	0	0	0	0	0
Guardian Ad Litem	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>

	1997/98	1998/99	1999/00	2000/01	2001/02
<b>Overall Total</b>	<b>672</b>	<b>767</b>	<b>644</b>	<b>606</b>	<b>527</b>

(ii) The number of claims received by HPSS bodies as a result of faulty instruments over the last five years is as follows:

WHSSB	
Belfast City Hospital	2
Royal Group of Hospitals	13
Ulster Community & Hospital Trust	6
Down Lisburn	1
<b>Total</b>	<b>27</b>

(iii) The number of claims received by HPSS bodies due to failure to meet standards of cleanliness over the last five years is as follows:

Royal Group of Hospitals	1
Altnagelvin	1
United Hospitals	2
<b>Total</b>	<b>4</b>

(a) Seo a leanas an t-eolas atá ar fáil:

Neamart Gairmiúil: Is iad cnáimhseachas, gínéiceolaíocht, timpiste agus éigeandáil agus máinliacht ghinearálta na speisialtachtaí is mó is dócha ina mbeidh na héilimh.

Dlíteanas an Fhostóra: bhí méadú ann i líon na n-éileamh de dheasca gortuithe snáthaide.

Dlíteanas Poiblí: is iad gortuithe ó shleamhnuithe, thuislí agus ó thitim na príomhfhoinsí dlíthíochta.

(b) Tá líon na gcásanna dlíthíochta bainteach le (i) neamart gairmiúil; (ii) gléasanna lochtacha; agus (iii) le caighdeáin ghlaimeachta don tréimhse 1997/98 go 2001/02 leagtha amach sna táblaí thíos:

(i) Seo a leanas líon na n-éileamh Neamairt Ghairmiúil faighte ag comhlachtaí na SSSP:

Bord SSS	1997/98	1998/99	1999/00	2000/01	2001/02
Tuaisceart	41	32	13	12	12
Deisceart	17	44	5	12	6
Oirthear	48	32	20	24	19
Iarthar	39	24	17	18	7
<b>Iomlán</b>	<b>145</b>	<b>132</b>	<b>55</b>	<b>66</b>	<b>44</b>

Iontaobhas SSS	1997/98	1998/99	1999/00	2000/01	2001/02
Otharlann Chathair Bhéal Feirste	28	53	56	65	66
Grúpa Ríoga Otharlann	132	116	122	120	94
Iontaobhas Otharlanna Pobail Uladh	66	61	64	65	51
An Dún Lios na gCearrbhach	56	44	28	33	16
Béal Feirste Theas & Thoir	9	8	3	2	4
Béal Feirste Thuaidh & Thiar	3	7	7	4	3

Iontaobhas SSS	1997/98	1998/99	1999/00	2000/01	2001/02
Craigavon & Droichead na Banna	5	0	1	0	1
Otharlann Cheantar Craigavon	34	41	33	39	39
An tÚr agus Múrna	14	17	22	15	15
Páirc Ghlas	18	19	14	9	16
Otharlann an Mater	26	78	34	27	31
An Clochán	24	18	21	25	19
Seirbhís Otharchairr	0	0	0	1	1
Homefirst	3	4	2	3	3
An Feabhal	4	2	5	4	1
Speirín Tír na Lochanna	27	29	74	24	17
Ard Mhacha & Dún Geanainn	14	13	14	11	8
Alt na nGealbhan	26	61	42	43	42
Grúpa Otharlann Aontaithe	38	64	44	50	56
<b>Iomlán</b>	<b>527</b>	<b>635</b>	<b>586</b>	<b>540</b>	<b>483</b>

Gníomhaireachtaí SSS	1997/98	1998/99	1999/00	2000/01	2001/02
Seirbhís Fhuilaithe	0	0	3	0	0
Fisic Mhíochaine Réigiúnach	0	0	0	0	0
An Lárgníomhaireacht	0	0	0	0	0
Guardian Ad Litem	0	0	0	0	0
<b>Iomlán</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>

	1997/98	1998/99	1999/00	2000/01	2001/02
<b>Foriomlán</b>	672	767	644	606	527

- (ii) Is iad a leanas éilimh faigthe ag comhlachtaí SSSP mar thoradh ar ghléasanna lochtacha le cúig blaina anuas:

<b>BSSSI</b>	2
Otharlann Chathair Bhéal Feirste	2
Grúpa Ríoga Otharlann	13
Iontaobhas Otharlanna Pobail Uladh	6
An Dún Lios na gCearrbhach	1
<b>Iomlán</b>	<b>27</b>

- (iii) Is iad a leanas líon na n-éileamh faigthe ag comhlachtaí SSSP de bharr gur theip orthu caighdeáin ghlaineachta a bhaint amach le cúig blaina anuas:

Grúpa Ríoga Otharlann	1
Alt na nGealbhan	1
Otharlanna Aontaithe	2
<b>Iomlán</b>	<b>4</b>

## Fire Brigade: Staffing

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to outline (a) the implications for public safety arising from shortages of fire service personnel in (i) Newtownards; (ii) Comber; (iii) Donaghadee; (iv) Ballywalter; (v) Portaferry; and (b) how she intends to alleviate the current crisis in staffing levels. (AQW 3804/01)

**Ms de Brún:** The Fire Brigade monitors the availability of all its fire appliances on an ongoing basis to ensure that adequate fire cover arrangements are provided to all areas. A minimum of two fully crewed fire appliances is sent to every identified property fire. The Brigade mobilises appliances from adjacent fire stations to provide back up to those stations with unavailable crew.

During week commencing 27th May, the Fire Brigade commenced an advertising campaign to attract potential recruits into the retained fire-fighter ranks, aimed particularly at those stations where staffing levels are below establishment levels by more than 10%. This recruitment drive will continue until adequate staffing levels have been attained. Portaferry has not been included in this recent recruitment drive as the current staffing levels there are satisfactory.

Déanann ar infaighteacht a fearais dóiteáin ar bhonn leanúnach le cinntiú gur leor na socruithe soláthraithe do gach ceantar le dóiteáin a chlúdach. Seoltar ar a laghad dhá fhearas tine le criú iomlán chuig gach tine maoine aitheanta. Baineann an Bhriogáid Dóiteáin leas as stáisiúin dóiteáin in aice láimhe le cúnaimh a thabhairt do na stáisiúin sin nach bhfuil criú acu.

Le linn na seachtaine dar tús 27ú Bealtaine, thosaigh an Bhriogáid Dóiteáin feachtas fógraíochta le hearcaigh poitéinsiúla a mhealladh isteach i ranganna coimeáda an bhriogáid dóiteáin, dírithe go sonrach ar na stáisiúin sin a bhfuil leibhéil fóirne níos lú ná leibhéil bhunaithe le breis agus 10% acu. Leanfaidh an iarracht earcaíochta seo go dtí go ngnóthaítear leibhéil sásúla fóirne. Níor áiríodh Port an Pheire san iarracht earcaíochta seo le déanaí mar go bhfuil leibhéil fóirne ansin sásúil faoi láthair.

## Adolescent Psychiatry Service

**Mr Bradley** asked the Minister of Health, Social Services and Public Safety to outline (a) the number of young people being treated within adult psychiatric wards; and (b) any progress being made by the Adolescent Psychiatry Service to provide additional beds for children and adolescent in-patients. (AQW 3836/01)

**Ms de Brún:** There are currently 16 children aged 16 years or under being treated within adult psychiatric wards.

It is planned to have the 10 additional adolescent psychiatric inpatient beds by September.

Faoi láthair, tá 16 páiste 16 bliain d'aois nó níos óige á gcóireáil laistigh de bhardaí síciatracha do dhaoine fásta.

Tá sé beartaithe 10 leaba shíciatrach othair chónaithigh a chur ar fáil d'ógánaigh faoi Mheán Fómhair.

### Previously Health-Related Properties: West Tyrone

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety to outline (a) if her Department or the relevant Hospital Trusts are in receipt of income from non-health related bodies for use of previously health related properties in West Tyrone; and (b) such receipts of income. (AQW 3892/01)

**Ms de Brún:** There are 2 properties which could be regarded as “previously health-related properties in West Tyrone”.

#### 1. Strabane Hospital

Open market sale to a development company was completed in May 2001 and £265,000 was received by my Department.

#### 2. Tyrone and Fermanagh Hospital

Non-health occupiers of the main building are:

- Drumragh Integrated College who currently pay a rent of £85,000 pa plus services charges.
- Western Education and Library Board who currently pay a rent of £10,250 pa plus services charges.

Tá 2 foirgneamh ann a d'fhéadfaí féachaint orthu mar “fhoirgnimh i dTír Eoghain Thiar bainteach le sláinte roimhe sin”.

#### 1. Otharlann an tSratha Báin

Críochnaíodh an díol le comhlacht forbartha ar an mhargadh oscailte i mí na Bealtaine 2001 agus fuair mo Roinn £265,000.

#### 2. Otharlann Thír Eoghain agus Fhear Meanach

Seo a leanas sealbhóirí gan baint le sláinte an phríomhfhoirgnimh:

- Coláiste Imeachtha Dhroim Rátha a íocann cíos de £85,000 sa bhliain agus táillí seirbhísí faoi láthair.
- Bord Oideachais agus Leabharlainne an Iarthair a íocann cíos de £10,250 sa bhliain agus táillí seirbhísí faoi láthair.

### Tyrone County Hospital

**Mr Hussey** asked the Minister of Health, Social Services and Public Safety to outline (a) if the Tyrone County Hospital is working to its optimum capacity; (b)

the reasons for not working to its optimum capacity; and (c) her plans to address the situation. (AQW 3902/01)

**Ms de Brún:** The bed occupancy rate for Tyrone County Hospital has risen from 75.5% in 2000/2001 to 82.4% at the end of the December 2001 quarter. Research has shown that bed occupancy of much more than 82% for an average size hospital leads to a high risk of long waits for admission and cancellation of some planned operations.

Proposals for the future of hospital services in Omagh are set out in the report of the review of hospital services “*Developing Better Services: Modernising Hospitals and Reforming Structures*” that I published on 12 June 2002. The precise nature of such enhanced services in a new Enhanced Local Hospital there will be determined following consultation with all relevant interests including service users. In the meantime, I am committed to sustaining services at Tyrone County Hospital.

Mhéadaigh ráta na leapacha in úsáid in Otharlann Chontae Thír Eoghain ó 75% i 2000/2001 go 82.4% ag deireadh ráithe na Nollag 2001. Má bhíonn fiú beagán os cionn 82% de leapacha in ospidéal mheánmhéid in úsáid, léiríonn taighde go bhféadann seo cur go mór leis na feithimh iontrála agus féadann sé cuid obráidí beartaithe a chur ar ceal.

Tá moltaí do thodhchaí seirbhísí otharlainne san Ómaigh leagtha amach sa tuairisc ar an athbhreithniú ar sheirbhísí otharlainne “*Seirbhísí Níos Fearr A Fhorbairt: Otharlanna A Nuachóiriú agus Struchtúir a Leasú*” a d'fhoilsigh mé ar 12 Meitheamh 2002. Déanfar cinneadh ar an sórt áirithe seirbhísí méadaithe in Otharlann nua Áitúil Méadaithe ansin i ndiaidh comhairliúcháin leis na páirtithe leasmhara ábhartha, úsáideoirí seirbhísí san áireamh. Idir an dá linn, tá mé geallta do sheirbhísí a choinneáil in Otharlann Chontae Thír Eoghain.

### Human Organs Inquiry

**Mr S Wilson** asked the Minister of Health, Social Services and Public Safety what impact has the ‘Human Organs Inquiry’ had on the donation of organs. (AQW 3940/01)

**Ms de Brún:** The Human Organs Inquiry does not appear to have had any adverse impact on the donation of organs here.

Figures show that between March 2001, when the Inquiry first met, and May 2002, when the work was completed, there were 36 organ donations. Comparable figures for March 2000 to May 2001 show a total of 28 donated organs.

Níl an chuma sin air go raibh drochthionchar ag an Fhiosrúchán Orgán Daonna ar dheonú orgán anseo.



Taispeánann figiúirí gur deonaíodh 36 orgán idir Márta 2001, nuair a thosaigh an Fiosrúchán, agus Bealtaine 2002, nuair a bhí an obair críochnaithe. Taispeánann figiúirí comparáideacha do Mhárta 2000 go dtí Bealtaine 2001 iomlán de 28 orgán deonaithe.

### **Banks Day Centre, Bangor**

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to outline (a) if the Banks Day Centre in Bangor is to be relocated and (b) if this is the case, when will it happen. (AQW 3999/01)

**Ms de Brún:** Following a consultation process, the Ulster Community and Hospitals Trust has been developing a Business Case on future day care facilities for the area. This is currently being considered by the Eastern Health and Social Services Board, and includes alternative provision for day care services provided at the Banks.

Until final decisions are taken on the Business Case, it is not possible to say if or when the Banks will be relocated.

I ndiaidh próisis chomhairliúcháin, bhí Iontaobhas Otharlanna Pobail Uladh ag forbairt Cáis Ghnó ar áiseanna cúraim lae don cheantar sa todhchaí. Tá machnamh á dhéanamh air seo ag Bord Sláinte agus Seirbhísí Sóisialta an Oirthir, agus cuimsíonn sé riar eile chomh maith do sheirbhísí cúraim lae soláthraithe ag na Baine.

Go dtí go ndéanfar bearta deireanacha ar an Chás Gnó, ní féidir liom a rá má athlonnófar nó cén uair a n-athlonnófar na Baine.

### **Eating Disorder: Diagnoses**

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety how many people by (a) NHS Board area; (b) age; and (c) gender have been diagnosed with an eating disorder in each year since 1999.

(AQW 4007/01)

**Ms de Brún:** The information requested is not available.

Níl fáil ar an eolas a iarradh.

### **Autistic Spectrum Disorders: Funding**

**Mr M Robinson** asked the Minister of Health, Social Services and Public Safety what progress has been made to date in funding and encouraging improvements in the diagnosis and assessment of autistic spectrum disorders.

(AQW 4091/01)

**Ms de Brún:** Services for people with Autistic Spectrum Disorders are provided under the learning disability or mental health Programmes of Care. Expenditure on

these programmes has risen from £203.5m in 1998/1999 to £233.5m in 2000/2001.

Awareness of Autistic Spectrum Disorders among health care professionals is increasing and this is helping to inform service development. All four Health and Social Services Boards report developments in diagnostic and support services. The recently launched report of the Task Group on the education of children and young people with Autistic Spectrum Disorders will provide a further focus for service development.

Tá seirbhísí do dhaoine a bhfuil Neamhoird Speictrim Uathachais acu soláthraithe faoi na Cláir Cúraim míchumais fhoghlama nó sláinte meabhrach. Mhéadaigh an caiteachas ar na cláir seo ó £203.5m i 1998/99 go £233.5m i 2000/2001.

Tá an t-eolas ag gairmithe cúraim sláinte ar Neamhoird Speictrim Uathachais ag méadú agus tá sé seo ag cuidiú le forbairt seirbhísí a thabhairt suas chun dáta. Cuireann na ceithre Bhord Sláinte agus Seirbhísí Sóisialta go léir forbairtí i seirbhísí diagnóiseacha agus tacaíochta in iúl. Lainseáilte ar na mallaibh, díreoidh tuairisc an Tasc-Ghrúpa ar mhúineadh páistí agus daoine óga a bhfuil Neamhoird Speictrim Uathachais acu níos mó airde ar fhorbairt seirbhísí.

### **Pathology Laboratories: Accreditation**

**Rev Dr William McCrea** asked the Minister of Health, Social Services and Public Safety what action she has taken to encourage pathology labs to seek accreditation.

(AQW 4128/01)

**Ms de Brún:** All pathology laboratories here participate in the National External Quality Assessment Schemes, UK, by which they ensure that their results are comparable with laboratories in Britain. In addition, all but the smallest laboratories here have been working towards full accreditation by Clinical Pathology Accreditation (UK) Limited (CPA). The standards for CPA accreditation are based around the requirements for running a large district general hospital laboratory, which would be inappropriate to our smaller hospital sites and laboratories. The final shape of acute hospital services will be decided following the current consultation on the proposals in 'Developing Better Services – Modernising Hospitals and Reforming Structures' and this will allow consideration to be given to the future provision of laboratory services.

Glacann na saotharlanna paiteolaíochta go léir anseo páirt i Scéimeanna Náisiúnta Measúnú Eachtrach Cáilíochta na RA, trína chinntíonn siad go bhfuil a dtorthaí comparáideach le saotharlanna eile sa Bhreatain. Ina theannta sin, bhí ach na saotharlanna is lú anseo ag obair chun creidiúnú iomlán a bhaint amach ag an Clinical Pathology Accreditation (UK) Limited (CPA). Tá na caighdeáin do chreidiúnú CPA bunaithe ar na coinníollacha

le saotharlann otharlainne móire ginearálta ceantair a stiúradh, a bheadh míchuí dár suímh agus dár saotharlanna otharlainne is lú. Cinneofar ar chuma dheireanach sheirbhísí géarotharlainne i ndiaidh an chomhairlithe láithrigh ar na moltaí i *'Ag Forbairt Seirbhísí Níos Fearr - Ag Nuachóiriú Otharlann agus ag Athchóiriú Struchtúr'* agus cuideoidh sé seo le machnamh a dhéanamh ar sholáthar seirbhísí saotharlainne sa todhchaí.

### Hospital Provision: East Antrim

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety, pursuant to AQO 3809/01, what action she is taking to address the inequality in access to health provision for residents in East Antrim due to their geographic isolation from Acute Hospitals and Minor Injury Units. (AQW 4155/01)

**Ms de Brún:** A key aim of the proposals which I have set out for consultation in the paper *Developing Better Services: Modernising Hospitals and Reforming Structures* is to ensure that access times to emergency care and consultant-led maternity services should be the minimum achievable, with the vast majority of people within 45 minutes, and everyone normally within one hour of these services. I also intend to ensure that the needs of people in rural areas are adequately addressed by developing a range of pre-hospital support services, which will include improved ambulance services.

Is í príomhaidhm na moltaí a leag mé amach le haghaidh comhairlithe sa pháipéar *Seirbhísí Níos Fearr A Fhorbairt - Otharlanna A Nuachóiriú agus Struchtúir a Leasú* le cinntiú gur chóir amanna rochtana ar chúram éigeandála agus ar sheirbhísí máithreachais treoirithe ag lia comhairleach a íosmhéadú a mhéad agus is féidir, le bunús mór na ndaoine ag teacht orthu laistigh de 45 nóiméad, agus gach duine eile ag teacht ar na seirbhísí seo laistigh d'uair amháin de ghnáth. Tá sé ar intinn agam cinntiú go dtabharfaí faoi riachtanais daoine i gceantair tuaithe trí réimse seirbhísí tacaíochta réamhotharlainne, ina mbeidh seirbhísí feabhsaithe otharcharr, a fhorbairt.

### Incapacity Benefit & Disability Living Allowance: Free Prescriptions

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety what discussions she will have with her ministerial counterpart in Great Britain to ensure that those in receipt of Incapacity Benefit and Disability Living Allowance are entitled to free medical prescriptions. (AQW 4165/01)

**Ms de Brún:** I have no plans to discuss this matter with my Ministerial counterpart in Great Britain. Incapacity Benefit and Disability Living Allowance are not income related and I do not consider that it would be appropriate

to extend automatic exemption from prescription charges to recipients of these benefits.

Níl sé ar intinn agam an cheist seo a phlé le mo Chomh-Aire sa Bhreatain Mhór. Níl Liúntais Mhíchumais agus Liúntais Mhaireachtála Mhíchumais ceangailte le hioncam agus ní shílím go mbeadh sé ceart ná cóir dom na daoine a gheobhaidh na liúntais seo a shaoradh go huathoibríoch ó tháillí oideas a íoc.

### Neo-Natal Care: Staff

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety to make a statement on the regional unit for neo-natal care, which is currently unable to admit those in need of such care, due to lack of available and qualified staff. (AQW 4191/01)

**Ms de Brún:** I am informed that the services provided at present by the regional neonatal intensive care unit at the Royal are adequate to meet the current requirements.

Táim curtha ar an eolas go bhfuil na seirbhísí a sholáthraíonn an t-aonad dianchúraim nuabheirthe réigiúnach ag an Ospidéal Ríoga leordhóthanach agus go gcomhlíonann siad na riachtanais reatha.

### Amended Fire Certificates

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety to detail the number of amended fire certificates issued in each month during the period May 2001 to April 2002. (AQW 4203/01)

**Ms de Brún:** The number of amended fire certificates issued between May 2001 and April 2002 were as follows:

Month	Number
May 2001	9
June 2001	6
July 2001	6
August 2001	3
September 2001	12
October 2001	5
November 2001	10
December 2001	3
January 2002	5
February 2002	6
March 2002	12
April 2002	6

Seo a leanas an líon teastas dóiteáin leasaithe a eisíodh idir Bealtaine 2001 agus Aibreán 2002:

Mí	Líon
Bealtaine 2001	9
Meitheamh 2001	6

Mí	Líon
Iúil 2001.	6
Lúnasa 2001.	3
Meán Fómhair 2001	12
Deireadh Fómhair 2001	5
Samhain, 2001	10
Nollaig 2001	3
Eanáir 2002	5
Feabhra, 2002	6
Márta 2002	12
Aibreán 2002	6

### Fire Certificates

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety to detail the number of new fire certificates issued in each month during the period May 2001 to April 2002. (AQW 4204/01)

**Ms de Brún:** The number of new fire certificates issued between May 2001 and April 2002 were as follows:

Month	Number
May 2001	9
June 2001	7
July 2001	11
August 2001	2
September 2001	9
October 2001	0
November 2001	2
December 2001	2
January 2001	6
February 2002	5
March 2002	2
April 2002	5

Seo a leanas an líon teastas dóiteáin nua a heisíodh idir Bealtaine 2001 agus Aibreán 2002:

Mí	Líon
Bealtaine 2001	9
Meitheamh 2001	7
Iúil 2001	11
Lúnasa 2001	2
Meán Fómhair 2001	9
Deireadh Fómhair 2001	0
Samhain 2001	2
Nollaig 2001	2
Eanáir 2001	6
Feabhra 2002	5

Mí	Líon
Márta 2002	2
Aibreán 2002	5

### Fire Brigade: Staffing

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety to outline (a) if the interview panel for recruitment and selection of Fire Brigade staff for Control Room posts varied; and (b) if so, the reason for this variation. (AQW 4205/01)

**Ms de Brún:** The interview panel for the recent recruitment and selection of Fire Brigade control room staff varied on several occasions due to the unavailability of one of the members of the panel whose absence was due to personal circumstances. There was one other substitution for another member of the panel as the candidate was a relation.

Bhí éagsúlacht ar ócáidí éagsúla maidir leis an bpainéal agallaimh d'earcú agus do roghnú fhoireann seomra rialaithe Bhriogáid Tine de bharr nach raibh duine de na daoine a bhí ar an bpainéal ar fáil de bharr cúinsí pearsanta. Bhí ionadaí amháin eile i gceist i gcás duine eile ar an bpainéal mar gur gaol a bhí i nduine de na hiarrthóirí.

### Warfarin

**Mr Armstrong** asked the Minister of Health, Social Services and Public Safety if she will provide (a) portable finger-prick detection devices for warfarin patients; and (b) staff trained in using these devices, to be sited in nursing homes. (AQW 4207/01)

**Ms de Brún:** I am aware that some GP practices in different Board areas carry out the “finger prick” testing which involves analysing the blood and managing the process in-house. However, the method of monitoring for warfarin users is a matter for each Health and Social Services Board or Trust to determine taking account of the need for services in their area and the resources available to it.

Tá a fhios agam go ndéanann roinnt clinici GD i mBordcheantair éagsúla an scrúdú “priocadh méire” a bhfuil mionscrúdú ar an fhuil agus stiúradh inmheánach an phróisis i gceist. Is ceist do gach Bord nó Iontaobhas Sláinte agus Seirbhísí Sóisialta é áfach cinneadh a dhéanamh ar an mhodh a úsáidtear le monatóireacht a dhéanamh ar úsáideoirí warfarin, ag cur san áireamh an gá le seirbhísí ina gceantar agus na n-acmhainní ar fáil dóibh.

### Fire Dogs Agreement

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety if the Northern Ireland Fire

Brigade has complied with all the conditions of the Fire Dogs Agreement signed between the Brigade and Zurich Insurance on 3 December 2001. (AQW 4210/01)

**Ms de Brún:** The terms of the sponsorship agreement between the Fire Authority and Zurich Insurance have been checked and I can confirm that the Authority has been fully compliant with all of the conditions therein.

Tá téarmaí an chomhaontaithe urraíochta idir an tÚdarás Dóiteáin agus Zurich Insurance seiceáilte agus is féidir liom a dhaingniú gur chomhlíon an tÚdarás go hiomlán na coinníollacha ar fad atá ann.

### Attention Deficit and Hyperactivity Disorder

**Mr Davis** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3817/01, why is it not possible to assess the present standards of diagnosis of young people with Attention Deficit and Hyperactivity Disorder (ADHD). (AQW 4216/01)

**Ms de Brún:** The information to enable assessment of the present standards of diagnosis of young people with ADHD is not available to the Department. An audit of diagnostic skills in assessing present standards of diagnosis of young people with Attention Deficit and Hyperactivity Disorder would be difficult, given the range of symptoms presenting. Diagnosis is made by professionals exercising clinical judgement, taking into account a broad range of issues including international clinical descriptions and classifications.

This disorder, like many others, is covered in post-graduate education and continuing professional development for child and adolescent psychiatrists and mental health professionals.

Níl an t-eolas le caighdeán fháthmheas daoine óga le NEAH a mheasúnú ar fáil don Roinn. Bheadh athbhreithniú ar scileanna diagnóiseacha i measúnú caighdeán láithreach fháthmheas daoine óga le Neamhord Easpa Aire agus Hipirghníomhaíochta deacair mar gheall ar an réimse airíonna ann. Déanann gairmithe fáthmheas, de réir a measa ghairmiúil, ag cur réimse leathan ceisteanna san áireamh mar aon le tuairiscí agus ranguithe cliniciúla idirnáisiúnta.

Tá an neamhord seo, cosúil le cuid mhór eile, clúdaithe in oideachas iarchéime agus i bhforbairt leanúnach ghairmiúil do shíciatraithe leanaí agus ógánach agus do ghairmithe sláinte meabhrach.

### Attention Deficit Hyperactivity Disorder

**Mr Davis** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3817/01, to outline where such support is available to the families

and carers of those who suffer from Attention Deficit Hyperactivity Disorder (ADHD). (AQW 4217/01)

**Ms de Brún:** The level of support for the families and carers of those who suffer from Attention Deficit Hyperactivity Disorder is related to the severity of the patient's condition. There are four closely integrated tiers of service provision for child and adolescent services, which includes patients diagnosed with ADHD:

- Tier 1 deals with relatively minor emotional and behavioural difficulties. Non-specialist practitioners within primary care would provide this treatment and care.
- Tier 2 deals with moderately severe problems requiring attention from professionals trained in child and adolescent mental health.
- Tier 3 deals with severe and complex mental health problems requiring a multi-disciplinary team approach from specialist child and adolescent mental health practitioners.
- Tier 4 deals with the most severe, persistent and complex problems requiring highly specialised inpatient and/or highly specialised outpatient services.

The first point of reference for any of these services is the patient's GP who will refer the patient to the nearest/most appropriate service. Advice on, or support for, families and carers is available at each level, should it be from the statutory or the voluntary sector. Voluntary organisations providing support for families and carers include the Association for Mental Health, Carers And Users Support Enterprise and the National Schizophrenia Fellowship.

Tá leibhéal na tacaíochta ar fáil do theaghlaigh agus d'fheighlithe na ndaoine sin a fhulaingíonn ó Neamhord Easpa Aire agus Hipirghníomhaíochta bainteach le géire riocht an othair. Tá ceithre shraith dlútha imeasctha ann de sholáthar seirbhíse do sheirbhísí leanaí agus ógánach, othair fáthmheasta le NEAH san áireamh:

- Déileálann Sraith 1 le miondheacrachtaí mothúchánacha agus iompraíochta. Sholáthródh dochtúirí neamhspeisialtóireachta laistigh de phríomhchúram an chóireáil agus an cúram seo.
- Déileálann Sraith 2 le fadhbanna measartha géar a bhfuil cúram ó ghairmithe oilte i sláinte meabhrach leanaí agus ógánach de dhíth..
- Déileálann Sraith 3 le fadhbanna géara agus coimpléascacha sláinte meabhrach dá bhfuil modh ildhisciplíneach oibre de dhíth ó fhoireann de shaindhochtúirí sláinte meabhrach leanaí agus ógánach.
- Déileálann Sraith 4 leis na fadhbanna is géire, rialta agus is coimpléascaí dá bhfuil seirbhísí ardshainiúla othair chónaithigh agus/nó seirbhísí ardshainiúla éisoithair de dhíth.



Is é/í Gnáthdhochtúir an othair an chéad phointe tagartha do sheirbhís ar bith de na seirbhísí seo, a sheolfaidh an t-othar chuig an tseirbhís is cóngaraí/is cirt dó/di. Tá comhairle ar, nó tacaíocht do, theaghlaigh agus d'fheighlithe ar fáil ar gach leibhéal, bídis ón earnáil reachtúil nó dheonach. I measc na n-eagraíochtaí deonach ag tabhairt tacaíochta do theaghlaigh agus d'fheighlithe tá an Cumann Sláinte Meabhrach, Fiontar Tacaíochta Feighlithe agus Úsáideoirí agus an Chuallacht Náisiúnta Scitsifréine.

### Hospital Running Costs

**Mr Armstrong** asked the Minister of Health, Social Services and Public Safety to outline, in the last 3 years, the total running costs for each of the following hospitals (a) Mid-Ulster; (b) Antrim; (c) Craigavon Area; (d) South Tyrone; and (e) Omagh. (AQW 4239/01)

**Ms de Brún:** Total running costs for the following hospitals is shown in the table below: Mid-Ulster, Antrim, Craigavon Area, South Tyrone, and Omagh.

Hospital	2001/02 £m	2000/01 £m	1999/00 £m
Mid-Ulster <sup>1</sup>	16.78	15.24	13.89
Antrim <sup>1</sup>	46.20	41.99	38.39
Craigavon Area <sup>2</sup>	63.22	56.87	51.83
South Tyrone	15.95	16.95	16.26
Omagh <sup>1</sup>	15.72	14.97	13.84

Notes:

<sup>1</sup> Figures for 2001/02 are estimates.

<sup>2</sup> The figures for Craigavon Area include Lurgan and Banbridge Hospitals; individual figures are not readily available and could only be provided at a disproportionate cost.

Léirítear na costais iomlána reatha do na hotharlanna a leanas sa tábla thíos: Lár-Uladh, Aontroim, Craigavon, Tír Eoghain Theas, agus an Ómaigh.

Otharlann	2001/02 £m	2000/01 £m	1999/00 £m
Lár-Uladh <sup>1</sup>	16.78	15.24	13.89
Aontroim <sup>1</sup>	46.20	41.99	38.39
Ceantar Craigavon <sup>2</sup>	63.22	56.87	51.83
Tír Eoghain Theas	15.95	16.95	16.26
An Ómaigh <sup>1</sup>	15.72	14.97	13.84

Nótaí:

<sup>1</sup> Is meastacháin iad na figiúirí do 2001/02.

<sup>2</sup> Clúdaíonn na figiúirí do Cheantar Craigavon Otharlanna an Lorgain agus Dhroichead na Banna, níl figiúirí aonair ar fáil go héasca agus ní féidir iad a sholáthar ach ar chostas díreireach.

### Dangers Of Drug Use

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what resources have been allocated to educate young people against the dangers of drug use.

(AQW 4241/01)

**Ms de Brún:** It is not possible to provide overall figures in relation to the amount of resources specifically allocated to educating young people against the dangers of drug use; however, the majority of drug and alcohol projects funded by my Department provide information and awareness raising to young people as part of their remit. A list of these projects is available in the Library.

The Department of Education has primary responsibility to provide drug education as part of the school curriculum in line with the aims of the Drug Strategy.

Ní féidir figiúirí san iomlán a sholáthar i dtaca leis an mhéid acmhainní dáilte go háirithe le daoine óga a mhúineadh ar na baol ó mhí-úsáid drugaí; ach tugann bunús na tionscadail drugaí agus alcóil maoinithe ag mo Roinn, eolas do dhaoine óga agus cuireann siad ar an eolas iad mar chuid dá gcuid dualgas. Tá liosta de na tionscadail seo ar fáil sa Leabharlann.

Tá an Roinn Oideachais freagrach go príomha as oideachas ar dhruaí a sholáthar mar chuid den churaclam scoile de réir aidhmeanna na Straitéise Drugaí.

### Fight Against Drugs

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what resources are allocated to the fight against drugs use in North Down. (AQW 4242/01)

**Ms de Brún:** The information is not available in this format.

Níl an t-eolas ar fáil san fhormáid seo.

### Drug Abuse Centre: North Down

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what plans she has to establish a centre in North Down to deal with drug abuse. (AQW 4243/01)

**Ms de Brún:** The North Down and Ards Community Addiction Team are based in Church Street Newtownards. The Dunlewey Substance Advice Centre Counselling service is also based there. An effective range of residential and community treatment services is available from this centre.

Tá Foireann Andúile Pobail an Dúin Thuaidh agus na hAird lonnaithe i Sráid na hEaglaise i mBaile Nua na hArd. Tá seirbhís chomhairle Ionad Comhairle Dhún Lúiche ar Shubstaintí lonnaithe ansin fosta. Tá réimse

éifeachtach seirbhísí cóireála cónaithe agus pobail ar fáil ón ionad seo.

### Rehabilitation Unit: Drug Users

**Mr Weir** asked the Minister of Health, Social Services and Public Safety what plans she has to create a centre for the long term treatment of drug users.

(AQW 4245/01)

**Ms de Brún:** The Treatment Working Group will be commissioning a Needs Assessment to determine the need for a long-term rehabilitation unit for drug misusers. This activity is included in the Regional Action Plan and will be completed by June 2003. A report based on the recommendations from the audit will be prepared by the Treatment Working Group and presented to my Department by October 2003.

Beidh an Grúpa Oibre ar Chóireáil ag coimisiúnú Measúnaithe ar Riachtanais le cinneadh a dhéanamh ar an ghá le hionad athshlánaithe fhadtéarmaigh do mhí-úsáideoirí drugaí. Tá an beart seo sa Phlean Réigiúnach Gnímh agus críochnófar faoi Mheitheamh 2003 é. Beidh tuairisc bunaithe ar na moltaí ón iniúchadh ullmhaithe ag an Ghrúpa Oibre ar Chóireáil agus tabharfar do mo Roinn í faoi Dheireadh Fómhair 2003.

### Free Nursing Care: Dementia

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety to what extent have the current nursing assessment tools for use in the assessment of entitlement to free nursing care from October 2002 have been applied to the needs of people with dementia.

(AQW 4269/01)

**Ms de Brún:** The nursing assessment tool, currently out for consultation, has been tested with older people with general and mental health needs, including those with dementias. The sample assessed included a representative mix of:

- gender
- mental health
- case mix,

Health and Social Services Trusts were asked to take part in the pilot exercise with the requirement that there would be at least one Trust from each Board area. 7 Trusts volunteered and a sample size of 175 residents (25 per Trust) was targeted. Each Trust was asked to conduct 25 assessments as part of their ongoing workload with each person being assessed twice, once by each of the assessors. Assessors selected to participate in the project were chosen also for their range of general and mental health knowledge and expertise. Participating care homes reflected the full case mix of general and mental health needs.

Rinneadh tástáil ar an ghléas measúnaithe altranais, amach faoi láthair le haghaidh comhairliúcháin, le seandaoine a bhfuil riachtanais ghinearálta agus sláinte meabhrach acu, iad siúd le gealtachais san áireamh. Sa sampla de dhaoine measúnaithe bhí éagsúlacht ionadaíoch de:

- inscne
- sláinte meabhrach
- éagsúlacht cháis,

Iarradh ar Iontaobhais Sláinte agus Seirbhísí Sóisialta páirt a ghlacadh sa bheart phiólótach ar an choinníoll go mbeadh Iontaobhas amháin ar a laghad ó gach Bordcheantar páirteach ann. Thairg 7 Iontaobhas páirt a ghlacadh agus díriodh ar shampla de 175 cónaitheoir (25 an tIontaobhas). Iarradh ar gach Iontaobhas 25 measúnú a dhéanamh mar chuid den ualach oibre atá ar bun acu, le measúnú a dhéanamh ar gach duine faoi dhó, uair amháin ag gach duine de na measúnóirí. Roghnaíodh na measúnóirí roghnaithe fosta le páirt a ghlacadh sa bheart mar gheall ar an réimse eolais agus saineolais atá acu ar shláinte ghinearálta agus meabhrach. Léirigh na tithe cúraim a ghlac páirt ann an éagsúlacht iomlán cháis de riachtanais ghinearálta agus sláinte meabhrach.

### Valuing Carers: Respite Care

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety if 'Valuing Carers' addresses respite care provision in Northern Ireland.

(AQW 4272/01)

**Ms de Brún:** "Valuing Carers" recommends that Health and Social Services Boards and Trusts, in conjunction with carers and those needing care, should review both the provision being made for carers' breaks and the information on which they base their funding decisions to determine what carers want. This exercise will form part of the general review of services for carers and will be included in the implementation plans to be drawn up by the Promoting Social Inclusion Group.

Molann "Ag Tabhairt A Luacha d'Fheighlithe" gur chóir do na Boird agus do na hIontaobhais Sláinte agus Seirbhísí Sóisialta, i gcomhar le feighlithe agus leis na daoine sin a bhfuil cúram de dhíth orthu, athbhreithniú a dhéanamh ar an soláthar atá á dhéanamh do shosanna feighlithe agus ar an eolas ar a bhfuil a gcinní ar mhaoiniú bunaithe le socrú ar ar mian le feighlithe. Beidh an beart seo mar chuid den athbhreithniú ginearálta ar sheirbhísí d'fheighlithe agus cuirfear leis na pleananna feidhmithe iad atá le dréachtú ag an Ghrúpa um Chur Chun Cinn Chuimsithe Shóisialta.

### Valuing Carers

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety to outline (a) the financial

resources allocated for the implementation of the recommendations contained in 'Valuing Carers' and (b) if this is included in the current community care funding. (AQW 4274/01)

**Ms de Brún:** During consultation with carers to develop "Valuing Carers" the provision of respite care was identified as a major issue so when I announced the additional allocation of £19.1m to community care services for this year, I indicated that I wished to see a portion of these funds used to develop respite care for carers to make a reality of the Strategy.

Le linn an chomhairliúcháin le feighlithe le "Ag Tabhairt a Luacha d'Fheighlithe" a fhorbairt, aimsíodh soláthar cúraim faoisimh mar phríomhcheist, agus mar sin de, nuair a d'fhógair mé an dáileadh breise de £19.1m ar sheirbhísí cúraim phobail don bhliain seo, chuir me in iúl gur mhian liom go n-úsáidfí cuid de na maoinithe seo chun cúram faoisimh a fhorbairt d'fheighlithe agus mar sin de, tús réalaíoch a chur leis an Straitéis.

### Valuing Carers

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety to outline (a) the current status of the document 'Valuing Carers' and (b) if this will be the carers' strategy for Northern Ireland. (AQW 4275/01)

**Ms de Brún:** "Valuing Carers" was produced after discussions with carers and their representative organisations. The document identifies a number of areas in which carers would like to see improvements made. Carers have now been designated as a priority group for the Executive's Promoting Social Inclusion programme and a steering group is being set up to implement the Report's recommendations. The implementation plans coming from the steering group will form the practical basis of the Strategy.

Cumadh "Ag Tabhairt a Luacha d'Fheighlithe" i ndiaidh caibidlí le feighlithe agus lena n-eagraíochtaí ionadaíoch. Aimsíonn an cháipéis seo roinnt réimsí ar mhaith le feighlithe go gcuirfí feabhas orthu. Ainmníodh feighlithe anois mar phríomhghrúpa do chlár an Fheidhmiúcháin um Chur Chun Cinn Chuimsithe Shóisialta agus tá grúpa stiúrtha á bhunú le moltaí na Tuairisce a chur i bhfeidhm. Beidh na pleananna feidhmithe a thiocfaidh ón ghrúpa stiúrtha mar dhúshraith phraiticiúil na Straitéise.

### Smoking Policies: Public Houses/Restaurants

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety if she is satisfied with the current levels of smoke-free provision in (a) public houses; and (b) restaurants. (AQW 4294/01)

**Ms de Brún:** Almost 500 licensed premises here have signed up to the Public Places Charter, which was

launched by the Federation of the Retail Licensed Trade in October 2000. The Charter enables customers to make informed choice by helping them to identify the smoking policies in public houses and restaurants. While this is to be welcomed, the implementation of no smoking policies needs to become standard practice.

I will be issuing shortly for consultation a comprehensive Action Plan to tackle smoking. The promotion of smoke-free environments is one of the key actions in the Plan.

Shínigh chóir a bheith 500 áitreabh ceadúnaithe anseo an Chairt Áiteanna Poiblí, a lainseáladh ag Cónaidhm na Trádála Ceadúnaithe Miondíola i nDeireadh Fómhair 2000. Cuireann an Chairt ar chumas custaiméirí rogha láneolach a dhéanamh trí chuidiú a thabhairt dóibh na polasaithe caitheamh tobac a aithint i dtithe tábhairne agus i mbialanna. Cé gur chóir fáilte a chur roimpi is éigean do na polasaithe gan chaitheamh tobac a chur i bhfeidhm mar ghnáthchleachtas.

Le haghaidh comhairliúcháin a bheidh mé ag cur amach Plean chuimsithigh Ghnímh ar ball le tabhairt faoi chaitheamh tobac. Is é cur chun cinn timpeallachtaí gan chaitheamh tobac ceann de na príomhbhearta sa Phlean.

### Causeway Hospital A&E Department: Bed Shortages

**Mr McClarty** asked the Minister of Health, Social Services and Public Safety to make a statement on the recent bed shortages at the A & E Department of the Causeway Hospital including those measures she will put in place to prevent future bed blocking. (AQW 4303/01)

**Ms de Brún:** The A & E department of the Causeway Hospital does not have any beds designated specifically for accident and emergency cases so the question of bed shortage in that department does not arise. There is however a bed shortage overall, occasioned mainly by an inexplicable increase in the number of urgent and emergency surgical admissions and by staff sickness.

The number of people awaiting discharge from Causeway Hospital to the community at the end of May 2002 showed an 11% decrease on the previous month. Overall in the seven months from September 2001 to March 2002 delayed discharges from all acute hospitals fell by 23%.

In addition to the £2m I made available in the last financial year for further community care packages and the £10.8m for winter pressures, I have provided a further £19m for community care services this year. Part of that money will go to supporting an additional 1000 people in the community and enable earlier discharge from hospital. I will continue to seek, with my Executive colleagues, further funding to alleviate the pressures.

The first report of the Community Care Review, published in April 2002, identified a range of good-practice schemes designed to reduce hospital admissions and facilitate faster, safe discharge and hospital-at-home services. Arrangements are being made to share these across HSS Trusts.

Níl leaba ar bith i Roinn T & É Otharlann an Chlocháin curtha i leataobh go háirithe do chásanna timpistí agus éigeandálaí agus sa chás sin, ní bhaineann an ganntanas leapacha sa roinn sin leis an cheist. Go ginearálta áfach, tá ganntanas leapacha ann, arb iad an méadú domhínithe i líon na ndaoine ligthe isteach go práinneach nó ar éigeandáil le haghaidh máinliachta agus tinneas na n-oibrithe go príomha is cúis leis.

Bhí líon na ndaoine ag fanacht le bheith scaoilte amach ó Otharlann an Chlocháin sa phobal ag deireadh mhí na Bealtaine 2002 11% níos lú ná an mhí roimhe sin. Sna seacht mí ó Mheán Fómhair 2001 go Márta 2002, thit líon na ndaoine scaoilte amach moillithe ó ghéarotharlanna faoi 23% san iomlán.

I dteannta an £2m a chuir mé ar fáil sa bhliain airgeadais seo a chuaigh thart do níos mó pacáistí cúraim phobail agus an £10.8m le tabhairt faoi bhrúnna geimhridh, chuir mé £19m breise ar fáil do sheirbhísí cúraim phobail i mbliana. Úsáidfear cuid den airgead sin le tacú le 1000 duine breise sa phobal agus éascóidh sé scaoileadh amach níos luaithe ó otharlanna. Leanfaidh mé le hiarraidh ar, mar aon le mo chomhghleacaithe sa Choiste Feidhmiúcháin, mhaoiniú breise leis na brúnna a mhaolú.

D'aimsigh an chéad tuairisc den Athbhreithniú ar Chúram Pobail, foilsithe in Aibreán 2002, réimse scéimeanna dea-chleachtas ceaptha leis an méid daoine ligthe isteach in otharlanna a laghdú, agus le scaoileadh amach níos gaiste agus slán daoine agus le seirbhísí otharlann sa bhaile a éascú. Tá na socrúithe á ndéanamh leo seo a roinnt ar fud na nIontaobhas SSS.

### Dedicated Epilepsy Services

**Mr McClarty** asked the Minister of Health, Social Services and Public Safety if she will undertake to meet representatives of the Epilepsy Action Branches to discuss the provision of dedicated epilepsy services.

(AQW 4304/01)

**Ms de Brún:** I am at present considering a request to meet with representatives of Epilepsy Action Branches.

Tá mé ag déanamh machnaimh faoi láthair ar iarratas le bualadh le hionadaithe Bhraisi Ghníomhú ar Thitimeas.

### Epilepsy Link Nurse: Causeway Trust

**Mr McClarty** asked the Minister of Health, Social Services and Public Safety to outline (a) any progress in

appointing an epilepsy link nurse in the Causeway Trust; and (b) what consultation on this issue she has undertaken with the local branch of Epilepsy Action in the Causeway Trust area.

(AQW 4305/01)

### Ms de Brún:

(a) I am advised that Causeway Health and Social Services Trust has not been able to progress the appointment of an Epilepsy Link nurse at present because of other service pressures. The Trust is keeping this matter under review.

(b) Causeway Trust has consulted with the local Branch of Epilepsy Action in relation to the appointment of an epilepsy link nurse.

(a) Cuireadh in iúl dom nach raibh Iontaobhas Sláinte agus Seirbhísí Sóisialta an Chlocháin ábalta altra Nasc Titimis a cheapadh faoi láthair de dheasca na mbrúnna ó sheirbhísí eile. Tá an tIontaobhas ag coinneáil na ceiste seo faoi athbhreithniú.

(b) Chuaigh Iontaobhas an Chlocháin i gcomhairle leis an Bhrainte Áitiúil Ghníomhú ar Thitimeas i dtaca le ceapadh altra nasc titimis.

### Epilepsy Support Services: Funding

**Mr McClarty** asked the Minister of Health, Social Services and Public Safety what additional funding she will make available for epilepsy support services outside of the Belfast Specialist Clinic Area.

(AQW 4306/01)

**Ms de Brún:** The prioritisation and funding of services is a matter, in the first instance, for Health and Social Services Boards, as commissioners of services for their local populations.

Is ceist do Bhoird Sláinte agus Seirbhísí Sóisialta í, ar an chéad dul síos, tosaíocht a thabhairt do sheirbhísí agus dá maoiniú mar an lucht coimisiúnaithe seirbhísí dá ndaonraí áitiúla.

### Epilepsy Specialist Neurologist: Waiting Times For Consultation

**Mr McClarty** asked the Minister of Health, Social Services and Public Safety to outline the average waiting times for consultation with an Epilepsy Specialist Neurologist.

(AQW 4307/01)

**Ms de Brún:** Information is not available in the form requested.

Níl an t-eolas ar fáil ar an dóigh iarrtha.



### GP: Patient List Sizes

**Ms Lewsley** asked the Minister of Health, Social Services and Public Safety to outline (a) the average GP patient list size; (b) the number of single partner GPs in (i) Northern Ireland and (ii) the Eastern Health Board area; (c) the number of single GP practices in the Eastern Health Board that have patient lists (i) above the average and (ii) below the average; (d) the number of GP practices in the Eastern Health Board using locum GPs on a fixed regular basis; and (e) the number of GP locums registered in (i) Northern Ireland and (ii) the Eastern Health Board area. (AQW 4313/01)

**Ms de Brún:** The average GP patient list size is 1,812 patients per whole time equivalent GP.

Across all Board areas there are 63 single partner GPs. In the Eastern Board area there are 28.

In the Eastern Board area there are 7 single partner GPs with a list size above the average GP patient list size and 21 single partner GPs with a list size below the average

Information on the number of GP practices using locum GPs and the number of GP locums registered are not readily available in the form requested and could only be provided at disproportionate cost.

Is é 1,812 othar an GD coibhéise lánaimseartha meánlíon na ndaoine ar liostaí othar GD.

Trasna na gceantar Boird go léir tá 63 GD páirtí shingil. I gceantar Bhord an Oirthir tá 28.

I gceantar Bhord an Oirthir tá 7 GD páirtí shingil le liosta de dhaoine níos mó ná an meánlíon daoine ar liosta othar GD agus 21 GD páirtí shingil le liosta de dhaoine níos lú ná an meánlíon.

Níl eolas ar líon na gclinicí GD ag úsáid GDanna ionaid agus ar líon na nGDanna ionaid cláraithe ar fáil go héasca san fhormáid iarrtha agus ní féidir é a sholáthar ach ar chostas dhíréireach.

### Free Personal Care: People in Residential Homes

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety to list the members of the Inter-departmental working group established to examine the issue of free personal care for people in residential homes. (AQW 4321/01)

**Ms de Brún:** The following officials are members of the Inter-departmental Group:

Mr Leslie Frew Department of Health, Social Services and Public Safety

Mr Andrew Hamilton Department of Health, Social Services and Public Safety

Mr Rodney Scott Department of Finance and Personnel

Mr Eugene Rooney Office of the First and Deputy First Minister

Mr Martin Mayock Department of Health, Social Services and Public Safety

Mr John O'Neill Department for Social Development

Is baill iad na hoifigigh a leanas den Ghrúpa Idir-rannach:

An tUasal Leslie Frew An Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí

An tUasal Andrew Hamilton An Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí

An tUasal Rodney Scott An Roinn Airgeadais agus Pearsanra

An tUasal Eugene Rooney Oifig an Chéad-Aire agus an LeasChéad-Aire

An tUasal Martin Mayock An Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí

An tUasal John O'Neill An Roinn Forbartha Sóisialta

### Protection From Passive Smoking

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety what assessment she has made of the Government's White Paper on Tobacco 'Smoking Kills', published in December 1998 in respect of protecting non-smokers from passive smoking. (AQW 4325/01)

**Ms de Brún:** In March last year I established an inter-sectoral Working Group to develop a comprehensive Action Plan to tackle smoking here. In developing the Action Plan the Working Group took full account of the White Paper. The protection of non-smokers is a key element of the Plan, which will be issued shortly for consultation.

I Márta na bliana seo caite bhunaigh mé Grúpa idir-rannógach Oibre le Plean cuimsitheach Gnímh a chumadh le tabhairt faoi chaitheamh tobac anseo. I gcumadh an Phlean Ghnímh chuir an Grúpa Oibre an Páipéar Bán san áireamh. Is í príomhghné den Phlean í cosaint neamhchaiteoirí tobac, a chuirfear amach ar ball le haghaidh comhairliúcháin.

### Ulster Hospital Accident and Emergency Unit: Waiting List Numbers

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to detail (a) the admission waiting list numbers at the Ulster Hospital Accident and

Emergency Unit since 1 January 2002; and (b) how this compares with the same period last year.

(AQW 4339/01)

**Ms de Brún:** The number of patients who waited for admission to wards in the Ulster Hospital Accident and Emergency Unit for the period January to March 2002 (the most recent data available) was 3,405. 70% of these patients were admitted within 2 hours of the clinician's decision to admit. For the same period in 2001 3,605 patients waited for admission, 71% of these patients were admitted within 2 hours of the clinician's decision to admit.

Ba é 3,405 líon na n-othar a d'fhan le hiontráil ar bhadaí ó Ionad Timpistí agus Éigeandálaí Otharlann Uladh don tréimhse Eanáir go Márta 2002 (na sonraí is déanaí atá ar fáil). Ligeadh isteach 70% de na hothair seo taobh istigh de 2 uair a chloig i ndiaidh cinneadh dochtúra chun iad a iontráil. Don tréimhse chéanna i 2001 d'fhan 3,650 othar ar iontráil, ligeadh isteach 71% de na hothair seo taobh istigh de 2 uair a chloig i ndiaidh cinneadh dochtúra chun iad a iontráil.

### Ulster Hospital Accident and Emergency Unit: Staffing

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety what assistance is she offering the Ulster Hospital Accident and Emergency Unit in order to alleviate the growing pressures on doctors and nursing staff.

(AQW 4340/01)

**Ms de Brún:** The Strategic Development Plan for the Ulster Hospital, which I announced on 31 July 2001, includes a proposal to extend the Accident and Emergency department and to upgrade it to meet statutory standards. I have also allocated £2 million for the reinstatement of 20 adult inpatient beds in the Jaffe Ward, to address the problems of bed capacity at the hospital and reduce the unacceptable number of patients waiting for admission.

San áireamh sa phlean forbartha straitéisí d'Otharlann Uladh, a d'fhógair mé ar 31 Iúil 2001, tá moladh ann chun cur leis an Roinn Timpistí agus Éigeandálaí agus í a uasghrádú le teacht le caighdeán reachtúla. Dháil mé £2 milliún fosta le haghaidh athshuíomh 20 leaba othar cónaitheach aosach ar Bharda Jaffe, le dul i ngleic le fadhbanna toillte na leapa ag an otharlann agus leis an uimhir dhoghlaetha othar ag fanacht le hiontráil a laghdú.

### Ulster Hospital Accident and Emergency Unit: Bed Shortage

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to detail the circumstances behind the shortage of beds at the Ulster Hospital

Accident and Emergency Unit on 25 June 2002; and to make a statement.

(AQW 4341/01)

**Ms de Brún:** The main factors behind the shortage of beds at the Ulster Hospital's Accident and Emergency department on 25 June were an unusually heavy demand for beds, especially medical beds, a higher than average requirement for urgent elective surgical admissions, and a significant number of patients awaiting discharge.

The Strategic Development Plan for the Ulster Hospital, which I announced on 31 July 2001, includes a proposal to extend the Accident and Emergency department and to upgrade it to meet statutory standards. I have also allocated £2 million for the reinstatement of 20 adult inpatient beds in the Jaffe Ward, to address the problems of bed capacity at the hospital and reduce the unacceptable number of patients waiting for admission.

Ba iad an ráchairt mhór neamhchoitianta ar leapacha, leapacha míochaine go háirithe, riachtanas níos airde ná mar atá coitianta d'iontráil mháinliach roghnach phráinneach, agus uimhir mhór d'othair ag fanacht le bheith scaoilte amach na príomhfachtoirí is mó leis aneaspa leapacha ag Roinn Timpistí agus Éigeandálaí Otharlann Uladh ar 25 Meitheamh.

San áireamh sa phlean forbartha straitéisí d'Otharlann Uladh, a d'fhógair mé ar 31 Iúil 2001, tá moladh ann chun cur leis an Roinn Timpistí agus Éigeandálaí agus í a uasghrádú le teacht le caighdeán reachtúla. Dháil mé £2 milliún fosta le haghaidh athshuíomh 20 leaba othar cónaitheach aosach ar Bharda Jaffe, le dul i ngleic le fadhbanna toillte na leapa ag an otharlann agus leis an uimhir dhoghlaetha othar ag fanacht le hiontráil a laghdú.

### Causeway Hospital Accident and Emergency Unit: Waiting Times

**Mr McClarty** asked the Minister of Health, Social Services and Public Safety to detail the average waiting times at the Causeway Hospital's Accident and Emergency Unit; and to make a statement.

(AQW 4348/01)

**Ms de Brún:** The information requested is not available. Information on the time that patients wait to be seen in A&E departments is not collected centrally. The current Charter Standard is that when patients need to be admitted to hospital from an A&E Department, they should be given a bed within two hours of the clinician's decision to admit them.

In the quarter January to March 2002, 75% of patients admitted to wards from the Trust's Accident and Emergency Department were admitted within 2 hours of a clinician's decision to admit.

Níl an t-eolas iarrtha ar fáil. Ní bhailítear eolas go lárnach ar an méid ama a fhanann othair le bheith cóireáilte

i ranna T & É. Is é Caighdeán láithreach na Cairte gur chóir go dtabharfaí leaba d'othair nuair is éigean iad a ligean isteach in otharlann ó Roinn T & É, laistigh de dhá uair ó chinneadh an lia iad a ligean isteach.

Sa ráithe Eanáir go Márta 2002, ligeadh isteach 75% d'othair ligthe isteach i mbardaí ó Roinn Timpistí agus Éigeandálaí an Iontaobhais laistigh de dhá uair ó chineadh an lia iad a ligean isteach.

### Review of Neurology

**Mr McClarty** asked the Minister of Health, Social Services and Public Safety what progress has been made in appointing two additional neurologists as recommended in the Review of Neurology. (AQW 4349/01)

**Ms de Brún:** The two additional neurologists recommended in the Review of Neurology Services have been appointed with effect from 1 August 2002.

Ceapadh beirt néareolaithe breise a moladh san Athbheithniú ar Sheirbhísí Néareolaíochta le tosú ó 1 Lúnasa 2002.

### Fire Control Operators: Interviews

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety, in relation to the interviews for the posts of Fire Control Operators in the Northern Ireland Fire Brigade [NIFB], to outline (a) the timescale from completion of interviews to the publication of the list of successful candidates; (b) the experience each successful candidate had in working the NIFB Fire Control Room while on temporary appointments; and (c) the number of successful candidates who had worked temporarily in NIFB's Fire Control Room in a promoted capacity. (AQW 4363/01)

**Ms de Brún:** Although the interviews for posts in the Fire Brigade control room at Lisburn have been completed, the list of successful candidates will not be published until medical examinations have been completed and all candidates notified of whether or not they have been successful. The Fire Authority anticipates that the list of successful candidates will be published by 31 July 2002.

As to the experience that individual candidates have of working in the Brigade's Control Room, it is not Brigade policy to disclose any information that could lead to the identification of individuals and thereby breach confidentiality. However, 5 of the 135 candidates interviewed were existing temporary control room staff.

Cé go ndearnadh na hagallaimh do na poist i seomra rialúcháin na Briogáide Dóiteáin i Lios na gCearrbhach, ní fhoilseofar liosta de na hiarrthóirí ar éirigh leo go dtí go ndéanfar scrúduithe míochaine orthu agus go gcuirfear in iúl do na hiarrthóirí gur éirigh leo nó nár éirigh leo.

Tá súil ag an Údarás Dóiteáin go bhfoilseofar liosta de na hiarrthóirí ar éirigh leo faoi 31 Iúil 2002.

Maidir leis an taithí atá ag iarrthóirí aonair ar obair a dhéanamh i Seomra Rialúcháin na Briogáide, ní hé polasaí na Briogáide é eolas a nochtadh a d'fhéadfadh daoine aonair a aithniú agus dá bharr sin, a sháródh rúndacht. Bhí 5 de na 135 iarrthóir a cuireadh faoi agallamh ina n-oibrithe sealadacha láithreacha sa Seomra Rialúcháin áfach.

### NIFA: Vehicles Held

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety, in relation to vehicles held by the Northern Ireland Fire Brigade designed for carrying 5 or more passengers but less than 17, to outline (a) the vehicle registration numbers; (b) the vehicle manufacturer; (c) the vehicle model; (d) the year of manufacture and (e) any vehicles purchased under a manufacturer/dealer demonstrator scheme.

(AQW 4364/01)

**Ms de Brún:** The table below outlines the information you have requested. All of these vehicles which include landrovers, vans and mini buses were purchased through the Home Office Framework Agreement.

Registration	Make	Model	Month/Year
RDZ 2549	Leyland Daf (Ldv)	400 Series	August 1994
RDZ 2550	Leyland Daf (Ldv)	400 Series	August 1994
RDZ 2551	Leyland Daf (Ldv)	400 Series	August 1994
YDZ 6258	Leyland Daf (Ldv)	400 Convoy	March 1998
YDZ 6259	Leyland Daf (Ldv)	400 Convoy	March 1998
DKZ 5942	Ford	Transit Swb	March 2000
HDZ 8157	Mercedes	2 Axle Rigid Body	April 1990
BKZ 6490	Mercedes	Estate	March 1999
YDZ 5008	Ford	Galaxy	March 1998
CKZ 8740	Land Rover	Defender	November 1999
FKZ 6639	Land Rover	Defender	March 2001
FKZ 6640	Land Rover	Defender	March 2001

In addition, all of the Brigade's 138 major pumping appliances, purchased through open tender, are capable of holding a crew of six personnel. The Brigade's fleet of 147 cars are capable of carrying five persons. These vehicles are procured through the Home Office Framework Agreement.

There have been no vehicles purchased under a manufacturer / dealer demonstrator scheme.

Déanann an tábla thíos breacadh síos ar na sonraí a d'iarr tú. Ceannaíodh gach feithicil tríd an Chomhaontú Creatlaigh Oifig Ghnóthaí Baile.

Clárúchán Feithicle	Déantús	Múnla	Mí/Bliain
RDZ 2549	Leyland Daf (Ldv)	400 Series	Lúnasa 1994
RDZ 2550	Leyland Daf (Ldv)	400 Series	Lúnasa 1994
RDZ 2551	Leyland Daf (Ldv)	400 Series	Lúnasa 1994
YDZ 6258	Leyland Daf (Ldv)	400 Convoy	Márta 1998
YDZ 6259	Leyland Daf (Ldv)	400 Convoy	Márta 1998
DKZ 5942	Ford	Transit Swb	Márta /2000
HDZ 8157	Mercedes	2 Axle Rigid Body	Aibreán 1990
BKZ 6490	Mercedes	Estate	Márta 1999
YDZ 5008	Ford	Galaxy	Márta 1998
CKZ 8740	Land Rover	Defender	Samhain 1999
FKZ 6639	Land Rover	Defender	Márta 2001
FKZ 6640	Land Rover	Defender	Márta 2001

Ina theannta sin, is féidir le gach mórghléas pumpála (138) de chuid na Briogáide foireann de sheisear pearsanra a iompar. Ceannaíodh na feithiclí seo trí thairiscintí oscailte.

Is féidir le cairr na Briogáide (147) cúigear a iompar. Soláthraítear na feithiclí seo tríd an Chomhaontú Chreatlaigh Oifig Ghnóthaí Baile

Níor ceannaíodh feithicil ar bith faoi scéim léirsitheora déantóra / déileálaí.

### NIFA: Industrial Tribunal

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety to outline the outcome of the case listed for 17 June 2002 in the Industrial Tribunal, *Mullan v Fire Authority for Northern Ireland* [No 00398/99/FET]. (AQW 4365/01)

**Ms de Brún:** This case did not proceed to the Tribunal as the matter is being resolved by agreement between the parties.

Ní dheachaigh an cas seo ar aghaidh chuig an Bhinse mar tá an t-ábhar á réiteach trí chomhaontú idir na páirtithe.

### Non-Executive Board Members of the Fire Authority: Selection Panel

**Mr Dallat** asked the Minister of Health, Social Services and Public Safety to outline (a) the members of the recruitment selection panel which conducted the interviews for the posts of non-Executive Board Members of the Fire Authority for Northern Ireland; and (b) if she is aware of any conflict of interest or personal relationships between applicants and the members of the selection panel. (AQW 4366/01)

### Ms de Brún:

- (a) The members of the interview panel for the appointment of non-executive members to the Fire Authority for Northern Ireland, which sat on 25 March, 8 April and 15 April 2002, were appointed in line with my Department's Public Appointment Procedures. The Panel of three comprised:
- a senior civil servant in the Department of Health, Social Services and Public Safety, responsible for policy and performance management in the business area of public safety, who chaired the Panel;
  - the Chair of the Fire Authority for Northern Ireland, who was a member of the Panel; and
  - an Independent Assessor, in line with the Code of Practice issued by the Commissioner for Public Appointments, who was a member of the Panel. The Independent Assessor is one of a pool of such Independent Assessors and has many years' experience in the field of human resources.
- (b) I am not aware of any conflict of interest or personal relationship between any applicant and any member of the selection panel. In accordance with the Code of Practice issued by the Commissioner for Public Appointments, the Independent Assessor validated the selection process, including shortlisting and interviewing. I am content that the interviews were conducted in strict accordance with the Commissioner's Code of Practice.

The panel's role is to assess each candidate's ability against the published criteria for the post. The panel then comes to a collective decision on the outcome of the interviews, and provides these assessments to the Department. The over-riding principle remains appointment on merit and no candidates can be recommended to me unless they have been assessed as suitable against the established selection criteria. It is then my responsibility to select the successful candidate(s).

- (a) Ceapadh baill an phainéil agallaimh le haghaidh ceapadh na mball neamh-fheidhmeannach d'Údarás Dóiteáin Thuaisceart Éireann, a shuigh ar 25 Márta, 8 Aibreán agus ar 15 Aibreán 2002, de réir Ghnáthamh Ceapacháin Phoiblí na Roinne s'agam. Ar an phainéal de thriúr bhí;
- Státseirbhíseach sinsearach sa Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí, atá freagrach as bainistíocht polasaí feidhmiúcháin san earnáil ghnó de shábháilteacht phoiblí, a bhí ina chathaoirleach ar an Phainéal;
  - Cathaoirleach Údarás Dóiteáin Thuaisceart Éireann, a bhí mar bhall den Phainéal; agus
  - Measúnóir Neamhspleách, de réir Cód Cleachtais eisithe ag an Choimisinéir um Cheapacháin Phoiblí, a bhí ina bhall den Phainéal. Is duine de



dhream Measúnóirí Neamhspleácha é an Measúnóir Neamhspleách a bhfuil roinnt mhaith blianta de thaithí agé san achar acmhainní daonna.

- (b) Níl a fhios agam faoi choinbhleacht spéise nó faoi chaidreamh pearsanta ar bith idir iarratasóir agus ball ar bith den phainéal roghnaithe. Dhaingnigh an Measúnóir Neamhspleách, de réir Cód Cleachtais eisithe ag an Choimisinéir um Cheapacháin Phoiblí, an próiseas roghnaithe, an ghearrliostáil agus na hagallaimh san áireamh. Tá mé sásta go ndearnadh na hagallaimh go hiomlán de réir Chód Cleachtais an Choimisinéara.

Is é ról an phainéil ábaltacht gach iarratasóir a mheas in éadan na gcrítéar foilsithe don phost. Tagann an painéal ar chomhchinneadh ansin ar thoradh na n-agallamh, agus soláthraíonn sé na meastacháin don Roinn. Is é an príonsabal is tábhachtaí ná go gceaptar iarratasóir bunaithe ar thuillteanas agus ní féidir iarratasóir ar bith a mholadh dom ach gur measadh iad a bheith cuí de réir na gcrítéar bunaithe roghnach. Is í mé féin atá freagrach ansin as an iarratasóir rathúil / na hiarratasóirí rathúla a roghnú.

### Cataract Surgery

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to outline the number of people waiting for (a) cataract surgery; and (b) other eye surgery. (AQW 4394/01)

**Ms de Brún:** Information on people waiting for treatment either as inpatients or outpatients is collected on the basis of specialty rather than the type of operation.

At 31 March 2002, the number of patients waiting for inpatient admission to hospital in the ophthalmology specialty was 6,099. The number of outpatients waiting for a first appointment in the same specialty at 31 March 2002 was 14,592.

Bailítear eolas ar dhaoine ag fanacht ar chóireáil mar othair chónaitheacha nó mar othair sheachtracha ar bhonn speisialtóireachta seachas an sórt obráide.

Ar 31 Márta 2002, ba é 6,099 duine líon na n-othar ag fanacht le bheith ligthe isteach in otharlanna sa speisialtóireacht oftailmeolaíochta mar othair chónaitheacha. Ba é 14,592 duine líon na n-othar seachtrach a bhí ag fanacht ar a gcéad choinne sa speisialtóireacht chéanna ar 31 Márta 2002.

### Ulster Hospital: Working Hours

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety, in respect of the A&E Department at the Ulster Hospital, to detail the average working hours of both doctor and nursing staff; and (b)

what assessment has she made of the safety to staff and patients in terms of the hours required to be worked.

(AQW 4406/01)

**Ms de Brún:** Hours worked by medical staff within the Accident & Emergency Department of The Ulster Hospital vary, dependent upon their grade. They all work within the recommended guidelines set by the British Medical Association and Junior Doctors Committee on compliance with the “New Deal” on Junior Doctors’ Hours. Any gaps in the service are filled by locum medical staff as required.

Nursing staff work, on average, 30-37½ hours per week. Where extra cover is required, this is provided by Bank or Agency staff. If A&E nursing staff work any additional hours, they do so on a voluntary basis and in keeping with the hours set down in the Working Time regulations.

Athraíonn na huairéanta oibre déanta ag an fhoireann mhíochaine i Roinn Timpistí & Éigeandálaí Otharlann Uladh, de réir a ngráid. Oibríonn siad taobh istigh de na treoirilínte leagtha síos ag Cumann Míochaine na Breataine agus ag Coiste na nDochtúirí Sóisearacha ar chomhall an “New Deal” ar Uaireanta Dochtúirí Sóisearacha. Líonann oibrithe ionaid míochaine de réir na huairé atá siad de dhíth bearna ar bith sa tseirbhís.

Oibríonn oibrithe altranaís 30-37½ uair sa tseachtain, ar an mheán. Nuair atá cumhdach de dhíth, tá sé seo déanta ag oibrithe ionaid nó Gníomhaireachta. Má oibríonn oibrithe altranaís T&É níos mó uaireanta, déanann siad iad seo go deonach agus de réir na n-uaireanta leagtha síos sna rialacháin ar Amanna Oibre.

### Pregnancy: Adolescents

**Dr Birnie** asked the Minister of Health, Social Services and Public Safety what assessment can she make of the conclusions reached in an article by DiCenso, Guyatt and Griffith (15 June 2002 British Medical Journal), in relation to interventions to reduce unintended pregnancies among adolescents.

(AQW 4408/01)

**Ms de Brún:** Such studies add to our knowledge and research base. The conclusions reached confirm my Department’s assessment that a multi-faceted approach is needed in tackling teenage pregnancy. This approach will be reflected in my Department’s Teenage Pregnancy and Parenthood Strategy and Action Plan which will be issued shortly. It will stress the importance of parent/child communication, sex education in the context of relationships and personal and social education, promoting self esteem and good accessibility to services delivered by well trained staff.

Cuireann a leithéid de staidéar seo lenár mbonn taighde agus eolais. Daingníonn na tátail a baineadh as

measúnú na Roinne s'agam go bhfuil gá le cur chuige iltaobhach le dul i ngleic le toircheas déagóirí. Léireofar an cur chuige seo i bPlean Gnímh agus Straitéise na Roinne s'agam ar Thoircheas agus ar Thuismíocht Déagóra a eiseofar gan mhoill. Cuirfidh sé béim ar thábhacht na cumarsáide idir tuismitheoir agus páiste, ghnéasoideachas i gcomhthéacs caidrimh agus oideachais phearsanta agus shóisialta, chur chun cinn féinmheasa agus ar inrochtaineacht ar sheirbhísí soláthraithe ag foireann ardoilte.

### **'Acute Hospital Review' and 'Developing Better Services'**

**Mr McGrady** asked the Minister of Health, Social Services and Public Safety to outline the total cost of (a) the 'Acute Hospital Review Group Report' ('Hayes Report'); (b) the review into 'Developing Better Services'; and to make a statement. (AQW 4410/01)

#### **Ms de Brún:**

- (a) I refer the Member to my answer to AQW 2791/01.
- (b) The cost, to date, of the work since the closing date for consultation on the Acute Hospitals Review (31 October 2001), leading to the publication of the consultation paper: *'Developing Better Services: Modernising Hospitals and Reforming Structures'*, is estimated to be £151,714. This figure includes DHSSPS staff salaries, commissioned research, and the cost of printing, translating, distributing and advertising the consultation paper.
- (a) Luaim don Bhall an freagra a thug mé ar AQW 2791/01.
- (b) Meastar gurb é £151,714 na costais, go nuige seo, don obair ó dháta deiridh an chomhairliúcháin ar an Athbhreithniú ar Ghéarocharlanna (31 Deireadh Fómhair 2001), suas go foilsíú an pháipéir chomhairliúcháin: *'Seirbhísí Níos Fearr A Fhorbairt - Otharlanna A Nuachóiriú agus Struchtúir a Leasú'*. San áireamh leis an fhigiúr seo tá tuarastail oibríthe na RSSSP, taighde coimisiúnaithe, agus costais phriontála, aistriú, dáileadh agus fógairt an pháipéir chomhairliúcháin.

### **Eye Operations: Waiting Lists**

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to outline (a) the number of male and females on waiting lists for eye operations; (b) the age of those on the waiting list; and (c) the number of people on the waiting list for (i) up to 12 months; (ii) 12-24 months; and (iii) over 24 months. (AQW 4414/01)

**Ms de Brún:** Information on people waiting for treatment is not available by gender or age.

Information on people waiting for treatment either as inpatients or outpatients is collected on the basis of specialty rather than the type of operation.

At 31 March 2002, the number of patients waiting for inpatient and day case admission to hospital in the ophthalmology specialty was 6,099. Of the 6,099 patients waiting, 5,240 had been waiting less than 12 months, 755 had been waiting between 12 and 24 months, and 104 had been waiting longer than 24 months.

The number of outpatients waiting for a first appointment in the ophthalmology specialty at 31 March 2002 was 14,592. Of those 12,203 patients had been waiting less than 12 months, 2,043 patients had been waiting between 12 and 24 months, and 346 patients were waiting longer than 24 months.

Níl eolas ar dhaoine ag fanacht le cóireáil ar fáil de réir inscne nó aoise.

Bailítear eolas ar dhaoine ag fanacht le cóireáil mar othair chónaitheacha nó mar éisothair ar bhonn speisialtachta ná an sórt obraíde.

Ar 31 Márta 2002, ba é 6,099 líon na n-othar a bhí ag fanacht le hiontráil san otharlann mar othair chónaitheacha nó mar chás lae sa speisialtacht oftailmeolaíochta. De na 6,099 othar a bhí ag fanacht, bhí 5,240 ag fanacht níos lú ná 12 mí, 755 ag fanacht idir 12 agus 24 mí, agus bhí 104 ag fanacht níos mó ná 24 mí.

Ba é 14,592 líon na n-éisothar a bhí ag fanacht lena gcéad choinne sa speisialtacht oftailmeolaíochta ar 31 Márta 2002. Díobh siúd, bhí 12,203 othar ag fanacht níos lú ná 12 mí, 2,043 othar ag fanacht idir 12 agus 24 mí, agus bhí 346 othar ag fanacht níos mó ná 24 mí.

### **Ophthalmology Staff**

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to outline, per Health Board, the number of ophthalmology staff available to carry out eye operations. (AQW 4415/01)

**Ms de Brún:** Currently there are 20 (Whole Time Equivalent 18.92) Consultant Ophthalmologists who provide ophthalmology services on a regional basis for the entire population.. These consultants are based at the Royal Group of Hospitals, the Mater and Altnagelvin Trusts.

Faoi láthair, tá 20 Oftailmeolaí Comhairleach (18.92 Coibhéis Lánaimseartha) ann a sholáthraíonn seirbhísí oftailmeolaíochta ar bhonn réigiúnach don phobal iomlán. Tá na hoftailmeolaithe comhairleacha seo lonnaithe in Iontaobhais Otharlanna an Ghrúpa Ríoga, an Mater agus Alt na nGealbhan.

### Availability of Opticians

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what support does she make available to opticians to assist in the early detection of eye problems. (AQW 4416/01)

**Ms de Brún:** Ophthalmic opticians and ophthalmic medical practitioners decide whether a person's sight needs to be tested in the light of their assessment of the person's eye care needs. The interval at which a person should be advised to have another check up is also a matter for clinical judgement.

A Health Service sight test fee of £16.72 is payable to practitioners for sight tests carried out on or after 1 April 2002 on behalf of those who are exempt from Health Service charges. Health Service domiciliary visiting fees, which are payable in addition to the sight test fee, are £29.44 for the first and subsequent person seen at one visit and £7.37 for the third and subsequent persons seen at the same visit.

Déanann radharceolaithe oftalmacha agus dochtúirí oftalmacha míochaine cinneadh ar an ghá le scrúdú nó gan scrúdú a dhéanamh ar radharc duine ag cuimhneamh ar a measúnú ar riachtanais chúram súile an duine. Is ceist don dochtúir í fosta cinneadh clínicíúil a dhéanamh ar a mhinice a ba chóir a mholadh do dhuine dul chuig an dochtúir le haghaidh scrúdaithe.

Tá táille scrúdú radhairc na Seirbhíse Sláinte de £16.72 iníoctha le dochtúirí do scrúduithe radhairc déanta ar nó i ndiaidh 1 Aibreán 2002 thar cionn na ndaoine sin atá saor ó tháillí na Seirbhíse Sláinte a íoc. Is é £29.44 táille na Seirbhíse Sláinte do chuartaíocht bhaile, atá iníoctha mar bharr ar an táille scrúdú radhairc, don chéad duine agus don duine eile cóireáilte i ndiaidh sin ar chuairt amháin, agus is é £7.37 atá iníoctha don tríú duine agus do dhaoine eile cóireáilte ina dhiaidh sin ar an chuairt chéanna.

### NIFA: Information Leaflets

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety to outline (a) the annual cost of producing Northern Ireland Fire Brigade information leaflets; and (b) the number produced each year. (AQW 4419/01)

**Ms de Brún:** During the financial year 2001/02, the Fire Authority produced 50,000 information leaflets at a cost of £695.00.

Le linn na bliana airgeadais 2001/02 chuir an tÚdarás Dóiteáin 50,000 bileog eolais ar fáil ar chostas £695.00.

### NIFA: Information Leaflets

**Mrs I Robinson** asked the Minister of Health, Social Services and Public Safety if her Department would consider meeting the financial burden of producing Northern Ireland Fire Brigade information leaflets. (AQW 4420/01)

**Ms de Brún:** The cost of providing Fire Service information leaflets is covered by the Fire Authority's budget allocation.

Clúdaíonn leithdháileadh bhuiséad an Údaráis Dóiteáin an costas chun bileoga eolais Seirbhíse Dóiteáin a chur ar fáil.

### NIFA: Crewing Levels

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to outline the crewing level required under Northern Ireland Fire Authority procedures for fire fighters turning out to incidents. (AQW 4425/01)

**Ms de Brún:** The target for crewing levels at incidents is for there to be 4 crew per appliance at any incident. This is in accordance with standards laid down by the Central Fire Brigades' Advisory Council.

Is é an sprioc do léibhéil criúanna ag eachtraí a tharlaíonn ná go mbeadh 4 criú i láthair in aghaidh gach fearas ag aon eachtra ar leithligh. Sin de réir an chaighdeáin atá leagtha síos ag Comhairle Chomhairleoireachta an Lár-Bhriogáid Dóiteáin.

### NIFA: Crewing Levels

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety, in light of crewing levels required by the Northern Ireland Fire Authority, what steps she is taking to increase the recruitment figures for fire fighters. (AQW 4426/01)

**Ms de Brún:** The Fire Authority has taken a number of initiatives to recruit fire fighters. These include hosting Open Days aimed at encouraging women to join the Fire Service, and recruitment campaigns targeted at attracting part time fire fighters for those Retained Stations where staffing levels are more than 10% below establishment levels.

Another major recruitment campaign for retained fire fighters was launched in May and, on 3 August, 29 full time fire fighter recruits will graduate from the Brigade Training Centre. The next training course for 24 full time recruits is planned to start at the end of August.

Thug an tÚdarás Dóiteáin faoi roinnt tionscnamh chun lucht dóiteáin a earcú. Áirítear orthu sin Laethanta Oscailte dírithe ar mhná a spreagadh chun dul isteach sa

tSeirbhís Dóiteáin agus feachtais earcaíochta dírithe ar lucht dóiteáin páirt-aimseartha a mhealladh chuig na Stáisiúin Choiméadta ina bhfuil leibhéal foirne os cionn 10% faoi leibhéal na bunaíochta.

Rachadh i mbun mórfeachtais eile chun lucht dóiteáin coiméadta a earcú i mBealtaine agus an 3 Lúnasa gheobhaidh 29 earcach dóiteáin lán-aimseartha a gcáilíocht ó Ionad Oiliúna na Briogáide. Is ag deireadh mí Lúnasa a thosóidh an chéad chúrsa oiliúna eile do 24 earcach lán-aimseartha.

### Paramedics

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety what steps is she taking to address the current shortage of paramedics for the Northern Ireland Ambulance Service. (AQW 4427/01)

**Ms de Brún:** Additional resources made available in the current year have enabled the Ambulance Service to plan a programme of paramedic training courses. These are scheduled to start in September 2002, January 2003 and March 2003 and will result in an additional 36 paramedics. A training course for 19 new Emergency Medical Technician recruits is also planned for September 2002 to complement the 24 EMTs who completed their training in June this year. These measures will help address the current skill mix imbalance in paramedic staff and ensure that there is a good pool of EMTs from which further paramedics can be recruited.

Chuir acmhainní breise a cuireadh ar fáil sa bhliain reatha ar chumas na Seirbhíse Otharchairr clár cúrsaí oiliúna paraimhíochaineoirí a phleanáil. Cuirfear tús leo seo i Meán Fómhair 2002, Eanáir 2003, agus Márta 2003 agus beidh 36 paraimhíochaineoir breise ar fáil mar thoradh orthu. Tá cúrsaí oiliúna do 19 earcach Teicneoirí Liachta Eigeandála pleanáilte freisin do Mheán Fómhair chun cur leis na 24 EMT a chríochnaigh a gcuid oiliúna i Meitheamh na bliana seo. Cuideoidh na bearta seo chun tabhairt faoin míchothroime atá ann ó thaobh meascán scileanna i measc foirne paraimhíochaine agus cinnteoidh siad go mbeidh grúpa réasúnta mór EMT ann as a mbeifear ábalta paraimhíochaineoirí a earcú as amach anseo.

### Speech Therapists: Special Schools, East Antrim

**Mr K Robinson** asked the Minister of Health, Social Services and Public Safety what measures she will put in place to address the shortage of speech therapists in special schools in East Antrim, and ensure that the recent announcement of a replacement school at Roddensvale, Larne, will be fully utilised to the benefits of pupils, staff and parents. (AQW 4428/01)

**Ms de Brún:** My 'Priorities for Action 2002/03' requires Health and Social Services Boards and Trusts to develop a range of therapy provision to reduce waiting times for children and adults requiring therapy in 2002/03. Some of the additional funding allocated to Boards to develop a range of community services in 2002/03 will be available for this purpose.

A review of the health and social services workforce is currently being undertaken by my Department, which will identify training, recruitment and retention issues to be addressed within the various therapeutic professions, including speech and language therapy.

Provision of healthcare services to the new school at Roddensvale will be a matter for Homefirst Community Trust and the North Eastern Education and Library Board, having regard to the assessed needs of each pupil.

Éilíonn mo 'Tosaíochtaí le hAghaidh Gnímh 2002/03' ar Bhoird agus ar Iontaobhais Sláinte agus Seirbhísí Sóisialta réimse soláthar teiripe a fhorbairt le hagaí feithimh a laghdú do pháistí agus do dhaoine fásta a bhfuil teiripe de dhíth orthu i 2002/03. Beidh cuid den mhaoiniú breise dáilte ar Bhoird le réimse seirbhísí pobail a fhorbairt i 2002/03 ar fáil leis seo a chur i gcrích.

Tá athbhreithniú á dhéanamh ag an Roinn s'agam faoi láthair ar an mheitheal oibre sláinte agus seirbhísí sóisialta, a aimseoidh oiliúint, earcaíocht agus coinneáil mar na ceisteanna a bhfuiltear le dul i ngleic leo taobh istigh de na gairmeacha teiripeacha éagsúla, teiripe urlabhra agus teanga san áireamh.

Is ceist d'Iontaobhas Pobail Homefirst agus do Bhord Leabharlainne agus Oideachais an Oirthuaiscirt í seirbhísí cúram sláinte a soláthar don scoil nua i Roddensvale, i ndiaidh riachtanais mheasúnaithe gach dalta a chur san áireamh.

### Strategy For Stroke

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety to outline (a) if she is aware of the Strategy for Stroke drawn up by individuals from the four Health Boards and the Voluntary Sector; (b) if she will endorse this strategy; and (c) any action she will take to ensure the implementation of this strategy.

(AQW 4431/01)

**Ms de Brún:**

- I am aware that a multi-disciplinary group, under the direction of the four Health and Social Services Board Chief Executives, has developed an evidence-based strategy for stroke services.
- I regard the work undertaken by the group as an important foundation for the future development of stroke services;



(c) In *Priorities for Action 2002/03*, which sets out my planning priorities for the health and social services this year, I asked Boards, Trusts and Local Health and Social Care Groups, as a pilot exercise for the development of regional service development frameworks, to review stroke services in order to identify:

- gaps in local services, especially in relation to prevention of strokes and the availability of dedicated Stroke Units in hospitals; and
- opportunities to implement the other aspects of best practice outlined in the strategy, which can be put in place even in the absence of additional resources.

(a) Táim ar an eolas gur fhorbairt grúpa il-disciplíneach, faoi stiúir na bPríomhfheidhmeánach sna ceithre Bhord Sláinte agus Seirbhísí Sóisialta straitéis fianaise-bhunaithe do sheirbhísí stróc.

(b) Sílim gur bunchloch thábhachtach an obair atá ar siúl ag an ngrúpa d'fhorbairtí amach anseo sna seirbhísí stróc.

(c) In *Priorities for Action 2002/03*, a leagann amach mo thosaíochtaí pleanála do sheirbhísí sóisialta agus sláinte i mbliana, d'iarr mise ar Bhoird, ar Iontaobhais agus ar Ghrúpaí Cúraim Sóisialta agus Sláinte, mar chleachtadh píolótach d'fhorbairt chreatanna forbartha seirbhísí réigiúnacha, athbhreithniú a dhéanamh ar sheirbhísí stróc chun iad seo a leanas a aithint:

- bearnaí i seirbhísí áitiúla, go háirithe maidir le cosc ar strócanna agus an fháil atá ar Aonaid thiomanta Stróc in Ospidéal; agus
- deiseanna chun na gnéithe eile ar shárcleachtas atá leagtha amach sa straitéis a fheidhmiú agus gur féidir a chur i bhfeidhm fiú d'uireasa acmhainní breise.

## Operations Outside of NI

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety to recommend that each Health Board publish on a monthly basis the number of operations performed outside of Northern Ireland.

(AQW 4432/01)

**Ms de Brún:** Details of operations performed outside of Northern Ireland are collated by Health Boards on a quarterly basis. The figures are available on request, subject to the protection of patient confidentiality

Bailítear sonraí ar obráidí a dhéantar taobh amuigh de Thuaisceart Éireann ag Boird Shláinte ar bhonn ráithiúil. Tá na figiúirí ar fáil ach iad a iarraidh, faoi réir cosaint rúndacht an othair.

## Dangers of Smoking

**Mr Armstrong** asked the Minister of Health, Social Services and Public Safety (a) what measures are in place to inform potential and actual smokers in the 16-24 age group of the dangers of smoking and; (b) what steps are being taken to reduce heavy smoking, particularly among the 45-54 age group. (AQW 4469/01)

**Ms de Brún:** My Department is funding a range of measures aimed at increasing awareness among young people and adults of the dangers of smoking and at helping smokers to quit. These include public information campaigns and the development of a range of smoking cessation services in each Health and Social Services Board area.

Specialist cessation services provide intensive advice and support and highlight the benefits, particularly for highly dependent smokers, of medicines which enhance the attempt to quit. In addition, a telephone helpline for smokers wishing to quit will be established later this year to complement existing cessation services.

I will shortly issue for consultation, a comprehensive 5 year Tobacco Action Plan to tackle smoking. In addition to a Chapter on helping smokers quit, the Plan will address issues such as prevention and protecting the public from tobacco smoke.

Tá mo Roinn ag maoiniú réimse beart a bhfuil sé de chuspóir acu eolas i measc ógánach agus daoine fásta a mhéadú ar na baol ó thobac a chaitheamh, agus cuidiú le caiteoirí le héirí as. San áireamh tá feachtais eolais phoiblí agus forbairt réimse seirbhísí éirí as tobac i ngach ceantar Bhord Sláinte agus Seirbhísí Sóisialta.

Tugann sainsheirbhísí éirí as tobac comhairle agus tacaíocht dhian agus cuireann siad béim ar thairbhí cógas a chuidíonn leis an iarracht le héirí as, go háirithe do chaiteoirí a bhraitheann go mór ar thoitíní. Ina theannta sin, bunófar líne chabhrach teileafóin níos moille sa bhliain do chaiteoirí ar mian leo éirí as tobac, le cur leis na seirbhísí éirí as tobac atá ar fáil anois.

Beidh mé ag eisiúint Plean chuimsithigh Ghnímh 5 bliain ar Thobac le haghaidh comhairliúcháin ar ball le tabhairt faoi chaitheamh tobac. Mar bharr ar Chaibidil ar chuidiú a thabhairt do chaiteoirí le héirí as, tabharfaidh an Plean faoi cheisteanna amhail cosc agus cosaint an phobail ar thoit tobac.

## Diabetics

**Mr Armstrong** asked the Minister of Health, Social Services and Public Safety if she has any plans to provide diabetics who also suffer from anxiety and depression with access to psychological support services, particularly for those who live outside Belfast.

(AQW 4470/01)

**Ms de Brún:** Diabetics who also suffer from anxiety and depression have access to the full range of primary care and mental health services.

Tá rochtain iomlán ag Diaibéitigh a bhfuil imní agus dúlagar ag dul dóibh ar réimse iomlán seirbhísí cúraim phríomhúil agus sláinte meabhraí.

### Tackling Alcohol Abuse

**Mr Armstrong** asked the Minister of Health, Social Services and Public Safety, in light of the findings of the Northern Ireland Health and Social Wellbeing Survey 2001, what measures are in place to tackle high levels of excessive drinking, particularly among the 16-24 age group (AQW 4471/01)

**Ms de Brún:** *The Strategy for Reducing Alcohol Related Harm* was published in September 2000. In May 2001, the Executive endorsed a 'Model for the Joint Implementation of the Drug and Alcohol Strategies', which allows for a concerted approach.

The joint implementation of both the drug and alcohol strategies is now underway and six working groups have been formed to cover the areas of Treatment, Education & Prevention, Communities, Information & Research, Social Legislation and Criminal Justice. The six Working Groups have developed a Regional Action Plan based on the key output areas detailed in the Strategies and the four Drug and Alcohol Co-ordination Teams have translated this into local targets to ensure a coherent and consistent delivery.

The Action Plans include development of a health education programme, targeted at young people between the ages of 16 and 25 years. The programme will ensure that young people are informed of the dangers of misusing alcohol.

A Public Information Campaign is also being developed in conjunction with the Health Promotion Agency to specifically address young adult binge drinking.

In particular, work is being undertaken in partnership with the Drinks Industry to address a number of issues including under age drinking, the consumption of alcohol in public places and responsible trading practices.

Foilsíodh *An Straitéis Chun An Dochar a Bhaineann le hAlcól A Laghdú* i Meán Fómhair 2000. I mí na Bealtaine 2001, d'aontaigh Coiste an Fheidhmiúcháin 'Samhail le hAghaidh Chomhchur i bhFeidhm na Straitéisí Drugaí agus Alcóil', a thacaíonn le cur chuige comhbheartaithe.

Tá comhchur i bhfeidhm an dá straitéis faoi lánseol anois agus bunaíodh sé ghrúpa oibre leis na hábhair Cóireáil, Oideachas & Cosc, Pobail, Eolas & Taighde, Reachtaíocht Shóisialta agus Ceart Coiriúil a chlúdach. Tá Plean Réigiúnach Gnímh forbartha ag na sé Ghrúpa Oibre bunaithe ar eochaircheantair aschuir atá sonraithe

sna Straitéisí agus d'aistrigh na ceithre Fhoireann Drugaí agus Alcóil seo go dtí spriocanna áitiúla le soláthar comhleanúnach agus comhsheasmhach a chinntiú.

Clúdaíonn na Pleananna Gnímh forbairt chlár oideachais sláinte, dírithe ar ógánaigh idir 16 agus 25 bliain d'aois. Cinnteoidh an clár go gcuirfear ógánaigh ar an eolas faoi na dainséir le mí-úsáid alcóil.

Táthar ag forbairt Feachtas Eolais Phoiblí i gcomhar leis an Ghníomhaireacht um Chothú Sláinte le dul i ngleic le spraoi óil ógánach go háirithe.

Ach go háirithe, táthar ag tabhairt faoi obair i bpáirtíocht leis an Tionscal Ólacháin le tabhairt faoi roinnt ceistean, ag ól faoi aois, ag ól alcóil in áiteanna poiblí agus cleachtais fhreagracha thrádála san áireamh.

### Fire Fighters: Vacancies

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety to detail the current establishment and number and the type of vacancies for (i) part-time; and (ii) full-time fire-fighters at (a) Carnlough Fire Station; (b) Larne Fire Station; (c) Whitehead Fire Station; and (d) Carrickfergus Fire Station. (AQW 4504/01)

**Ms de Brún:** The stations highlighted in your question are retained Fire Stations in which all posts are part-time. The information requested is as follows: -

	Establishment	Current Numbers (full-time equivalent)	Vacant Posts (full-time equivalent)
Carnlough	12	9.25	2.75
Larne	22	20.75	1.25
Whitehead	12	10.25	1.75
Carrickfergus	20	19.25	0.75

Is Stáisiúin Choiméadta na stáisiúin ar fad a tugadh chun suntais i do cheist agus is postanna páirt-aimseartha atá iontu ar fad. Seo a leanas an t-eolas a bhí uait:

	Áit	Uimhreacha Reatha (cóibhéiseach lánaimseartha)	Folúntais (cóibhéiseach lánaimseartha)
Carnlach	12	9.25	2.75
Latharna	22	20.75	1.25
An Cionn Bán	12	10.25	1.75
Carraig Fhearghais	20	19.25	0.75

### GMC: Dr Wasson

**Dr Birnie** asked the Minister of Health, Social Services and Public Safety what assessment she can make (a) on the current employment and remuneration status of Dr

Ciaran Wasson; (b) as to whether the EHSSB has refused to enter into dialogue with either Dr Wasson or his Union representative on matters relating to the GMC hearing in April 2002 which imposed conditions on his registration and, if so, why this might be so. (AQW 4519/01)

**Ms de Brún:** Dr Wasson is an independent contractor who is professionally accountable to the General Medical Council (GMC). In relation to his contract with the Eastern Health and Social Services Board, the Board must be satisfied of his compliance with the restrictions placed on him by the GMC.

I am advised that Eastern Health and Social Services Board officials have met twice with Dr Wasson and his union representative on matters relating to the GMC hearing and are content to meet him again should he have proposals which may satisfy the GMC ruling with regard to his ability to provide general medical services. The restrictions imposed on him are a matter between him and the GMC.

Is conraitheoir neamhspleách é an Dr Wasson atá freagrach go gairmiúil don Chomhairle Ghinearálta Míochaine (GMC). Maidir lena chonradh le Bord Sláinte agus Seirbhísí Sóisialta an Oirthir, is gá don Bhord bheith sásta lena ghéilliúlacht leis na srianta curtha air ag an GMC.

Cuireadh in iúl dom gur bhuail oifigigh Bhord Sláinte agus Seirbhísí Sóisialta an Oirthir leis an Dr Wasson faoi dhó agus lena ionadaí ceardchumann faoi ábhair bainteach leis an GMC agus tá siad sásta le bualadh leis arís dá mbeadh moltaí aige a shásódh rialú an GMC i dtaca lena ábaltacht chun seirbhísí míochaine ginearálta a sholáthar. Is idir é féin agus an GMC na srianta a cuireadh air.

### Mater Hospital

**Mr A Maginness** asked the Minister of Health, Social Services and Public Safety if the Mater Hospital, which is the subject of a proposed down-grading, treated more medical patients than the Antrim and Causeway hospitals, who are retaining their acute services. (AQW 4520/01)

**Ms de Brún:** The latest information available is for 2000-2001. Information for Causeway Hospital is unavailable for the financial year 2000-2001 as services were not transferred from Coleraine and Route Hospitals to the new hospital until May 2001.

In 2000-2001 4,783 medical patients were treated at Mater Hospital, compared to 4,597 at Coleraine Hospital, 24 at Route Hospital and 9,763 at Antrim Hospital.

Baineann an t-eolas is deireanaí atá ar fáil le 2000-2001. Níl eolas ar fáil don bhliain airgeadais 2000-2001 d'Ospidéal Causeway mar nár haistríodh seirbhísí ó Ospidéal Chúil Raithin agus Ospidéal Route chuig an ospidéal nua go dtí Bealtaine 2001.

I 2000-2001 cuireadh cóireáil ar 4,783 othar liachta in Ospidéal an Mater i gcompráid le 4,597 in Ospidéal Chúil Raithin, 24 in Ospidéal Route agus 9,763 in Ospidéal Aontroma.

### Hospital Access Times

**Mr A Maginness** asked the Minister of Health, Social Services and Public Safety how the access times for hospitals were calculated given the low rate of private car ownership in North Belfast. (AQW 4521/01)

**Ms de Brún:** Details of how access times were calculated in relation to my proposals for reforming hospitals are explained at Appendix 5 of the consultation paper *Developing Better Services: Modernising Hospitals and Reforming Structures*. The focus of the analysis of access times was in relation to one of the guiding principles set out in Chapter 4 of the paper, ie *access times to emergency care and consultant-led maternity services, in an appropriate facility, should be the minimum achievable, with the vast majority of people within 45 minutes, and everyone normally within one hour, of these services*.

The access times were calculated using a model called "Simplified Modelling for Spatial Systems" (SMOSS), developed by Lancaster University. They are based on travel speeds, by road, using motorised transport from the centre of each Enumeration District to each hospital.

Travel by bus or train, pedestrian journeys, or rates of car ownership are not incorporated into the model. This approach is based on the premise that people needing emergency treatment for major and severe conditions will normally be transported to hospital by car, taxi or ambulance. In areas where there is low car ownership this will place increased emphasis on the importance of responsive and effective pre-hospital services, particularly ambulance services, the development of which is a priority as shown by the substantial investment in them over the past three years, as well as my proposals for their further development.

Mínítear sonraí ar conas a ríomhadh amanna rochtana maidir le mo chuid moltaí ar athchóiriú ospidéal in Aguisín 5 den pháipéar comhchomhairleoireachta *Seirbhísí Níos Fearr A Fhorbairt: Otharlanna A Nuachóiriú agus Struchtúir a Leasú*. Bhain an fócas ar anailís a dhéanamh ar amanna rochtana le ceann de na prionsabail threoracha atá leagtha amach i gCaibidil 4 den pháipéar, i.e. *ba chóir go mbeadh amanna rochtana chuig cúram éigeandála agus seirbhísí máithreachais comhairle-bhunaithe, i saoráid oiriúnach, chomh hiseal agus is indéanta sin, le formhór mór na ndaoine lastigh de 45 nóiméad ó na seirbhísí sin, agus gach duine de ghnáth laistigh d'uair a chloig uathu*.



Ríomhadh na hamanna rochtana ag baint leasa as samhail dar teideal “Simplified Modelling for Spatial Systems” (SMOSS) a d’fhorbair Ollscoil Lancaster. Tá siad bunaithe ar luas taistil ar bhóithre ag úsáid iompar mótaí ó lár gach Ceantar Áirimh chuig gach ospidéal.

Níl iompar ar bhus nó ar thraein, aistir de shiúl na gcos nó ráta úinéireachta cairr curtha isteach sa tsamhail. Tá an chur chuige seo bunaithe ar an smaoineamh gur i gcarr, i dtacsáí nó in otharcharr go hiondúil a iompraítear chuig an ospidéal na daoine a mbíonn cóireáil éigeandála ag teastáil uathu do riochtaí móra nó riochtaí tromchúiseacha. Cuirfidh sé sin tuilleadh béime ar an tábhacht atá le seirbhísí réamhospidéal freagracha agus éifeachtacha i gceantair a bhfuil úinéireacht íseal ar charranna iontu, seirbhísí otharchairr ach go háirithe, ar tosaíocht é forbairt a dhéanamh orthu mar a léiríonn an infheistíocht mhór atá déanta iontu sna trí bliana atá caite chomh maith le mo mholtaí iad a fhorbairt amach anseo.

### Mater Hospital: Downgrading

**Mr A Maginness** asked the Minister of Health, Social Services and Public Safety what evidence exists that the Mater Hospital will be able to provide a better service for its patients following the down-grading to a local hospital. (AQW 4522/01)

**Ms de Brún:** As a Local Hospital working in partnership with acute hospitals, the Mater Hospital would form a crucial bridge between hospital and primary and community care, and would be an integral part of a total health care system providing services which are more closely integrated, patient-focused and capable of providing the highest possible levels of treatment and care. My consultation paper *Developing Better Services: Modernising Hospitals and Reforming Structures* explains the need for change and what kind of change is required. A change of role to a Local Hospital would enable the Mater to provide a wide range of services, including sophisticated methods of investigation, diagnosis and day procedures, and it would continue to provide the vast majority of services that people get in hospital settings, and that do not need to be delivered in a large acute hospital. This cannot be considered as “down-grading”.

Mar Ospidéal Áitiúil ag obair i gcomhpháirtíocht le hospidéal ghéarchúraim, bheadh Ospidéal an Mater mar nasc rithabhachtach idir cúram ospidéal, cúram príomhúil agus cúram pobail agus bheadh sé mar chuid lárnach den chóras cúraim sláinte ina iomláine ag soláthar seirbhísí níos lánpháirtiúla, a bheadh dírithe níos mó ar othair agus a bheadh ábalta an leibhéal is airde cóireála agus cúraim a sholáthar. Míníonn mo pháipéar comhchomhairleoireachta *Seirbhísí Níos Fearr A Fhorbairt: Otharlanna A Nuachóiriú agus Struchtúir a Leasú* an riachtanas atá ann athrú a dhéanamh agus an cineál athraithe a theastaíonn. Chuirfeadh athrú ról mar Ospidéal Áitiúil ar chumas an Mater réimse

leathan seirbhísí a sholáthar lena n-áirítear modhanna sofaisticiúla imscrúdaithe, fáthmheasa agus nósanna imeachta lae agus leanfadh sé ag soláthar formhór na seirbhísí a fhaigheann daoine ag suíomh ospidéal ach nach dteastaíonn a sholáthar i mór-ospidéal géarchúraim. Ní féidir féachaint ar sin mar ‘íosghrádú’.

### Mater Hospital: Downgrading

**Mr A Maginness** asked the Minister of Health, Social Services and Public Safety why the Mater Hospital is being down-graded to a local hospital if it consistently exceeds performance indicators. (AQW 4523/01)

**Ms de Brún:** A Local Hospital will be a modern facility providing a wide range of services including day case surgery, high quality diagnostic services, out-patient clinics, pre and post natal maternity services, intermediate care, and rehabilitation and step-down beds. It will also provide a local base for expert clinicians, specialist nurses and other health professionals who will relate to local populations rather than individual facilities. A change of role to a Local Hospital cannot therefore be considered as “down-grading”.

I consider that to bring about a modern and more effective hospital service requires a new pattern of services with both Local Hospitals and acute hospitals working together to serve the needs of local populations. I believe that the proposals in my consultation paper *Developing Better Services: Modernising Hospitals and Reforming Structures* are the best practical way of achieving this. As a Local Hospital providing a wide range of services, the Mater Hospital would continue to make a distinctive contribution to the overall provision of modern, high quality hospital services.

Saoráid nua-aimseartha a bheidh san Ospidéal Áitiúil a bheidh ag soláthar réimse leathan seirbhísí lena n-áirítear máinliacht chás lae, seirbhísí fáthmheasa ar ardchaighdeán, clinicí eisothair, seirbhís máithreachais réamhbhreithe agus iarbhreithe, cúram idirmheánach agus leapacha athshlánaithe agus íoschéimnithe. Cuirfidh sé bunáit áitiúil ar fáil do chliniceoirí, altraí speisialtóireachta agus gairmigh sláinte eile a bhainfidh le pobail áitiúla seachas le saoráidí aonair. Ní féidir mar sin féachaint ar an athrú ról chuig Ospidéal Áitiúil mar “íslú céime”.

Measaim féin chun seirbhís ospidéal níos éifeachtaí agus níos nua-aimseartha a thabhairt chun cinn go dteastaíonn gréasán nua seirbhísí le hOspidéal Áitiúla agus ospidéal ghéarchúraim a bheidh ag obair le chéile chun freastal ar riachtanais na bpobal áitiúil. Creidim gurb iad na moltaí i mo pháipéar comhchomhairleoireachta *Seirbhísí Níos Fearr A Fhorbairt: Otharlanna A Nuachóiriú agus Struchtúir a Leasú* an bealach praiticiúil is fearr chun é sin a bhaint amach. Mar Ospidéal Áitiúil ag soláthar réimse leathan seirbhísí, leanfaidh Ospidéal an Mater ag cur le soláthar iomlán seirbhísí nua-aimseartha ar ardchaighdeán.



## NIFA: Staffing Levels

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety, in the last year if the fire stations at (i) Carrickfergus; (ii) Whitehead; (iii) Larne and (iv) Carnlough have (a) failed to turn out or (b) turned out with staffing levels below those specified by the NI Fire Authority. (AQW 4526/01)

**Ms de Brún:** The table below outlines the information requested:

Station	Failed to Turn Out (Number of Incidents)	Turned Out with Low Crewing Levels (Number of Incidents)	Total Number of Incidents
Carrickfergus	10	1	767
Whitehead	3	10	252
Larne	6	1	539
Carnlough	0	4	77

Tá an t-eolas a iarradh leagtha amach sa tábla thíos:

Stáisiún	Níor Éirigh Leo Freastal Ar Ghlaio (Líon Eachtraí)	D'fhreastail Ar Ghlaio Ach Le Leibhéil Ísle Criú (Líon Eachtraí)	Líon Iomlán Eachtraí
Carraig Fhearghais	10	1	767
An Cionn Bán	3	10	252
Latharna	6	1	539
Carnlach	0	4	77

## REGIONAL DEVELOPMENT

### East Antrim Railway Line

**Mr Beggs** asked the Minister for Regional Development how he will minimise any disruption which may be caused to rail commuters when work commences in upgrading the East Antrim Railway line. (AQW 4029/01)

**The Minister for Regional Development (Mr P Robinson):** Translink has advised that the upgrade of the East Antrim railway line will involve major construction works and some disruption to services is unavoidable. However, it will endeavour to do all in its power to ensure that the disruption is kept to a minimum. When the work commences Translink intends to use single line working from Monday to Friday using bus substitution as and when required. At weekends there will be total closure of the line with bus substitution for the cancelled train services.

### Railway Line Between Larne and Belfast

**Mr Beggs** asked the Minister for Regional Development to make a statement in relation to the upgrading of and introduction of new rolling stock to the railway line between Larne and Belfast and give an assessment as to how this may increase the use of public transport and so reduce traffic congestion at the Mallusk junction on the M2. (AQW 4034/01)

**Mr P Robinson:** Translink hopes to start the work to upgrade the line between Bleach Green Junction and Whitehead in the current financial year. However, only £2m of the total estimated cost of £18m is currently available. I have bid for the remaining £16m in this year's Budget. The section between Belfast and Bleach Green has already been upgraded and the future of the section between Whitehead and Larne depends upon the Assembly's future Budgetary decisions in relation to the Regional Transportation Strategy.

New rolling stock has been ordered to replace the existing Class 80 trains, but Translink has not yet decided how to deploy the new trains.

Improvements to the railway services on the line should increase passenger numbers with consequent reductions in traffic congestion. However, due to the uncertainties surrounding the timing of the infrastructure improvements and the deployment of the new rolling stock, it is not possible to provide an assessment of the extent of increased rail patronage and consequent reduced traffic congestion.

### Fixed Water Charges: Agricultural

**Mr McClarty** asked the Minister for Regional Development what plans he has to abolish fixed water charges within the agricultural community. (AQW 4051/01)

**Mr P Robinson:** In April 2001 my predecessor, Gregory Campbell, announced changes to the metering policy, which exempted certain classes of metered customers, served by a supply pipe of 20 millimetres diameter or less, from standing charges. As a result, some 16,400 farmers, out of a total of 48,000 farmers who have a metered water supply, no longer pay any charges.

Water Service has just concluded a review of the current charging policy for the supply of water, and standing charges was one of the issues considered. I intend to consult the Regional Development Committee, the Agriculture and Rural Development Committee, and other interested parties before reaching any conclusions on the review's recommendations.

### A26: Coleraine and Glarryford

**Mr McClarty** asked the Minister for Regional Development to outline (a) the current traffic flow figures for the

A26 between Coleraine and Glarryford; and (b) an evaluation of these figures. (AQW 4079/01)

**Mr P Robinson:**

- (a) The latest available annual average daily traffic flows in the year 2000 on the A26 between Glarryford and Coleraine were:

	Vehicles Per Day
Dual carriageway near Glarryford	15170
A44 Ballycastle Junction to Ballymoney Bypass	11740
Ballymoney Bypass	13440
Ballymoney to Coleraine	14610

- (b) My Department's Roads Service has assessed these flows taking account of information available from the Department of the Environment, Transport and the Regions in Great Britain, which suggests that a single carriageway road should operate satisfactorily with flows of up to 18000 vehicles per day.

In this context the latest traffic figures support the case for the dualling of the A26 from Glarryford to the A44 (Ballycastle) junction to be one of the high priority schemes considered for inclusion in the Department's 10 Year Forward Planning Schedule of major road schemes.

I would reiterate the importance my Department attaches to the A26 route, having designated it as a Key Transport Corridor within the Regional Strategic Framework. Apart from the dualling scheme referred to above, further improvements, primarily in the form of improved overtaking opportunities, will be considered for the remainder of the route in the coming years.

### Sewage Overspill: Cookstown District Council Area

**Rev Dr William McCrea** asked the Minister for Regional Development to detail the number of incidents of raw sewage overspill recorded in the Cookstown District Council area in each of the last three years.

(AQW 4085/01)

**Mr P Robinson:** Untreated wastewater can be discharged from the sewerage infrastructure in a variety of ways. These include discharges from the normal operation of combined sewer overflows during periods of heavy rainfall, overflows to waterways arising from malfunctions at treatment works or pumping stations, small discharges arising from sewer blockages, and out of sewer flooding resulting from equipment failures, sewer collapses, or inadequate capacity to deal with the volume of rainfall.

Water Service does not have records of the number of incidents in each of these categories. The available information in respect of incidents in the Cookstown District Council area is as follows:

	1999	2000	2001
Reported pollution incidents resulting from wastewater overflows to waterways	0	2	1
Properties flooded internally as a result of wastewater discharges	3	2	1

Water Service also has records of the number of customer complaints relating to blocked sewers and flooding over the past 3 years:

	1999	2000	2001
Blocked sewers	262	292	297
External flooding	33	47	15

The flooding complaints include all those reported to Water Service irrespective of the cause, and will include multiple complaints about single incidents. The complaints may also include flooding caused by surface water or overflowing watercourses, which are not the responsibility of Water Service.

### Sewage Overspill: Magherafelt District Council Area

**Rev Dr William McCrea** asked the Minister for Regional Development to detail the number of incidents of raw sewage overspill recorded in the Magherafelt District council area in each of the last three years.

(AQW 4086/01)

**Mr P Robinson:** Untreated wastewater can be discharged from the sewerage infrastructure in a variety of ways. These include discharges from the normal operation of combined sewer overflows during periods of heavy rainfall, overflows to waterways arising from malfunctions at treatment works or pumping stations, small discharges arising from sewer blockages, and out of sewer flooding resulting from equipment failures, sewer collapses, or inadequate capacity to deal with the volume of rainfall.

Water Service does not have records of the number of incidents in each of these categories. The available information in respect of incidents in the Magherafelt District council area is as follows:

	1999	2000	2001
Reported pollution incidents resulting from wastewater overflows to waterways	3	5	4
Properties flooded internally as a result of wastewater discharges	3	1	2

Water Service also has records of the number of customer complaints relating to blocked sewers and flooding over the past 3 years:

	1999	2000	2001
Blocked sewers	466	492	536
External flooding	60	62	19

### Civil Servants: Greater Belfast

**Mr McMenamin** asked the Minister for Regional Development how many civil servants travel to the Greater Belfast area from (a) West Tyrone; and (b) the North-West, to work in his Department. (AQW 4101/01)

**Mr P Robinson:** Information is not held in precisely the form requested. The numbers of civil servants in the Department for Regional Development who are known to live in (a) the constituency of West Tyrone and (b) the constituencies of Foyle and East Londonderry who work in one of the four Belfast constituencies as at January 2002 are 17 and 28 respectively.

### Strangford Ferry

**Mr Shannon** asked the Minister for Regional Development to outline (a) the current usage rates for the Strangford Ferry; (b) if usage rates have increased since the new ferry was introduced; and (c) the annual usage rate targets.

(AQW 4136/01)

**Mr P Robinson:**

- (a) Full details of ferry usage rates for the year 2001/2002 will not be available until late July 2002 following the processing of annual data from the ticket machines. However, on the basis of a comparison of income received, it is estimated, that the year's usage figures will be approximately 150,000 cars and 160,000 passengers, excluding vehicle drivers and schoolchildren paid for by the local Education and Library Board. I have asked my Department's Roads Service to write to you again when the precise details become available.

The final figures will not include the approximately 64,000 trips per annum made by schoolchildren on their way to and from school. As the Education and Library Board provide passes to the schoolchildren these trips are not included in the data obtained from the ticket machines and cannot therefore be confirmed from this data.

- (b) On the same basis, initial indications are that there was an increase of approximately 4% in traffic using the Strangford Ferry for the first 3 months of 2002 following the introduction of the new ferry compared to the same period in 2001.
- (c) The ferry is operated as a public service and Roads Service has no official annual usage targets.

### Flying of Union Flag: Death of Her Majesty Queen Elizabeth The Queen Mother

**Rev Dr William McCrea** asked the Minister for Regional Development to detail, in relation to the death

of Her Majesty Queen Elizabeth The Queen Mother, (a) the categories of buildings over which the Union Flag was flown; (b) the dates the Union Flag was flown; (c) at what level this decision was taken; (d) whether there was any discretion exercised; (e) who had discretionary powers; and (f) whether any instructions were fully followed.

(AQW 4160/01)

**Mr P Robinson:** Following the death of Her Majesty Queen Elizabeth The Queen Mother the instruction to fly the Union Flag was received from the Office of the First and Deputy First Minister. My Officials immediately relayed this instruction to all premises officers in my Department for action.

The Union Flag was flown at half mast from Thursday 4 April to Tuesday 9 April at the Headquarters of my Department, Clarence Court, a specified building in Part 1 of the Schedule of the Flags Regulations (Northern Ireland) 2000. It was also flown at 27 other locations wholly or mainly occupied by the Department for Regional Development at which it was the practice to fly the flag on notified days in the period of 12 months ending 30 November 1999 as stipulated in the Flags Regulations (NI) 2000.

No discretion was exercised and the instruction to fly the flag was fully followed in accordance with the Regulations.

### Flying of Union Flag: Death of HRH Princess Margaret

**Rev Dr William McCrea** asked the Minister for Regional Development to detail, in relation to the death of HRH Princess Margaret, (a) the categories of buildings over which the Union Flag was flown; (b) the dates the Union Flag was flown; (c) at what level this decision was taken; (d) whether there was any discretion exercised; (e) who had discretionary powers; and (f) whether any instructions were fully followed.

(AQW 4161/01)

**Mr P Robinson:** Following the death of HRH Princess Margaret the instruction to fly the Union Flag was received from the Office of the First and Deputy First Minister. My Officials immediately relayed this instruction to all premises officers in my Department for action.

The Union Flag was flown at half mast on Friday 15 February 2002 at the Headquarters of my Department, Clarence Court, a specified building in Part 1 of the Schedule of the Flags Regulations (Northern Ireland) 2000. It was flown at 27 other locations wholly or mainly occupied by the Department for Regional Development at which it was the practice to fly the flag on notified days in the period of 12 months ending 30 November 1999 as stipulated in the Flags Regulations (NI) 2000.

No discretion was exercised and the instruction to fly the flag was fully followed in accordance with the Regulations.

## European Ports Policy

**Mr Hussey** asked the Minister for Regional Development to outline (a) his assessment of the common position reached in the European Union on the Directive on access to port services [IP/02/876]; and (b) the impact this may have on Northern Ireland ports. (AQW 4260/01)

**Mr P Robinson:** The Department for Transport has lead responsibility in relation to European ports policy and they have had detailed discussions with representatives of the port authorities, shipping companies and other interested parties in relation to the proposed Directive.

Although a common position has been adopted by the European Council on the Directive, it has still to go to the European Parliament for a second reading which is not expected to happen until the Autumn. A full assessment of the Directive can only be undertaken then, but, as currently drafted it would have implications for the ports of Belfast, Larne and Warrenpoint in Northern Ireland.

In the event that the Directive is approved by the European Parliament, legislation will be required and, in this context, the Department will wish to engage in full consultation on the proposed method of implementation.

## Flooding: Newtownabbey Area

**Mr K Robinson** asked the Minister for Regional Development, in light of the severe flooding which affected commercial and residential areas in Carrickfergus and Newtownabbey on 21 June 2002, what plans he has, in association with his colleague the Minister of the Environment, to (a) set up an inter-departmental enquiry into the factors which contributed to these severe floods (b) ensure all road surfaces, drains and gullies are maintained, inspected and cleaned in such a manner and with such frequency to reduce the risk of repeated flooding at these locations and (c) ensure that planning applications for new housing developments in the East Antrim area are informed by an impact study of the implications of such developments on the current infrastructure or planned future infrastructure of the area. (AQW 4264/01)

**Mr P Robinson:**

- (a) A full Inter-Agency investigation of the flooding on 21 June 2002 is underway. My senior officials are working closely with those in other Departments to establish the factors which contributed to the flooding, how the incident was managed, and the steps that can be taken to improve our response in the future. The views of the Inter-Agency Flood Liaison Group, set up in 1999, will also be important.
- (b) Roads Service's policy provides for the cleaning of road gullies in urban areas, on average, between once and twice per annum, depending on local circumstances and expected levels of debris in the silt trap.

In the Monkstown estate, after the flooding which occurred in 1999/2000, this was increased to 4 times a year with the grilles to the inlets of culverts being cleaned once a month. Where problems have been recorded, or indeed reported, remedial works are prioritized and carried out as soon as possible. I am advised that DARD's Rivers Agency also has a robust maintenance and enforcement regime for the protection of infrastructure within its responsibility.

- (c) I am also advised that DOE Planning Service carries out consultations with Roads Service, Water Service and Rivers Agency during the preparation of all development plans, including the BMAP 2001 and the Carrickfergus Area Plan 2001. Water Service provides detailed advice on the availability of water and sewerage services and will draw attention to any difficulties envisaged in relation to the capacity of existing infrastructure to absorb new development and the timing of new or improved infrastructure. Similarly, Roads Service provides advice on the likely consequences of increased transportation on the local road network and well-established arrangements are in place for consultation with DARD's Rivers Agency at all stages in the planning process regarding the drainage implications of development proposals, where appropriate.

Planning Service also consults these Services in relation to all applications for housing developments and a range of other development proposals. All new developments proposed in the Draft Belfast Metropolitan Area Plan will be the subject of consultation with both my Department and DARD, who will be asked to advise on their likely transportation and drainage impacts respectively. In addition proposals as they emerge will be discussed with Carrickfergus and Newtownabbey Borough Councils who will have an opportunity to comment on any proposed new zonings. The Draft Plan will be subject to a six week objection period and all objections will be considered at a Public Inquiry. This approach provides for full and open consideration of the likely impacts of any new proposals.

## Flooding: Carrickfergus

**Mr Hilditch** asked the Minister for Regional Development why there were no emergency response measures in place to deal with the severe flooding in Carrickfergus on 21 June 2002. (AQW 4265/01)

**Mr P Robinson:** My Department has a well established and timely operational response mechanism for dealing with flooding incidents such as the flooding which occurred on 21 June 2002 following exceptionally heavy rainfall in the Newtownabbey and Carrickfergus areas.

In the autumn of 2001, full-page advertisements were placed in both the phone Book and Yellow Pages giving



the relevant numbers for the public to ring in case of flooding. At the same time, an information leaflet was delivered to all residential and business addresses in the province.

My Department received no prior notification of the extreme weather which occurred along the north side of Belfast Lough on 21 June, but the normal out of hours emergency arrangements were in place. Response teams were on standby, and the customer contact numbers, referred to in the information leaflet, were open. Unfortunately lightning knocked out Roads Services emergency switchboard for 30 minutes from 9.00pm.

As soon as reports of the flooding were received from the North Belfast and Newtownabbey areas, Water Service and Roads Service put their emergency arrangements into operation. Within Water Service staffing levels were increased to handle the calls from customers and both departmental staff and contractors were deployed to the areas initially affected. Over 50 personnel were providing assistance on the ground within an hour and a half of the first reports of flooding. They continued to provide assistance in other affected areas, and were deployed in the Carrickfergus area before midnight. The clean-up work continued right through the weekend.

Roads Service Emergency Squads were in attendance in both the Newtownabbey and Carrickfergus areas between 9pm on Friday 21 June 2002 and 10pm on Saturday 22 June to tackle the flooding problems and assist with the clear up operations. Over 500 sandbags were used to try and give a degree of protection to private property.

Local Roads and Water Service Engineers and staff from the Central Claims Unit attended a special Council Meeting on Monday 24 June 2002 at Carrick Council Offices about the flooding problems in Carrickfergus. At that meeting it was agreed that departmental staff would attend a specially convened "open day" on Thursday 27 June 2002 at Carrickfergus Council Offices. Here, the public were given the opportunity to question staff and pass on complaints relating to the recent flooding incident and to lodge complaints if they had not already done so.

### **Flooding: Carrickfergus**

**Mr Hilditch** asked the Minister for Regional Development, in light of the severe flooding in Carrickfergus on 21 June 2002, what measures will be taken to ensure elected representatives have access to emergency response facilities.  
(AQW 4267/01)

**Mr P Robinson:** An Inter Agency Flood Liaison Group was established in 1999 by Lord Dubs, the then Minister of Agriculture, following severe flooding in September of that year. The terms of reference of the group were to consider the adequacy of day to day arrangements for flood emergencies and recommend ways to

enhance current procedures and in particular, inter-agency co-operation.

As an interim measure, in the autumn of 2001 full-page adverts were placed in both the Phone Book and Yellow Pages giving the relevant numbers to ring in the case of flooding. At the same time, an information leaflet was delivered to all residential and business addresses in the province. This provides emergency telephone numbers and useful advice in the event of flooding.

Strategic level consideration is being given to creating a single flood-line number to disseminate the calls to the three Agencies. There is still a considerable amount of work to be done in this area due to the complexities of the telephone system and the differing structures of the Agencies involved.

As part of its emergency arrangements, Water Service provides ex-directory telephone numbers which enables councillors to contact the Water Service directly. The telephone numbers are circulated to Local Authority Chief Executives for distribution to councillors. In addition, Roads Service telephone numbers are also available on request to Local Authority Chief Executives for distribution.

These contact arrangements will be reviewed as part of an inter-departmental review which is being performed in respect of the lessons emerging from this flooding incident.

### **Flooding: Carrickfergus**

**Mr Hilditch** asked the Minister for Regional Development what action has been taken by the joint agencies set up to work together since the last series of floods in Carrickfergus.  
(AQW 4268/01)

**Mr P Robinson:** In Autumn 1999 the former Minister, Lord Dubs, established a Group to improve the response of Government Agencies to flooding. The Inter-Agency Flood Liaison Group is made up of representatives of the 3 Agencies that have statutory duties associated with drainage infrastructure; Water Service, Roads Service and Rivers Agency. The Group was commissioned to review the adequacy of day-to-day arrangements, make recommendations to enhance current procedures and in particular, inter-agency co-operation.

The report by the Inter-Agency Flood Liaison Working Group, finalised in June 2001, addresses a number of issues including co-operation and communication, weather information and warnings, testing of emergency plans, liaison and other services, and the identification of specific 'flash points'.

Many of the recommendations have been successfully implemented and others are being pursued vigorously. These include:

- strategic consideration of the creation of a single inter-agency flood-line number to disseminate calls to the three Agencies;
- a number of operational subgroups have been formed to foster better liaison between the Agencies and to develop as far as possible a seamless interface with the public;
- full-page joint adverts with contact details for each agency were published in the Telephone directory (September 2001) – under ‘Flooding’ – and in the Yellow Pages (November 2001) – under ‘Government Offices (page 809)’;
- a joint flooding advice leaflet was issued to every household in Northern Ireland between November 2001 and January 2002. The flooding advice pamphlet provided contact numbers for each of the three agencies with advice on what to do if affected by flooding; and
- emergency contact numbers for the three agencies were published in a joint press advertisement (25 October and again on 12 November 2001) in the three main local newspapers; The Belfast Telegraph, The News Letter and the Irish News.

### Grass Cutting

**Mr Shannon** asked the Minister for Regional Development to outline his Department’s criteria, including time-scale, for grass cutting. (AQW 4285/01)

**Mr P Robinson:** My Department’s Roads Service cuts grass on areas of land which it owns to prevent overgrowth onto carriageways and footway surfaces and the obstruction of sightlines and traffic signs. Grass cutting operations are carried out for road safety reasons and not for cosmetic or amenity purposes.

I commissioned a review of the Roads Service grass cutting policy following difficulties experienced in last year’s grass cutting operations. At its meeting on 26 June 2002, the Regional Development Committee confirmed that it was generally content with the findings of the review.

The main findings of the review were:

- a definitive policy of two cuts per year in rural areas and five cuts per year in urban areas (areas of verge required for sightlines could be cut more frequently if required);
- the first cut in rural areas to be completed by the end of June;
- a greater emphasis on resource mobilisation, through improved work planning and early award of contracts, to enable a prompt start as soon as growth develops; and
- the balance between road safety and environmental protection indicates that the area to be cut should

remain one swathe width (1.2 metres) on straight lengths of verge with the complete area required for sightlines to be cut.

I should point out that grass cutting contracts for the 2002/2003 cutting cycle were already in place for 21 of the 24 Road Section areas before the review began. The findings of the review cannot therefore be fully implemented this year. I can advise, however, that where Roads Service operatives carry out grass cutting work, improved planning procedures have already been implemented and staff will, where possible, comply with the new policy even though it has come late in the year for implementation.

### Sewerage System: Carrickfergus

**Mr Beggs** asked the Minister for Regional Development to explain the reason for the delay in up-grading the sewerage system in the Woodburn / Prospect area of Carrickfergus, parts of which have suffered repeated flooding of sewage. (AQW 4312/01)

**Mr P Robinson:** Water Service has been progressing, as expeditiously as possible, a programme of flood alleviation works across the Province.

As part of this programme Water Service proposes to replace the sewers in Woodburn Road and Prospect Gardens and upgrade two combined storm overflows. The scheme, which is estimated to cost some £400,000, will considerably reduce the risk of further flooding in this area of Carrickfergus.

Consultations with the various statutory bodies involved are at an advanced stage. It is hoped to commence the scheme towards the end of this month, and will take some 6 months to complete.

### Skeogh Road, Shantallow

**Mrs Courtney** asked the Minister for Regional Development to outline the proposed starting date for the Skeogh Road, Shantallow, in the Derry City Council area. (AQW 4317/01)

**Mr P Robinson:** After lengthy negotiations to resolve objections received to the environmental and planning stages for this scheme, my Department’s Roads Service had anticipated that the ensuing Notice of Intention to Make a Vesting Order, published in May 2002, would be unopposed. In the event three objections have been received from the same parties who objected at the previous stages.

Roads Service officials are currently negotiating with the objectors and some progress has been made. It is, however, unlikely that the issues will be resolved quickly and a start date this year is now unlikely.

Ultimately, the start date for construction is dependent upon the satisfactory completion of the vesting process and the funding position at that time.

### Grass Cutting

**Mr Shannon** asked the Minister for Regional Development to consider a joint system of grass cutting between the Roads Service and the Housing Executive.

(AQW 4330/01)

**Mr P Robinson:** I should first explain that there is a distinction between the public use of the lands belonging to both organisations and accordingly each employ necessarily different maintenance regimes. My Department's Roads Service cuts grass on areas of land which it owns to prevent:

- overgrowth onto carriageways and footway surfaces; and
- the obstruction of sightlines and traffic signs.

These grass cutting operations are carried out for road safety reasons and not for aesthetic or amenity purposes. A recent policy review concluded that roadside verges should be cut five times per year in urban areas and twice a year in rural areas.

However, the Housing Executive is responsible for some 3,500 acres of both urban and rural open space, predominantly in and around areas of public housing. As these open spaces provide vital social and recreational facilities for local communities, I understand the grass is cut some 18 to 21 times per year mainly for aesthetic or amenity purposes.

It would be difficult to co-ordinate a joint system of grass cutting with the Housing Executive in light of the above points. However, Roads Service does have a number of partnership arrangements with District Councils who, for aesthetic or amenity purposes, wish to have a higher standard of grass maintenance in certain urban areas than is provided by Roads Service. In these cases the Councils accept responsibility for the work within their respective boundary and are reimbursed by Roads Service for the cuts which would have been carried out under Roads Service Policy. If there are any specific areas of Roads Service land where the Housing Executive would want to carry out additional cuts of grass, Roads Service would be content to consider a joint approach based on the same arrangements as with the District Councils.

### Community Relations Measures: Expenditure

**Dr Birnie** asked the Minister for Regional Development to outline (a) the amount of money spent on community relations measures in each of the last three years; and (b) what assessment he has made on the effectiveness of this expenditure. (AQW 4356/01)

**Mr P Robinson:** As part of the package of proposals drawn up by the Office of the First Minister and Deputy

First Minister to improve community relations in North Belfast, additional funding was made available to my Department's Roads Service which allowed it to spend some £22,000 in 2001/2002 on traffic calming measures in the area. It is too early to assess the effectiveness of this expenditure.

### Orange Arches: Funding

**Mr Weir** asked the Minister for Regional Development what funding he intends to make available to improve or restore orange arches in Northern Ireland.

(AQW 4380/01)

**Mr P Robinson:** The Department has no plans to make available any funding to improve or restore orange arches in Northern Ireland, nor does it possess the powers to do so.

### Public Liability Insurance: Orange Arches

**Mr Weir** asked the Minister for Regional Development what representations he has made to HM Government to introduce amending legislation to reduce the level of public liability insurance for orange arches.

(AQW 4383/01)

**Mr P Robinson:** My Department has made no representations to HM Government, nor does it have any plans to introduce amending legislation to reduce the level of public liability insurance for Orange arches.

### Charged Car Park Spaces: Carrickfergus

**Mr Hilditch** asked the Minister for Regional Development, in relation to all charged car park spaces in Carrickfergus, to detail (a) the income generated; (b) total expenditure; and (c) the number of enforcement notices served. (AQW 4384/01)

**Mr P Robinson:** My Department's Roads Service operates four 'Pay and Display' car parks in Carrickfergus. During the 2001/2002 financial year, the total revenue collected from the car parks, including that derived from Excess and Alternative Charges, amounted to £129,347. The expenditure incurred in respect of these car parks amounted to £107,803, not including notional charges such as depreciation etc.

During 2001/2002, Roads Service issued 588 Excess and Alternative Charge Notices to vehicles parked within these car parks that did not display valid parking tickets. This was a relatively small proportion (0.2%) of the total number of valid tickets purchased (316,000).

### Concessionary Fares: Public Transport

**Mr Shannon** asked the Minister for Regional Development what steps he is taking to ensure all partially sighted people have entitlement to full discount on public transport. (AQW 4418/01)



**Mr P Robinson:** Under the Northern Ireland Concessionary Fares Scheme all persons who are registered blind can avail of free travel on all public transport in Northern Ireland. I am seeking additional resources from the Assembly's Budget to extend the Concessionary Fares Scheme to more categories of people with disabilities as from 1 April 2003. I wish to be able to provide half fare travel to all the categories of disabled people, including partially sighted people, who are entitled to this benefit in Great Britain under the Transport Act 2000.

### Departmental Underspend

**Mr Beggs** asked the Minister for Regional Development to account for his Department's £15.1 million capital underspend in the 2001-2002 financial year, including a breakdown of those projects which did not proceed in that year. (AQW 4442/01)

**Mr P Robinson:** The underspend of £15.1 million, which represents just under 7% of my total capital budget for 2001/02, is largely the result of an accounting technicality. Although my Department paid grant of £13 million to Northern Ireland Railways, which the Company used during 2001/02 to make the initial payment for new rolling stock, this expenditure will not be scored against the capital budget until the year in which the assets are delivered and placed in service.

The remaining underspend relates to slippage on a number of major roads schemes where there was slower than expected progress through the various stages of the statutory procedures and tendering process e.g. the Limavady and Strabane Bypass projects. All capital underspend will be re-allocated to the Department in 2002/03 under the End Year Flexibility scheme.

### Junction 14 (M1) Tamnamore To Cookstown

**Mrs Carson** asked the Minister for Regional Development to outline (a) if a heavy traffic census has been taken on the road from junction 14 (M1) Tamnamore to Cookstown; and (b) if he will consider upgrading the existing road from junction 14 (M1) Tamnamore to Cookstown, as an alternative to the proposed Dungannon Eastern Distributor Road. (AQW 4486/01)

**Mr P Robinson:** The latest available annual average daily traffic flows taken along this A45/B520 route, which included heavy goods vehicles, were taken in 1999 on the B520 at Loughry. The count recorded some 4,250 vehicles per day with some 8% heavy goods vehicles. This compares with a typical 7.73% of heavy goods vehicles on Northern Ireland roads.

The proposed Dungannon Eastern Distributor Road is included in the Revision to the Draft Dungannon and South Tyrone Area Plan 2010 which was published for

consultation on 15 May 2002. It is designed to improve the A29, which is a Link Corridor in the Regional Strategic Transport Network, and to relieve traffic flows on the more heavily trafficked roads in Dungannon.

Due to the remoteness of the A45/B520 route from Dungannon town centre it is unlikely that it would provide any significant relief to traffic flows in the town. In the circumstances my Department's Roads Service has no current plans to upgrade this particular route.

I understand the Department of the Environment's Planning Service anticipate holding a Public Inquiry early next year to consider any objections to the Draft Area Plan, including any relating to the proposed Eastern Distributor Road.

### Regional Transportation Strategy

**Dr Birnie** asked the Minister for Regional Development, following the publication of the Regional Transportation Strategy, if he will, with his Scottish counterpart, develop a transport strategy to commission a study of weakness in the transport infrastructure linking Northern Ireland through South West Scotland to the rest of the UK and hence Europe. (AQW 4515/01)

**Mr P Robinson:** In the preparation of the Regional Transportation Strategy, the Department recognised the importance of the routes within the region that form part of the Trans European Network. These TENS routes form part of the Regional Strategic Transportation Network and rely on privately owned and managed shipping services to provide the necessary cross channel linkages. The Regional Transportation Strategy consultation process included some Scottish authorities.

The next stages of the Regional Transportation Strategy will be the production of transport plans. These will include a Regional Strategic Transportation Network Plan, to be completed by the end of 2003.

In developing the RSTN Plan, my officials will liaise on an ongoing basis with counterparts in the Scottish Parliament on the strategic transportation issues of mutual relevance. In doing so, the Department will also have regard to the European Commission's White Paper of September 2001 on Transport – 'European Transport Policy for 2010: Time to Decide'.

## SOCIAL DEVELOPMENT

### Grass Cutting

**Mr Shannon** asked the Minister for Social Development to consider a joint system of grass cutting between the Housing Executive and the Roads Service. (AQW 4329/01)



**The Minister for Social Development (Mr Dodds):**

There is a distinction between the public use of the lands of both the Housing Executive and the Roads Service and accordingly each employ very different maintenance regimes. The Housing Executive is responsible for 3,500 acres of both urban and rural open space, predominantly in and around areas of public housing. These open spaces provide social and recreational facilities for local communities. The Housing Executive endeavours to maintain these areas to a high standard, which includes the cutting of grass areas 18 to 21 times per year.

The Roads Service programme for grass cutting is carried out for safety reasons, the aim being to ensure that sight lines, road markings and traffic signs are not obstructed by overgrown vegetation. A recent policy review of grass cutting procedures concluded that roadside verges should be cut 5 times per year in urban areas and twice per year in rural areas. The review also confirmed that grass cutting operations are carried out for safety reasons and not for cosmetic or amenity purposes.

In addition, the Roads Service and Housing Executive employ a mixture of direct labour and external contractors to undertake grass cutting operations. Furthermore, from the Housing Executive's viewpoint, there could well be legal implications of maintaining verges to carriageways with regard to possible liability in relation to road traffic accidents. In these circumstances, it would not be possible to co-ordinate a joint system of grass cutting.

**Community Relations: Expenditure**

**Dr Birnie** asked the Minister for Social Development to outline (a) the amount of money spent on community relation programmes in each of the last 3 years; and (b) what assessment he can make in relation to the effectiveness of such expenditure. (AQW 4335/01)

**Mr Dodds:** The amount of money spent by my Department, and details of the effectiveness of the expenditure on programmes/measures whose main aim has been to promote good relations between persons of different religious belief, political opinion or racial group during the last three years since December 1999, is as follows:

Over the last three years there was an additional £2.89m paid out by my Department under the measures in the EU Peace and Reconciliation Programme (Peace 1).

While this funding was not specifically for community relations it had an element of that activity in most of the projects. A Programme-Wide ex-post evaluation of Peace 1 will be completed by September 2003.

**Community Relations: Expenditure**

**Dr Birnie** asked the Minister for Social Development to outline (a) the amount of money spent on community relations measures in each of the last three years; and (b) what assessment he has made on the effectiveness of this expenditure. (AQW 4359/01)

<b>Londonderry Regeneration Initiative Projects</b>	<b>Dec 1999- Mar 2000</b>	<b>2000-2001</b>	<b>2001-2002</b>	<b>Effectiveness of Expenditure</b>
St Columb's Park House	£2,800	Nil	£15,000	The centre has been recognised for its contribution to peace building and social reconstruction
Two Cathedrals Festivals	£16,000	Nil	Nil	The festivals have enhanced the perception of the City locally and nationally and have encouraged co-operation by people from different traditions and communities.
REACH Across	£5,200	£18,500	£3,100	A successful project developing training courses, activities and workshops that have challenged young people, particularly from disadvantaged areas to face their mutual misconceptions through personal development and training.
Shared City Initiative	Nil	Nil	£5,000	This project has brought women from East and West Bank sections of the community together, concentrating on areas of social deprivation, through providing capacity building, personal development and training. Women from Protestant and Catholic Backgrounds have been involved, through various workshops, in creating a confident and positive understanding of themselves and their place in the community.
City Centre Initiative	Nil	£40,000	£82,900	Through agreed partnership CCI has promoted a vital economic and social culture, fostering a spirit of ownership and responsibility amongst all citizens.
<b>Total Expenditure</b>	<b>£24,000</b>	<b>£58,500</b>	<b>£106,000</b>	

**Mr Dodds:** I refer the Member to my written response of 10 July 2002 to AQW 4335/01.

### Retirement Ages

**Mr Cobain** asked the Minister for Social Development what plans he has to (a) reverse the trend towards early retirement; (b) explore new forms of gradual retirement; and (c) make pension schemes more sustainable and flexible. (AQW 4377/01)

**Mr Dodds:** There is no official state retirement age, although many peoples' retirement age is linked to the age at which State Pension becomes payable or their pension age for their occupational pension scheme. My Department's legislation already allows considerable flexibility in choosing when a person retires, for example, a person can receive State Retirement Pension and, if they wish, carry on working or can defer claiming their Retirement Pension and earn increments.

There are indications that, on a United Kingdom basis, approaches to early retirement have been changing as over the last four years the employment rate of people aged 50 to State Pension Age has increased faster than the overall employment rate. There is a special arrangement which, on a voluntary basis, offers people aged 50 and over help to return to paid employment.

A review of United Kingdom pensions regulation headed up by Alan Pickering, a previous Chairman of the National Association of Pensions Funds, reported on Thursday 11 July 2002. Ron Sandler's review of the retail savings market commissioned by Her Majesty's Treasury reported on Tuesday 9 July 2002. A further review of the tax treatment of pensions is also being carried out by the Inland Revenue. The United Kingdom Government will issue proposals in a Green Paper this autumn, which will include recommendations for making pension schemes more sustainable and flexible.

### Incapacity Benefit: ME Sufferers

**Mr Weir** asked the Minister for Social Development what provision has he made in the drafting of incapacity benefit for youth to take account of the special problems faced by ME sufferers. (AQW 4390/01)

**Mr Dodds:** A young person suffering from Myalgic Encephalomyelitis will, like other sufferers, have his or her condition assessed under a personal capability assessment. The decision maker will decide whether the conditions of entitlement are met after considering all the evidence relating to the person's incapacity. The decision maker is also able to seek guidance from the Department's medical officers.

In medical conditions which fluctuate or vary in severity, such as Myalgic Encephalomyelitis, the medical

officers are trained to base their advice on the level of function that the claimant is capable of most of the time taking into account such factors as pain, fatigue and variability of symptoms. In particular they look at the proportion of time a claimant is affected, to ensure their opinion is not based on a snapshot of the person at the time of assessment. Where it is appropriate to do so the doctor will also advise on the mental effects of a person's condition. Each claim is, therefore, determined on its own merits by the Department.

### Disability Living Allowance

**Mr Weir** asked the Minister for Social Development what specific provision he has made in Disability Living Allowance (DLA) forms to enable sufferers of ME to apply for DLA and to take account of their condition. (AQW 4391/01)

**Mr Dodds:** The claim form for Disability Living Allowance provides customers with ME the opportunity to state the effects of their disability on everyday life, on the same terms as any other disabled person. To assist in deciding a claim, guidance is available on the likely effects of a variety of medical conditions, including Chronic Fatigue Syndromes.

### Additional Social Housing

**Mr Shannon** asked the Minister for Social Development what action he is taking to ensure that new build will meet the rise in the waiting list for housing. (AQW 4395/01)

**Mr Dodds:** Research by the University of Ulster has identified a need for 1,500 new social houses each year, over the period 2002/03 to 2004/05. Current funding plans allow for provision of only 1,400 new homes in each of these years. As part of the 2002 Spending Review, I have made a strong bid to the Northern Ireland Executive for additional funds to cover this shortfall.

One element of success so far, has been this month's confirmation of an extra £5m to provide additional accommodation for homeless people. This money has been allocated as a result of bids made, by my Department, under the Chancellor's Reinvestment and Reform Initiative for Northern Ireland.

In addition, my Department is also seeking to maximise the resources that are currently available, so as to provide additional social housing. For example:

- New procedures requiring housing associations to fund major repairs to their own properties. Previously my Department funded these repairs in full.
- Piloting of competitively tendered schemes to produce new social housing at a lower cost to the public purse.

- Requirement for housing associations to ring fence the proceeds from their house sales to provide additional housing stock.

### Ards Borough Council Area: New Builds

**Mr Shannon** asked the Minister for Social Development what proposals he has for new build in the Ards Borough Council Area for the periods (i) 2001 - 2002 and (ii) beyond 2002. (AQW 4396/01)

**Mr Dodds:** Ninety new social houses were completed in the Ards Borough Council area in 2001/2002. These are detailed in the table below.

Year	Location	Units	Type of Housing
2001/02	Burn Brae, Portaferry	14	Family
	Manse Road, Carrowdore	13	Family
	Laburnum Ph 4, Comber	30	Family
	Laburnum Ph 5, Comber	16	Family
	15 Landsdowne Gdns, Newtownards	3	Learning Disabilities
	Ballymacrui Drive, Millisle	8	Family
	Kirkcubbin Rurals	6	Family
<b>Total</b>		<b>90</b>	

My written answer to AQW 3467/01 contained in the official report of 24 May, detailed plans for the new build programme for the 3-year period 2002/2003 to 2004/2005 and beyond.

### NIHE Purchase Applications: Ards Borough Council Area

**Mr Shannon** asked the Minister for Social Development to outline the number of Housing Executive purchase applications received for the Ards Borough Council Area in each of the last two years; and, of these, how many were processed within allotted timescales.

(AQW 4397/01)

**Mr Dodds:** In Ards Borough Council Area the numbers of applications and percentages of offers made within 10 weeks for 2000/2001 and 2001/2002 were as follows:

Year	No. of Applications	% of Offers Made Within 10 Weeks
2000/2001	324	18%
2001/2002	318	64%

### NIHE Properties: Sale To Tenants

**Mr Shannon** asked the Minister for Social Development what is the timescale for processing the sale of Housing Executive properties to sitting tenants.

(AQW 4398/01)

**Mr Dodds:** I refer the Member to my written answer to AQW 3616 contained in the official report of 31 May 2002.

### Warm Homes Scheme

**Mr Armstrong** asked the Minister for Social Development, in relation to the Warm Homes Scheme, what is the proposed timetable for the completion of outstanding applications for oil heating installation in the homes of the elderly. (AQW 4400/01)

**Mr Dodds:** Eaga Partnership Ltd, the Warm Homes Scheme manager, is contracted to ensure that on receipt of a grant application insulation works are completed within 40 working days and heating works within 90 days. Some applications for oil heating are outstanding. These relate solely to solid fuel heating systems with high capacity back boilers on which a technical report has highlighted potential problems following decommissioning. My Department has arranged for an independent investigation from the Northern Ireland Centre for Energy Research and Technology based at the University of Ulster to facilitate the swift resolution of this difficulty. For the interim period, as a safety precaution, applicants with high capacity solid fuel back boilers will not receive new heating systems until the position has been resolved. However the installation of energy efficiency measures will continue as normal.

Other outstanding work relates to a very small number of properties in which the contractor has identified health and safety issues which demand attention before installation work can progress. These are being dealt with on a case-by-case basis.

### Warm Homes Scheme

**Mr Armstrong** asked the Minister for Social Development, in relation to the Warm Homes Scheme, what progress has been made in relation to the removal of solid fuel heating systems from applicants' homes.

(AQW 4401/01)

**Mr Dodds:** Under the Warm Homes Scheme, solid fuel systems are not removed. They are disabled, by drilling and draining the back boiler.

However, recently commissioned research by a GB Government Department indicates that there may be problems associated with leaving high capacity output boilers in place, if the fireplace and chimney are in persistent use. In light of the research, my Department has commissioned the Northern Ireland Centre for Energy Research and Technology at the University of Ulster at Jordanstown to investigate the matter further. The findings of this investigation will help inform the future operation of the scheme.

## Warm Homes Scheme

**Mr Armstrong** asked the Minister for Social Development if he will write to those applicants awaiting heating installation under the Warm Homes Scheme to outline (a) the progress of the application; and (b) the estimated timetable for completion. (AQW 4402/01)

**Mr Dodds:** Eaga Partnership Ltd, the Warm Homes Scheme manager contacts each applicant, including those awaiting heating installations, at each stage of the process. This is to ensure that each client is fully aware of the progress of his or her application. To support this Eaga Partnership Ltd provides a point of contact for all enquiries and operate a free-phone service. Eaga Partnership Ltd is contracted to ensure that insulation works are completed within 40 working days and heating works within 90 days of receipt of a grant application.

Where difficulties are encountered Eaga Partnership Ltd liaise directly with clients to keep them informed of progress. Given the clear guidelines for the scheme's management, as detailed above, I do not consider it necessary to write to individual applicants at this time.

## Strabane District Council Area: Rural Cottages

**Mr Hussey** asked the Minister for Social Development to outline the 10 rural cottages due for improvement commencing Spring 2003 in the Strabane District Council Area, West Tyrone. (AQW 4403/01)

**Mr Dodds:** The 10 cottages are located as follows:

Douglas Bridge	1
Castlederg	2
Newtownstewart	1
Sion Mills	2
Clady	4
<b>Total</b>	<b>10</b>

The work to be carried out is a multi-element improvement scheme; all dwellings will be rewired and will have oil-fired heating installed. Kitchens and bathrooms will be refurbished and any other matters which require attention will be repaired or replaced as necessary. The scheme is currently programmed to start in the last quarter of this financial year (January-March 2003).

## Housing: Multi Element Improvement

**Mr Hussey** asked the Minister for Social Development to outline the location of the 43 dwellings in (i) Omagh, (ii) Beragh, (iii) Trillick and (iv) Carrickmore

to undergo multi element improvement commencing Spring 2003. (AQW 4404/01)

**Mr Dodds:** The number of dwellings in the scheme has been reduced to 41, through house sales. The dwellings are located as follows:

Beattie Park, Omagh	3
Brookmount Crescent, Omagh	6
Cannondale, Omagh	25
Clements Villas, Omagh	1
McFarland Terrace, Beragh	2
Brunt Terrace, Trillick	2
Termon Crescent, Carrickmore	2
<b>Total</b>	<b>41</b>

## NIHE Heatsmart Service

**Mr Hussey** asked the Minister for Social Development, in relation to the Housing Executive's Heatsmart Service since its inception in April 1999, to outline, by district office, the distribution of (a) the 76,445 tenants advised; (b) the 31,132 home visits carried out; (c) the 24,903 advice letters mailed; and (d) the 18,972 telephone enquiries dealt with. (AQW 4405/01)

**Mr Dodds:** The Heatsmart service although delivered under the auspices of the Northern Ireland Housing Executive is operated by Bryson House, Northern Ireland's Charity via the three Energy Efficiency Advice Centres in Belfast, Enniskillen and Londonderry. For this reason the figures are only available on an area basis; they are not available by District Office as requested. The breakdown of figures on advice given from each Energy Efficiency Advice Centre is as follows:

Total Tenants Advised	Year 1	Year 2	Year 3	Total
Belfast	16,378	22,640	20,887	<b>59,905</b>
Foyle	2,160	3,485	3,645	<b>9,290</b>
Western	1,708	1,952	3,590	<b>7,250</b>
<b>Total</b>	<b>20,246</b>	<b>28,077</b>	<b>28,122</b>	<b>76,445</b>

Home Visits	Year 1	Year 2	Year 3	Total
Belfast	6,451	7,857	8,169	<b>22,477</b>
Foyle	959	1,571	1,455	<b>3,985</b>
Western	1,307	1,796	1,567	<b>4,670</b>
<b>Total</b>	<b>8,717</b>	<b>11,224</b>	<b>11,191</b>	<b>31,132</b>

Advice Letters	Year 1	Year 2	Year 3	Total
Belfast	4,467	7,909	6,526	<b>18,902</b>
Foyle	1,060	1,617	1,741	<b>4,418</b>
Western	150	2	1,431	<b>1,583</b>
<b>Total</b>	<b>5,677</b>	<b>9,528</b>	<b>9,698</b>	<b>24,903</b>



Telephone Calls	Year 1	Year 2	Year 3	Total
Belfast	4,046	6,885	6,365	17,296
Foyle	141	243	362	746
Western	227	197	506	930
<b>Total</b>	<b>4,414</b>	<b>7,325</b>	<b>7,233</b>	<b>18,972</b>

### Royal National Institute for the Blind

**Mr Shannon** asked the Minister for Social Development what discussions he has had with the Royal National Institute for the Blind to give partially sighted people full entitlement to benefits. (AQW 4417/01)

**Mr Dodds:** The Social Security Agency works closely with a wide range of voluntary organisations to identify and address barriers to benefit. Agency officials met recently with representatives of the Royal National Institute for the Blind to discuss service delivery to visually impaired people and further work is currently planned.

### SPED Scheme: Funding

**Mr Shannon** asked the Minister for Social Development how much funding has been allocated this year for the SPED Scheme. (AQW 4423/01)

**Mr Dodds:** The Northern Ireland Housing Executive set aside a budget of £5m for SPED for 2002/03. A bid for a further £10m has been made and was approved at the first monitoring round in June this year bringing the total funding to £15m.

### Departmental Underspend

**Mr Beggs** asked the Minister for Social Development to account for his Department's £2.1 million underspend in the 2001-2002 financial year, including a breakdown of those projects which did not proceed in that year. (AQW 4447/01)

**Mr Dodds:** A breakdown of my Department's forecast capital underspend of £2.1 million in the 2001-2002 financial year is set out in the table below.

Project	Underspend £ Million	Explanation of Underspend
Renovation work at Appeals Service premises in Belfast and Omagh	0.154	Late approval for renovation work coupled with delays on part of contractors
Welfare Reform Capital - Training Suites within Castle Court	0.148	Slippage in introduction of private sector solution in relation to Disability Benefit Branches
New Deal Capital	0.081	Delays in evaluation of New Deal due to issues arising in GB

Child Support Agency IT Replacement Programme	0.414	Delays in implementation of Child Support Reforms
Lurgan Comprehensive Development Scheme	0.950	Slippage due to delay in beginning a major contract for new road in connection with Scheme
Comprehensive Development Scheme – Land Acquisition	0.363	Difficulties in agreeing claims and problems in tracing owners of vested land
<b>Total</b>	<b>2.110</b>	

It is anticipated that these projects will proceed during 2002-2003 although the cost requirements may differ.

### SPED Scheme

**Mr Shannon** asked the Minister for Social Development, in light of the current up take of the SPED Scheme, if he has sufficient funding to cater for applications. (AQW 4449/01)

**Mr Dodds:** The Northern Ireland Housing Executive set aside a budget of £5m for SPED for 2002/03. Applications, however, have risen dramatically and in order to meet this demand a bid for a further £10m was made and approved at the first monitoring round in June this year bringing the total funding to £15m. If additional funding is required bids will be submitted at later monitoring rounds.

### SPED Scheme

**Mr Shannon** asked the Minister for Social Development to outline (a) the current number of applications for the SPED Scheme; and (b) the remaining finance still to be allocated for this financial year. (AQW 4450/01)

**Mr Dodds:** Applications received in the first quarter of this year totalled 159.

The Northern Ireland Housing Executive set aside a budget of £5m for SPED for 2002/03. A bid for a further £10m was made and approved at the first monitoring round in June this year bringing the total funding to £15m of which £12m remains.

### Grass Cutting

**Mr Shannon** asked the Minister for Social Development why there was a delay in the grass cutting for the Ards Borough Council area for the months of May and June 2002. (AQW 4452/01)

**Mr Dodds:** All Housing Executive grass cutting for the month of May 2002 in the Ards Borough area was completed in line with the programme. Its grass cutting programme for June 2002 was completed 2 days late, due to inclement weather.

### **Belfast Regeneration Office: Funding To Projects**

**Mr Adams** asked the Minister for Social Development to outline, by electoral ward, the distribution of funding to projects by the Belfast Regeneration Office, in each year since 1999. (AQW 4454/01)

**Mr Dodds:** There is no reliable measure of the distribution of funds available at a ward level. To collate robust information on the distribution of expenditure would entail a considerable additional burden being placed on recipients of funding, in terms of data collection and reporting.

### **Belfast Regeneration Office: Distribution Of Funding**

**Mr Adams** asked the Minister for Social Development to detail the process for monitoring the distribution of funding by the Belfast Regeneration Office to ensure it is targeted on the basis of social need. (AQW 4455/01)

**Mr Dodds:** The Belfast Regeneration Office targets all of its funding at a number of electoral wards and enumeration districts that have been selected using an objective statistical measure of multiple deprivation. The geographical area within which a project is located, or will impact, must comply with this demarcation and this is confirmed at the application stage.

### **ASSEMBLY COMMISSION**

#### **Expenditure: Consultants**

**Mr Weir** asked the Assembly Commission how much money has been spent on external consultants and consultancy reports in each of the last 3 years. (AQW 1942/01)

**The Representative of the Assembly Commission (Mrs E Bell):** [*holding answer 22 February 2002*]: The total money spent on external consultants and consultancy reports in the past three years is detailed as follows:

April 1999 to March 2000	£148,000
April 2000 to March 2001	£375,100
April 2001 to March 2002	£655,000
<b>Total</b>	<b>£1,178,100</b>

These costs relate to the establishment of the Assembly's corporate infrastructure and include the implementation of the Assembly's recruitment programme, the establishment of resource accounting procedures in the Assembly, consultancy in relation to the Members Pension Fund and the installation of computer equipment in constituency offices. In addition, some smaller individual consultancy projects were undertaken to establish key parliamentary services such as the catering, printing and media provisions.

# NORTHERN IRELAND ASSEMBLY

Friday 2 August 2002

## Written Answers to Questions

### OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

#### State Award for NI Fire Service

**Mr Dalton** asked the Office of the First Minister and Deputy First Minister, pursuant to AQO 595/01, to outline if the process to propose a State award for the Northern Ireland Fire Service has commenced. (AQW 2793/01)

**Reply:** Officials from our Department have received written submissions from interested parties and they have also met with those parties. There have also been a number of requests for further meetings. We are in the process of considering the outcome of these discussions and will bring the issue of a State award for the Northern Ireland Fire Service to the Executive for consideration in the near future.

#### Civic Forum

**Mr Weir** asked the Office of the First Minister and Deputy First Minister to detail the level of attendance by each member of the Civic Forum in each of the last 2 years. (AQW 4182/01)

**Reply:** The Civic Forum met for the first time in October 2000. Members of the Civic Forum attend plenary meetings, which are held every 2 months and participate in the work of the Forum through its sub-committees and project groups.

Three sub-committees –General Purposes (GPC), Key Issues (KIC), and Communications (Comms) undertake much of the Forums work. The Civic Forum has also established 4 project teams - Lifelong Learning (LLL), Towards a Plural Society (TaPS), Anti Poverty (A-Pov) and Creating a Sustainable Northern Ireland (CSNI).

The attached table provides details of each member's attendance at plenary, sub-committee and project group

meetings from October 2000 to June 2002. The information is provided on a financial year basis.

	2000/01	2001/02	2002/03	Total
Plenary	3	6	2	11
GPC	4	14	2	20
Comms	4	7	3	14
KIC	2	7	2	11
LLL	3	14	2	19
A-Pov	2	12	1	15
TaPS	1	5	2	8
CSNI	-	8	2	10

#### Civic Forum

**Mr Weir** asked the Office of the First Minister and Deputy First Minister to detail the total attendance of members at each meeting of the Civic Forum since its inception. (AQW 4183/01)

**Reply:** The Civic Forum met for the first time in October 2000. Members of the Civic Forum attend plenary meetings, which are held every 2 months and participate in the work of the Forum through its sub-committees and project groups.

Three sub-committees –General Purposes (GPC), Key Issues (KIC), and Communications (Comms) undertake much of the Forums work. The Civic Forum has also established 4 project teams - Lifelong Learning (LLL), Towards a Plural Society (TaPS), Anti Poverty (A-Pov) and Creating a Sustainable Northern Ireland (CSNI).

The attached table provides details of the total attendance of members at plenary, sub-committee and project group meetings from October 2000 until 12th June 2002.

Date of meeting	Plen	GPC	Comms	KIC	LLL	A-Pov	TaPS	CSNI
09-Oct-00	54							
06-Dec-00	49							
19-Dec-00		11						
10-Jan-01			11					
17-Jan-01		13						
17-Jan-01					9			
22-Jan-01						11		
01-Feb-01			9					
12-Feb-01				5				
12-Feb-01			12					
14-Feb-01					6			
16-Feb-01		14						
16-Feb-01						5		
21-Feb-01	48							

Date of meeting	Plen	GPC	Comms	KIC	LLL	A-Pov	TaPS	CSNI
26-Feb-01				3				
21-Mar-01		11						
21-Mar-01					10			
23-Mar-01			6					
28-Mar-01							6	
02-Apr-01				5				
10-Apr-01					6			
11-Apr-01	45							
11-Apr-01							10	
24-Apr-01		9						
25-Apr-01					8			
02-May-01						7		
08-May-01				5				
10-May-01					6			
15-May-01						5		
21-May-01			7					
30-May-01		9						
04-Jun-01				2				
06-Jun-01	43							
09-Jun-01						4		
11-Jun-01					5			
20-Jun-01						5		
25-Jun-01		14						
27-Jun-01					8			
23-Jul-01						4		
25-Jul-01		9						
31-Jul-01				4				
02-Aug-01							8	
06-Aug-01			8					
09-Aug-01					10			
15-Aug-01		13						
20-Aug-01				2				
29-Aug-01	38							
05-Sep-01		7						
05-Sep-01					5			
06-Sep-01						5		
10-Sep-01			6					
11-Sep-01					5			
18-Sep-01		10						
18-Sep-01								10
02-Oct-01		10						
06-Oct-01	46							
08-Oct-01								8
10-Oct-01						5		
17-Oct-01		11						

Date of meeting	Plen	GPC	Comms	KIC	LLL	A-Pov	TaPS	CSNI
24-Oct-01					7			
29-Oct-01			5					
14-Nov-01		10						
19-Nov-01			5					
20-Nov-01						3		
28-Nov-01					5			
30-Nov-01								3
07-Dec-01	40							
14-Dec-01								2
19-Dec-01		10						
19-Dec-01						4		
04-Jan-02								3
07-Jan-02							7	
09-Jan-02					5			
16-Jan-02		8						
16-Jan-02						5		
18-Jan-02								3
30-Jan-02					5			
04-Feb-02							4	
06-Feb-02	34							
15-Feb-02								4
20-Feb-02		8						
20-Feb-02					8			
20-Feb-02						2		
25-Feb-02				5				
25-Feb-02			1					
27-Feb-02							7	
06-Mar-02					6			
07-Mar-02				5				
08-Mar-02								3
15-Mar-02			3					
20-Mar-02		8						
25-Mar-02						4		
10-Apr-02	34							
12-Apr-02								3
15-Apr-02					7			
16-Apr-02					5			
16-Apr-02						5		
17-Apr-02				5				
17-Apr-02							7	
19-Apr-02			3					
24-Apr-02		10						
24-Apr-02								3
30-Apr-02			8					
17-May-02			4					



Date of meeting	Plen	GPC	Comms	KIC	LLL	A-Pov	TaPS	CSNI
21-May-02				3				
22-May-02		9						
22-May-02							6	
12-Jun-02	25							

### Civic Forum: Members' Expenses

**Mr Weir** asked the Office of the First Minister and Deputy First Minister to outline the expenses claimed for each member of the Civic Forum since its inception.

(AQW 4184/01)

**Reply:** Expenses claimed by Civic Forum members are detailed in the attached table.

Financial Year >	2000/01 Oct – Mar £	2001/02 Apr – Mar £	2002/03 Apr – Jun £	Total Expenses To date £	
Surname	First name				
Bicker	Elizabeth	174	309	98	581
Bowser	Avery	64	547	76	687
Bryan	Frank	67	623	0	690
Bustard <sup>1</sup>	Susan	35	0	0	35
Carvill	Lynn	153	221	0	374
Chapman	Jeannette	0	4,068	0	4068
Cooper	Kevin	0	0	0	0
Cradden	Keith	634	3,055	0	3689
Daly	Kevin	177	460	39	676
Donaldson	Peter	206	390	54	650
Dougherty	Brian	191	27	0	218
Elliott	Doug	0	0	0	0
Farrell	Duane	98	397	0	495
Frazer <sup>2</sup>	Hugh	0	0	0	0
Gallagher	Eileen	294	1,685	0	1979
Gibson	Clare	121	783	0	904
Gibson	Chris		2,004	0	2004
Gilmour	Daphne	354	636	0	990
Glenn	George	411	0	0	411
Gregg <sup>3</sup>	Margaret	0	0	0	0
Haughey	Sharon	137	694	86	917
Jay	Richard	0	432	0	432
Johnston	Bryan	0	1,117	0	1117

Financial Year >	2000/01 Oct – Mar £	2001/02 Apr – Mar £	2002/03 Apr – Jun £	Total Expenses To date £	
Surname	First name				
Keenan	Eamonn	142	0	0	142
Lucy	Gordon	0	0	0	0
MacBride	Patricia	110	110	0	220
MacNiallais	Donncha	246	348	0	594
Mahony	Patrick	0	0	0	0
McBride	Alan	108	463	0	571
McClean	P.J	143	557	186	886
McClurg	Betty	0	0	0	0
McConaghie	David	112	0	0	112
McCormack <sup>4</sup>	Inez	0	0	0	0
McCulla	Alan	51	54	0	105
McDowell	Emma	54	674	0	728
McGlone	Roisin	141	663	0	804
McKeever	Jim	338	1,167	253	1758
McKinney	Carmel	129	77	0	206
McLaughlin	Kevin	69	462	0	531
McMichael	Gary	165	604	0	769
McNamee <sup>5</sup>	Aidan	0	629	0	629
McNulty	Eithne	422	162	0	584
Monteith	Richard	53	0	0	53
Muller	Janet	0	0	0	0
O'Reilly	Mick	0	0	0	0
O'Reilly	Brian	263	336	0	599
Orr	James	0	1,202	0	1202
Porter	David	54	438	0	492
Savage	Gwen	0	810	0	810
Shillington	Colin	318	1,738	0	2056
Stelfox	Dawson	0	0	0	0
Symington	Brian	0	0	0	0
Warde Hunter	Louise	141	271	0	412
Watson	Avril	0	1,084	0	1084
Weldon	Annabel	185	638	64	887
Whatmough <sup>6</sup>	Jo	142	0	0	142
White	David	195	770	0	965
Williams	Ryan	319	820	0	1139
Woods	Gordon	970	3,300	0	4270
Yu	Patrick	47	0	0	47

<sup>1</sup> Resigned December 2001

<sup>2</sup> Resigned June 2001

<sup>3</sup> Appointed August 2001 to replace Pauline Buchanan who did not attend any meetings.

<sup>4</sup> Resigned November 2001

<sup>5</sup> Resigned May 2002

<sup>6</sup> Resigned November 2001

### Civic Forum: Members' Expenses

**Mr Weir** asked the Office of the First Minister and Deputy First Minister to outline the total expenses claimed by the members of the Civic Forum in each of the last 2 years. (AQW 4185/01)

**Reply:** The total expenses claimed by the members of the Civic Forum in each financial year since the Forum's inception are as follows:

October 2000 – March 2001	£8,033
April 2001 – March 2002	£34,825
April 2002 – June 2002	£856

### Commissioner for Children and Young People Bill

**Mr Armstrong** asked the Office of the First Minister and Deputy First Minister, in preparation for the Commissioner for Children and Young People Bill and the Children's Strategy, what contact it had with (a) children and youth departments of any churches; and (b) children and youth para-church organisations.

(AQW 4421/01)

**Reply:** An extensive consultation process was carried out, between August and November 2001, on proposals to establish a Commissioner for Children and Young People. The main churches and other faith-based groups, including para-church organisations, were included in the distribution lists for the consultation and a number responded. A list of all those who responded can be viewed at [www.allchildrenni.gov.uk](http://www.allchildrenni.gov.uk). Ministers also met with representatives of Christian Action Research and Education for Northern Ireland (CARE) and the Maranatha Community, and participated in an interdenominational conference for faith-based groups.

Work on the Children's Strategy, is at an early stage, but two para-church organisations, namely CARE for NI and Youth Link, have been included in the planning group for the Children and Young People's Unit's Advisory Forum and two places will be offered to faith-based groups on the Non-Governmental Organisations' Forum.

### Cross-Departmental Gender Equality Strategy: Analysis

**Dr Birnie** asked the Office of the First Minister and Deputy First Minister what analysis has been conducted as part of the development of the cross departmental gender equality strategy in relation to (a) the extent of earning differences between women and men; and (b) the importance of explanations of any such differences. (AQW 4435/01)

**Reply:** In developing the Gender Equality Strategy, analysis of existing data and pre-consultation discussions with stakeholders have helped our officials to identify that employment and associated matters, such as the earnings differences between women and men, should indeed be highlighted as a key strategic area within the draft strategy. We intend, subject to Ministerial and Executive approval to issue the draft document for full public consultation later this year.

The Strategy will provide a framework under which Departments' policies and practices may be channelled towards achieving the strategic goal of promoting gender equality, and will build on the work already being done under section 75. It will therefore be for the Department with lead policy responsibility for equal pay to move this work forward in the future

You may be interested to know that our officials have been involved in publicising the Castle Awards which are the new mark of excellence rewarding work being done by employers, trade unions and individual employees across the UK in tackling equal pay issues within their organisation.

## AGRICULTURE AND RURAL DEVELOPMENT

### Export of Lamb to France

**Lord Kilclooney** asked the Minister of Agriculture and Rural Development to outline (a) the estimated annual value of lamb exported to France; (b) the impact of the new restrictions in France on the importation of lamb; (c) what representations has she made; and to make a statement. (AQW 4378/01)

**The Minister of Agriculture and Rural Development (Ms Rodgers):** It estimated that lamb to the value of £10m will be exported to France in the current year. The French Government proposal to require the removal of spinal cord from carcasses of sheep over 6 months of age was deferred for a further 6 months. It is therefore considered that there was little or no financial impact on the NI industry.

You will be aware that the Department of Environment, Food and Rural Affairs (DEFRA) take the lead on European issues on behalf of the UK Agriculture Departments. In advance of the French deferral I made Mrs Margaret Beckett, the Secretary of State for DEFRA, aware of the NI concerns over the proposed unilateral introduction of additional SRM measures for sheep. Mrs. Beckett subsequently made representations to the EU Commission in order to put pressure on the French authorities.

I am pleased that the French Government has deferred their proposal on SRM measures for a further 6 months but should there be any attempt to introduce these measures in the future I will be making further representation to DEFRA to have infraction proceedings instigated by the EU Commission.

### Soil and Water Samples: East Antrim Coastal Area

**Mr P Robinson** asked the Minister of Agriculture and Rural Development if the level of metals found in soil and water samples in the East Antrim coastal area between Larne and Carnlough are below the nationally recognised safety levels; and to make a statement. (AQW 4388/01)

**Ms Rodgers:** For the area in question, the Agricultural and Environmental Science Division of DARD hold data on concentrations of heavy metals in soils only. This soil geochemical dataset has been reviewed.

The dominant soil types in this area are peats, humic rankers and humic gleys developed on largely **basaltic** parent material. Soil acidity (pH) reflects the humic nature of the soils with most soil pH values in the range 5-6 i.e. slightly acid. The EU have set maximum allowable total concentrations of Cadmium, Copper, Lead and Zinc for disposal of sewage sludge to soils. These are shown in Table 1.

**TABLE 1: MAXIMUM PERMISSIBLE TOTAL METAL CONCENTRATIONS (MG KG<sup>-1</sup>) IN SLUDGE-AMENDED SOIL AT PH 6 TO 7 IN THE EU AND UK.**

Metal	EU	UK
Cadmium	1-3	3
Chromium	250	250
Copper	50-140	135
Lead	50-300	300
Nickel	30-75	75
Zinc	150-300	300

The total metal concentration ranges for Cadmium, Chromium, Copper, Lead, Nickel and Zinc in soils found in the area of interest are shown in Table 2.

**TABLE 2: RANGE OF TOTAL METAL CONCENTRATIONS (MG KG<sup>-1</sup>) IN SOILS IN THE COASTAL AREA FROM LARNE LOUGH TO CARNLOUGH.**

Metal	Concentration Range (mg kg <sup>-1</sup> )
Cadmium	0.34 - 0.95
Chromium	69 - 250
Copper	44 - 140
Lead	13 - 47
Nickel	> 75
Zinc	65 - 156

Of these metals, only the EU/UK limit for total Nickel concentrations is exceeded in these soils. However, these high metal concentrations simply reflect the basaltic nature of the soils in this area and are *not* due to man-made influences. Note also that the total metal concentrations do not necessarily reflect the levels of these metals transferred to plants or watercourses in the region. Most of the metal is locked up in the soil matrix and only becomes available to plants and water if soil acidity becomes very high (i.e. when soil pH values drop to very low levels).

Maps of the distribution of 15 elements including the 6 listed above, together with supporting tables of data and text, are available in the recent DARD Science Service publication "The Soil Geochemical Atlas of Northern Ireland".

### Cap on Subsidies for Farms

**Dr Birnie** asked the Minister of Agriculture and Rural Development what assessment can she make in relation to (a) the impact to the farming industry if the EU imposes a cap on the maximum subsidy supplied on a per farm basis; and (b) the number of farms affected if the cap was set at £200,000 per farm annually.

(AQW 4407/01)

**Ms Rodgers:** The impact on the farming industry of any cap in the maximum subsidy paid per farm would depend first on the level at which this is set and second on the use made of any consequent budgetary savings. At this stage an assessment has been made based on a threshold of 300,000 (approx £200,000).

A cap of £200,000 per farm is unlikely to affect any farms in Northern Ireland. This conclusion is based on estimated subsidy levels in 2007 when the full impact of the Agenda 2000 agreement has been realised. It excludes payments under the Less Favoured Area Compensatory Allowances which are not subject to modulation.

### Credit Cards

**Mrs Nelis** asked the Minister of Agriculture and Rural Development to detail (a) the number of credit cards in use in (i) her Department, (ii) the Executive Agencies of her Department, (iii) NDPBs of her Department, (iv) any other bodies funded by her Department; and (b) the amount spent on each credit card in each of the last 3 financial years.

(AQW 4475/01)

**Ms Rodgers:** Number of Credit Cards in use:

(i) Department	8 cards
(ii) Executive Agencies	No cards
(iii) NDPBs	6 cards

North-South Implementation Body	1 card	
(b) Spend for year ended 31 March 2000		
(i) Department		£ nil
(ii) Executive Agencies		£ nil
(iii) NDPBs	6 Cards	£10,598
(iv) North-South Implementation Body	1 Card	£4,044.05*
*(Calendar Year)		
Spend for year ended 31 March 2001		
(i) Department	8 Cards	£313,458.79
(ii) Executive Agencies		£ nil
(iii) NDPBs	6 Cards	£16,614
(iv) North-South Implementation Body	1 Card	£5,440.46*
*(Calendar Year)		
Spend for year ended 31 March 2002		
(i) Department	8 Cards	£517,718.59
(ii) Executive Agencies		£ nil
(iii) NDPBs	1 Card	£32,818
(iv) North-South Implementation Body		£7,252.00*
*(Calendar Year)		

### Centralisation of Public Services

**Mr Armstrong** asked the Minister of Agriculture and Rural Development to outline the findings of any recent discussions held with her Ministerial colleagues, (a) the Minister of Health, Social Services and Public Safety; (b) the Minister for Employment and Learning; and (c) the Minister of Education, in attempting to curb the centralisation of public services. (AQW 4512/01)

**Ms Rodgers:** While there have been no bilateral discussions on this issue with the Ministers named in your question, the Executive has recently launched the Review of Public Administration which will review the existing arrangements for the accountability, administration and delivery of public services in Northern Ireland, and bring forward options for reform.

Any proposals resulting from this Review and the widespread consultation on this issue will, of course, be considered, as appropriate, in conjunction with all my Executive colleagues.

### Centralisation of Key Services

**Mr Armstrong** asked the Minister of Agriculture and Rural Development to outline any discussions she has had with (a) the Minister of Health, Social Services and Public Safety; (b) the Minister for Employment and Learning and (c) the Minister of Education to encourage an end to the centralisation of key services in order to 'rural proof' key decisions and develop rural areas more effectively. (AQW 4514/01)

**Ms Rodgers:** While there have been no bilateral discussions on this issue with the Ministers named in your question, the inclusion of Rural Proofing in the Programme

for Government, and the Executive's endorsement of my proposals for its implementation, demonstrates the Executive's continuing commitment to the rural areas of Northern Ireland and to the people who live there.

Furthermore the Executive has endorsed the setting up of an Inter-departmental Steering Group to take forward the work required to implement this process. This Group, which I Chair, is comprised of senior officials from all Departments and will ensure that all appropriate Executive proposals and policies are examined carefully and objectively to determine whether or not they have a different impact in rural areas from that elsewhere and in particular to ensure that as far as is possible public services are accessible on a fair basis to the rural community.

The Executive has recently launched the Review of Public Administration, which will review the existing arrangements for the accountability, administration and delivery of public services in Northern Ireland, and bring forward options for reform. Any proposals resulting from this Review and the widespread consultation on this issue will, of course, be considered in conjunction with all my Executive colleagues and will be Rural Proofed, as appropriate, during the development of any future policy proposal.

### CULTURE, ARTS AND LEISURE

#### Premises: Access for the Disabled

**Mr McCarthy** asked the Minister of Culture, Arts and Leisure to detail the progress his Department has made in auditing premises for accessibility for those with disabilities or social disadvantage as outlined in the 2001-2002 Programme for Government.

(AQW 3550/01)

**The Minister of Culture, Arts and Leisure (Mr McGimpsey):** The Department has successfully completed the action specified in the programme for Government for 2001-2002. A £100,000 pilot programme was initiated through ADAPT (Access for the Disabled to Arts Premises Today) to carry out a comprehensive audit of cultural and sporting venues (including public libraries) to assess accessibility. The pilot included the identification of training needs among staff and the implementation of a small grants programme to fund access improvements.

The scheme ran from November 2000 to March 2001 and 40 venues throughout the province were assessed. They included community centres, leisure complexes, arts venues, libraries, heritage centres, folk parks and sporting venues. An independent evaluation of the pilot programme was carried out and one of the recom-



mendations was that funding should be sought to continue the project. The Department was able to provide a further £100,000 to ADAPT in 2001-02 and a second programme was carried out, building on the achievements of the first programme.

A website interface was also established as a mechanism to increase participation in data collection and a further 100 cultural and sporting venues are being appraised. These venues will be included in the Access 400 booklet which is due to be launched in October 2002. A full report on the project, including recommendations on the way forward and the results of the feasibility study will be available to the Department by the end of June 2002.

### Ulster-Scots and Irish Language: Funding

**Mr Berry** asked the Minister of Culture, Arts and Leisure to give a breakdown of funding allocated to (a) Ulster-Scots culture; and (b) Irish Language culture, from 2000 to 2002 (AQW 4361/01)

**Mr McGimpsey:** The funding for the two Agencies of the Language Body from 2000-2002 is as follows:

#### THA BOORD O ULSTÈR-SCOTCH

2000 = £0.667m	DCAL provision	£0.5m
2001 = £1.29m	DCAL provision	£0.97m
2002 = £1.42m	DCAL will provide	£1.07m

#### FORAS NA GAEILGE

2000 = £7.212m	DCAL provision	£1.803m
2001 = £10.12m	DCAL provision	£2.53m
2002 = £10.55m	DCAL will provide	£2.64m

### Equality of Funding: Ulster-Scots/Irish Language Culture

**Mr Berry** asked the Minister of Culture, Arts and Leisure what procedures are in place to ensure an equal distribution of funding allocated to (a) the Ulster-Scots culture; and (b) the Irish Language culture. (AQW 4362/01)

**Mr McGimpsey:** There will be equity of treatment for the Irish and Ulster-Scots languages. It is not, however, appropriate to use the treatment of one language as a benchmark for the treatment of the other because one is not comparing like with like, in terms of actions required to sustain and celebrate individual languages.

The Ulster-Scots and Irish languages are at different stages of development and this is reflected in the funding for Tha Boord o Ulstèr-Scotch and Foras na Gaeilge.

### Representation to Department of Education

**Mr Weir** asked the Minister of Culture, Arts and Leisure what representation he has made to the Department of Education to ensure parity of treatment in the curriculum for (a) Irish language and culture; and (b) Ulster-Scots language and culture. (AQW 4368/01)

**Mr McGimpsey:** This is a matter for the Department of Education.

The North/South Ministerial Council meeting on 5 December 2000 approved the Corporate Plan 2000/1-2003/4 for Tha Boord o Ulstèr-Scotch. One of the Corporate Plan's key themes was "to establish partnerships with the education and community sectors to promote the study of Ulster-Scots language, culture and history".

I brought the Corporate Plan to the attention of the Assembly on 18 December 2000.

I understand that Tha Boord has been in discussion with officials from the Department of Education concerning an education strategy for Ulster-Scots.

### Ulster-Scots Agency and Irish Language Agency: Staff

**Mr Weir** asked the Minister of Culture, Arts and Leisure to detail the total staff employed by (a) the Ulster-Scots Agency; and (b) the Irish Language Agency. (AQW 4369/01)

**Mr McGimpsey:** Tha Boord o Ulstèr-Scotch (the Ulster-Scots Agency) currently has four staff. Two of these are seconded civil servants and two are recruitment agency staff. Foras na Gaeilge (the Irish Language Agency) currently employs forty-five staff.

### Development Workers: Ulster-Scots Agency and Irish Language Agency

**Mr Weir** asked the Minister of Culture, Arts and Leisure to detail the number of development workers employed by (a) the Ulster-Scots Agency; and (b) the Irish Language Agency. (AQW 4370/01)

**Mr McGimpsey:** Neither agency employs staff with that job title. However, both employ staff who interface directly with target groups to increase awareness of how the agencies may support them to obtain objectives which are in line with the agencies own. The Ulster-Scots Agency has one member of staff working in that capacity. The Irish Language Agency has 6 members of staff working in that capacity.

### **Interim Chief Executive: Boord o Ulster-Scotch**

**Mr Morrow** asked the Minister of Culture, Arts and Leisure to outline (a) the date Mr John Hegarty took up his position as the interim Chief Executive for the Boord o Ulster-Scotch; and (b) the date he left this position.

(AQW 4487/01)

**Mr McGimpsey:** John Hegarty took up his position as the interim Chief Executive for Tha Boord o Ulster-Scotch on 2 December 1999. His resignation from this post took effect from 14 August 2001.

### **Appointment of Interim Chief Executive: Boord o Ulster-Scotch**

**Mr Morrow** asked the Minister of Culture, Arts and Leisure to outline (a) the recruitment procedure used to appoint the first interim Chief Executive of the Board o Ulster-Scotch; (b) who made the appointment; and (c) if the appointment was approved by the North-South Language Body.

(AQW 4488/01)

**Mr McGimpsey:** The first Interim Chief Executive of Tha Boord o Ulster-Scotch was appointed by way of a NICS wide trawl. His appointment was made by the two Governments, as indeed were appointments of Interim Chief Executives of all the North-South Bodies at that time. The appointment was not approved by the North-South Language Body, which was not in existence at that time.

### **Second Interim Chief Executive: Ulster-Scots Agency: Recruitment Process**

**Mr Morrow** asked the Minister of Culture, Arts and Leisure to outline (a) the recruitment process used to appoint the second interim Chief Executive of the Ulster-Scots Agency; (b) who made the appointment; and (c) if the appointment was approved by the North-South Language Body.

(AQW 4489/01)

**Mr McGimpsey:** Mr Mallon was formally appointed on 6 September 2001 by the Chair of Tha Boord o Ulster-Scotch, Lord Laird of Artigarvan, to act as Administrative Consultant. The appointment was by way of a term contract with Mallon Associates. Tha Boord o Ulster-Scotch approved the appointment at a Board meeting on 17 August 2001. That contract was renewed by the Agency on 19 November 2001 and again on 14 January 2002.

### **Equitable Treatment: Irish and Ulster-Scots**

**Mr Morrow** asked the Minister of Culture, Arts and Leisure, pursuant to his answer to Mr Kieran McCarthy

on 3 July 2000 (Hansard Vol 5, No.10, page 394), what action he has taken to ensure equitable treatment between Irish and Ulster-Scots.

(AQW 4490/01)

**Mr McGimpsey:** There will be equity of treatment for the Irish and Ulster-Scots languages. It is not, however, appropriate to use the treatment of one language as a benchmark for the treatment of the other because one is not comparing like with like, in terms of actions required to sustain and celebrate individual languages.

Ulster-Scots is at an earlier stage of development and the Ulster Scots Agency has made enormous strides over the past two and a half years. The next step planned is a Future Search process which, has been successfully used in other sectors of my Department and should result in a strategy for developing the Ulster-Scots language and culture in a structured and planned fashion.

### **Ulster-Scots Heritage Council and Language Body**

**Mr Weir** asked the Minister of Culture, Arts and Leisure to outline any plans he has to meet (a) the Ulster-Scots Heritage Council; and (b) the Ulster Scots Language Body.

(AQW 4491/01)

**Mr McGimpsey:** I met with representatives of the Ulster-Scots Heritage Council on 20 June 2002 to discuss a Future Search process for Ulster-Scots language and culture which my Department plans to undertake in the near future. I met Lord Laird, Chair of Tha Boord o Ulster-Scotch (an Agency of the North/South Language Body) as appropriate, to discuss issues.

### **Ulster-Scots Language Body**

**Mr Weir** asked the Minister of Culture, Arts and Leisure will the consultation on responsibility for the Ulster-Scots Language Body be in accord with the requirement of the Council of Europe Charter for Regional and Minority Languages.

(AQW 4492/01)

**Mr McGimpsey:** There are no plans to consult on responsibility for the North/South Language Body which consists of two Agencies, Foras na Gaeilge (the Irish Language Agency) and Tha Boord o Ulster-Scotch (the Ulster-Scots Agency).

### **Ulster-Scots Language Society**

**Mr Weir** asked the Minister of Culture, Arts and Leisure if he has consulted the Ulster-Scots Language Society in relation to a move of responsibility within its department.

(AQW 4493/01)

**Mr McGimpsey:** Responsibility for the structure of the department is a matter for the Permanent Secretary.

### **Responsibility for Ulster-Scots Language**

**Mr Weir** asked the Minister of Culture, Arts and Leisure if he intends to move the responsibility for the Ulster-Scots Language from the Linguistic Diversity Branch to the Policy Unit of his Department. (AQW 4494/01)

**Mr McGimpsey:** Responsibility for the structure of the department is a matter for the Permanent Secretary.

### **Linguistic Diversity Branch**

**Mr Weir** asked the Minister of Culture, Arts and Leisure if the Linguistic Diversity Branch failed to consult with (a) the Ulster-Scots Heritage Council; and (b) the Ulster-Scots Language Society. (AQW 4495/01)

**Mr McGimpsey:** My department seeks the views of relevant individuals and organisations as appropriate. Specifically, Linguistic Diversity Branch commissioned a consultant to carry out research work with the Ulster Scots Language Society to help them develop their strategic planning capability. The Steering Group for that research was chaired by Linguistic Diversity Branch and included representatives of the Ulster-Scots Language Society and the Ulster-Scots Heritage Council. More recently Linguistic Diversity Branch commissioned research to establish demand for services and activities in the Ulster-Scots Language. This research involved consultation with a wide range of Ulster-Scots interests including representatives of the Ulster-Scots Heritage Council and the Ulster-Scots Language Society.

### **Boord o Ulster-Scotch: Chief Executive**

**Mr Morrow** asked the Minister of Culture, Arts and Leisure to outline (a) the date Mr Stan Mallon took up his position as interim Chief Executive of the Boord o Ulster-Scotch; and (b) the date he left this position. (AQW 4496/01)

**Mr McGimpsey:** Mr Mallon was formally appointed on 6 September 2001 by the Chair of Tha Boord o Ulstèr-Scotch, Lord Laird of Artigarvan, to act as Administrative Consultant. That contract was terminated by Tha Boord on 28 March 2002.

### **North-South Language Body: Annual Report and Accounts 2001**

**Mr Watson** asked the Minister of Culture, Arts and Leisure to outline (a) if the annual report and accounts for 2001 of the North-South Language Body has been produced; (b) if the report and accounts have been approved by the North-South Language Body; (c) if the report and accounts will be placed in the Assembly

Library; and (d) if the report and accounts will be debated in the Assembly. (AQW 4497/01)

**Mr McGimpsey:** The annual report and accounts for 2001 of the North/South Language Body have not yet been produced. The annual report and statement of accounts will be laid before the Northern Ireland Assembly. It is a matter for the Assembly to decide if they will be debated.

### **Boord o Ulster-Scotch: Annual Report & Accounts 2001**

**Mr Watson** asked the Minister of Culture, Arts and Leisure to outline (a) if the annual report and accounts for 2001 of the Boord o Ulster-Scotch has been produced; (b) if the report and accounts have been approved by the Boord o Ulster-Scotch; (c) if the report and accounts will be placed in the Assembly Library; and (d) if the report and accounts will be debated in the Assembly. (AQW 4498/01)

**Mr McGimpsey:** The annual report and accounts for 2001 of Tha Boord o Ulstèr-Scotch have not yet been produced. The annual reports and accounts of Tha Boord o Ulstèr-Scotch and Foras na Gaeilge will be amalgamated and the statement of accounts for the North-South Language Body will be examined and certified by the Comptrollers and Auditors General (North and South). The annual report and accounts for the Body will then be laid before the Northern Ireland Assembly. It will be for the Assembly to decide if they will be debated.

### **Boord o Ulster-Scotch: Annual Report and Accounts 2000**

**Mr Watson** asked the Minister of Culture, Arts and Leisure to outline (a) if the annual report and accounts for 2000 of the Boord o Ulster-Scotch have been produced; (b) if the report and accounts have been approved by the Boord o Ulster-Scotch; (c) if the report and accounts will be placed in the Assembly Library; and (d) if the report and accounts will be debated in the Assembly. (AQW 4499/01)

**Mr McGimpsey:** The annual report and accounts for 2000 of Tha Boord o Ulstèr-Scotch have not yet been finalised. The North-South Ministerial Council meeting in Language Sector format on 14 June 2002 approved the draft activity report for Tha Boord and noted the draft unaudited accounts. My answer to your question AQW 4500 covers points (c) and (d).

### **North-South Language Body: Annual Report and Accounts 2000**

**Mr Watson** asked the Minister of Culture, Arts and Leisure to outline (a) if the annual report and accounts

for 2000 of the North-South Language Body have been produced: (b) if the report and accounts have been approved by the North-South Language Body; (c) if the report and accounts will be placed in the Assembly Library; and (d) if the report and accounts will be debated in the Assembly. (AQW 4500/01)

**Mr McGimpsey:** The annual report and accounts for 2000 of the North-South Language Body have not yet been produced. The annual reports and accounts of Tha Boord o Ulstèr-Scotch and Foras na Gaeilge will be amalgamated and the statement of accounts for the North-South Language Body will be examined and certified by the Comptrollers and Auditors General (North and South). The annual report and accounts for the Body will then be laid before the Northern Ireland Assembly. It will be for the Assembly to decide if they will be debated.

### Meetings of North-South Language Body

**Mr Watson** asked the Minister of Culture, Arts and Leisure to outline the dates the North-South Language Body has met since its establishment. (AQW 4501/01)

**Mr McGimpsey:** The North-South Language Body met on 11 February 2000. There have been no further meetings.

### Equality Scheme: North-South Language Body

**Mr R Hutchinson** asked the Minister of Culture, Arts and Leisure what assessment he can make of the equality scheme of the North-South Language Body in relation to the funding of the two traditions. (AQW 4502/01)

**Mr McGimpsey:** The draft Equality Scheme for the Language Body was approved at the North-South Ministerial Council Language Sector meeting on 14 June 2002. At that meeting it was also agreed that the scheme be submitted to the Equality Commission for Northern Ireland. Consideration of the scheme is a matter for the Equality Commission.

### Tripartite Meetings

**Mr R Hutchinson** asked the Minister of Culture, Arts and Leisure to outline (a) the reason for the delay in holding the tripartite meetings between his Department, the Ulster-Scots Heritage Council and the Ulster-Scots Language Society; and (b) the date for the first tripartite meeting. (AQW 4503/01)

**Mr McGimpsey:** I am not aware of any proposal for my Department to hold the meetings to which you refer. You may wish to write providing more detail.

### Post of Ulster-Scots Development Officer

**Dr Birnie** asked the Minister of Culture, Arts and Leisure to outline (a) if an approach was made to his Department from the Northern Ireland Council for the Curriculum, Examinations and Assessment seeking funding for the post of an Ulster-Scots Development Officer; (b) if this application was unsuccessful; and if so, why. (AQW 4516/01)

**Mr McGimpsey:** I confirm that my Department has not been approached by the Northern Ireland Council for the Curriculum, Examinations and Assessment seeking funding for the post of an Ulster-Scots Development Officer.

### Promoting Ulster-Scots Culture

**Dr Birnie** asked the Minister of Culture, Arts and Leisure what consideration has he given to a Scots-Ulster-Scots equivalent to the Columba Initiative for Gaelic. (AQW 4517/01)

**Mr McGimpsey:** My Department, along with the Department of Community, Rural and Gaeltacht Affairs funds the North/South Language Implementation Body, which incorporates Tha Boord o Ulstèr-Scotch. Tha Boord is responsible for promoting greater awareness and use of the Ulster-Scots language and for Ulster-Scots cultural issues. It is a matter for Tha Boord to decide on development of appropriate linkages to help meet its objectives.

I will make sure that Mr George Holmes of Tha Boord o Ulstèr Scotch is aware of your interest in this matter.

## EMPLOYMENT AND LEARNING

### Departmental Underspend

**Mr Beggs** asked the Minister for Employment and Learning to account for her Department's £8 million capital underspend in the 2001-2002 financial year, including a breakdown of those projects which did not proceed in that year. (AQW 4441/01)

**The Minister for Employment and Learning (Ms Hanna):** The £8 million capital under-spend was due to slippage on the following projects:

- QUB Research Institute for Electronics, Communications and Information Technologies - £3.1 million.
- Elmwood Teaching and Learning Centre at QUB - £1.8 million
- UU Open and Distance Learning Infrastructure - £0.75 million
- Springvale Campus - £0.5 million



- e. Access for students with disabilities at Stranmillis and St Mary's - £0.15 million
- f. ICT provision for FE lecturers - £0.4 million
- g. Upgrade of accommodation at NI Catering College - £0.6 million
- h. East Tyrone College: Cookstown Campus -£0.7 million

In addition to the above which contributed to the £8 million under-spend, there was slippage on the East Antrim Newtownabbey Campus project. Approval for this project was subject to the sale of land at Larne, which has not happened yet.

## FINANCE AND PERSONNEL

### Building Sustainable Prosperity and Peace II

**Dr O'Hagan** asked the Minister of Finance and Personnel to quantify, by electoral ward, the numbers of jobs proposed to be safeguarded by (a) successful; and (b) unsuccessful applicants for EU Funding Programmes (i) Building Sustainable Prosperity; and (ii) Peace II. (AQW 4230/01)

**The Minister of Finance and Personnel (Dr Farren):** Jobs maintenance (safeguarding) as a specific monitoring indicator, is only applicable to a limited range of Measures under the Building Sustainable Prosperity and PEACE II Operational Programmes. At this early stage in implementation, there are 268 successful applications recorded on the Applications Database, none of which are under the Measures in question. There are 30 unsuccessful applications to these same Measures but information is not held regarding the number of jobs which would have been safeguarded. As they will not receive funding, Implementing Bodies are not required to insert monitoring information in respect of these unsuccessful projects.

## HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

### Legal Fees in Last five Years

**Mr S Wilson** asked the Minister of Health, Social Services and Public Safety to detail the amount spent on legal fees in relation to litigation cases in each of the last 5 years. (AQW 3721/01)

**The Minister of Health, Social Services and Public Safety (Ms de Brún):** Information on the amount spent on legal fees in relation to litigation cases, in each of the last 5 years, is not available and could only be provided at disproportionate cost.

Information is available on the cost of legal services supplied to the Department of Health, Social Services and Public Safety, Health and Personal Social Services and Executive Non Departmental Public Bodies for the last 5 years, and is provided in the table below :

	1997/98 £	1998/99 £	1999/00 £	2000/01 £	2001/02 £
Department of Health, Social Services & Public Safety	79,921	108,910	157,964	40,216	136,503
Health and Personal Social Services	1,758,358	1,991,740	2,021,640	2,075,282	2,282,097
Executive Non Departmental Public Bodies	73,267	82,701	13,664	34,106	52,493
<b>Total:</b>	<b>1,911,546</b>	<b>2,183,351</b>	<b>2,193,268</b>	<b>2,150,104</b>	<b>2,471,093</b>

Níl an t-eolas ar mhéid airgid caite ar tháillí dlí maidir le cásanna dlíthíochta, le 5 bliain anuas, ar fáil agus ní féidir é a sholáthar ach ar chostas díreireach.

Tá eolas ar fáil ar chostas seirbhísí dlí a soláthraíodh don Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí, Seirbhísí Sláinte agus Sóisialta Pearsanta agus Comhlachtaí Feidhmeannacha Poiblí Neamhroinne le 5 bliain anuas, léirítear seo sa tábla thíos:

	1997/98 £	1998/99 £	1999/00 £	2000/01 £	2001/02 £
Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí	79,921	108,910	157,964	40,216	136,503
Seirbhísí Sláinte agus Sóisialta Pearsanta	1,758,358	1,991,740	2,021,640	2,075,282	2,282,097
Comhlachtaí Feidhmeannacha Poiblí Neamhroinne	73,267	82,701	13,664	34,106	52,493
<b>Iomlán:</b>	<b>1,911,546</b>	<b>2,183,351</b>	<b>2,193,268</b>	<b>2,150,104</b>	<b>2,471,093</b>

### European Commission's Health and Consumer Protection Directorate

**Mr Gibson** asked the Minister of Health, Social Services and Public Safety has she any plans to meet the European Commission's Health and Consumer Protection Directorate when it visits to discuss shellfish hygiene.

(AQW 3810/01)

**Ms de Brún:** I have no plans at present to meet with the European Commission's Health and Consumer Protection Directorate.

## Impact of Policies: Health and Well-Being

**Mr Hilditch** asked the Minister of Health, Social Services and Public Safety what assessment she can make to date of the implementation and effectiveness of her policies on the health and well-being of the population of Northern Ireland. (AQW 3855/01)

**Ms de Brún:** Last year, in response to the inaugural Programme for Government, I issued 'Priorities for Action', setting out specific objectives and targets for the Health and Personal Social Services in 2001/02, within the context of the Programme for Government and the Budget agreed by the Assembly. 87% of those targets have been achieved or substantially achieved. I am greatly encouraged by the progress that was made last year but it is disappointing that some key targets, such as those relating to waiting lists, have not been achieved. I remain fully committed to tackling these problems.

In March I announced my 'Priorities for Action 2002/03', setting out my planning goals and priorities for the HPSS, again in the context of the Programme for Government and Budget agreed by the Assembly. HSS Boards have produced Health and Wellbeing Investment Plans setting out how they intend to deliver those priorities and I now look forward to further positive developments in the coming year. In particular, I am committed to:

- continued implementation of the Investing for Health Strategy;
- the introduction of free nursing care for residents of nursing homes;
- support for an additional 1,000 people in community settings;
- increased access for those who need hospital treatment, particularly in key cardiac, renal and cancer services; and
- the modernisation of our acute hospital services.

Anuraidh, mar fhreagairt ar an chéad Chlár um Rialtas d'eisigh mé 'Tosaíochtaí le haghaidh Gnímh' a leag amach sainchuspóirí agus spriocanna do na Seirbhísí Sláinte agus Sóisialta Pearsanta i 2001/02, i gcomhthéacs an Chláir um Rialtas agus an Bhuiséid a d'aontaigh an Tionól. Baineadh amach nó baineadh go pointe áirithe 87% de na spriocanna sin amach nó chuathas níos faide ná iad. Is mór an spreagadh dom an dul chun cinn a rinneadh anuraidh agus is ábhar díomá é nach bhfuil roinnt eochairspríocanna, amhail na cinn sin a bhaineann le liostaí feithimh, bainte amach. Tá mé geallta go huile agus go iomlán do dhul i ngleic leis an fadhbanna seo.

I Márta d'fhógair mé mo "Thosaíochtaí le haghaidh Gnímh 2002/03" ag leagan amach mo spriocanna agus mo thosaíochtaí pleanála do na SSSP, arís i gcomhthéacs an Chláir um Rialtas agus an Bhuiséid a d'aontaigh an Tionól. Sholáthraigh Boird SSS Pleananna Infheistíochta sa tSláinte agus san Fholláine a leagann amach conas atá

sé ar intinn acu na tosaíochtaí a chur i bhfeidhm agus tá mé ag dréim anois le forbairtí breise dearfach sa bhliain atá le teacht. Tá mé geallta do, go háirithe:

- Infheistíocht sa tSláinte a chur i bhfeidhm go fóill
- Cúram altranais saor do chónaitheoirí tithe altranais a thabhairt isteach;
- Tacaíocht a thabhairt do 1,000 duine sa phobal
- Rochtain mhéadaithe dóibh siúd a bhfuil cóireáil otharlainne de dhíth orthu go háirithe in eochairsheirbhísí croí, duánacha agus ailse; agus
- Géarsheirbhísí otharlainne a nuachóiriú.

## Sandown Group

**Mr Berry** asked the Minister of Health, Social Services and Public Safety if any financial assistance or preferential payment arrangement was given to the Sandown Group, or its associates, prior to or during the period it was in receivership. (AQW 4258/01)

**Ms de Brún:** I can confirm that no special consideration in terms of financial assistance or preferential payment agreements was given to the Sandown Group or its associates from my Department.

The Health and Social Services Boards have advised that neither they nor their respective Trusts at any time prior to, or during, the time the Sandown Group was in receivership afforded them any preferential payment arrangement or financial assistance.

Is féidir liom a dheimhniú nár caitheadh ar aon bhealach faoi leith ó thaobh cúnam airgeadais no comhaontuithe íocaíochtaí buntáistiúla do Sandown Group ná a chuid comhlachach.

Tá sé curtha in iúl ag na Boird Seirbhísí Sláinte agus Sóisialta nár chaith siadsan nó a gcuid Iontaobhas faoi seach aon tráth roimh an Sandown Group a bheith faoi ghlacadóireacht nó le linn na trátha sin go buntáistiúil leo ó thaobh íocaíochtaí nó cúnamh airgeadais.

## Valuing Carers

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety to outline (a) how she will ensure that the proposals contained in 'Valuing Carers' are implemented and (b) her timetable for implementing these proposals. (AQW 4273/01)

**Ms de Brún:**

- (a) I proposed the designation of carers as a priority group for the Executive's Promoting Social Inclusion programme and this has now been accepted. An interdepartmental working group is now being set up to implement the recommendations. The working group will be led by a senior officer from DHSSPS and

will comprise representatives from other Departments, the wider public sector, the voluntary sector and people directly concerned with the issues affecting carers. It is expected that carers' groups will be represented on the group. Implementation of the plans drawn up by the PSI Group will be an integral part of the Boards Health and Wellbeing Investment Plans and will be monitored through my Department's existing accountability process.

(b) It is expected that the Carers Strategy will be fully implemented within the PSI timescale of 2 years.

(a) Thug mé stádas grúpa tosaíochta do chúramóirí don chlár Cur Chun Cinn Cuimsithe Shóisialta an Choiste Feidhmiúcháin agus glactar leis seo anois. Ainmníodh cúramóirí mar phríomhghrúpa do Chlár an Fheidhmiúcháin um Chur Chun Cinn Chuimsithe Shóisialta. Tá grúpa idir-rannach oibre á chur ar bun anois leis na moltaí a chur i bhfeidhm. Beidh oifigeach sinsearach ón RSSSP i gceannas ar an ghrúpa oibre agus air chomh maith, beidh ionadaithe ó Ranna eile, ón earnáil phoiblí iomlán, ón earnáil dheonach agus daoine a bhfuil suim dhíreach acu sna ceistanna a bhfuil tionchar acu ar chúramóirí. Táthar ag súil go mbeidh ionadaíocht ó ghrúpaí cúramóirí ar an ghrúpa. Beidh cur i bhfeidhm na bpleananna dréachtaithe ag an Ghrúpa CCCCS mar chuid thábhachtach de Phleananna Infheistíochta Sláinte agus Folláine na mBord agus déanfar monatóireacht orthu trí phróiseas láithreach freagrachta mo Roinne.

(b) Táthar ag súil go gcuirfear an Straitéis Cúramóirí i bhfeidhm ina hiomláine laistigh de thréimhse ama 2 bliain an CCCCS.

### Terms of Reference: Interdepartmental Working Group

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety to detail (a) the terms of reference of the Inter-departmental working group established to examine the issue of free personal care for people in residential homes; and (b) the number of meetings it has held. (AQW 4320/01)

**Ms de Brún:** At its meeting of 3 May 2001 the Executive decided to commission an Inter-departmental Group on Personal Care comprising representatives of DFP, DHSSPS, OFMDFM and DSD to examine the costs and implications of introducing free personal care here, drawing on the Scottish Care Development Report, and reporting its findings to the Executive.

The terms of reference of the Inter-departmental Group on Personal Care are to:

- Research and define current policy and position with regard to charging for, and provision of, personal and nursing care in domiciliary and residential settings;
- Examine the implications, including equality and New TSN implications, and costs of introducing free personal care;
- Draw on the findings of the Scottish Expert Development Group; and Report its findings to the Executive.

The Inter-departmental Group has met 3 times in full session. It also established a project sub-group to take forward work as described by the terms of reference. The sub-group has met 9 times in full session and members of that group also met frequently to progress separate aspects of their work between set meetings.

Chinn Coiste an Fheidhmiúcháin ag a chrinniú ar 3 Bealtaine 2001 ar Ghrúpa Idir-Rannach ar Chúram Pearsanta a choimisiúnú ar a mbeidh ionadaithe an DFP, DHSSPS, OFMDFM agus DSD chun costais agus impleachtaí tabhairt isteach cúraim phearsanta saor in aisce a scrúdú, ag úsáid na Tuairisce ar Fhorbairt Cúraim na hAlban, agus a thorthaí a thuairisciú don Choiste Feidhmiúcháin.

Is iad téarmaí tagartha an Ghrúpa Idir-rannaigh ar Chúram Pearsanta:

- Taighde a dhéanamh ar pholasaí agus ar bharúil faoi láthair i dtaca le taillí a iarraidh le haghaidh soláthar cúraim phearsanta agus altranaís i suímh bhaile agus chónaithe, agus é a shonrú;
- Na himpleachtaí, impleachtaí comhionannais agus ARS Nua san áireamh, agus costais chun cúram pearsanta saor in aisce a thabhairt isteach a scrúdú;
- Úsáid a bhaint as torthaí Shainghrúpa Forbartha Cúraim na hAlban; agus
- A thorthaí a thuairisciú don Choiste Feidhmiúcháin

Bhí lánchruinniú iomlán ag an Ghrúpa Idir-rannach 3 uair. Bhunaigh sé fo-ghrúpa tionscadail chun obair a thabhairt chun tosaigh de réir mar a cuireadh síos sna téarmaí tagartha í. Bhí lánchruinniú iomlán ag an fho-ghrúpa 9 uair agus bhuail baill ón choiste sin le chéile go minic le gnéithe ar leith dá n-obair a chur chun cinn idir na cruinnithe socruithe.

### Interdepartmental Working Group

**Mr McCarthy** asked the Minister of Health, Social Services and Public Safety to list those invited to give evidence to the Inter-departmental working group established to examine the issue of free personal care for people in residential homes and when will it publish its findings. (AQW 4323/01)

**Ms de Brún:** Those invited to give evidence to the Inter-departmental Group include officials of the Scottish Health Department, the English Department of Health,

the Community Costing User Group for the Health and Personal Social Services, the Registered Homes Confederation, Tamaris NI plc and the local branch of the UK Home Care Association.

The Inter-departmental Group will submit a report to the Executive. It will be a matter for the Executive, having fully considered the findings of the Group, to decide if it will publish the report.

Ina measc siúd ar iarradh orthu fianaise a thabhairt don Ghrúpa Idir-rannach bhí oifigigh ó Roinn Sláinte na hAlban, Roinn Sláinte Shasana, Grúpa Úsáideoirí Costasaithe Pobail le haghaidh na Seirbhísí Sláinte agus Sóisialta Pearsanta, Cónaidhm na mBailte Cláraithe, Tamaris NI plc agus an brainse áitiúil de Chumann Cúram Baile RA.

Cuirfidh an Grúpa Idir-rannach tuairisc faoi bhráid an Choiste Feidhmiúcháin. Bainfidh sé leis an Choiste i ndiaidh dóibh machnamh mion a dhéanamh ar thorthaí an Ghrúpa, chun cinneadh a dhéanamh ar fhoilsiú na tuairisce.

### Cardiology and Cardiac Surgical Services

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety what measures have been implemented following the review of (a) Cardiology Services; and (b) Cardiac Surgical Services. (AQW 4430/01)

**Ms de Brún:** On foot of the recommendations made by the Cardiac Surgery Review and the Review of Cardiology Services, a number of measures have been implemented:

- Nurse staffing numbers have been enhanced and theatres and cardiac surgery intensive care are now fully staffed;
- Additional funding was allocated for supernumerary nursing posts in cardiac surgery intensive care to support the existing staff and allow additional nurses to receive the specialised training;
- Arrangements have been made to ensure that a Consultant Anaesthetist is now present in Cardiac Surgery Intensive Care during working hours;
- Over the past year a total of £1.95 million has been made available for the planned replacement of ageing equipment;
- The additional resources recently agreed by the Executive will support progress in the modernisation and improved staffing of the cardiac surgery unit;
- Additional cardiac surgery procedures are being purchased outside the HPSS for patients who are able and willing to travel. Last year 251 patients benefited from this initiative. During the current financial year provision has been made for a further 250 patients.

In line with Priorities for Action, I have asked Boards and Trusts to continue the implementation of the action

plan arising from the reviews of cardiac surgery and cardiology services.

Mar gheall ar na moltaí déanta ag an Athbhreithniú ar Mháinliacht Chairdiach agus ag an Athbhreithniú ar Sheirbhísí Cairdeolaíochta, cuireadh roinnt beart i bhfeidhm:

- Cuireadh le líon na n-altraí agus tá foirne iomlána in obrádlanna agus i ndianchúram máinliachta cairdiaiche anois;
- Dáileadh maoiniú breise do phoist sháruimhriúla altranaís i ndianchúram máinliachta cairdiaiche chun tacú leis na hoibrithe atá ann agus chun ligean d'altraí breise sainoiliúint a fháil;
- Rinneadh socruithe le cinntiú go mbeadh Ainéistéisí Comhairleach i láthair anois i nDianchúram Máinliachta Cairdiaiche i rith uaireanta oibre;
- Thar an bhliain seo a chuaigh thart cuireadh £1.95 milliún ar fáil le trealamh seanchaite a athsholáthar, mar a bhí pleanáilte;
- Tacóidh na hacmhainní breise comhaontaithe ar na mallaibh leis an dul chun cinn i nuachóiriú an ionaid mháinliachta cairdiaiche agus i bhfostú níos fearr oibrithe ann;
- Tá gnáthaimh bhreise mháinliachta cairdiaiche á gceannach taobh amuigh de na SSSP d'othair atá ábalta agus toilteanach le taisteal. Anuraidh, chuaigh an tionscnamh seo chun sochar do 251 othar. I rith na bliana airgeadais seo, rinneadh soláthar do 250 othar breise.

De réir na dTosaíochtaí le hAghaidh Gnímh, d'iarr mé ar Bhoird agus ar Iontaobhais leanúint ar aghaidh le cur i bhfeidhm an phlean ghnímh a d'eascair as na hathbhreithnithe ar mháinliacht chairdiach agus ar sheirbhísí cairdeolaíochta.

### Monitoring Additional Funding: Cardiac Surgery

**Ms McWilliams** asked the Minister of Health, Social Services and Public Safety what independent monitoring will be introduced to ensure that each Health Board uses the £3 million for additional cardiac surgical operations outside of Northern Ireland in a time-efficient and cost-efficient manner. (AQW 4433/01)

**Ms de Brún:** Health and Social Services Boards and Trusts are directly accountable to my Department for the effective use of all the resources at their disposal. In line with this, and in accordance with normal procedures, my Department will be closely monitoring expenditure of the additional resources allocated for cardiac surgery to ensure that they are used to secure additional procedures, to make improvements to the cardiac surgery unit at the Royal Victoria Hospital and to improve staffing cover in the unit, as indicated to the Executive at the time the £3m was agreed.



Tá Iontaobhais agus Boird Sláinte agus Seirbhísí Sóisialta freagrach díreach do mo Roinn i leith úsáid éifeachtach ar na hacmhainní ar fad atá ar fáil dóibh. Ag teacht leis sin agus de réir na ngnáthnósanna imeachta beidh monatóireacht ghéar á déanamh ag mo Roinn ar chaiteachas na n-acmhainní breise atá leithroinnte do mháinliacht chardiach chun a chinntiú go mbainfear leas astu chun nósanna imeachta breise a bhuanú, chun feabhsúcháin a dhéanamh ar an aonad máinliachta cardiaigh ag Ospidéal Ríoga Victoria agus chun clúdach foirne san aonad a fheabhsú mar a léiríodh don Fheidhmeannas ag an am nuair a haontaíodh an £3m.

### **Breast Cancer: Oral Contraceptives**

**Dr Birnie** asked the Minister of Health, Social Services and Public Safety what evidence is available regarding the link between women under 20 years of age taking oral contraceptives and the development of breast cancer.

(AQW 4434/01)

**Ms de Brún:** Breast cancer has been found slightly more often in women who take the oral contraceptive pill than in women of the same age who do not. If women stop taking oral contraceptives, this reduces the risk so that after ten years, the risk of finding breast cancer is the same as for women who have never taken the pill. That risk is not affected by how long a woman takes the pill but by the age at which she stops. This is because the risk of breast cancer strongly increases as a woman gets older. The possible small increased risk of breast cancer has to be weighed against the established benefits of oral contraceptives including the protection offered against cancer of the womb and ovary.

These facts have been highlighted by the Committee on the Safety of Medicines and as a result the Summary of Product Characteristics for the oral contraceptive pill and the patient information leaflet included in each pack have been changed to reflect the current body of evidence.

Bíonn ailse brollaigh ar bheagán níos mó ban a thógann piolla frithghiniúnach béil ná ar mhná an aois chéanna nach dtógann é. Má stopann mná ag tógáil cógais fhrithghiniúacha béil laghdaíonn sé an baol agus tar éis deich mbliana is ionann an baol atá ann dóibh ailse brollaigh a fháil agus an baol do mhná nár thóg an piolla riamh. Ní bhíonn aon tionchar ag an achar ama a bhíonn bean ag tógáil an phiolla ar an mbaol sin ach bíonn ag an aois ina stopann sí. Sin mar gheall go n-ardaíonn baol ailse brollaigh go láidir de réir mar a fhaigheann mná níos sine. Caithfear an méadú beag i mbaol ailse brollaigh a chur i gcomparáid leis na buntáistí atá le cógais fhrithghiniúacha lena n-áirítear cosaint in aghaidh ailse sa bhroinn agus san ubhagán.

Tá na fíricí seo tugtha chun solais ag an gCoiste ar Shábháilteacht Míochaine agus mar thoradh air tá athrú

déanta ar an Achoimre ar Thréithe Táirgí don phiolla frithghiniúnach béil agus ar an mbileog eolais d'othair a áirítear i ngach pacáiste chun an fhianaise reatha sin a léiriú.

### **Sexual Health Budget**

**Dr Birnie** asked the Minister of Health, Social Services and Public Safety what proportion of the sexual health budget is allocated to affirming the choice of young people not to engage in sexual activity, in line with the Chief Medical Officer's comment in the 2000 Report, page 37, that 'for young teenagers the challenge is to equip them with the knowledge and skills that will then build self-esteem and strong relationships while postponing sexual activity'.

(AQW 4437/01)

**Ms de Brún:** It is not possible to separately identify monies allocated to affirming the choice of young people not to engage in sexual activity. All professionals working in the sexual health/family-planning field will counsel young people on their decisions with regard to sexual activity. I can however confirm that in 2001/02 my Department paid LIFE (NI) £17,253 towards core funding and Love For Life £25,000 towards the development of resources for relationship and sexuality education work with parents.

Tá sé dodhéanta an t-airgead a leithroinneadh chun rogha dhaoine óga a dheimhniú gan páirt a ghlacadh i ngníomhnaíocht ghnéis a aithint ar leithligh. Cuirfidh gach gairmeach a oibríonn i réimse sláinte gnéis/ pleanáil chlainne comhairle ar dhaoine óga maidir leis na cinní a dhéanann siad i dtaobh ghníomhaíocht ghnéis. Táim ábalta a dhearbhu, áfach, gur íoc mo Roinn £17,253 le LIFE (TÉ) i leith maoinithe agus £25,000 le Love For Life d'fhorbairt acmhainní d'obair oideachas caidrimh agus gnéasachta.

### **Departmental Underspend**

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety to account for her Department's £16.3 million capital underspend in the 2001-2002 financial year, including a breakdown of those projects which did not proceed in that year.

(AQW 4440/01)

**Ms de Brún:** The resources for projects which, for various reasons, did not proceed as quickly as planned in 2001/02, amounting to £16.1m, were carried forward under long-standing end year flexibility arrangements, to the Departments 2002/03 budget. No loss of spending power occurred, and the various projects are proceeding. Rephasings arose from such causes as re-examination of a business-case, compliance with detailed procurement procedures, and the rescheduling of schemes to fit in with other requirements eg the need to maintain uninterrupted service to patients.

## GP Practices

**Dr Birnie** asked the Minister of Health, Social Services and Public Safety, in relation to GP practices, to outline whether it is only the GP who should (a) provide (i) clinical advice and (ii) medical consultation; (b) refer patients to secondary care services; (c) initiate the prescription of drugs; and (d) order laboratory investigations.

(AQW 4461/01)

**Ms de Brún:** The majority of patients value the one to one advice and/or treatment provided by the general practitioner with whom they are registered. However, essential elements of effective general practice are multidisciplinary team working and good communication. Other professionals can enhance services provided to patients in general practice by bringing additional attributes, skills and competencies. Therefore, where another professional is appropriately trained and is working within their professional competency, they can and do provide services directly to patients.

Is mór ag formhór na n-othar an chomhairle agus/nó an chóireáil duine ar dhuine a sholáthraíonn an gnáthdhochtúir lena bhfuil siad cláraithe. Gnéithe riachtanacha, áfach, de chleachtas ginéarála éifeachtach is ea foireann ildhisciplíneach agus cumarsáid mhaith. Tá gairmithe eile in ann cur leis na seirbhísí d'othair i ngnáthchleachtas trí thréithe, scileanna agus inniúlachtaí breise a thabhairt leo. Mar sin nuair atá oiliúint chúil ar ghairmí eile agus é ag obair laistigh dá inniúlacht ghairmiúil, tá sé ábalta seirbhísí a sholáthar díreach d'othair agus déanann siad sin.

## Maternity Services: Mater Hospital

**Mr A Maginness** asked the Minister of Health, Social Services and Public Safety can she guarantee that forming a partnership with the proposed new 'Centralised Maternity Service' will not erode the Mater Hospital's Maternity Services following the down-grading of the Mater Hospital to a local hospital.

(AQW 4464/01)

**Ms de Brún:** Under the proposals in the consultation paper *Developing Better Services: Modernising Hospitals and Reforming Structures*, maternity services will be maintained at the Mater Hospital on the basis of the development of robust networking arrangements with the new centralised Belfast Maternity Service. It will be for the Mater Trust, working with the new centralised Belfast Maternity service, to show that these arrangements can be put in place and sustained. A Local Hospital will be a modern facility providing a wide range of services including day case surgery, high quality diagnostic services, outpatient clinics, pre and post natal maternity services, intermediate care, and rehabilitation and step-down beds. It will also provide a local base for expert clinicians, specialist nurses and other health professionals who will

relate to local populations rather than individual facilities. A change of role to a Local Hospital cannot therefore be considered as "down-grading".

De réir na moltaí sa pháipéar comhairliúcháin *Seirbhísí Is Fearr A Fhorbairt: Otharlanna A Nuachóiriú agus Struchtúir a Leasú*, fanfaidh na seirbhísí cnáimhseachais ag Otharlann an Mater ag brath ar fhorbairt bearta gréasáin bríomhara le Seirbhís nua lárnaithe Cnáimhseachais Bhéal Feirste. Beidh faoi iontaobhas an Mater, ag obair leis an tSeirbhís Chnáimhseachais Bhéal Feirste lárnach nua, le taispeáint gur féidir na bearta seo a chur i gcrích agus agus a choinneáil. Beidh Otharlann Áitiúil ina hacmhainn nua-aimseartha ag soláthar réimse leathan seirbhísí, máinliacht lae san áireamh, seirbhísí diagnóiseacha d'ardchaighdeánach, clinicí éisothair, seirbhísí cnáimhseachais roimh bhreith agus iarbheirthe, cúram idirmheánach, agus leabacha athshlánú agus leapacha othar neamhphráinneach. Soláthróidh sí bunáit áitiúil do shainchliniceoirí chomh maith, saintraí agus gairmithe sláinte eile a mbeidh baint acu leis an phobal áitiúil in áit áiseanna ar leith. Ní féidir smaoineamh ar athrú ról d'Otharlann Áitiúil mar "íosghrádú" mar sin de.

## Maternity Services: Mater Hospital

**Mr A Maginness** asked the Minister of Health, Social Services and Public Safety, following the down-grading of the Mater Hospital to a local hospital, to outline (a) if the maintenance of the Mater Hospital's Maternity Service is conditional on the success of the working relationship with the proposed Central Maternity Service and (b) whether any disagreements over work practice or procedures will result in the elimination of the Mater Hospital's Maternity Service.

(AQW 4465/01)

**Ms de Brún:** As stated in my consultation paper *Developing Better Services: Modernising Hospitals and Reforming Structures*, the maintenance of maternity services at the Mater Hospital is conditional on the Mater Trust working with the new Centralised Belfast Maternity Service to show that robust networking arrangements can be put in place and sustained. In the event that the Mater Trust and the new Centralised Belfast Maternity Service cannot show that close networking and adherence to joint clinical protocols can be agreed and sustained, alternative arrangements would have to be made for the provision of maternity services currently provided by the Mater Trust. A Local Hospital will be a modern facility providing a wide range of services including sophisticated methods of investigation, diagnosis and day procedures. It will also provide a local base for expert clinicians, specialist nurses and other health professionals who will relate to local populations rather than individual facilities. A change of role to a Local Hospital cannot therefore be considered as "down-grading".

Mar a dúirt mé i mo pháipéar comhairliúcháin *Seirbhísí Is Fearr A Fhorbairt: Otharlanna A Nuachóiriú agus Struchtúir a Leasú* tá coinneáil na seirbhísí cnáimhseachais ag Otharlann an Mater ag brath ar Iontaobhas an Mater ag obair le Seirbhís nua lárnaithe Cnáimhseachais Bhéal Feirste, le taispeáint gur féidir bearta gréasáin a chur i gcrích agus agus a choinneáil. Má tharlaíonn sé nach féidir le hIontaobhas an Mater agus le Seirbhís nua lárnaithe Cnáimhseachais Bhéal Feirste a léiriú gur féidir dlúthghréasán agus cloí le comhphrotacail chliniciúla a aontú agus a choinneáil, bheadh gá le socrúithe malartacha eile a dhéanamh chun seirbhísí cnáimhseachais a sholáthraíonn Iontaobhas an Mater faoi láthair a chur ar fáil. Beidh Otharlann Áitiúil ina hacmhainn nua-aimseartha ag soláthar réimse leathan seirbhísí ina measc modhanna sofaisticiúla imscrúdaithe, diagnóise agus gnáthaimh lae. Soláthróidh sí bunáit áitiúil do shainchliniceoirí chomh maith, sainaltraí agus gairmithe sláinte eile a mbeidh baint acu leis an phobal áitiúil in áit áiseanna ar leith. Ní féidir smaoineamh ar athrú róil d'Otharlann Áitiúil mar "íosghrádú" mar sin de.

### Mater Hospital: Ancillary Staff

**Mr A Maginness** asked the Minister of Health, Social Services and Public Safety how the down-grading of the Mater Hospital to a local hospital will affect the employment of ancillary staff based there. (AQW 4466/01)

**Ms de Brún:** The approach which I have set out for consultation in *Developing Better Services: Modernising Hospitals and Reforming Structures* is based on the expectation that service will become more patient-focused and organised around population groupings rather than facilities. This would require greater movement of staff within the system, but at this stage it is not possible to be specific about how staff at particular facilities will be affected. When the responses to the consultation paper have been considered and decisions taken on the new pattern of hospitals, detailed work will be undertaken with HPSS organisations and other key interested parties to identify future staffing needs. A Local Hospital will be a modern facility providing a wide range of services including sophisticated methods of investigation, diagnosis and day procedures. It will also provide a local base for expert clinicians, specialist nurses and other health professionals who will relate to local populations rather than individual facilities. A change of role to a Local Hospital cannot therefore be considered as "down-grading".

Tá an cur chuige a leag mé amach le haghaidh comhairliúcháin i *Seirbhísí Is Fearr A Fhorbairt: Otharlanna A Nuachóiriú agus Struchtúir a Leasú* bunaithe ar an ionchas go n-éireoidh an tseirbhís níos othardhírthe agus eagraithe thart ar ghrúpaí pobail in áit thart ar áiseanna. Bheadh gá le níos mó gluaiseacht foirne laistigh den chóras, ach ag an chéim seo ní féidir bheith beacht faoi thionchar a bheidh ar fhoireann ag

áiseanna ar leith. Nuair atá machnamh déanta ar an pháipéar comhairliúcháin agus cinní déanta ar an phatrún nua d'otharlanna, tabharfaidh faoi mhionobair le heagraíochtaí SSSP agus eochaireagraíochtaí leasmhara eile chun riachtanais foirne sa todhchaí a aimsiú. Beidh Otharlann Áitiúil ina hacmhainn nua-aimseartha ag soláthar réimse leathan seirbhísí ina measc modhanna sofaisticiúla imscrúdaithe, diagnóise agus gnáthaimh lae. Soláthróidh sí bunáit áitiúil do shainchliniceoirí chomh maith, sainaltraí agus gairmithe sláinte eile a mbeidh baint acu leis an phobal áitiúil in áit áiseanna ar leith. Ní féidir smaoineamh ar athrú róil d'Otharlann Áitiúil mar "íosghrádú" mar sin de.

### Mater Hospital: Staff

**Mr A Maginness** asked the Minister of Health, Social Services and Public Safety how the down-grading of the Mater Hospital to a local hospital will affect the employment of medical and clinical staff based there.

(AQW 4467/01)

**Ms de Brún:** I refer the member to my answer to AQW 4466/01.

Treoraím an Ball do mo fhreagra a thug mé ar AQW 4466/01.

### Mater Hospital: Teaching Hospital

**Mr A Maginness** asked the Minister of Health, Social Services and Public Safety how the Mater Hospital can continue as a teaching hospital if it is to be down-graded to a local hospital.

(AQW 4468/01)

**Ms de Brún:** Local Hospitals will be developed to provide the vast majority of services that people get in hospital settings including increasingly sophisticated methods of investigation, diagnosis and day procedures. As a new Local Hospital, with good clinical links to the Royal Group of Hospitals and the Belfast City Hospital, and in close proximity to them, the Mater Hospital will be ideally placed to play an even more significant role in contributing to training of doctors, nurses and other health professionals of the future. To enable the Mater to make this vital contribution, it will be further supported in developing and expanding its role as a key institution in the fields of medical and nurse training. A Local Hospital will be a modern facility providing a wide range of services including sophisticated methods of investigation, diagnosis and day procedures. It will also provide a local base for expert clinicians, specialist nurses and other health professionals who will relate to local populations rather than individual facilities. A change of role to a Local Hospital cannot therefore be considered as "down-grading".

Forbróidh Otharlanna Áitiúla leis an chuid is mó de sheirbhísí a fhaigheann daoine i suímh otharlainne a



sholáthar ina measc tá modhanna imscrúdaithe, atá i ndiaidh éirí níos sofaisticiúla, diagnóise agus gnáthaimh lae. Mar Otharlann Áitiúil nua, le naisc mhaithe chliniciúla leis an Ghrúpa Ríoga Otharlann agus le hOtharlann Chathair Bhéal Feirste, agus an-ghar dóibh, beidh Otharlann an Mater in áit mhaith chun ról níos suntasaí maidir le hoiliúint dochtúirí, altraí agus gairmithe sláinte eile san am atá le teacht. Le cur ar chumas an Mater an t-ionchur fíorthábhachtach a dhéanamh, tabharfar taca breise di lena ról a fhorbairt agus a leathnú mar eochairinstitiúid sna réimsí oiliúint míochaine agus altraí. Beidh Otharlann Áitiúil ina hacmhainn nua-aimseartha ag soláthar réimse leathan seirbhísí ina measc modhanna sofaisticiúla imscrúdaithe, diagnóise agus gnáthaimh lae. Soláthróidh sí bunáit áitiúil do shainchliniceoirí chomh maith, sainaltraí agus gairmithe sláinte eile a mbeidh baint acu leis an phobal áitiúil in áit áiseanna ar leith. Ní féidir smaoineamh ar athrú ról d'Otharlann Áitiúil mar "íosghrádú" mar sin de.

### Assaults On Hospital Staff

**Mr S Wilson** asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 3956/01, to outline (a) the policy she is implementing to address these assaults; (b) any practical and legal steps being taken to reduce such assaults; (c) any support systems available to hospital staff to cope with assaults; and (d) any compensation available as a result of assaults. (AQW 4477/01)

#### Ms de Brún:

- (a) Individual employers are required to have policies in place to deal with abuse and violence. To assist them a number of documents have been issued containing guidance. These include the NHS Zero Tolerance Pack, which was issued here in February 2000 and commended to all employers. My Department has published a human resources strategy for the HPSS and health and safety in the workplace is one of the areas that will be addressed. A working group has been established comprising individuals from employer and staff side organisations to review the steps taken by employers to implement the Zero Tolerance policy and consider the issue of further best practice guidance.
- (b) Some HPSS employers have put a number of security measures in place to improve security. These include CCTV cameras in areas accessible to the public, panic alarms, key pad operated door locks, and full time security at nights in the A & E Department.

The Public Order (Northern Ireland) Order 1987 creates a number of offences in respect of conduct in public buildings (which include hospitals and other HPSS premises). These include trespass, failure to leave a public building when requested to do so by an authorised person and interfering with the carrying on of any lawful activity in the building. It also enables

an authorised person to request a constable to remove offenders from the public place.

- (c) South & East Belfast Health & Social Services Trust provides a 24-hour Staff Care Service that offers staff confidential counselling by independent professionally qualified staff. This service is available throughout the HPSS and the vast majority of employers subscribe to it: in the few remaining authorities similar arrangements are available in-house.

Various training courses are provided in all HSS Trusts and Agencies. Examples include risk assessment training, team skills in diffusion, management of violence and aggression for nursing staff in mental health and a lone worker programme.

- (d) Employees are encouraged by Employing Authorities to sue offenders and in addition, some staff have sued Trusts for negligence. There is also an Injury Benefits Scheme in place to compensate staff who are temporarily off work without pay or on reduced pay because of an injury caused by their employment in the HPSS.

- (a) Éilítear ar fhostóirí aonair polasaithe a bheith i bhfeidhm acu le déileáil le drochíde agus le foréigean. Chun cuidiú leo cuireadh amach roinnt cáipéisí ina raibh treoir. Ina measc bhí Pacáiste na SNS Caoinfhulaingt ar Bith, a cuireadh amach anseo i mí Feabhra 2000 agus a moladh do na fhostóirí go léir. D'fhoilsigh an Roinn s'agam straitéis acmhainní daonna do na SSPS agus is é an tsláinte agus an tsábháilteacht san áit oibre ceann de na hábhair lena mbeidh sí ag deileáil. Bunaíodh grúpa oibre ar a bhfuil daoine ó eagraíochtaí na bhfostóirí agus na foirne chun athbhreithniú a dhéanamh ar na céimeanna a ghlac fhostóirí leis an pholasáí Caoinfhulaingt ar Bith a chur i gcrích agus machnamh a dhéanamh ar an cheist faoi thuilleadh teorach ar shárchleachtadh.

- (b) Chuir roinnt fhostóirí na SSPS roinnt beart slándála i bhfeidhm le slándáil a fheabhsú. San áireamh tá ceamaraí CCTV i gceantair atá insroichte ag an phobal, aláraim scaoil, glais eochaircheap-oibrithe dorais, agus slándáil lánaimseartha san oíche sa Roinn T & É.

Cruthaíonn Ord Oird Phoiblí (Tuaisceart Éireann) 1987 roinnt coireanna i dtaca le hiompar i bhforgnimh poiblí (ina bhfuil otharlanna agus áitribh eile na SSPS curtha san áireamh). Ina measc tá treaspás a dhéanamh, neamhthoilteanas le foirgneamh poiblí a fhágáil má iarrann duine údaraithe orthu sin a dhéanamh, agus cur isteach ar chomhlíonadh gníomhaíochta dlíthiúla ar bith san fhoirgneamh. Cuireann sé ar chumas duine údaraithe iarraidh ar chonstábla coirigh a chur den áit poiblí.

- (c) Soláthraíonn Iontaobhas Sláinte agus Seirbhísí Sóisialta Bhéal Feirste Theas & Thoir Seirbhís Chúraim Foirne 24 uair a thairgíonn comhairle rúnda d'oibrithe tugtha ag foireann ghairmiúil cháilithe. Tá an tseirbhís seo



ar fáil ar fud na SSSP agus aontaíonn bunús mór na bhfostóirí léi. Sa roinnt údarás eile, tá socruithe cosúla inmheánacha ar fáil.

Tá cúrsaí éagsúla oiliúna soláthraithe sna hIontaobhais agus sna Gníomhaireachtaí SSS go léir. I measc na samplaí díobh ar fáil tá oiliúint ar mheasúnú baoil, scileanna foirne in idirleathadh, láimhseáil foréigin agus ionsaithe d'oibrithe altranais i sláinte meabhrach, agus clár oibrí aonair.

- (d) Molann Údarás Fhostaíochta d'fhostaithe an dlí a chur ar choirigh agus ina theannta sin, chuir roinnt oibrithe an dlí ar Iontaobhais de dheasca neamairt. Tá Scéim Sochar Gortuithe ann fosta le hoibrithe atá as láthair ó obair go sealadach nó atá gan pá nó ar phá íslithe a chúiteamh de dheasca gortaithe ar cúis lena bhfostaíocht sna SSSP é.

### Free Nursing Care

**Mr Shannon** asked the Minister of Health, Social Services and Public Safety to outline (a) the criteria that UK residents must satisfy in order to receive free nursing care; (b) the level of contribution required by UK residents to receive nursing care who have assets of (i) more than £19,500; and (ii) less than £19,500; and to make a statement. (AQW 4481/01)

#### Ms de Brún:

- (a) All eligibility for free nursing care will be subject to an assessment of need using an agreed nursing needs assessment tool.

This assessment tool is designed to assess the registered nursing needs of an older person needing long-term care. The tool applies a systematic approach to assessment that embraces the professional decision-making that takes place in the relationship between a registered nurse and an older person. For this, the tool takes the assessment through a series of stages, moving from a general 'narrative' based assessment of 'domains' of care need, to a focused assessment of risk and complexity.

- (b) Currently the cost of nursing care in a nursing home is included in the overall cost of a nursing home placement and may be borne by residents whose means are such that they fully fund, or part-fund, their own care.

I appreciate that the cost of care has been a major source of concern, particularly for people having their care requirements met in nursing homes, and that they are the only people who are currently required to make a contribution towards the cost of their nursing care. To remove this inequitable situation, from 7 October 2002, the nursing care element of the total cost will be met from public funds reducing the overall cost

at individual level. Residents will not be required to pay a contribution towards the cost of assessed nursing care and therefore the amount of capital possessed by an individual will not affect their entitlement.

However, nursing care is only one element of the total cost of providing care in nursing homes. People being cared for in care home settings will still be subject to an assessment of their ability to pay a contribution towards the costs of their personal care and the costs of their accommodation.

- (a) Beidh teidlíocht uile cúraim shaoir altranais faoi réir measúnaithe ar riachtanais ag úsáid gléis chomhaontaithe mheasúnaithe ar riachtanais altranais.

Tá an gléas measúnaithe seo leagtha amach le riachtanais chláraithe altranais an tseandúine a bhfuil cúram fadtéarmach de dhíth air/uirthe a mheasúnú. Úsáideann an gléas modh córasach sa mheasúnú a chuireann an cinneadh gairmiúil a dhéantar san áireamh sa chaidreamh idir altra cláraithe agus seandúine. Leis seo a dhéanamh, déanann an gléas measúnú trí shraith céimeanna, ó mheasúnú ginearálta 'fáisnéis-bhunaithe' ar 'réimsí' de riachtanas cúraim, go measúnú níos daingne ar bhaol agus ar choimpléascacht.

- (b) Tá costas cúraim altranais i dteach altranais san áireamh faoi láthair sa chostas iomlán ar áit i dteach altranais agus d'fhéadfadh leis seo bheith iníoctha ag cónaitheoirí a bhfuil na hacmhainní go leor acu lena gcúram féin a mhaoiniú go hiomlán nó a pháirt-mhaoiniú.

Tuigim go raibh costas an chúraim ina ábhar mór imní do dhaoine, go háirithe do dhaoine a bhfuil a riachtanais chúraim á riar orthu i dtithe altranais agus gurb iad na daoine sin amháin a n-iarrtar orthu síntiús a íoc as costas a gcúraim altranais faoi láthair. Le deireadh a chur leis an riocht éagothrom seo, ó 7 Deireadh Fómhair 2002, seasfaidh cistí poiblí an costas iomlán ar chúram altranais, ag laghdú an chostais san iomlán ar leibhéal indibhidiúil. Ní iarrfar ar chónaitheoirí síntiús a íoc as costas an chúraim mheasúnaithe altranais agus mar sin de, ní bheidh tionchar ag an méid caipitil atá ag duine aonair ar a dteidlíocht.

Níl cúram altranais ach gné amháin áfach den chostas iomlán as cúram a sholáthar i dtithe altranais. Déanfar measúnú go fóill ar ábaltacht daoine a bhfuil aire á tabhairt dóibh i dtithe altranais, síntiús a íoc as costais a gcúraim phearsanta agus as costais a gcóiríochta.

### 'Developing Better Services' Report: Consultation Period

**Mr A Maginness** asked the Minister of Health, Social Services and Public Safety if the consultation period for

the 'Developing Better Services' Report could be extended as the current timeframe over the summer holidays is very short. (AQW 4524/01)

**Ms de Brún:** The consultation period began on 12 June and will continue until 30 September. That is a period of almost 16 weeks and people should aim to have their responses with the Department by this date. However, I will keep the end date under review.

Thosaigh an tréimhse comhchomhairleoireachta an 12 Meitheamh agus leanfaidh sé go 30 Meán Fómhair. Sin tréimhse de bheagnach 16 seachtaine agus ba chóir do dhaoine iarracht a dhéanamh a gcuid freagraí a bheith curtha chuig an Roinn faoin dáta sin. Coinneoidh mé an dáta deiridh faoi athbhreithniú, áfach.

## REGIONAL DEVELOPMENT

### Link Road: Portaferry and Comber Roads, Newtownards

**Lord Kilclooney** asked the Minister for Regional Development to outline (a) the present status of the proposed link road between the Portaferry and Comber Roads in Newtownards; (b) if this new road will be considered for inclusion in the forthcoming 10 year roads programme; (c) if the proposed Castlebawn Retail Development in Newtownards can be developed in the absence of this link road; and to make a statement. (AQW 3002/01)

**The Minister for Regional Development (Mr P Robinson):** The proposed link road between the Portaferry and Comber Roads in Newtownards is included in the current Area Plan and along with many other schemes will be considered for inclusion in my Department's Roads Service 10-Year Forward Planning Schedule. The proposed road has more recently been included in a planning application for the proposed Castlebawn Retail Development for which outline planning permission has been granted.

## Consultants' Fees

**Mr Savage** asked the Minister for Regional Development to detail fees paid to consultants based in both Northern Ireland and Great Britain over the past 4 years in respect of existing and proposed roads, bridges and motorways. (AQW 3174/01)

**Mr P Robinson:** Over the past 4 years my Department's Roads Service has paid the following fees to consultants in Northern Ireland and Great Britain in respect of consultancies involving the design and implementation of road schemes and bridge strengthening works:

1998/99	£ 2,189,000
1999/00	£ 3,012,000
2000/01	£ 3,285,000
2001/02	£ 3,833,000

## Traffic-Calming Measures: Dungannon

**Mr Gallagher** asked the Minister for Regional Development if he has any plans to install traffic calming measures at Altmore Drive and Drumcrue Green in Dungannon. (AQW 3960/01)

**Mr P Robinson:** My Department's Roads Service has included a traffic calming scheme for Altmore Drive, Drumcoo Green, Mourne Drive and Drumglass Way, Dungannon in its proposed 2002-03 programme of works for the Dungannon District Council area. That programme is due to be presented to the Council on Monday 24 June 2002.

The experience of Roads Service has been that the success of any road scheme is dependent on its meeting the needs of the local community. It is expected that the public consultation on this scheme will take place in autumn of this year and that, subject to the success of that exercise, work on the £75,000 scheme will commence early in 2003.

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